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CITY OF BUSSELTON

MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 17 AUGUST 2017

TABLE OF CONTENTS

ITEM NO.	SUBJECT	PAGE NO.
1.	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS.....	2
2.	ATTENDANCE	2
3.	PUBLIC QUESTION TIME.....	2
4.	DISCLOSURE OF INTERESTS	2
5.	CONFIRMATION OF MINUTES	2
5.1	Minutes of the Policy and Legislation Committee Meeting held 20 July 2017	2
6.	REPORTS	3
6.1	REVIEW OF COUNCIL POLICY 009/6 - BEACHES AND FORESHORE AREAS, ACCESS BY LICENCED PROFESSIONAL FISHERMEN.....	3
6.2	LOCAL PLANNING POLICY - HOLIDAY HOMES.....	6
6.3	COUNCIL POLICY 243 - REHOMING OF IMPOUNDED DOGS AND CATS	17
6.4	CONSOLIDATED PARKING SCHEME AMENDMENT - PRIES AVENUE, BUSSELTON	21
6.5	REVIEW OF POLICY 236 RATING	24
6.6	POLICY - AASB124 RELATED PARTY DISCLOSURES	27
6.7	REVIEW OF POLICY 001 - FEES, ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS	37
6.8	MEELUP REVIEW OF COMMITTEES TERMS OF REFERENCE	
6.9	REVIEW OF WORKING GROUPS.....	49
7.	GENERAL DISCUSSION ITEMS	56
8.	NEXT MEETING DATE	56
9.	CLOSURE	56

MINUTES

MINUTES OF A MEETING OF THE POLICY AND LEGISLATION COMMITTEE HELD IN , ON 17 AUGUST 2017 AT 9.30AM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 9.32am

2. ATTENDANCE

Presiding Member:

Cr Coralie Tarbotton Deputy Mayor

Members:

Cr Grant Henley Mayor
Cr Ross Paine
Cr Rob Bennett
Cr Robert Reekie
Cr Terry Best Observer

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Paul Needham, Director, Planning and Development Services
Mr Cliff Frewing, Director, Finance and Corporate Services
Mr Ian McDowell, Ranger & Emergency Services Coordinator
Mr Andrew Watts, Senior Development Planner, Statutory Planning
Ms Briony McGinty, Legal Officer, Legal Services
Miss Kate Dudley, Administration Officer, Governance

Apologies

Nil

3. PUBLIC QUESTION TIME

Nil

4. DISCLOSURE OF INTERESTS

Nil

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Policy and Legislation Committee Meeting held 20 July 2017

COMMITTEE DECISION

PL1708/142 Moved Councillor G Henley, seconded Councillor R Bennett

That the Minutes of the Policy and Legislation Committee Meeting held 20 July 2017 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.1 REVIEW OF COUNCIL POLICY 009/6 - BEACHES AND FORESHORE AREAS, ACCESS BY LICENCED PROFESSIONAL FISHERMEN

SUBJECT INDEX:	Local Government Property Local Law 2010
STRATEGIC OBJECTIVE:	Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger and Emergency Services
REPORTING OFFICER:	Ranger & Emergency Services Coordinator - Ian McDowell
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Current CP 009/6 Beaches and Foreshore Access - Access by the Holder of a Commercial Fishing Licence Attachment B Old CP 009/6 - Beaches and Foreshore Areas, Access by Licenced Professional Fishermen

PRÉCIS

A review of Council Policy 009/6 has been undertaken. The revised draft policy has been reformatted to reflect existing corporate standards for Council policies, has been reworded to make it gender neutral and has been refined to exclude some beach locations where vehicle access is no longer practically possible. It also now includes information relating to the applications process and associated fees.

BACKGROUND

The policy was originally adopted in 2002, and was last reviewed in December 2004 at which time there were no changes.

Commercial fishers access beaches in the City in a professional capacity and, as a result, derive a financial income from their commercial fishing activities. In the recent past some commercial fishers have suggested they are exempt from the requirement to apply and pay for a permit. They believe the exemption has been a long standing arrangement between themselves and the City. Others acknowledge the requirement to apply and pay for a permit and comply accordingly.

The revised draft policy seeks to formalise the requirement for holders of a commercial fishing licence to apply for a permit to allow them to access the beach and foreshore areas (ie. local government property).

STATUTORY ENVIRONMENT

Pursuant to section 2.7(2)(b) of the Local Government Act 1995, a role of Council is to determine the local government's policies.

Pursuant to section 2.1(1) of the City of Busselton *Local Government Property Local Law 2010* (the Local Law):

"Unless under the authority of a permit or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property".

Local government property means anything except a thoroughfare: which belongs to the City or in which the City has an interest; of which the City is the management body under the *Land Administration Act 1997* (the Act); or which is an otherwise unvested facility within s.3.53 of the Act.

Local government property includes most beaches and foreshores, other than where land is in private ownership, or is managed by the Department of Biodiversity, Conservation and Attractions (DBCA). When holders of a commercial fishing licence access beaches and foreshores in the City they are using land which is government property.

RELEVANT PLANS AND POLICIES

This report proposes adoption of the revised draft Council Policy 009/6 as attached to this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the adoption of the revised policy or this report.

Long-term Financial Plan Implications

There will be no significant implications.

STRATEGIC COMMUNITY OBJECTIVES

The draft policy aligns with and supports Council's Key Goal Area 3 – Environment: valued, conserved and enjoyed; and more specifically Community Objective 3.2 – natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations.

Regulating the control of vehicles on beaches and foreshores helps to conserve and protect the natural environment.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. There are no significant risks identified.

CONSULTATION

The review of this policy is a routine administrative process that seeks only to modernise the formatting and wording of the policy, and to provide clarity with regard to existing administrative practices requiring commercial fishers to apply and pay for a permit to access beaches and foreshores in a vehicle. As such, public consultation is not considered necessary.

OFFICER COMMENT

The name of the policy has been changed from "Beaches and Foreshore Areas – Access by Licenced Professional Fishermen" to "Beaches and Foreshore Areas – Access by the Holder of a Commercial Fishing Licence". This has been changed to remove the gender bias that references "fishermen", and reflects the Department of Fisheries terminology regarding commercial fishing licences (Fisheries are the statutory body responsible for issuing these licences).

Since the original policy was adopted access to some of the beaches within the City has changed. As a result some of the beaches and foreshore areas listed in the original policy are no longer accessible by vehicles and have been removed from the current policy. They are:

- Eagle Bay Middle Beach (near tennis courts)
- Point Piquet Beach
- Wonnerup Beach east of boat ramp near bridge over inlet
- Sail Rock Bay

Other changes include:

- Formatting of the policy has been changed to reflect the existing corporate standards for Council policies; and
- The policy now references the requirements for holders of commercial fishing licences to apply for a temporary beach access permit which remains valid for 12 months, and for them to pay the associated application fee as per Council's Adopted Schedule of Fees and Charges (currently \$157.50).

CONCLUSION

An internal review of Council Policy 009/6 – Beaches and Foreshore Areas, Access by Licenced Professional Fishermen has been completed. It has been reformatted to meet existing corporate standards, and now includes information relating to the need for holders of commercial fishing licences to apply for temporary beach access permits and to pay the associated application fee.

OPTIONS

Council may amend or not endorse the revised draft policy.

Note that not requiring a permit would require amendment of the Local Law, but not requiring payment of a fee could be done by the Council amending its Schedule of Fees and Charges.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised draft policy would take effect immediately following its adoption by Council

OFFICER RECOMMENDATION

That the Council adopts revised Council Policy 009/6 – Beaches and Foreshore Areas, Access by the Holder of a Commercial Fishing Licence as follows.

COMMITTEE RECOMMENDATION

PL1708/143 Moved Councillor G Henley, seconded Councillor R Bennett

Voting:

For the motion: Councillor R Bennett, Councillor G Henley, Councillor R Reekie and Councillor C Tarbotton.

Against the motion: Councillor R Paine.

That the Committee defers consideration of this Policy until the affected commercial fisherman have been consulted.

CARRIED 4/1

6.2 LOCAL PLANNING POLICY - HOLIDAY HOMES

SUBJECT INDEX:	Development Control Policy
STRATEGIC OBJECTIVE:	Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Development Services
REPORTING OFFICER:	Senior Development Planner - Andrew Watts
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Local Planning Policy 7C Holiday Homes Provisions Attachment B 7C Holiday Homes Provisions Attachment C Planning Bulletin 99

PRÉCIS

As a part of the review of the City' planning framework, it has been identified that a review of the current City of Busselton *Local Planning Policy 7C Holiday Homes Provisions* (LPP 7C) [Attachment A] is appropriate.

The revised Policy is presented to Council for review and Council's approval is sought to proceed to advertising of an amended City of Busselton *Local Planning Policy - Holiday Homes Provisions* (Attachment B), following which the revised policy would be further considered by the Council, in light of any submissions received.

BACKGROUND

In December 2012 the Council adopted LPP 7C; this was one of the final steps in the introduction of a regulatory regime for holiday homes in the City. Prior to that time, holiday homes had been essentially *de facto* unregulated. The regulatory regime was brought into effect in a practical sense during 2013.

The current policy includes restrictions on the locations of holiday homes within residential areas, where holiday homes are generally not supported in those residential areas more distant from the coast and other significant tourist facilities (e.g. Yalyalup, Vasse). Despite that, a number of applications have been received for properties in those areas. Some of those applications have been referred to Council for determination with approval in some cases being granted. It should also be noted that, during the introductory phase, during 2013, approvals were generally granted for 'established' holiday homes in those areas.

Holiday homes are an economically important component of the local tourist accommodation mix and play a significant role as part of a pathway to permanent residency in the City. Because of that, a significant proportion of the construction related employment in the City is related to holiday homes. That was, in fact, an important finding, including specifically in relation to the City of Busselton, of an extensive study into temporary population flows in coastal areas undertaken for the Australian Coastal Councils' Association.

It is also considered that, relative to the scale of the holiday home industry in the City (with upwards of 600 homes being registered), the number of complaints received by the City in respect to the operation of approved holiday homes is very low (in the order of 70 in total over five years, of which the bulk are repeat complaints related to a small number of properties only).

The amended policy proposes a removal of location restrictions for holiday homes. The policy is also in a revised format identifying 'deemed-to-comply' and 'performance criteria' provisions. These matters are outlined and discussed further in the 'Officer Comment' section of this report.

In addition to the above, it is recommended that the Council foreshadow amending the town planning scheme to reduce the need to consult on some classes of applications in future. This is also discussed in more detail in the 'Officer Comment' section of this report.

STATUTORY ENVIRONMENT

The key statutory environment relevant to this matter is set out in the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City's Local Planning Scheme and the City's Holiday Homes Local Law.

RELEVANT PLANS AND POLICIES

LPP 7C sets out guidance to determine an application for a holiday home; a copy of the current policy is provided as Attachment A.

Western Australian Planning Commission Planning Bulletin 99 (PB99) sets out the aims for local governments when drafting Local Planning Policy on Holiday Homes. The proposed Policy is generally consistent with the aims of PB99. A copy of PB99 is at Attachment C.

This report recommends the adoption of a revised local planning policy to supplement cl 5.17 of the City's Planning Scheme.

FINANCIAL IMPLICATIONS

The revised policy, if adopted by the Council after consultation, would marginally reduce the cost to the City of assessing applications for development approval for holiday homes.

Long-Term Financial Plan Implications

There are no significant Long Term Financial Plan Implications.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objectives 2.2 and 3.1 of the Strategic Community Plan 2013, which are –

- 2.2 A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
- 3.1 A strong, innovative and diversified economy that attracts people to live, work, invest and visit.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. The assessment identifies 'downside' risks only, rather than 'upside' risks as well. Risks are only identified where the individual risk, once controls are identified, is medium or greater. No such risks were identified.

CONSULTATION

Consultation regarding the proposed amendment of the local planning policy, if that is supported by the Council, will require notice and invitation for submissions to be received within 21 days, following which the amendments would be further considered by the Council, in light of any submissions received

OFFICER COMMENT

The most substantive change proposed with the draft policy is the removal of restrictions on the location of holiday homes in some residential areas. At present, the policy does not support holiday homes being established in some residential areas, mostly areas that are further from the coast and tourist amenities, including areas such as Vasse, Yalyalup (i.e. Provence, Via Vasse, Willow Grove, Country Road estates) and parts of Dunsborough (i.e. areas to the west of Naturaliste Terrace, including the Cape Rise and Naturaliste Heights estates). Notably, as a result of revisions made to the policy in 2015, the policy does currently support holiday homes in the area of the Dunsborough Lakes estate.

Since those 2015 revisions were made, which were driven in part by consideration of a number of applications for holiday homes in the area of the Dunsborough Lakes estate, there have been a number of applications and enquiries related to establishment of holiday homes in the north-western portion of the Dunsborough urban area; in older areas between Naturaliste Terrace and Cape Naturaliste Road, as well as in the area to the west of Cape Naturaliste Road, such as in the Cape Rise and Naturaliste Heights estates. There have also been applications and enquiries relating to some areas of the Busselton-Vasse urban where holiday homes are not currently supported, including the area of the Willow Grove estate.

Having considered the issues, officers are of the view that the restrictions do not have a clear purpose or rationale, and are not necessary. It is considered likely that holiday homes will still tend to be located predominantly in what most would consider to be higher tourism amenity locations – principally, locations closer to the coast. It is also considered, though, that the areas where the most pressure to approve holiday homes in the restricted areas is apparent are also actually areas that do have a suitable amenity – including those north-western areas in Dunsborough, and lower density residential areas in Busselton, such as Willow Grove or Country Road. These also tend to be the areas where the majority of ‘established’ holiday homes were approved during the introductory phase.

Almost exclusively the issues that are raised by members of the public in respect to proposed or existing holiday homes relate to impact on the amenity of neighbouring properties as a result of concerns regarding potential or perceived:

- Anti-social behavior;
- Noise;
- Lack of privacy;
- Traffic and parking;
- Inadequacy of property to accommodate the proposed number of occupants;
- Waste management; and
- Holiday home managers not fulfilling their responsibilities.

Whilst these issues are regularly raised during consultation, it is apparent that for the overwhelming majority of holiday homes, they do not appear to be significant problems once holiday homes are actually operating. Whilst the information base is limited and largely anecdotal, it is certainly the view of City officers that have been involved both before and now after the introduction of the current regulatory regime, that complaints and concerns are fewer and less intense than what they were prior to the introduction of the current regime.

It is also worth noting that problems of this kind can also arise with permanently occupied housing, or with holiday homes not being used for commercial purposes – although the experience is in some ways qualitatively different.

To provide for more clarity for applicants, neighbours and assessing officers in regard to the determination of the suitability of an individual property as a holiday home, the proposed policy has also been amended to provide clearer and in some instances tighter guidelines on utility servicing, dwelling design, car parking and fire management requirements.

The format of the policy has been restructured such that each of the elements against which a proposed holiday home is to be assessed has been set out under a separate heading, with ‘deemed-to-comply’ provisions being identified, the satisfying of which would make the proposal considered acceptable, and performance criteria also being identified – the latter intended to be applied when a proposal does not meet the relevant deemed-to-comply provisions. This format is designed to provide greater ease of use and certainty for applicants, and clear development standards by which an application will be assessed.

Applications that meet all of the ‘deemed-to-comply’ provisions would be approved without further assessment. Applications that do not meet all of the ‘deemed-to-comply’ provisions would be assessed against the relevant ‘performance criteria’ (i.e. they would only be assessed against the latter in relation to those aspects to which they do not meet the former). So if the ‘car parking’ deemed-to-comply provisions are met, but the ‘dwelling design’ ones are not, dwelling design related issues would require assessment against the dwelling design performance criteria, but the car parking related issues would not require assessment against the car parking related performance criteria.

In addition to the above, it is also recommended that the Council foreshadow future changes to the town planning scheme that would narrow the circumstances in which holiday home applications would be subject of consultation. At present, all applications must be subject of consultation if they are for the use of grouped dwellings (units, villas or the like) or multiple dwellings (flats, apartments or the like), or for single houses where nine or more people (noting that the maximum number permissible in single houses is 12) are proposed to be accommodated.

A significant proportion of holiday homes in single houses are for 9 or more people, usually 12, and as such in those cases advertising is always required. In many instances, however, there would be no basis to refuse an application, and there is no conceivable issue that could be raised during consultation that might reasonably justify a refusal. Notwithstanding that, where consultation is compulsory, neighbours may be inclined to object. As a general principle, it is felt that consultation should be avoided if there is not a reasonable prospect of the consultation response having a significant effect on the ultimate decision. That is because: consultation creates an expectation that the consultees’ views will have a significant bearing on the outcome, and where that does not occur it often causes more concern than if consultation had not occurred in the first place; consultation in such circumstances can undermine the relationship between the applicant and their neighbours; and consultation in such circumstances unnecessarily delays and adds to the costs of decision-making, both from the perspective of the applicant and the City.

Given the above, it is recommended that the Council foreshadow amending the scheme such that the scheme itself does not mandate consultation. As is the case now, though, it would still be proposed that holiday homes be classed as discretionary land-uses, allowing consultation to occur where it is considered appropriate, and local planning policy could be used to provide guidance in that regard. In general terms, officers envisage that consultation would not take place where all of the 'deemed-to-comply' provisions are met, but would occur where one or more of the 'performance criteria' needs to be considered.

That is broadly consistent with the approach set out by the State in the R-Codes. It is envisaged this change would be advanced as part of planned Omnibus Amendment 6 ('Miscellaneous Development Control Changes').

CONCLUSION

It is recommended that the draft amended *Local Planning Policy - Holiday Homes Provisions* be adopted for formal advertising pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 (Deemed Provisions), cl 4(1)*.

OPTIONS

- Decline to support the revised Holiday Homes Provisions Policy as a basis for community consultation.
- Support the revised Holiday Homes Provisions Policy as a basis for community consultation, subject to modification.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The notice of the policy and the commencement of consultation will occur within 4 weeks.

OFFICER RECOMMENDATION AND COMMITTEE RECOMMENDATION

PL1708/144 Moved Councillor G Henley, seconded Councillor C Tarbotton

That the Council –

- A. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 (Deemed Provisions)* -
 1. Pursuant to cl.5(1), proposes amending City of Busselton Local Planning Policy *Holiday Homes Provisions*, by adopting replacement provisions provided as Attachment B to the agenda report as a draft for consultation.
 2. Pursuant to cl.4(1)(a), advertises the above proposed amended City of Busselton Local Planning Policy *Holiday Homes Provisions*, by notice in a newspaper circulating in the Scheme area and inviting submissions to be made within a period of 21 days from the date of publication of the notice.
- B. Foreshadows a future amendment to the Local Planning Scheme that would narrow the circumstances in which the Scheme would require compulsory consultation on applications for approval of holiday homes.

CARRIED 5/0

7C. HOLIDAY HOMES PROVISIONS

1.0 BACKGROUND

The City of Busselton is a popular destination for tourists and holiday makers and has a large number of Holiday Homes, which are essentially residential houses and units which are utilised to accommodate these visitors. Holiday Home rentals are an important aspect of the tourism industry in the District, and have long been an important part of local and Western Australian lifestyle and culture.

Over time, however, there have been changes in the character of the communities in which Holiday Homes are located, as well as increased commercialisation of Holiday Homes and their use. Amongst other factors, that has led to the development by the City, cognisant of guidance provided at a State level, of a regulatory regime for Holiday Homes.

Holiday Homes which are utilised on a commercial basis (i.e. rented out to paying guests) require a development approval to be issued under the Local Planning Scheme and a registration to be issued under the *Holiday Homes Local Law 2012*. These policy provisions provide guidance to the City, as well as to applicants, landowners and the community, in relation to the City's exercising of discretion in making decisions on Holiday Home applications pursuant to the Local Planning Scheme.

2.0 OBJECTIVES

The objectives of these provisions are to –

1. Provide clear guidance regarding the assessment of applications for development approval for Holiday Homes;
2. Identify circumstances in which Holiday Homes will be supported, and circumstances in which holiday homes may be supported, given more detailed consideration; and
3. Balance the interests of residents, Holiday Home owners and the community as a whole.

3.0 APPLICATION

These policy provisions are adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 (Deemed Provisions) clause 4* and apply to the whole of the City.

This policy only applies to Holiday Homes that are being made available for short stay rental purposes for commercial gain. Holiday Homes utilised only for personal use are excluded from this policy.

These provisions should be read in conjunction with the Local Planning Scheme and the *Holiday Homes Local Law 2012*.

4.0 INTERPRETATION

As per Schedule 1 of the Scheme the following interpretations are relevant:

“Holiday Home (Multiple/Grouped Dwelling)” means a grouped dwelling or multiple dwelling, which may also be used for short stay accommodation for hire or reward for no more than six people (but does not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).

“Holiday Home (Single House)” means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for hire or reward for no more than 12 people (but does not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).

Note: the terms ‘multiple dwelling’, ‘grouped dwelling’ and ‘single house’ are defined in the Residential Design Codes of Western Australia.

The following additional interpretations are relevant to this policy:

“Holiday Home” means both a Holiday Home (Multiple/Grouped Dwelling) and/or a Holiday Home (Single House).

“Deemed-to-comply” means a provision which, if satisfied, means that a Holiday Home is deemed compliant with respect to the matters subject of that provision. The local government shall not refuse to grant approval to an application where the application satisfies all of the relevant deemed-to-comply provisions.

“Performance criteria” means provisions to be used in the preparation, submission and assessment of development proposals for the purpose of determining their acceptability, where they do not meet the relevant deemed-to-comply provisions.

Note: applications that do not meet all of the ‘deemed-to-comply’ provisions would be assessed against the relevant ‘performance criteria’ (i.e. they would only be assessed against the latter in relation to those aspects to which they do not meet the former). So if the ‘car parking’ deemed-to-comply provisions are met, but the ‘dwelling design’ ones are not, dwelling design related issues would require assessment against the dwelling design performance criteria, but the car parking related issues would not require assessment against the car parking related performance criteria. Similarly, if the potable water elements of the ‘utility servicing’ deemed-to-comply provisions are met, but the refuse collection ones are not, it is only the refuse collection issues that need to be considered against the directly related performance criteria.

5.0 POLICY STATEMENT

Note that the headings below do form part of the policy statement.

5.1 Location of Holiday Homes

A Holiday Home satisfies the **deemed-to-comply** provisions if:

C1.1 The Holiday Home is located within an existing, lawful dwelling (other than a dwelling approved as a second dwelling or rural worker’s dwelling pursuant to clause 4.5 (f) or (g) of the Local Planning Scheme, or equivalent clause in previous schemes) in the Agriculture or Viticulture and Tourism Zone; or

- C1.2 In all other Zones, the Holiday Home has direct frontage to a public road and/or public open space and has a minimum of 350m² exclusively for the use of the dwelling; or
- C1.3 For a Holiday Home (Grouped/Multiple Dwelling), written support has been received by the local government from the majority of owners of properties in the complex or development within which the Holiday Home is to be located (excluding the owner of the site subject of the application, unless the applicant owns all of the properties in the complex or development).

A Holiday Home satisfies the **performance criteria** provisions if:

- P1.1 The City is satisfied that approval of the Holiday Home is not likely to have a significant impact on the amenity of adjoining and nearby residents and would not constitute the conversion of a second dwelling or rural worker's dwelling to a Holiday Home.

5.2 Utility Servicing

A Holiday Home satisfies the **deemed-to-comply** provisions if:

- C2.1 The Holiday Home is connected to reticulated water, or provided with a 135,000 litre rainwater tank for the exclusive use of the Holiday Home; and
- C2.2 The Holiday Home is located with the City's kerbside refuse collection area; and
- C2.3 The Holiday Home is connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of occupants.

Note: in areas not serviced by reticulated sewerage, it should not be assumed that an existing on-site effluent disposal system approved for a single house will have sufficient capacity for the proposed number of occupants without the need for upgrading. Advice should be sought from the City's Environmental Health staff prior to lodging an application for development approval.

A Holiday Home satisfies the **performance criteria** provisions if:

- P2.1 The City is satisfied that the Holiday Home will have an adequate supply of potable water; and
- P2.2 The City is satisfied that the Holiday Home will be provided with an adequate refuse collection service; and
- P2.3 The City is satisfied that the Holiday Homes will be provided with an adequate on-site effluent disposal system (and provision of such would be a condition of any approval, to be met prior to the commencement of the use).

5.3 Car Parking

A Holiday Home satisfies the **deemed-to-comply** provisions if:

C3.1 The Holiday Home will have constructed on-site car parking bays, consistent with the size and manoeuvrability criteria set out in the *Residential Design Codes of Western Australia*, but with no more than any of two bays arranged one behind the other (i.e. tandem bays are permitted, with two bays one behind another, but not with a third bay behind another two), in accordance with the following rates:

Maximum number of occupants	Minimum number of car parking bays required
1-3	1
4-6	2
7-8	3
9-10	4
11-12	5

A Holiday Home satisfies **performance criteria** provisions if:

P3.1 The City is satisfied that the Holiday Home has a minimum of two constructed on-site car parking bays and, where additional car parking bays would be required to comply with C3.1 above, at least the equivalent number of cars could park on the site without the need for cars to park on the verge, in adjacent or nearby public car parking, or in visitor car parking bays within a unit complex or similar; or

P3.2 Where a Holiday Home is located in the 'Business' Zone, the City is satisfied that the Holiday Home will not have a noticeable effect on the availability of public car parking within the locality.

5.4 Dwelling Design

A Holiday Homes satisfies the **deemed-to-comply** requirements if:

C4.1 The Holiday Home is an existing, lawful dwelling; or

C4.2 If the Holiday Home is not an existing, lawful dwelling, the Holiday Home will meet all of the relevant design standards and requirements that would apply to a new dwelling on the land, including the requirements of the Local Planning Scheme (including the *Residential Design Codes of Western Australia*), all relevant Local Planning Policies, and all relevant Structure Plan, Activity Centre Plan and Local Development Plan provisions; and

C4.3 The maximum number of occupants within a Holiday Home complies with the following standards:

- (a) There is 5.5 square metres per occupant in each bedroom utilising beds; and
- (b) There is 3.5 square metres per occupant in each bedroom utilising bunks; and
- (c) There is sufficient bedroom space to accommodate the maximum number of occupants consistent with (a) and (b) above; and

C4.4 Bedrooms in a Holiday Home are provided in accordance with the following rates:

Maximum number of occupants	Minimum number of bedrooms required
1-2	1, or studio
3-4	2
5-8	3
9-12	4

C4.5 Bathrooms and toilets in a Holiday Home are provided in accordance with the following rates:

Maximum number of occupants	Minimum number of bathrooms/toilets required
1-6	1 bathroom and 1 toilet
7-12	1 or 2 bathrooms and 2 toilets

A Holiday Homes satisfies the **performance criteria** if C4.1 or C4.2 is met, and C4.3 and C4.5 are met; and:

P4.2 The City is satisfied that the dwelling design is appropriate to accommodate the proposed maximum number of occupants. In general, if C4.4 is not met, this would only be the case if there are a smaller number of relatively large bedrooms.

Note: the Local Planning Scheme establishes that the maximum number of occupants in a Holiday Home (Single House), regardless of the number or size of bedrooms, is 12, and the maximum number of occupants in a Holiday Home (Grouped/Multiple Dwelling) is six. The City has no discretion to approve Holiday Homes with maximum occupant numbers higher than those limits.

5.5 Bush Fire Management

A Holiday Home satisfies the **deemed-to-comply** provisions if:

C5.1 The Holiday Home is not on land identified as being in a bushfire prone area by an order made under section 18P of the *Fire and Emergency Services Act 1998*; and/or

C5.2 The Holiday Home is on a lot with an area of less than 1,100m²; or

C5.3 The Holiday Home is on land identified as being in a bushfire prone area by an order made under section 18P of the *Fire and Emergency Services Act 1998* and is on a lot with an area of 1,100m² or greater –

C5.3.1 An Evacuation Plan consistent with the *Guidelines for Planning in Bushfire Prone Areas* has been submitted; and

C5.3.2 The Holiday Home is an existing, lawful dwelling; or

C5.3.3 If the Holiday Home is not an existing, lawful dwelling, the Holiday Home will meet all of the relevant design standards and requirements that would apply to a new dwelling on the land pursuant to Part 10A (Bushfire risk management) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Note: A dwelling on a lot of less than 1,100m² in area is exempt from the requirements of Part 10A (Bushfire risk management) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

There are no **performance criteria** provisions in relation to bush fire management. The deemed-to-comply provisions must be met. Note that the deemed-to-comply provisions are, other than the requirement for an Evacuation Plan, the same as what would be required to either continue using an existing, lawful dwelling, or what would be required to develop a new, lawful dwelling.

6.3 COUNCIL POLICY 243 - REHOMING OF IMPOUNDED DOGS AND CATS

SUBJECT INDEX:	Review of Council Policy
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger and Emergency Services
REPORTING OFFICER:	Ranger & Emergency Services Coordinator - Ian McDowell
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Draft Revised Policy 243 - Rehoming of Impounded Cats and Dogs Attachment B Current Council Policy 243 - Rehousing of Impounded Animals

10.21 am At this time the Senior Development Planner left the meeting.

PRÉCIS

A review of Council Policy 243 has been undertaken. The revised draft policy has been amended to make reference to the Memoranda of Understanding that have or will be entered into by the City with approved animal rescue and welfare groups such as Saving Animals from Euthanasia (SAFE) or K9 Animal Rescue Group. The revised policy also seeks to establish the waiving of registration fees, for a maximum period of 12 months, for owners of rescue dogs.

BACKGROUND

The policy was originally adopted in 2007, and was last reviewed in December 2010 at which time the policy was re-adopted in the then standard corporate format.

STATUTORY ENVIRONMENT

Pursuant to section 2.7(2)(b) of the *Local Government Act 1995*, a role of Council is to determine the local government's policies.

Pursuant to sections 29(10) and 29(11) of the *Dog Act 1976*, where a dog has been impounded by the City and the dog is not claimed, or the registered owner of the dog declines to resume possession of the dog within seven days of the date of impoundment, the City may dispose or sell the dog as if it were its own.

Pursuant to section 34 of the *Cat Act 2011*, where a cat has been impounded by the City and the owner has not been identified, or the owner of the cat has not claimed it within seven working days of the date of impoundment, the City may transfer or dispose of the cat as if it were its own.

RELEVANT PLANS AND POLICIES

This report proposed adoption of the revised draft Council Policy 243 as attached to this report (Attachment A). The superseded policy is at Attachment B.

FINANCIAL IMPLICATIONS

The revised policy proposes waiving registration fees, for a maximum of 12 months, for dogs and cats under the immediate care of foster carers representing the rescue organisation. This would be conditional on the animal being both microchipped and sterilised.

Based on approximately 50 animals being rehomed through these organisations on an annual basis the cost to the City would be approximately \$1,000 per year.

Long-term Financial Plan Implications

No significant implications.

STRATEGIC COMMUNITY OBJECTIVES

The draft policy aligns with and supports Council's Key Goal Area 6 – Leadership: visionary, collaborative, accountable; and more specifically Community Objective 6.1 – governance systems, processes and practices are responsible, ethical and transparent.

The draft revised policy provides transparency in how the City rehomes dogs and cats that are otherwise unclaimed or unowned.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. There are no significant risks identified.

In fact the policy itself mitigates any risks to the City associated with the rehoming of animals as the rescue groups temperament test the animals to determine their suitability for rehoming.

CONSULTATION

The review of this policy is a routine administrative process that seeks only to acknowledge recognised animal rescue and welfare groups as the City's conduit for rehoming unclaimed or unowned dogs and cats. As such, public consultation is not considered necessary.

OFFICER COMMENT

The City has established a memorandum of understanding (MOU) with Saving Animals from Euthanasia (SAFE) for the rehoming of dogs and cats. Another MOU has been drafted to enter into a similar arrangement with K9 Animal Rescue (this will be for the rehoming of dogs only).

The intent of the draft revised policy is to acknowledge these MOUs are in place and that the City will only rehome unclaimed or unowned dogs and cats through these or other recognised groups. Through these arrangements, the rescue and/or welfare organisation will assess impounded animals to ensure they are suitable for rehoming. They also ensure the dogs and cats are sterilised, microchipped and vaccinated prior to rehoming.

By providing up to 12 months free registration for these animals, whilst they are in the care of a recognised foster carer of the organisation (within our district), a formal record of the animal is created in our registration data base. This will help to ensure the ongoing registration of the animal through our normal administrative processes of sending out renewal notices and then if necessary, following up with the last known owner of the animal if the registration lapses.

CONCLUSION

An internal review of Council Policy 243 – Rehousing of Rescued Animals has been completed. It has been renamed “Rehoming of Impounded Dogs and Cats”, and acknowledges the establishment and use of formal Memorandums of Understanding with recognised animal rescue and welfare groups to facilitate the rehoming of suitable dogs and cats.

OPTIONS

Council may amend or not endorse the revised draft policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised draft policy will be presented to Council on 13 September 2017, and will take effect immediately following its adoption by Council.

OFFICER RECOMMENDATION AND COMMITTEE RECOMMENDATION

PL1708/145 Moved Councillor G Henley, seconded Councillor R Reekie

That the Council endorse revised Council Policy 243 – Rehoming of Impounded Dogs and Cats as shown in attachment A.

CARRIED 5/0

243	Rehoming of Impounded Dogs and Cats	V3 Draft
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PURPOSE

The purpose of this policy is to establish a framework for the rehoming of impounded dogs and cats in accordance with the relevant legislation and established Memorandums of Understanding.

SCOPE

Where a dog or cat has been impounded into the City's Animal Care Facility and has not been claimed within the period prescribed by the applicable Act (*Dog Act 1976* or *Cat Act 2011*) the City may dispose of the animal in accordance with the provisions of the appropriate Act.

POLICY CONTENT

The City supports the rehoming of suitable impounded and unclaimed dogs and cats and will facilitate this through the use established Memorandums of Understanding with approved animal rescue and welfare organisations. Through these arrangements the rescue and/or welfare organisation will ensure that dogs and cats are sterilised, microchipped and vaccinated prior to rehoming.

In doing so, the Council acknowledges that these organisations are non-for-profit and volunteer based, and as such will consider waiving registration fees for a maximum of 12 months for dogs and cats under the immediate care of foster carers representing the organisation. This would be conditional on the animal being both microchipped and sterilised.

Policy Background

Policy Reference No – 243
 Owner Unit – Ranger and Emergency Services
 Originator – Ranger and Emergency Services Coordinator
 Policy Approved by – Council
 Date Approved – 22 August 2007
 Review Frequency – as required
 Related Documents – *Dog Act 1976*
 Cat Act 2011

History

Council Resolution	Date	Information
		Policy updated to make reference to established Memorandums of Understanding, and the implementation of the <i>Cat Act 2011</i> Policy acknowledges registration fees may be waived for a maximum period of 12 months Version 3
C1012/415	8 December 2010	Policy re-adopted in the new standard format Version 2
C0708/195	22 August 2007	Date of implementation Version 1

6.4 CONSOLIDATED PARKING SCHEME AMENDMENT - PRIES AVENUE, BUSSELTON

SUBJECT INDEX:	Minor Parking Scheme Amendments
STRATEGIC OBJECTIVE:	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger and Emergency Services
REPORTING OFFICER:	Senior Prosecutions and Policy Officer - Owen Anderton Ranger & Emergency Services Coordinator - Ian McDowell
AUTHORISING OFFICER:	Manager Environmental Services - Tanya Gillett
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Correspondence received Attachment B Diagram

PRÉCIS

The purpose of this report is to seek Council endorsement of a proposed variation to the City's Consolidated Parking Scheme to create a no stopping/parking area along the west side of Pries Avenue, between Peel Terrace and Albert Street.

BACKGROUND

The City's Consolidated Vehicle Parking Scheme (the Scheme) is periodically reviewed and amended from time to time, thereby ensuring that the Scheme remains current.

The City received a request from the proprietor of Paradise Motor Inn, situated at 6 Pries Avenue, Busselton, to install a stopping/parking area along the west side of Pries Avenue, between Peel Terrace and Albert Street.

The correspondent has observed over a two year period numerous traffic related incidences caused by vehicles parking on the west side of the road in Pries Avenue. Vehicles parking on the western side of Pries Avenue are creating a hazard for pedestrians and road traffic using Pries Avenue. See attached correspondence.

There is currently 90 degree on-street parking on the eastern side of Pries Avenue. The City's Design and Survey team has determined that, according to relevant Australian Standards, the width of Pries Avenue is not sufficient to accommodate vehicles parking on both sides of the road in the current configuration.

STATUTORY ENVIRONMENT

Council designates parking and traffic restrictions under the powers of the *Parking Local Law 2011* (the Local Law). The designation of parking stalls, stations and areas occurs under Part 2 of the Local Law; and the Scheme (a large series of plans identifying the location and type of parking restrictions in detail) is adopted pursuant to Part 2, as a means to identify these designations. Designations are given practical effect through on-ground signage and line marking, as well as the issue of public notices.

Section 2.1(1)(g) of the Local Law states: "*That Council may, constitute, determine or vary permitted classes of vehicles which may park in specified parking stalls, parking stations and parking areas*". This report seeks to make a variation through the establishment of no stopping/parking areas along the west side of Pries Avenue between Peel Terrace and Albert Street.

Where Council makes a determination to establish or amend a parking stall, parking stations and parking areas under the Local Law, the Chief Executive Officer must give local public notice of, and erect signs to give effect to the determination.

RELEVANT PLANS AND POLICIES

There are no relevant plans and policies associated with this matter.

FINANCIAL IMPLICATIONS

Resources required for implementation of the local law, that is to mark parking bays and or zones with paint and installing signs on posts, are provided for within the City's overall operational budget and can be achieved without any effect on other operational areas.

Long-term Financial Plan Implications

There are no long-term financial implications associated with this matter.

STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 2.3 of the Strategic Community Plan 2017 to *"create urban design, that produces vibrant, mixed use town centres and public spaces"*.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk assessment framework. There are no significant risks identified.

CONSULTATION

In preparing this report the City has consulted with the owners and occupiers of the properties on the western side of Pries Avenue. The City wrote to the owners seeking feedback and submissions. All respondents agreed to the proposed changes to the Scheme. The eastern side of Pries Avenue is Victoria Square.

OFFICER COMMENT

Pries Avenue experiences significant pedestrian and vehicle traffic flow as well as vehicle parking particularly on the eastern side where there are 2 parking bays for the disabled and 31 all day car parking bays. This area is close to the main Busselton shopping precinct, the Senior Citizens Centre and the Orana Cinema. There is no footpath on Pries Avenue and pedestrians walking to and from the Orana Cinema and shopping precinct walk on the Pries Avenue carriageway.

CONCLUSION

That Council endorse the proposed amendments to the City's Consolidated Parking Scheme to establish a no stopping/parking area along the west side of Pries Avenue between Peel Terrace and Albert Street.

OPTIONS

Council may support or amend the officer recommendations to vary parking controls in Pries Avenue or pursue alternative solutions.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Where Council makes a determination to establish or amend a parking stall, parking stations and parking areas under the Parking Local Law 2011, the CEO must give local public notice of, and erect signs to give effect to, the determination. Subject to Council endorsement of the officer recommendations, local public notice will be advertised and appropriate signage erected as soon as is practicable following Council endorsement.

OFFICER RECOMMENDATION

That the Council:

1. Amends the Consolidated Parking Scheme, pursuant to the City of Busselton *Parking Local Law 2011* to establish a no stopping/parking area along the west side of Pries Avenue between Peel Terrace and Albert Street.
1. Endorses the CEO to give local public notice of the determination as required by the City of Busselton *Parking Local Law 2011*.

COMMITTEE RECOMMENDATION

Moved Councillor G Henley, seconded Councillor R Bennett

Voting:

For the motion: Councillor R Bennett, Councillor G Henley, Councillor R Reekie and Councillor C Tarbotton.

Against the motion: Councillor R Paine.

That the Council:

1. Does not amend the Consolidated Parking Scheme, pursuant to the City of Busselton *Parking Local Law 2011* to establish a no stopping/parking area along the west side of Pries Avenue between Peel Terrace and Albert Street.
2. The proprietor of Paradise Motor Inn be thanked for his submission and advised accordingly.

CARRIED 4/1

6.5 REVIEW OF POLICY 236 RATING

SUBJECT INDEX:	Policy Budget and Administration
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Financial Services
ACTIVITY UNIT:	Rates
REPORTING OFFICER:	Rates Coordinator - David Whitfield
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Existing Policy 236 Rating

10:50 am At this time Director, Planning and Development and Ranger & Emergency Services Coordinator left the meeting.

PRÉCIS

As part of the ongoing policy review process a review of the existing Rating Policy has been conducted. The current policy was originally adopted in 2006 and reviewed in September 2011 with no changes being made. Since that time the Department of Local Government and Communities (DLGC) has published several policy and guideline documents that override/duplicate many of the components of Council's 2011 Rating Policy. This item seeks to cancel the current policy to avoid unnecessary duplication as more suitable guidelines exist reflecting the rating functions of Local Government.

BACKGROUND

The current policy was written at a time where there was no specific guidance from the DLGC on rating matters generally, however, from 2011 onwards the following policies and guidelines have been developed and issued by the DLGC for local governments to follow with respect to their rating processes:

- DLGC Policy – Valuation of Land
- DLGC Policy – Differential Rates
- DLGC Policy – Minimum Payments
- DLGC Policy – Rateable Land
- DLGC Policy – Giving Notice (Advertising of Rates)
- DLGC Guidelines: Possession of Land for Recovery of Rates and Service Charges
- DLGC Guidelines – Changing Methods of Valuation of Land

A number of these policies have been reviewed as recently as November 2016.

These guidelines exist to provide commentary in relation to the provisions of the Local Government Act at Division 6 – Rates and Service Charges.

In light of the introduction of these policies/guidelines it is considered that the existing rating policy is no longer required and as such should be cancelled and deleted from the City's Policy Manual.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the local government's policies. The Council does this on the recommendation of a Committee it has established in accordance with Section 5.8 of that Act.

RELEVANT PLANS AND POLICIES

This report proposes to cancel the existing Rating Policy as the policy currently unnecessarily duplicates Statewide guidelines and policies provided by the Department of Local Government and Communities.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the cancellation of this policy.

Long-term Financial Plan Implications

There are no long-term financial implications arising from the cancellation of this policy.

STRATEGIC COMMUNITY OBJECTIVES

This policy aligns with and supports the **Council's Key Goal Area 6** – 'Leadership' and more specifically **Community Objective 6.1** – 'Governance systems, process and practices are responsible, ethical and transparent'.

RISK ASSESSMENT

There is no associated risk with the cancellation of the Rating policy.

CONSULTATION

Not applicable.

OFFICER COMMENT

The current policy covers rating methods and practices that, upon review, have generally been in place for over 20 years if not longer and are based on the rating provisions of the 1995 Local Government Act. As such the current rating practices are both stable and well tested over that time. The current policy was introduced in 2006 and re-adopted in 2011 with no recommended change.

It is proposed to cancel the Policy as it is now considered redundant as the subject matter is now covered by the new Department of Local Government and Communities policy documents.

CONCLUSION

The Department of Local Government and Communities now provides specific policy advice and guidelines for Local Governments to follow and it is considered appropriate that these documents be followed. Further, in view of this, it is considered that there is no need for a Rating Policy and as a consequence it should be cancelled.

OPTIONS

The Council could:

1. Choose not to cancel the existing Rating Policy and allow the policy to remain in place, or
2. Choose to seek further review and/or amendment to the existing Rating Policy for presentation to Council at a later date.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The cancellation of the existing Rating Policy would be effective immediately upon the adoption of the Officer's recommendation.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1708/146 Moved Councillor R Paine, seconded Councillor G Henley

That the Council cancels Policy 236 Rating and remove it from the City's Policy Manual.

CARRIED 5/0

6.6 POLICY - AASB124 RELATED PARTY DISCLOSURES

SUBJECT INDEX:	Policies, Plans and Procedure
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Finance and Corporate Services
REPORTING OFFICER:	Manager Financial Services - Kim Dolzadelli
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Draft AASB124 Related Party Disclosure Policy DLGC - AASB124-Related-Party-Disclosures-Guide (circulated as a separate non agenda item)

PRÉCIS

The purpose of this report is for Council to consider a new policy regarding Related Party Disclosures.

A copy of the proposed policy is attached and outlines the City's disclosure requirements in regard to the existence of relationships regardless of whether or not any transaction has occurred, in accordance with Australian Accounting Standards Board Accounting Standard AASB124 (Related Party Disclosures).

BACKGROUND

The scope of Australian Accounting Standards Board Accounting Standard AASB124 (Related Party Disclosures) was amended in July 2015 to encompass not for profit entities including local governments. AASB124 now imposes a number of obligations upon elected members and senior City staff in relation to disclosure of their financial dealings with related parties. These obligations come into effect for the 2016-17 financial year for Local Government and the information is to be disclosed as a note within future Annual Financial Statements.

The primary objective of AASB124 is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and potential profit or loss (surplus or deficit) may have been affected by the existence of related parties and their transactions

STATUTORY ENVIRONMENT

AASB124 imposes a number of obligations upon Elected Members and senior City staff in relation to disclosure of their financial dealings with related parties. These obligations come into effect for the 2016-17 financial year with information to be disclosed as a note within the 2016-17 (and subsequent) Annual Financial Statements.

RELEVANT PLANS AND POLICIES

Council through the Policy and Legislation committee is being requested to adopt a new Policy with respect to "AASB124 Related Party Disclosures".

FINANCIAL IMPLICATIONS

There are only minor administrative costs with respect to compliance and reporting related to the requirements of AASB124 Related Party Disclosures requirements; these costs will see no impact on Council's financial position.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The draft policy aligns with and supports Council's Key Goal Area 6.1 "Governance Systems, processes and practices are responsible ethical and transparent".

RISK ASSESSMENT

There is no known risk in Council adopting the attached Policy.

CONSULTATION

Council's Auditor has been consulted with respect to the impact and requirements of AASB124 Related Party Disclosures.

OFFICER COMMENT

The objective of AASB124 is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and any profit or loss may have been affected by the existence of related parties and transactions with those parties.

This means that readers of the City of Busselton Annual Financial Statements will become aware of any relationships that may affect the financial position and profit or loss of the City. The Annual Financial Statements provide information at a summary level of the financial remuneration of related parties, key management personnel and the financial value of transactions with related parties such as services or goods purchased from businesses operated by related parties.

Individual financial details of related parties are not disclosed during the reporting process, and the transactions are presented as aggregated information in the financial reports.

The information collated and aggregated from the Annual Financial Statements is proposed to be obtained a Related Party Declaration form, which forms an appendix to the draft policy.

The Policy proposes that Key Management Personnel be required to complete this form twice each financial year in December and June, and upon resignation.

Disclosure requirements apply to the existence of relationships regardless of whether or not any transaction has occurred. Each financial year, the City of Busselton must make an informed judgement as to what is considered to be a related party, and what transactions should be considered when determining if disclosure is required.

AASB 124 advises that if a local government has had related party transactions during a financial year, it shall disclose the nature of the related party relationship as well as information about those transactions, including commitments, that are necessary for users to understand the potential effect of the relationship on the financial statements.

To progress the implementation of AASB 124 for 2016-17 as required, Council is required to consider and adopt the following, which are contained within the policy:

1. Positions to be included as Key Management Personnel (KMP) in the assessment of related parties; and
2. Transactions that are considered to be Ordinary Citizen Transactions (OCT) that will not be included as related party transactions.

Key Management Personnel

AASB 124 specifically includes Elected Members as part of the definition of Key Management Personnel (KMP). It is expected that in local government, KMP will include Elected Members, the Chief Executive Officer and the next level of management, which in the case of the City is Directors.

Ordinary Citizen Transactions

In order to identify which transactions are related party transactions and subject to disclosure it is necessary to consider and exclude Ordinary Citizen Transactions (OCT) from disclosure requirements.

OCTs are those transactions provided on terms and conditions no different to those applying to the general public and are unlikely to influence the decisions that users of the City's financial statements make. These Ordinary Citizen Transactions include the following:

- Using the council's facilities after paying the normal fee;
- Fines on normal terms and conditions; and
- Paying rates and council fees and charges.

There is no obligation to disclose Ordinary Citizen Transactions. Transactions between the City and Related Parties that would normally be considered Ordinary Citizen Transactions but where the terms and conditions differ from normal practice however must be disclosed (if material).

The exclusion of the above effectively limits the related party transactions that are to be declared to typically be:

- purchases of sales or goods (finished or unfinished);
- purchases or sales of property or other assets;
- rendering or receiving services;
- leases;
- transfers under finance arrangements (including loans and equity contributions in cash or kind);
- provisions of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised); and
- settlement of liabilities on behalf of Council or by Council on behalf of the related party.

It should be noted that the value of the transactions must be material, for the purpose of the attached Draft Policy, it is considered appropriate to set a dollar value of \$5,000 for any individual transaction or \$25,000 for collective transactions to determine materiality.

These transactions do not include those where members of the Key Management Personnel have a connection as a member of a community group that has a relationship with the City.

CONCLUSION

Officers believe that adoption of the attached Policy will provided guidance to all effected Key Management Personnel (KMP) with respect to AASB 124 Related Party Disclosures. Whilst legislation does not require a Policy in relation AASB124, the Department of Local Government and Communities suggests that councils adopt a policy.

OPTIONS

Council could choose to:

1. Adopt the attached Policy with or without amendment, or
2. Not adopt the attached Policy – but it is desirable to have a policy on this subject.

In any event, disclosure is required to be made in the Financial Statements.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If adopted the Draft Policy will be put in place immediately.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1708/147 Moved Councillor R Bennett, seconded Councillor R Reekie

That Council adopts the AASB124 Related Party Disclosure draft policy shown at Attachment A.

CARRIED 5/0

NEW	AASB124 Related Party Disclosures	V1
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1. PURPOSE

To define the parameters for Related Party Relationships and the level of disclosure and reporting required for the City to achieve compliance with the Australian Accounting Standard AASB 124 – Related Party Disclosures.

2. SCOPE

Under the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*, all local governments in Western Australia must produce annual financial statements that comply with Australian Accounting Standards.

The Australian Accounting Standards Board has determined that from 1 July 2016, AASB 124 (Related Party Disclosures) will apply to government entities, including local governments. The City is now required to disclose Related Party Relationships and Key Management Personnel compensation in its Annual Financial Statements.

This Policy provides guidance on:

- the identification of the City's related parties;
- management of related party transactions;
- recording such transactions; and
- disclosure of the transactions in the City of Busselton annual financial statements in accordance with AASB 124;

And addresses the four (4) different types of related party that must be considered by the City:

1. Entities related to the City;
2. Key Management Personnel;
3. Close family members of Key Management Personnel; and
4. Entities that are controlled or jointly controlled by either 2 or 3 above.

3. POLICY CONTENT

DEFINITIONS:

Australian Accounting Standards Board, Related Party Disclosures Standard 124

Close family members of Key Management Personnel (KMP)

Those family members who may be expected to influence, or be influenced by, that KMP in their dealings with the City of Busselton and include:

- the KMP's children, and spouse or domestic partner;
- children of that KMP's spouse or domestic partner; and
- dependants of the KMP or the KMP's spouse or domestic partner.

Entity

Can include a body corporate, a partnership or a trust, incorporated, or unincorporated group or body.

Entity Related to a KMP

Related Entities to Key Management Personnel are entities that are:

- *controlled or jointly controlled by a KMP;
- apart from Council, where a KMP has significant influence over, or is a member of the key management personnel of the entity or parent of the entity; or
- controlled or jointly controlled by a close family member of a KMP of the City.

*A person or entity is deemed to have *control* if they have:

- power over the entity;
- exposure, or rights, to variable returns from involvement with the entity; or
- the ability to use power over the entity to affect the amount of returns.

To jointly control, a person or entity must have contractual rights or agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Entity Related to the City

This includes any entity that is either controlled, jointly controlled or over which the City has a significant influence. A person or entity is a Related Party of the City if any of the following apply:

- they are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others);
- they are an associate or belong to a joint venture of which the City is part of;
- they and the City are joint ventures of the same third party;
- they are part of a joint venture of a third party and the City is an associate of the third party;
- they are a post-employment benefit plan for the benefit of employees of either the City or an entity related to the City;
- they are controlled or jointly controlled by close family members of the family of a KMP;
- they are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of the City; or
- they, or any member of a group of which they are a part, provide KMP services to the City.

Key Management Personnel (KMP)

AASB 124 defines KMP as *“those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity”*.

Key Management Personnel for the City of Busselton are:

- Elected Members; and
 - Persons employed under s5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or Director.
-

Material (materiality)

Means the assessment of whether a transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this Policy, it is considered appropriate to set a dollar value of \$5,000 for any individual transaction or \$25,000 for collective transactions to determine materiality.

Ordinary Citizen Transaction

A transaction that an ordinary member of the community would undertake in the ordinary course of business with the City of Busselton.

Related Party

A person or entity that is related to the entity preparing its financial statements.

Related Party Transaction

A transfer of resources, services or obligations between the City of Busselton and a related party, regardless of whether a price is charged.

Significant (significance)

Likely to influence the decisions that users of the City's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the City and related party outside a public service provider/ taxpayer relationship.

POLICY DETAILS:

1. Key Management Personnel (KMP)

All Key Management Personnel (KMP) are responsible for assessing and disclosing their own, their close family members' and their related entities' relationship with the City. All related parties must be included in the self-assessment. A disclosure form is provided as an Attachment to this Policy.

2. Related Party Transactions

2.1 Ordinary Citizen Transaction

For the purpose of this Policy, an Ordinary Citizen Transaction is one that occurs between the City and KMP and/or related parties which satisfy the following criteria. The transaction must:

- occur during the normal course of the City delivering its public service goals;
- be under the same terms that would be available to a member of the community; and
- belong to a class of transaction that an ordinary member of the community would normally transact with the City.

This includes for example the following:

- Using the council's facilities after paying the normal fee;
- Fines on normal terms and conditions; and
- Paying rates and council fees and charges.

There is no obligation to disclose Ordinary Citizen Transactions.

Transactions between the City and Related Parties that would normally be considered Ordinary Citizen Transactions but where the terms and conditions differ from normal practice however must be disclosed.

2.2 Non-ordinary Citizen Transactions

All related party transactions that do not satisfy the definition of an Ordinary Citizen Transaction (as per 2.1) must be disclosed in accordance with AASB 124.

The following are examples of transactions that must be disclosed if they are with a related party and are not an Ordinary Citizen Transaction:

- purchases of sales or goods (finished or unfinished);
- purchases or sales of property or other assets;
- rendering or receiving services;
- leases;
- transfers of research and development;
- transfers under licence agreements;
- transfers under finance arrangements (including loans and equity contributions in cash or kind);
- provisions of guarantees or collateral;
- commitments to do something if a particular event occurs or does not occur in the future, including execution of contracts (recognised or unrecognised); and
- settlement of liabilities on behalf of the City or by the City on behalf of the related party.

3. Disclosure of Information

3.1 City disclosure

AASB 124 provides that the City must disclose the following financial information in its financial statements for each financial year period:

- the nature of any related party relationships;
- the amount of the transactions;
- the amount of outstanding balances, including commitments, including:
 - (i) their terms and conditions, whether they are secured, and the nature of the consideration to be provided in settlement; and
 - (ii) details of any guarantees given or received;
- provisions for doubtful debts related to the amount of outstanding balances; and
- the expense recognised during the period in respect of bad or doubtful debts due from related parties.

The following matters must be considered in determining the materiality and significance of any related party transactions:

- significance of transaction in terms of size;
- whether the transaction was carried out on non-market terms;
- whether the transaction is outside normal day-to-day business operations, such as the purchase and sale of assets;
- whether the transaction is disclosed to regulatory or supervisory authorities;
- whether the transaction has been reported to senior management; and
- whether the transaction was subject to Council approval.

Regard must also be given for transactions that are collectively, but not individually significant.

All transactions involving related parties will be captured and reviewed to determine materiality or otherwise of such transactions, if the transactions are Ordinary Citizen Transactions (OCTs), and to determine the significance of each of the transactions.

3.2 Key Management Personnel disclosure

In accordance with this Policy, KMP must provide a Related Party Disclosure in the form set out in the Attachment twice yearly, no later than the following dates each financial year:

- 30 December each year; and
- 30 June each year.

4. Review of Related Parties

A review of KMP's and their related parties will be completed every 6 months. Particular events, such as a change of Elected Members, Chief Executive Officer or Directors or a corporate restructure will also trigger a review of the City's related parties immediately following such an event.

The Chief Executive Officer shall implement a suitable system to identify related parties. The primary identification method of close family members and associated entities of Key Management Personnel shall be by (but not limited to) KMP self-assessment. KMP have a responsibility to identify and report any changes to their related parties as they occur.

The Chief Executive Officer shall identify suitable methodology and procedures for identifying and reporting on related party transactions such that accurate data will be collated from 01 July 2017. Identification and reporting methods shall consider:

- transactions occurring via the City's accounting and electronic records management systems;
- other transactions not passing through the City's electronic accounting / management systems;
- the identification of the associated terms and conditions of the related party transactions;
- declarations in the Financial Interests Register; and
- information provided in Primary and Annual Returns.

If any elected member or employee believes a transaction may constitute a related party transaction they must notify the Chief Executive Officer who will, in consultation with the Director, Finance and Corporate Services, make a determination on the matter.

5. Privacy & Confidentiality

5.1 Access to information

The following persons are permitted to access, use and disclose the information provided in a related party disclosure or contained in a register of related party transactions for the purposes of 5.2.

- the Chief Executive Officer;
 - Director, Finance and Corporate Services ;
 - an Auditor of the City (including an Auditor from the WA Auditor General's Office); and
-

6.6 Attachment A Draft AASB124 Related Party Disclosure Policy

- other officers as determined by the Chief Executive Officer.

5.2 Permitted purposes

Persons specified in 5.1 may access, use and disclose information in a related party disclosure or contained in a register of related party transactions for the following purposes:

- assess and verify the disclosed related party transaction;
- reconcile identified related party transactions against those disclosed in the related party disclosure or contained in a register of related party transactions;
- comply with the disclosure requirements of AASB 124; or
- verify compliance with the disclosure requirements of AASB 124.

5.3 Confidentiality

The following information is classified as confidential and is not available for inspection by or disclosure to the public:

- Information (including personal information) provided by a KMP in a related party disclosure; and personal information contained in a register of related party transactions.

LEGISLATION AND OTHER REFERENCES:

- *Local Government Act 1995*
 - *Australian Accounting Standards AASB 124 Related Party Disclosures*
 - *AASB 10 Consolidated Financial Statement AASB 11 Joint Arrangements*
 - *AASB 128 Investments in Associates and Joint Ventures*
 - *City of Busselton Code of Conduct*
- Attachment 1 – Related Party Declaration – Key Management Personnel**

Policy Background

Policy Reference No. - NEW
Owner Unit – Financial Services
Originator – Director, Finance and Corporate Services
Policy approved by – Council
Date Approved –
Review Frequency –
Related Documents –

- *Local Government Act 1995*
- *Australian Accounting Standards AASB 124 Related Party Disclosures*
- *AASB 10 Consolidated Financial Statement AASB 11 Joint Arrangements*
- *AASB 128 Investments in Associates and Joint Ventures*
- *Department of Local Government and Communities AASB 124 Related Party Disclosures Implementation Guide*
- *City of Busselton Code of Conduct*
- *Attachment 1 – AASB124 Related Party Declaration*

History

Council Resolution	Date	Information
		Version 1

6.7 REVIEW OF POLICY 001 - FEES, ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS

SUBJECT INDEX:	Councillor
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Council & Councillor Service
REPORTING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Revised Policy 001 - Fees, Allowances and Expenses for Elected Members Attachment B Revised Policy 001 – Fees, Allowances and Expenses for Elected Members - Tracked Changes

11.15 am At this time the Chief Executive Officer entered the meeting.

PRÉCIS

It is appropriate to review Policy 001 – Fees, Allowances and Expenses for Elected Members so that it reflects current practice.

BACKGROUND

As part of the regular review of Council Policies, it is apparent that there is a need to review Council Policy 001 - Fees, Allowances and Expenses for Elected Members so that it reflects current and appropriate practice.

The issue of ‘Corporate Attire’ has been informally discussed by Councillors at a Budget briefing held on 31 May 2017 and more recently at an elected members briefing held on Wednesday 26 July 2017. The subject of mileage claims has also been discussed at an Elected Member briefing held on 7 June 2017. The content of this discussion was detailed in an email to all Councillors dated 9 June 2017. The policy has been amended based on all of these discussions.

The changes referred to above and considered by Councillors are now reflected in the proposed new policy. In addition, minor other changes to the policy are proposed and are reflected in the Policy at Attachment B. Further details of the changes proposed are contained in the “Comment” section of this report.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the Local Government Act 1995 it is the role of the Council to determine the Local Government’s policies.

RELEVANT PLANS AND POLICIES

This report recommends that Policy 001 - Fees, Allowances and Expenses for Elected Members be updated to take into account informal discussions held at a recent Budget Meeting, Elected Member briefing session and changes to reflect current practice.

FINANCIAL IMPLICATIONS

There are only minor financial implications associated with the changes proposed to the Policy.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The Strategic Community Plan includes the community objective of having an effectively managed organisation that achieves positive outcomes for the community. One of the key ways for this to occur is to provide financial recognition of the extensive responsibilities performed by Elected Members.

RISK ASSESSMENT

Not required for this policy review.

CONSULTATION

The major changes to this Policy have previously been discussed with Councillors at informal meetings.

OFFICER COMMENT

As part of the regular review of Council Policies it has been recognised that there is a need to review Policy 001 - Fees, Allowances and Expenses for Elected members in the following areas to reflect current and appropriate practice.

- Clause 3.1.1 – provision of equipment

This clause has been changed by the inclusion of a brief case / satchel for use by elected members.

- Clause 3.1.5 - Reimbursement of travel expenses

Numerous changes have been made to reflect discussions held at an Elected Members briefing session held on 7 June 2017. The changes made reflect an appropriate and balanced approach to mileage claims and detail the circumstances under which elected members may make claims for reimbursement of costs incurred whilst representing the City on Council business.

- 3.1.7.2 Corporate attire

The Policy has been amended by the inclusion of what is meant by the expression “Corporate attire” and was the subject of discussions held at the Budget Workshop held on 31 May 2017. The basic premise is that elected members should first acquire ‘Corporate attire’ as described and any balance of funds available may be used for purchase of additional ‘business attire’. The annual amount has been reduced (from \$1,000pa) but the allowance for the brief case / satchel has been moved to clause 3.1.1 of the Policy referred to above.

Minor other changes have been made to the Policy and these are identified by reference to the ‘tracked changes’ version of the Policy shown at Attachment B.

CONCLUSION

The policy is presented for updating, noting that an Absolute Majority is required as this Policy as it includes reference to the annual allowance paid to the Mayor and the percentage of the Mayor’s allowance to which the Deputy Mayor will be entitled.

However no changes are proposed to be made to these particular Policy provisions. The actual amount of the Mayors allowance (and therefore the Deputy Mayors allowance) is considered by Council when the annual budget is adopted.

The majority of the changes have been discussed with elected members on a number of occasions in recent months.

OPTIONS

Changes to the proposed Policy can be considered and modified, however, the budget has been developed in accordance with the allowances described, taking into account the cost of clothing and travel reimbursement.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The new policy adopted will be effective immediately.

OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the revised Council Policy 001 - Fees, Allowances and Expenses for Elected Members as shown in Attachment A be adopted.

COMMITTEE RECOMMENDATION

PL1708/148 Moved Councillor R Bennett, seconded Councillor R Reekie

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Adopt the revised Council Policy 001 - Fees, Allowances and Expenses for Elected Members as shown in Attachment A which excludes proposed changes to clause 3.1.7.2 Corporate Attire; and
2. Consider a further report relating to clause 3.1.7.2 Corporate Attire at a future meeting.

CARRIED 5/0

Last updated 14 December 2016

001	Fees, Allowances and Expenses for Elected Members	V9 Current
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1. PURPOSE

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

2. SCOPE

"Elected member" - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

"Schedule" – Information describing the current Local Government Band Allocation and fees and allowances established within that Band in accordance with any *Local Government Elected Council Members Determination* under the *Salaries and Allowances Act 1975*.

The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

All allowances in relation to elected members are reviewed annually by the City and become effective following adoption of the annual budget.

3. POLICY CONTENT

3.1 Elected members

3.1.1 Provision of equipment

Without limiting the application of any other clause in this policy, the local government will provide to elected members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly elected member will have the opportunity to be furnished with the following equipment:

- A brief case up to the value of \$150;
- A standard-issue mobile telephone;
- A standard issue mobile device that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the device.

Any equipment provided in accordance with this policy can be retained by the elected member at the completion of their term of office or if they serve a minimum of 24 months as an elected member.

6.7 Attachment A Revised Policy 001 - Fees, Allowances and Expenses for Elected Members

Last updated 14 December 2016

3.1.2 Meeting attendance fees

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.3 Information and Communications Technology allowance

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology allowance the amount of which will be included in the Schedule.

This allowance is to cover an elected member's costs in relation to expenses that relate to information and communications technology, for example telephone rental and call charges and internet service provider fees and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.4 Reimbursement of childcare expenses

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

6.7 Attachment A Revised Policy 001 - Fees, Allowances and Expenses for Elected Members

Last updated 14 December 2016

3.1.5 Reimbursement of travel expenses

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996*. The extent to which travel expenses can be reimbursed is in accordance with the State Salaries and Allowances Tribunal. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the State Salaries and Allowances Tribunal for incurring travel expenses.

- Council meetings - ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
- Electors' meetings - annual and special;
- Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown or other distinguished visitors of similar status;
- City organised inspection tours of matters arising before the Council or as a JDAP member;
- Any City-convened meeting by the Mayor or CEO requiring elected member attendance, including briefing sessions, workshops and other forums;
- Elected member training courses;
- City organised meetings with ratepayers;
- Attendance at "Flagship" functions and events held within the boundaries of the City and as determined by the Mayor and CEO at the commencement of each calendar year or as determined during the year*;
- Where the Mayor is unable to attend a function or event and has requested another elected member to attend on his behalf;
- Seminars and conferences attended in the capacity of an elected member as approved by the City in accordance with Policy 08 "Councillors Induction, Training and Professional Development";
- Meetings of community groups or other external organisations of which the elected member has been appointed the Council's representative / delegate by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

*Flagship events and functions will be published in the Friday factsheet or will be the subject of a specific invitation sent by the City's administration.

Where large distances are involved and when practicable a City-owned motor vehicle should be used in the first instance.

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates determined by the State Salaries and Allowances Tribunal. Elected members are encouraged to use a City-owned motor vehicle (subject to availability) for the types of travel approved under this section

Subject to the approval of the Chief Executive Officer or delegate, the elected member is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

3.1.6 Reimbursement of expenses while away from home on sanctioned activities

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.

6.7 Attachment A Revised Policy 001 - Fees, Allowances and Expenses for Elected Members

Last updated 14 December 2016

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

Expenses and Restrictions	Elected Member	Spouse
Laundry > 2 nights	Y	Y
Taxi fares or other public transport - only where these directly relate to the activity and no other transport is provided	Y	Y when with Member
Daily sustenance per day allowance in accordance with the <i>Public Service Award 1992</i>	Y	N
Specific conference related dinners/meals	Y	Y

3.1.7 Reimbursement of other expenses

3.1.7.1 Reimbursement of hospitality expenses

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts.

3.1.7.2 Corporate attire reimbursement

Each elected member is eligible to claim up to \$1,000 reimbursement for the purchase of corporate attire, which may include a brief case or travel case. Payment will be made on the production of receipts for clothing, shoes or a case, but will be limited to \$500 for the period November to April and a further \$500 for the period May to October.

3.2 Mayor

3.2.1 Mayoral allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established as set by Council when the annual budget is adopted, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

3.2.2 Provision of a Mayoral vehicle

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental

6.7 Attachment A Revised Policy 001 - Fees, Allowances and Expenses for Elected Members

Last updated 14 December 2016

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established as set by Council when the annual budget is adopted, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

3.2.2 Provision of a Mayoral vehicle

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members with the agreement of the Mayor or CEO.

The Mayor may also use the vehicle for private use for convenience or necessity on a cost recovery basis. Details of private use shall be recorded in a log book which shall be provided to the City on a quarterly basis.

The Mayor is permitted to use the vehicle for private use without further authorisation on the basis that the cost reimbursement is made to the City by agreement in one of the following ways:

- By deduction from the quarterly members allowance payment ; or
- An invoice be given to the Mayor for reimbursement.

The mileage rate would be calculated at the rate determined by the State Salaries and Allowances Tribunal for Local Government Elected Council Members.

Unless Council approves otherwise, the mayoral vehicle may only be used for private purposes for travel within the State of WA.

3.3 Deputy Mayor

3.3.1 Deputy Mayor's allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

6.7 Attachment A Revised Policy 001 - Fees, Allowances and Expenses for Elected Members

Last updated 14 December 2016

4. APPLICATION OF THE POLICY

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt or other relevant documentation.

Policy Background

Policy Reference No. - 001
 Owner Unit – Governance
 Originator – Director of Finance and Corporate Services
 Policy approved by – Council
 Date Approved – 27 August 2008
 Review Frequency – As required
 Related Documents –
 Local Government Act 1995
 Local Government Department Circular 9-2011
 Local Government (Administration) Regulations 1996
 Local Government Elected Council Members Determinations
 Background/History - Initiated June 2008 to replace former policies:
 054/1 - Councillors' Travelling Expenses;
 055/1 - Attendance at Conferences, Training and Seminars;
 193 - Communications Allowances - Councillors;
 212/1 - Vehicle for Use by Shire President and Councillors;
 226 - Laptop Computers - Councillors and Officers;
 227 - Printer Consumables.

Last Policy Change

Council Resolution	Date	Information
C1612/156	14 December 2016	Adjustments of the Policy to reflect current practice and to allow the Mayor private use of vehicle. Version 9
C1608/200	10 August, 2016	Adjustments to state that fees and allowances to be determined in accordance with the relevant <i>Local Government Elected Council Members Determination</i> . Version 8

6.8 MEELUP REVIEW OF COMMITTEES TERMS OF REFERENCE

SUBJECT INDEX:	Council and Committee Meetings
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Meelup Regional Park Management Committee - Governance arrangements and terms of reference Attachment B Meelup Regional Park Management Committee - Governance arrangements and terms of reference - Tracked Changes

11.24 am At this time the Chief Executive Officer left the meeting.

PRÉCIS

The purpose of this report is to further review the Governance Arrangements of the Meelup Regional Park Management Committee that were last reviewed by Council on 28 June 2017. At this time, the Council reviewed the Terms of Reference of the Committee as well as the Governance Arrangements in place for this Committee.

The Governance Arrangements need to be further reviewed as it has been established that the Council cannot delegate the function of appointing a Committee member as it conflicts with the Local Government Act - Delegations cannot be made where a decision is required to be made by Council by an *Absolute Majority* which is the case for appointing members of a Committee. The opportunity has also been taken to further review the level of staff involvement in the selection process.

BACKGROUND

In accordance with normal practice, Council recently reviewed the Terms of Reference of Council's Standing Committees established under the *Local Government Act 1995*. In addition, Council also reviewed the Governance Arrangements for the Meelup Regional Park Management Committee.

At the Council meeting held on 28 June 2017, Council resolved (in part) as follows:

Resolution: C1706/152

That the Council:

6. *Adopts the revised Governance Arrangements for the Meelup Regional Park Management Committee as shown in Attachment K;*

A number of the Governance Arrangements were reviewed with a view to making the arrangements more streamlined. One particular change relating to appointment of members of the community to the committee contained at paragraph 6 states that :

6 *If there are still vacant positions following the completion of the process set out above, the Mayor, the Presiding Member of the Committee and the Chief Executive Officer or Chief Executive Officer's nominee are authorised to identify suitable members of the community with relevant qualifications and / or interest and invite them to submit an expression of interest and if acceptable, make the appointment to the Committee.*

Attachment K referred to above in the Council resolution is now provided as Attachment A to this report. This report proposes to further modify the Governance Arrangements (to revert back to the original position regarding member appointments and staff involvement in the process) noting that the Council must make the appointment of members to this committee as this action cannot be delegated. Other changes to the Governance Arrangements are consistent with the Act.

STATUTORY ENVIRONMENT

Under Section 5.8 of the Local Government Act 1995 (LG Act), a local government, by absolute majority, may establish Committees of three or more persons to assist the Council, and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Separately, Section 5.10 and 5.11A of the LG Act relates to the appointment of Committee members and Deputy Committee members.

Part 2 of the Standing Orders Local Law relates to the establishment and membership of Committees. Specifically, a Council resolution to establish a committee under section 5.8 of the Act is to include –

(a) the terms of reference of the committee;

(b) either –

- the names or titles of the members, employees and any other persons to be appointed to the committee; or

- the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and

(c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

The Terms of Reference of the Meelup Regional Park Management Committee were also modified at the June 2017 Council meeting.

RELEVANT PLANS AND POLICIES

Appointing members of the Council to Committees is subject to the provisions of the Local Government Act as detailed above.

FINANCIAL IMPLICATIONS

Nil

Long-term Financial Plan Implications

STRATEGIC COMMUNITY OBJECTIVES

Strategic Plan Key Goal Area 6

6.1 Governance systems, processes and practices are responsible, ethical and transparent.

RISK ASSESSMENT

There are no risks associated with the contents this report.

CONSULTATION

No consultation is required as the Council needs to comply with the requirements of the Local Government Act.

OFFICER COMMENT

A review of the Terms of Reference of the Meelup Regional Park Management Committee was conducted in June 2017. At the same time, changes were proposed to be made to the Governance Arrangements of the Management Committee.

One of the changes made to the Governance Arrangements was the way in which community members are appointed to the Committee and is not consistent with the Act and will need to be reversed to be compliant with the requirements of the Act.

The role of the Meelup Regional Park Management Committee is to :

As indicated above, it was planned to delegate the function of appointing vacant community members to the Committee to the Mayor, CEO and Chairperson, but on further review this is not allowable under the Act. Although the Act is considered unduly prescriptive in these circumstances, it is felt that further changes should be made to the "Governance Arrangements" adopted for the Committee. The Governance Arrangements were adopted by Council at its meeting on 28 June 2017 and have been amended to reflect the necessary change regarding the appointment of members.

Staff involvement has also been reduced and is proposed to revert back to the original position as a result of the changes.

The change is reflected in the "tracked changes" version of the document – see Attachment B.

CONCLUSION

Consistent with best practice, it is beneficial to review the operation of the City's main Committees in order to maximise efficiencies and ensure best outcomes. A further review of the Governance Arrangements of the Meelup Regional Park Management Committee has been conducted and proposed changes are presented to Council for consideration.

OPTIONS

Nil – if the Committee is to remain in place.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The decision will become effective immediately after it has been adopted by Council.

OFFICER RECOMMENDATION**ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED**

That the Council adopts the revised Governance Arrangements for the Meelup Regional Park Management Committee as shown in Attachment A.

COMMITTEE RECOMMENDATION

PL1708/149 Moved Councillor G Henley, seconded Councillor R Bennett

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Governance Arrangements for the Meelup Regional Park Management Committee be deferred for further review at the next Policy and Legislation Committee Meeting.

CARRIED 5/0

6.9 REVIEW OF WORKING GROUPS

SUBJECT INDEX:	Council and Committee Meetings
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance support
REPORTING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Nil

11:32 am At this time Councillor T Best left the meeting.

PRÉCIS

This report proposes that the Council reviews whether or not to retain its non statutory Committees/Groups and determines whether it requires those Committees/Groups to continue in their present form or in a different form for the term of the next Council commencing in October 2017. This review includes the City's internal working groups and participation of Councillors on various external groups.

The practice of appointing Councillors to Standing working groups, internal groups and external organisations will necessarily be dealt with after the Council election to be held on Saturday, 21 October, 2017. Memberships of the various Committees and working groups will be determined at a Special Meeting of Council that is scheduled to occur on Monday, 23 October, 2017.

BACKGROUND

The Council over the years has formed many working Committees and working groups to assist with progressing various works and services through the development and implementation stages of many initiatives. In addition, Council is also represented on many local community committees and working groups principally to provide a link between Council and members of the organisation.

It is appropriate to review, on a regular basis, whether or not the Council and working groups are still performing the function originally designed to achieve and whether membership of the community groups is warranted.

This report recommends that Council reviews the need for a wide range of Working Groups to continue to exist and whether membership to external organisations is necessary.

The list of working groups and other organisations on which Councillors are currently represented together with brief comments on their need and status is as follows:

City-formed Groups	Proposed action
Administration Building Working Group The group assists the CEO and Project Manager with decisions relating to the building program and interior design for the new administration and civic centre.	Delete – Building completed – no longer required
Busselton Jetty Reference Group The reference group includes three Councillors, three members of the Busselton Jetty Inc and City officers for jetty-related discussions.	Retain – Reference Group performs important function and provides link to City's most important asset and local community group

Local Planning Strategies Reference Group A discussion forum for the development and review of local planning strategies following the implementation of the new town planning scheme.	Delete – This role and issues previously considered by this Group now replaced by discussion at Council briefing sessions
Waste Advisory Group The group participates in the development of strategies, both local and regional, for the future management of waste.	Retain – Advisory Group performs important function and with input to the Regional Waste Strategy
Waterways Improvement Reference Group The group assists with strategies relating to improvement of the Vasse River and other local waterways.	Retain – Projects in place need to be progressed
Marketing and Events Reference Group The group makes recommendations to Council on the allocation of marketing and events funding raised through the commercial differential rate.	Retain – Reference Group performs important function
Busselton Wetland Project Team The team provides guidance on the development of the Busselton Wetlands concept through education, promoting the international significance and conservation.	Delete – Has transitioned to a Friends Group with no Council appointed representative
Energy Working Group - Could be renamed as Sustainability and Energy Working Group The group considers the development and implementation of energy efficiency initiatives.	Retain – Working Group performs important function – recommend name change and new Terms of Reference incorporating broader scope could be considered at future meeting
Environmental Reference Group The group assists the development and implementation of the City's Environment Strategy and provides a forum for discussion of environmental issues.	Delete – now a wholly Community Reference Group – new status adopted by Council in April 2017 – C1704/073
Disability Access and Inclusion Plan Reference Group The group assists with the implementation of initiatives identified in the Disability Access and Inclusion Plan.	Retain – Reference Group performs important function
Performing Arts / Convention Centre Working Group The group is charged with the responsibility of developing a business case to demonstrate the feasibility and viability of a future Performing Arts / Convention Centre.	Retain – Committee performs important function – and will need to exist as project progresses.
Vasse Recreational Facilities Working Group This Group exists to assist with the development of recreational facilities at Vasse.	Retain – Working group meets regularly as facilities continue to be planned and developed
Local Emergency Management Committee	Retain - Committee performs important function
Ministerial appointments	
Yallingup Land Conservation District Committee (LCDC) The Councillor is appointed by the Minister to assist in Land Conservation initiatives in the Yallingup area.	Retain - Committee performs important function
Development Assessment Panel The Councillors are appointed by the Minister to the DAP which is charged with considering development applications above a certain value instead of the Council.	Retain - Committee performs statutory function
Lower Vasse Taskforce Committee – Geo Catchment	Retain – Committee performs important function

External Groups	
<p>Busselton Senior Citizens' Centre Board The Councillor participates on the Board of Management established to run the Busselton Senior Citizens' Centre in accordance with Boards Constitution.</p>	Retain – Committee performs important function
<p>GeoCatch The Board implements priority natural resource management action in the Geographe catchment area.</p>	Retain – Committee performs important function
<p>Regional Roads Group - MRWWA The group exists to prioritise and resolve projects for the allocation of monies received by the RRG from State and Federal Government car-related taxes.</p>	Retain – Committee performs important function
<p>Citizens' Advice Bureau Offers an information and referral service that is free, confidential, impartial and community-based.</p>	Delete – Board has resigned
<p>Busselton and Sugito Sister Cities Association The incorporated association manages the Sister City relationship with Sugito, Japan and arranges adult and youth exchanges.</p>	Retain – Committee performs important function
<p>Port Geographe Community Consultation Forum The liaison group includes State Government representatives and local residents to discuss Port Geographe Harbor and Groyne issues</p>	Delete – Forum no longer operational since Groyne works completed
<p>South West Zone Local Government Association The association of 12 South West Local Governments that meets to consider WA Local Government Association initiatives.</p>	Retain – Committee performs important function
<p>Busselton Historical Society The society provides information on the history of the Busselton region to the public and runs the museum.</p>	Retain – Committee performs important function
<p>Rails to Trails Now called Wadandi Track Steering Committee The group consists of representatives from the City and Shire of Augusta-Margaret River to oversee the development of the master plan for the Wadandi Track.</p>	Delete – The rail-trail from Busselton to Augusta has moved from the Planning phase and is now in the implementation phase and works are now subject to annual budget allocations.
<p>Higher Education Forum – now known as CQU Advisory Group The group investigates opportunities for the provision of higher education facilities and programs in the City of Busselton.</p>	Retain – particularly as CQU is now in 'Growth mode'
<p>Naturaliste Roadwise Committee – now known as Roadwise Committee Formerly had the responsibility for Undertaking school leavers education program about the dangers of drink driving, advocated for the reduction of speed limits and provided roundabout education.</p>	Retain under new name 'Roadwise Committee' which reviews Roadwise issues over whole City district.
<p>Rural Clinical School The School has the explicit goal of attracting more doctors to regional, rural and remote practice.</p>	Delete –

<p>Sea Change Taskforce (now called Australian Coastal Councils' Association) and Peron-Naturaliste Partnership (PNP) The ACCA runs events and an annual conference to discuss issues of importance to coastal local governments. The objective of the PNP is to provide a regional mechanism to facilitate effective adaptation responses to climate change.</p>	<p>Retain – Committee performs important function. City represented by two Councillors and Director Planning & Development Services</p>
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Those Groups that are **not proposed to be re-established** in their present form are as follows:

- **Administration Building Working Group**
- **Local Planning Strategies Reference Group**
- **Busselton Wetland Project Team**
- **Environmental Reference Group**
- **Citizens' Advice Bureau**
- **Port Geopraphe Community Consultation Forum**
- **Rails to Trails - Steering Committee**
- **Naturaliste Roadwise Committee**
- **Rural Clinical School**

STATUTORY ENVIRONMENT

Under Section 5.8 of the *Local Government Act 1995* (LG Act), a local government, by absolute majority, may establish Committees of three or more persons to assist the Council, and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Separately, Section 5.10 and 5.11A of the LG Act relates to the appointment of Committee members and Deputy Committee members. It is noted that these requirements will be dealt with at a separate meeting following the election.

Section 5.16 of the LG Act also applies, whereby a local government may delegate to a Committee any of its powers and duties, other than this power of delegation.

RELEVANT PLANS AND POLICIES

Appointing members of the Council to Committees is subject to the requirements of Council Policy *014 – Convening the Council Following an Election*.

A Special Meeting of the Council will be convened on the Monday evening immediately following the ordinary election day. The proceedings will commence with the "Swearing In" ceremony for newly elected members who need to make a declaration. Once this has occurred, consideration of membership of the Council's Committees and the appointment of Council delegates to other various groups can commence.

This report provides the opportunity for the Councillors who have participated in all of the Committees in the past two years to review their operation and make a decision as to whether the Committees should continue during the term of the next Council.

FINANCIAL IMPLICATIONS

Apart from minor representation costs, there are no financial implications associated with the proposal to review Committees and working groups.

STRATEGIC COMMUNITY OBJECTIVES

The practice of matters being considered by various Committees and working groups established by the Council contributes to Governance systems that deliver responsible, ethical and accountable decision-making.

RISK ASSESSMENT

Risk	Controls	Consequence	Likelihood	Risk Level
Committees consider matters outside of their scope or Committee members fail to recognise interests	Provision of advice and officer attendance at various Committee meetings	Minor	Possible	Medium

CONSULTATION

No external consultation required.

OFFICER COMMENT

The vast majority of Committees and Working Groups are recommended to continue intact or be merged to consolidate activities. There are however a number of Committees / Working Groups that are proposed not to continue or have a name change to reflect their present role. These are:

- **Administration Building Working Group**
- **Local Planning Strategies Reference Group**
- **Busselton Wetland Project Team**
- **Energy reference Group – could be renamed Sustainability & Energy Reference Group**
- **Environmental Reference Group**
- **Citizens' Advice Bureau**
- **Port Geographe Community Consultation Forum**
- **Rails to Trails - now called Wadandi Track Steering Committee**
- **Naturaliste Roadwise Committee – now called Roadwise Committee**
- **Rural Clinical School**

CONCLUSION

The Council is requested to assess the effectiveness of its Committee system over the past two years and to make a determination as to those Committees and working groups it requires to continue.

OPTIONS

The Council may determine that it does not require any or all of these Committees and working groups, with the exception of the Audit Committee, or may require changes to be made to any of the terms of reference.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Members will be appointed to any Committees that the Council establishes at a Special Meeting of Council scheduled for 19 October, 2015.

OFFICER RECOMMENDATION**ABSOLUTE MAJORITY DECISION REQUIRED**

That the Council:

1. Retains the following working/reference/advisory groups:

Busselton Jetty Reference Group
Waste Advisory Group
Waterways Improvement Reference Group
Marketing and Events Reference Group
Disability Access and Inclusion Plan Reference Group
Performing Arts / Convention Centre Working Group
Vasse Recreational Facilities Working Group

2. Endorses name changes to the following Committees /groups:

Existing name	Proposed name
Energy Working Group	Sustainability & Energy Working Group
Naturaliste Roadwise Committee	Roadwise Committee

3. Endorses the participation of Councillors on the following external Committees/ groups:

Busselton Senior Citizens' Centre Board
GeoCatch
Regional Roads Group
Busselton and Sugito Sister Cities Association
WALGA – SW Zone
Busselton Historical Society
CQU Advisory Group
Australian Coastal Councils' Association and Peron-Naturaliste Partnership (PNP)

3. Notes that the following Committees require the members nomination to be approved by the relevant Minister:

Yallingup Land Conservation District Committee (LCDC)
Development Assessment Panel
Lower Vasse Taskforce Committee Geo catchment

4. Notes that the following Committees / groups are no longer required:

Administration Building Working Group
Local Planning Strategies Reference Group
Busselton Wetland Project Team
Environmental Reference Group
Citizens' Advice Bureau
Port Geographe Community Consultation Forum
Rural Clinical School

COMMITTEE RECOMMENDATION

PL1708/150 Moved Councillor G Henley, seconded Councillor C Tarbotton

ABSOLUTE MAJORITY DECISION REQUIRED

That the Council adopts the Officer Recommendation and in addition notes that the Higher Education Forum – now known as CQU Advisory Group is no longer required.

CARRIED 5/0

Note:

At the P & L Committee discussion occurred on 3 Committees not included in the report for review. This advice updates members on the status of these committees.

Western Ringtail Possum Working Group

Phoebe Abbey House Working Group

These Working parties are not affected by any review as they have been specifically created as Working Groups formed by the CEO in order to assist in the management and direction of activities associated with them. Interested Councillors are invited to attend the meetings and are not appointed by Council. As a consequence, Councillors who attend these meetings do not need to be 're-appointed' by Council as Council has not appointed them to the Working Group.

Community Resource Centre Working Group

It is acknowledged that this Group meets on a regular basis and continues to operate . This Working Group will be listed as one of those Groups whose membership will be reviewed at the Special Meeting of Council to be held on Monday 23rd October, 2017 following the election process.

11:48 am At this time Councillor R Bennett left the meeting.

7. GENERAL DISCUSSION ITEMS

11:50 am At this time Councillor R Bennett returned to the meeting.

7.1 REVIEW OF STANDING ORDERS

Cliff Frewing, Director Finance and Corporate Services introduced the topic of Review of Standing Orders noting that the current Local Law was last reviewed in 2010 and that there is a statutory requirement to review each Local Law every eight years.

A number of changes are proposed, the majority of which are to reflect new model Local Laws/ Standing Orders, contemporary Standing Orders (recently adopted by the City of Canning) and current practice.

Ms Briony McGinty, Legal Officer then presented to the group the suggested changes to the City of Busselton Standing Orders, which included the following:

- Consultation Process
- Changes in terminology
- Substantive Changes:
 - Order of Business
 - Deputations
 - Notice of Motion
 - Urgent Business
 - En Bloc Resolutions
 - Questions by Members on Notice
 - Confidential Information
 - Foreshadowing Alternative Motions
 - Procedural Motion
- Process from here:
 - Prepare draft Standing Orders with marked up changes and circulate
 - Prepare further report referring to proposed changes to the Standing Orders for consideration by the Policy and Legislation Committee
 - On approval of the draft Standing Orders advertise for comment
 - Adopt final version of Standing Orders and refer to the Department of Local Government and the Legislative Council Joint Standing Committee on Delegated Legislation.

8. NEXT MEETING DATE

Thursday, 21 September 2017

9. CLOSURE

The meeting closed at 12.33pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 56 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON THURSDAY, 21 SEPTEMBER 2017.

DATE: _____ PRESIDING MEMBER: _____