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CITY OF BUSSELTON

MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 15 JUNE 2017

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MINUTES

MINUTES OF A MEETING OF THE POLICY AND LEGISLATION COMMITTEE HELD IN COMMITTEE MEETING ROOM, ADMIN BUILDING ON 15 JUNE 2017 AT 9.30AM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 9.35am

2. ATTENDANCE

Presiding Member:

Cr Coralie Tarbotton

Deputy Mayor

Members:

Cr Ross Paine

Cr Rob Bennett

Cr Robert Reekie

Cr Terry Best

Deputy Member

Officers:

Mr Cliff Frewing, Director, Finance and Corporate Services

Mrs Tanya Gillett, Acting Director, Planning and Development Services (left at 9.50am)

Mrs Stephanie Navarro, Planning Officer - Statutory Planning (entered at 9.44am – left at 9.50am)

Miss Kate Dudley, Administration Officer, Governance

Apologies

Cr Grant Henley

Mayor

Mr Mike Archer, Chief Executive Officer

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 18 May 2017

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1706/129

Moved Councillor R Reekie, seconded Councillor R Bennett

That the Minutes of the Policy and Legislation Committee Meeting held 18 May 2017 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.1 BUSSELTON & DUNSBOROUGH CENTRES FACADE REFURBISHMENT SUBSIDY PROGRAMME

SUBJECT INDEX:	City Centre Façade Refurbishment Subsidy Programme
STRATEGIC OBJECTIVE:	Creative urban design that produces vibrant, mixed-use town centres and public spaces.
BUSINESS UNIT:	Development Services & Policy
ACTIVITY UNIT:	Statutory Planning
REPORTING OFFICER:	Planning Officer - James Fletcher
AUTHORISING OFFICER:	Manager Health Services - Tanya Gillett
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Busselton & Dunsborough Centres Façade Refurbishment Subsidy Programme ↓ Attachment B Location Plans ↓ Attachment C Evviva Application ↓ Attachment D Ventura Homes Application ↓ Attachment E Black Brewing Co. Application ↓ Attachment F Sportspower Application ↓

PRÉCIS

The Council is asked to consider four applications received for the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme in accordance with the programme guidelines adopted.

BACKGROUND

Council resolved on 13 March 2013 to trial a programme for the 2013/14 and 2014/15 financial years by allocating \$20,000 in the 2013/14 financial year and \$50,000 in the 2014/15 financial year towards a façade refurbishment subsidy programme. On 29 January 2014 Council adopted the Busselton City Centre Façade Refurbishment Subsidy Programme and on 10 December 2014 resolved to add a portion of the Dunsborough Town Centre to the ‘eligible area.’ Prior to the 2016/17 subsidy programme rounds, Council resolved to amend the criteria to add in ‘design works’ and alfresco associated works to the eligible criteria list. The amended programme, now called the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme, is provided as Attachment A.

The City recently invited expressions of interest in the 2016/2017 funding round, which closed on 8 April 2017. Four applications have been received and are the subject of this report. The applications include two proposals located within the Dunsborough Town Centre and two within the Busselton Town Centre. Location plans of these applications are provided at Attachment B.

The applications received are as follows:

1. Evviva Café Lots 1 & C (#1/233) Naturaliste Terrace, Dunsborough

The applicant proposes to upgrade the external verandah of the façade fronting Naturaliste Terrace and the intersection of Hannay Lane and Naturaliste Terrace. The façade extends across two lots, one currently used as a Café and the other currently a shop. The Café space of Evviva Café will expand into the current shop space. Attachment C details the existing and proposed works.

2. Ventura Homes- Lots 130 (#47) Queen Street, Busselton

The applicant proposes to upgrade the external windows, window frames and replace them with double hung windows. In addition to this the proposal includes the retexturing of the overhanging eaves to include decorative detail, include non-slip tiling and a window benchtop. Attachment D details the existing and proposed works.

3. Black Brewing Co. Lot 7 (#241) Naturaliste Terrace, Dunsborough

The applicant proposes to overhaul the façade of the allotment with new eaves, and the installation of windows along both Naturaliste Terrace and Hannay Lane. Attachment E details the proposed works.

4. Sportspower Lot 15 (#95-103) Queen Street, Busselton

The applicant proposes to install new aluminium and glass shopfront windows and install a new sliding door at paving height. Attachment F details the proposed works.

STATUTORY ENVIRONMENT

The Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and application for subsidy funding is consistent with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*.

RELEVANT PLANS AND POLICIES

The Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme is a document for the City and Council to consider when assessing applications received for subsidy funding. It provides clarification and transparency to the public on what will be considered acceptable for an application.

The programme specifies 'eligible areas' and 'eligible' works which will be considered for subsidy funding.

In determining applications for inclusions within the Programme, the following assessment criteria are to be taken into consideration:

- Compliance with the City's Local Planning Scheme and the Building Code of Australia;
- Consistency with the objectives and recommendations of the Busselton City Centre Urban Design Policy;
- The degree to which the applicant is financially contributing to the project;
- The extent to which the project contributes to the visual improvement of the façade, and is visible from the public domain;
- Integration of proposed works with the streetscape, adjoining buildings and degree to which the project contributes to the established character of the street; and
- The degree to which the proposed works promote interaction with the streetscape, including the provisions of frontages which are inviting, provide points of interest for pedestrians and allow for an efficient use of space, are functional, attractive and pedestrian friendly.

FINANCIAL IMPLICATIONS

A budget of \$50,000 for the subsidy programme is provided for in the City budget for the 2016/2017 financial year.

STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report reflect Community Objective 2.3 of the City's Strategic Community Plan 2013 – *'Creative 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 and no risks have been identified where the residual risk, once controls are considered, is medium or greater.

CONSULTATION

Expressions of interest were sought for the programme from 8 March to 7 April 2017 electronically via Facebook and the City website. Advertising in the newspaper was also utilised alongside a feature article. City officers also conducted door knocking throughout the eligible Busselton locality. Four applications were received as a result of these methods.

OFFICER COMMENT

The applications are to be assessed against the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme. All applications are within the eligible areas of the programme which the City has identified as a priority for upgrades. The programme identifies works which will be considered as eligible for funding and excludes works such as general maintenance, which should be occurring regularly without the programme as 'ineligible' for subsidy funding.

The following provides an assessment of the works and consistency with the programme guidelines.

1. Evviva Café Lots 1 & 2 (#1/233) Naturaliste Terrace, Dunsborough

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible Works	Amount (ex GST)
Hire & install of temporary fencing & Remove existing windows of Unit 1 & 2 & install prop supports	\$3,200	Ineligible Works	\$3,200
Lay footings to form base of Unit 1 Bay Window & Build low-height brick wall to support Unit 1 Bay Window & Supply & install Bifold window to Unit 1 and bifold window & single entry for Unit 2	\$18,994	Eligible Works	\$18,994
Supply & install gyprock sheets into to internal surfaces affected by installation of new windows & Sand, flush & paint internal gyprock sheeting	\$4,100	Ineligible Works	\$4,100
Supply & install textured eave lining on rake of existing Unit 1 & 2 and side of Unit 1 & Paint to new eave linings & Replace existing verandah posts with varnished posts	\$11,310	Eligible Works	\$11,310
Removal and disposal of all rubble	\$1,025	Ineligible Works	\$1,025
PC sum for application fees	\$300	Ineligible Works	\$300
Total Expenditure (ex GST)			\$38,929
Potential subsidy contribution (50% of total expenditure (ex GST) above (after) the first \$5,000)			\$12,652

It is considered that the eligible above works satisfy the objectives of the Busselton & Dunsborough Centres Façade Refurbishment Subsidy Programme as they improve streetscape and pedestrian interaction.

The proposed works are part of a larger redevelopment of the site, where the owner of Units 1 & 2 is expanding the existing café into the adjoining lot (unit 2). The proposed works are an example of what the programme aims to achieve.

2. Ventura Homes- Lots 130 (#47) Queen Street, Busselton

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible Works	Amount (ex GST)
New windows and frames	\$18,000	Ineligible	\$18,000
Double Hung Windows	\$4,500	Eligible	\$4,500
Benchtop	\$2,500	Ineligible	\$2,500
Eave lining with decorative detail	\$8,000	Eligible	\$8,000
Tilling (non-slip commercial)	\$4,000	Eligible	\$4,000
Total Expenditure (ex GST)			\$37,000
Potential subsidy contribution (50% of total expenditure (ex GST) above the first \$5,000)			\$14,750

The proposal is largely 'like for like'. The applicant intends to keep the general shape and form of the façade with some minor changes. The hung windows can provide interaction with the street. The proposed alteration to the eve texture also satisfies the aims of the programme to provide points of difference to building facades to contribute to the beautification of the town centre.

3. Black Brewing Co. Lot 7 (#241) Naturaliste Terrace, Dunsborough

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible Works	Amount (ex GST)
Supply & Install Timber Frame Walls with cladding	\$8,217	Eligible	\$8,217
Supply & install windows	\$25,938	Eligible	\$25,938
Make good paving to entrance	\$1,250	Ineligible	\$1,250
Signage	\$2,500	Ineligible	\$2,500
Traffic Management for Dismantle of Facade	\$1,550	Ineligible	\$1,550
Dismantle	\$6,450	Ineligible	\$6,450
Total Expenditure (ex GST)			\$45,905
Potential subsidy contribution (50% of total expenditure (ex GST) above the first \$5,000)			\$14,577.5

The proposal represents a large change from the existing facades along Naturaliste Terrace. In addition to this the proposed works also provide a secondary means of activating Hannay Lane. Awning infrastructure and bifold windows provide interaction with the streetscape.

4. Sportspower Lot 15 (#95-103) Queen Street, Busselton

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible Works	Amount (ex GST)
Supply & Fit Aluminium Frames Glass Windows & Sliding door	\$18,759.95	Eligible	\$18,759.95
Flashing to Windows	\$287.50	Eligible	\$287.50
Fit Steel Posts & Beams	\$2,300	Ineligible	\$2,300
Supply timber for sill build to floor level	\$204.93	Ineligible	\$204.93
9mm Matrix lining for external window sill	\$759	Eligible	\$759
Materials for temporary wall 600mm in front of works	\$1,439.80	Ineligible	\$1,439.80
Labour to build temporary wall & door	\$1,610	Ineligible	\$1,610
Demolish brick nib wall & patch floor	\$2,070	Ineligible	\$2,070
Break up floor & form and pour new floor	\$3,680	Ineligible	\$3,680
Build low wall supporting windows	\$1,725	Ineligible	\$1,725
Lining supply & fix to wall panels	\$1,840	Ineligible	\$1,840
Total Expenditure (ex GST)			\$47,092.73
Potential subsidy contribution (50% of total expenditure (ex GST) above the first \$5,000)			\$7,403.22

The proposed works are works which have previously been approved by the City on 9 March 2017 (DA17/0050). The works alter the existing Sportspower façade by reducing the two entries to a single access point and replacing the external walls with glass windows.

The proposed works, although new and potentially uplifting of the existing streetscape, the proposed façade window and doors do not offer a high quality and level of pedestrian interaction with the street.

CONCLUSION

It is considered by Officers that elements of all proposals comply with criteria set out in the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme. Two of the applications satisfy the objectives and desired outcomes of the programme more than the others. Evviva Café and Black Brewing Co. provide design elements which best foster community and public interaction with the streetscape. Despite Sportspower and Ventura Homes proposing works that meet the eligible criteria, it is viewed that when prioritising the allocation of funding for proposed works, Ventura Homes and Sportspower offer less interaction with the streetscape than Evviva Café and Black Brewing Co.

OPTIONS

Should the Council consider that the proposal for Evviva Cafe is inconsistent with the programme guidelines, objectives and assessment criteria, it may resolve to:

1. Recommend not to provide subsidy funding for the works.

Should the Council consider that the proposal for Black Brewing Co. is inconsistent with the programme guidelines, objectives and assessment criteria, it may resolve to:

2. Recommend not to provide subsidy funding for the works.

Should the council consider that the proposal for Ventura Homes is consistent with the programme guidelines, objectives and assessment criteria, and is of sufficient priority, it may resolve to:

3. Recommend to provide subsidy funding for the works.

Should the council consider that the proposal for Sportspower is consistent with the programme guidelines, objectives and assessment criteria, and is of sufficient priority, it may resolve to:

4. Recommend to provide subsidy funding for the works.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation, if supported, will require the applicant to enter into a legal agreement with the City to commence works.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**PL1706/130**

Moved Councillor T Best, seconded Councillor R Bennett

That the Council resolve:

1. That the application to upgrade the façade of Lots 1 & 2 (#1 & 2/233) Naturaliste Terrace, Dunsborough (Evviva Café) is consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and to contribute up to \$12,652 towards the works.
2. That the application to upgrade the façade of Lots 7 (#241) Naturaliste Terrace, Dunsborough (Black Brewing Co.) is consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and to contribute up to \$14,577 towards the works.
3. To enter into a legal agreement with the owners/tenants of the properties in resolution points 1 & 2, to provide for the payment of funds once the works are completed to the City's satisfaction and final costs substantiated. The legal agreement shall include the requirements for appropriate recognition of the City's contribution to the City's satisfaction.
4. That the application to upgrade the façade of Lot 15 (#95-103) Queen Street, Busselton (Sportspower) is inconsistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and not to contribute funds toward these works.
5. That the application to upgrade the façade of Lots 130 (#47) Queen Street, Busselton (Ventura Homes) is inconsistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and not to contribute funds toward these works.

CARRIED 5/0

6.2 POLICY 018 - CUSTOMER SERVICE POLICY / CHARTER

SUBJECT INDEX:	Financial Operations
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:	Simple Majority
ATTACHMENTS:	Attachment A Policy 018 - Customer Service ↓ Attachment B Customer Service Charter ↓

PRÉCIS

As part of Council's ongoing policy review, a review of Policy 018 - Customer Service Policy has been carried out. As a result of this review it is recommended that the policy be cancelled and that the proposed Charter be regarded as part of the City's suite of significant Corporate documents.

BACKGROUND

The most recent time the Policy came before Council only minor changes were made such as changing the word "Shire" to "City". The Policy has been in existence in one form or another since 2010.

The existing Policy relates to all Council Members, Committee Members and employees (and contractors) but more particularly applies to those staff in front line customer service roles

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. It is also common for a Council to adopt significant Corporate documents and make these documents available to those persons to whom the document applies as well as to make them available to members of the public on the website. Corporate documents normally have a higher profile than policies and as a consequence have greater exposure.

It is normal for Local Governments to have a Customer Service Charter adopted by Council that forms part of a suite of Corporate documents rather than have a policy.

RELEVANT PLANS AND POLICIES

This report proposes to cancel the existing Council Policy 018 - Customer Service Policy in its current format. In lieu of the existing policy it is proposed to create a comprehensive Customer Service Charter based on the policy.

The Customer Service Charter brings together the contents of the policy and other documents that are made available to members of the public.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

Long-term Financial Plan Implications

Nil.

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

A statement of Customer Service standards and expectations is not required to be either a Policy or a Charter but it is good business practice for organisations to identify and promote the required customer service levels expected by the organisation.

The contents of the existing and proposed Charter reflect general standards of behaviour expected of all those persons appointed by the City (whether elected members, employees or contractors).

Whether acting in the capacity of a Council member, employee or contractor of the City of Busselton, all persons shall espouse the principles outlined the Charter:

The City of Busselton Customer Service Charter is the City's commitment to the community to:

- Act with integrity, timeliness, efficiency and economy;
- Be open, available, accountable and transparent in our decision making;
- Treat others honestly, respectfully, fairly and in a timely manner;
- Provide accessible, consistent, accurate and relevant information and;
- Invite and be informed by community requests, suggestions and feedback.

CONSULTATION

As the proposed Charter is based on the City's existing policy and other related documents and there is no change in focus this Charter is not considered to require any public consultation.

OFFICER COMMENT

This report presents the review of the Council's Policy 018 - Customer Service Policy. As a result of this review it was established that the contents of this policy would be more appropriately contained as a separate Charter and as part of the suite of published Corporate documents. The Charter is a consolidated version of the existing policy and other related documents.

During the ordinary course of reviewing the policy, the contents have been modified by making minor changes (mainly updates) to create a new "Consolidated" Code of Charter. The Charter identifies obligations of each class of person to whom the Charter applies.

CONCLUSION

As part of the regular practice of reviewing Council policies, a review was carried out on Policy 018 - Customer Service Policy. Following this review officers are recommending that the policy be cancelled and that a stand-alone Charter be adopted by Council.

OPTIONS

The Council may not agree to the change of the existing policy, may seek to make alterations to the policy or make changes to the proposed Charter.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The existing policy would be cancelled effective immediately upon adoption of Council and the new Codes would become effective.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1706/131 Moved Councillor R Reekie, seconded Councillor T Best

That the Council :

1. Cancel Policy 018 - Customer Service Policy (*Attachment A*)
2. Adopt the proposed Customer Service Charter (*Attachment B*)

CARRIED 5/0

City of Busselton

Customer Service Charter



Where environment, lifestyle and opportunity meet

STATEMENT

The Council recognises and acknowledges the importance of providing excellence in customer services to the community, its residents and stakeholders.

PURPOSE / RATIONALE

The intent of this charter is to provide the guiding document for the City to meet its service provision obligations to the community, its residents and stakeholders.

The development of this charter has taken into account the key factors impacting on customer service provision including, but not limited to, customer expectations, existing policy and legislation, identified risks and endorsed service delivery models.

OUR VALUES

As representatives of the City, these core values will underpin what we do and how we do it:

Pride in Performance

- Strive for Excellence to deliver good quality work
- 'Can Do' Attitude
- Meeting deadlines
- Recommending and actioning change

Empowerment

- Develops People – providing opportunities to be accountable
- Being willing to take action and learn from mistakes
- Leads by being a positive role model and focuses on achieving good outcomes for the City

Mutual Respect

- Treats others with respect
- Embraces diversity, tolerance and difference
- Shows good customer service to internal customers

Strength as a team

- Shows strong support for others to achieve organisational goals
- Actively works to foster a sense of team
- Takes a whole of organisation approach

Community focus

- Professional approach in all that we do
- Engages with the community to achieve outcomes
- Responsive and high quality customer service

SCOPE

This Policy applies to all Councillors, Employees, Apprentices, Trainees and Contractors of the City of Busselton.

CUSTOMER SERVICE CHARTER

The City of Busselton is committed to providing excellent services to our community. We will do this by striving to provide:

- Polite, helpful and respectful customer service;
- Our time and attention to address your enquiries;
- Services that are consistent and promptly delivered;
- Accurate information delivered in easy to understand language;
- Clear explanations for decisions made;
- Fair treatment in accordance with the City's legal obligations;
- Ease of access to feedback and complaint processes;
- Assistance to connect with other services within our community.

WE WILL UPHOLD THE CUSTOMER SERVICE CHARTER BY:

- Adhering to Council policies, City procedures and the Code of Conduct.
- Complying with the Uniform and Dress Standards.
- Being polite and helpful.
- Being empathetic to customer concerns.
- Providing easy access and timely feedback and complaint mechanisms.
- Providing reliable information and advice in easy to understand language.
- Responding to and resolving enquiries in a timely manner.



CODE CONTENT

The City of Busselton regards the provision of excellent customer services as a core strategic responsibility. In development of this charter, the City has considered community feedback and expectations, external factors, relevant constraints and organisational priorities. In addition, this document takes into account the City of Busselton Code of Conduct, which broadly outlines responsible behaviour for all Councillors, Committee members, City Officers and Contractors. This charter applies directly to the way in which services are delivered. This charter ensures that everyone within the organisation understands the duties and responsibilities applicable at each level.

The City of Busselton Customer Service Charter is our commitment to the community to:

- Act with integrity, timeliness, efficiency and economy;
- Be open, available, accountable and transparent in our decision making;
- Treat others honestly, respectfully, fairly and in a timely manner;
- Provide accessible, consistent, accurate and relevant information and;
- Invite and be informed by community requests, suggestions and feedback.



RESPONSIBILITY

Elected Members shall:

- Ensure guidelines for customer service delivery as stated in this Charter are current and relevant;
- Review the Charter on a periodic basis as required by changing community needs;
- Identify performance indicators for expected customer service outcomes, including expected levels of compliance and reporting periods;
- Support CEO and Executives in the provision of excellence in customer service;
- Regularly review, with the CEO, performance against agreed standards to continuously identify opportunities for improvement.

CEO and Executives shall:

- Endorse and support all standards documented in the Charter;
- Contribute to the regular periodic review of the Charter by:
 - Engaging in regular, community consultation to ensure current and future customers' needs and requirements are reflected in organisational processes, systems and structures;
 - Identifying opportunities for improvements to service delivery;
- Support Managers and other staff in the provision of excellence in customer service;
- Establish mechanisms to monitor compliance with the Charter across all areas of responsibility;
- Establish processes to deal with failure to meet endorsed standards;
- Report to the Council on performance indicators for customer service delivery.





Management shall:

- Optimise and support service delivery mechanisms to comply with the Charter;
- Ensure staff under direct and indirect supervision are aware of and are following guidelines detailed in the charter;
- Ensure provision of ongoing training to all areas of the organisation to further develop skills relevant to customer service provision;
- Implement established procedures to deal with failure to meet endorsed standards of service delivery;
- Report to CEO and Executives on performance indicators for customer service.

Employees, Contractors, Apprentices and Trainees shall:

- Comply with the Charter
- Actively support others in compliance with the Charter
- Undertake training and performance management as required to provide excellence in customer service.
- Report to Managers as required on performance indicators for customer service.

Customer Focus Staff shall additionally:

- Undertake Customer Advocacy through the direct provision of complaint, dispute and grievance support as required by members of the public and within guidelines provided in this Charter and the Code of Conduct;
- Undertake support across the organisation in the form of coaching and training to ensure customer service expectations are being met;
- Seek and report on customer feed back, positive and negative, during the course of customer interaction.

DEFINITIONS

Customer is defined as any person, external and internal to this organisation, who approaches Councillors, Employees, Apprentices, Trainees and Contractors of the City of Busselton, with a request for information or services.

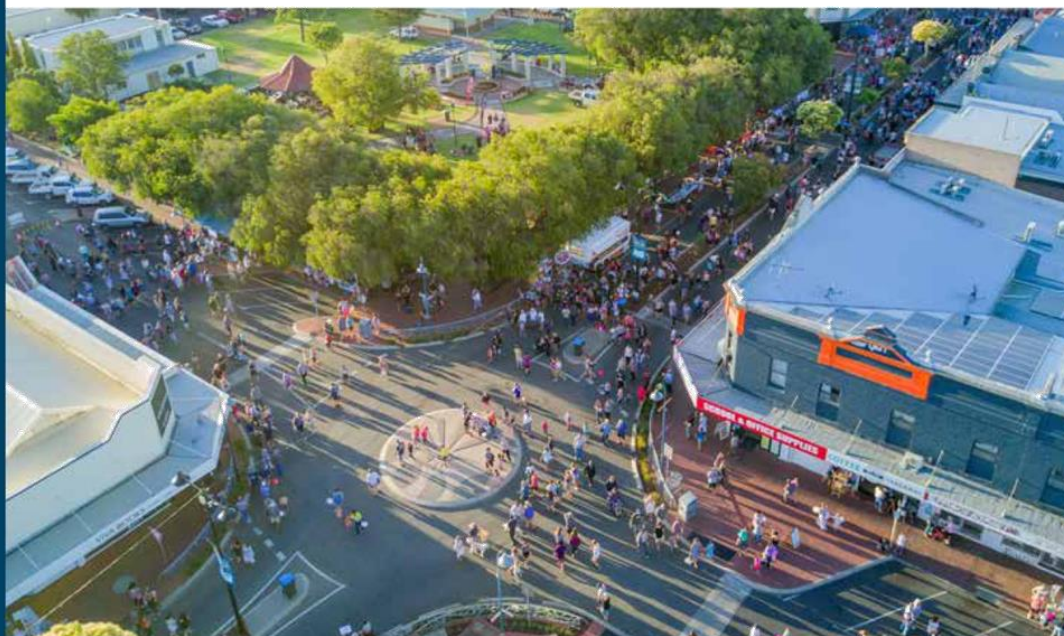
Customer Advocacy is defined as an approach to customer service that has a customer centred focus. Customer Advocates are facilitators between the customers and the organisation.

Customer Service is defined as the direct provision of information or services to customers. This includes assisting our customers to identify others within our community that may be able to meet the needs of our citizens.

City of Busselton Customer Service Charter - this document details the City of Busselton's commitment to delivering excellence in customer service to the community. This document clearly states the organisation's vision and values as well as customer service deliverables established by the Council.

HISTORY

Council Resolution	Date	Information
	June 2017	
C1703/040	8 March, 2017	Policy updated to reflect change from Shire to City Version 2



6.3 REVIEW OF POLICY 124 BUSSELTON REGIONAL AIRPORT - STATEMENT OF INTENT

SUBJECT INDEX:	Policies, Plans and Procedures
STRATEGIC OBJECTIVE:	An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Executive Assistant - Christine Garratt
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Existing Policy 124 Busselton Regional Airport - Statement of Intent ↓

PRÉCIS

As part of Council's ongoing policy review, a review of Policy 124 Busselton Regional Airport – Statement of Intent has been carried out. As a result of this review it is recommended that this Policy be revoked as it is no longer relevant.

BACKGROUND

This Policy was last before the Council in November 2014 at which time officers recommended amendments be made to the Statement of Intent. These amendments reflected the airport's progress toward developing its profitability and usage as well as to recognise the premium tourism destinations it services. In addition minor amendments were made to update terminology from Shire to City. The amended Policy was endorsed by Council at that time (C1411/283).

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby individual policies are reviewed with a view to determining their ongoing applicability along with standardisation and reduction. This report presents the review of Policy 124 Busselton Regional Airport – Statement of Intent.

STATUTORY ENVIRONMENT

In accordance with Section 2.7(2)(b) of the *Local Government Act 1995* (the Act) 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

- Master Plan 2016-2036 Busselton-Margaret River Regional Airport – February 2016 (Aviation Projects)

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

This Policy aligns with and supports the **Council's Key Goal Area 4 – 'Economy'** and more specifically **Community Objective 4.1** – 'An innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice'.

RISK ASSESSMENT

Not required for review of this Policy.

CONSULTATION

This policy review is not considered to require any public consultation.

OFFICER COMMENT

This report presents the review of Policy 124 Busselton Regional Airport – Statement of Intent. As a result of this review, it was established that this policy is no longer relevant.

Since the inception of this Policy, progress of many of the key objectives contained in the Policy have significantly progressed and in some instances have already been implemented, eg funding secured and project works underway, implementation of a noise management plan, promotion of a broader range of travel destinations and fly-in, fly-out services etc. In February 2017 construction commenced at the now named Busselton-Margaret River Regional Airport (BMRRA), a result of 6 years of collaborative work to put in place a vision that has been shared by the Federal and State Governments and the City of Busselton since 2010.

The Master Plan 2016-2036 for the Busselton-Margaret River Regional Airport (BMRRA) was produced in February 2016 by Aviation Projects following a successful submission of a business case to upgrade the airport, for the purposes of establishing a framework for the future planning and development of the airport. With the Master Plan now in place which covers off on the City's Vision and Objectives for the BMRRA going forward, Policy 124 Busselton Regional Airport – Statement of Intent is considered obsolete and therefore officers are proposing that this Policy be revoked.

CONCLUSION

As part of the regular practice of reviewing Council policies, a review was carried out on Policy 124 Busselton Regional Airport – Statement of Intent. Following this review officers are recommending that this Policy be revoked.

OPTIONS

The Council may choose not to revoke this Policy, may seek to make changes to the Policy or may seek to retain the existing Policy in its current format.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revocation of this Policy would become effective immediately upon adoption of Council.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1706/132 Moved Councillor R Paine, seconded Councillor T Best

That the Council revoke Policy 124 Busselton Regional Airport – Statement of Intent as shown in Attachment A.

CARRIED 5/0

6.4 REVIEW POLICY 004 BUSSELTON JETTY - PLACEMENT OF MEMORIAL PLAQUES

SUBJECT INDEX:	Busselton Jetty
STRATEGIC OBJECTIVE:	Events and unique tourism experiences that attract visitors and investment.
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:	Simple Majority
ATTACHMENTS:	Attachment A Revised Policy 004 – Placement of Memorial Plaques on the Busselton Jetty ↓ Attachment B Revised Policy 004 – Placement of Memorial Plaques on the Busselton Jetty - Tracked Changes ↓

PRÉCIS

This report seeks Council adoption of revised Policy 004 - Placement of Memorial Plaques.

Reconsideration of Policy 004 – Placement of Memorial Plaques on the Busselton Jetty was considered at the Policy and Legislation Committee held on 18 May 2017 but deferred at the request of officers.

The Policy has been further reviewed and is now re-presented to Council for further consideration.

BACKGROUND

Council has previously adopted a policy relating to the placement of plaques on the Busselton Jetty being:

Policy 004 adopted on 22 February 2012 - Placement of Memorial Plaques on the Busselton Jetty (C1202/029.) The policy sets out the special circumstances by which a memorial plaque can be located on the Busselton Jetty.

The item was initially considered at item 6.2 of the 18 May 2017 Policy and Legislation Agenda. At the request of officers, the Committee resolved as follows:

Committee Recommendation and Amended Officer Recommendation

PL1705/123 - That Policy 004 - Placement of Memorial Plaques on the Busselton Jetty be deferred for one month.

The Policy has been further reviewed and is now re-presented to Council for further consideration.

STATUTORY ENVIRONMENT

The following statutory requirements are relevant in considering this report.

City of Busselton Jetties Local Law 2014

Written consent is required under s2.19 (Miscellaneous Provisions) of the Busselton Jetties Local Law (2014) for the activities addressed in this policy:

- S2.19 1(e) place or display any sign, advertisement or fixture of any nature on the Land or on or from the jetties

Land Administration Act 1997

The Jetty is located on Crown land (Reserve 46715), which is vested with the City of Busselton for the purposes of 'Tourism, Recreation and Heritage'.

RELEVANT PLANS AND POLICIES

Policy 004 – Placement of Memorial Plaques on the Busselton Jetty.

FINANCIAL IMPLICATIONS

Nil

Long-term Financial Plan Implications

There are no impacts on the Long Term Financial Plan resulting from the Officer Recommendation.

STRATEGIC COMMUNITY OBJECTIVES

Key Goal Area 4 of the 2017 Community Strategic Community Plan identifies a community desire to foster an innovative and diversified economy that provides a variety of business and employment opportunities as well as consumer choice. Specifically, events and tourism experiences that attract visitors and investment is supported. The Busselton jetty is the City's most visited built attraction and requires careful management to keep it as a contemporary visitor experience.

RISK ASSESSMENT

There are no residual risks identified as being high or medium as a result of the Officer Recommendation.

CONSULTATION

As part of the policy review process, the City has consulted with the Busselton Jetty Reference Group and sought feedback which has been included in the draft policy attached.

OFFICER COMMENT

The policy reviewed in this report is over five years old and in summary has been amended as follows:

The proposed policy suggests that changes can be made in two areas, the approval process and maintenance procedures.

In terms of approval procedures, it is proposed that Council no longer approve applications for Memorial Plaques to be placed on the Busselton Jetty. This suggestion is made having regard for the following:

- Council has adopted a Policy (004 - Placement of Memorial Plaques on the Busselton Jetty) which details the procedures that need to be followed for a memorial Plaques to be placed on the Busselton Jetty;
- Specifically, the policy outlines detailed criteria that has to be met before an application can be considered;
- The applications are considered by the Busselton Jetty Reference Group. The Council is represented on this Group by the Mayor together with officer support; and
- Minutes of the Busselton Jetty Reference Group meetings are included in the Councillors Information Bulletin which is a standing agenda item on each Council agenda.

Given the above it is felt that there is sufficient protection for the requirements of Council to be followed without the need for a further report to be prepared for Council consideration. Further, Council is informed of the decisions of the Busselton Jetty Reference Group which could generate a review if necessary.

Further, the policy has introduced amendments to the scope of the policy to include maintenance and replacement of plaques and associated procedures. The objective of the amendment is to ensure plaques are kept in good condition and there is limited proliferation of plaques. A time limit of 20 years has also been introduced and annual inspections will incur to ensure plaques are presented well.

The proposed new policy is in Attachment A with a tracked changes version at Attachment B.

CONCLUSION

This report seeks Council to adopt the amended policy relating to the Busselton Jetty, which is over five years old. The proposal seeks to streamline the process without losing control and enhances maintenance requirements.

The existing policy, Placement of Memorial Plaques (2012) will be superseded by an amended policy that recognises the City of Busselton (rather than the former Shire). Amendments to the memorial plaques policy aim to continue to commemorate significant people who have contributed to the establishment and operation of the Busselton Jetty while ensuring the Jetty is presented well to residents and the visiting public.

OPTIONS

Council may elect to not amend the policy or to make alternative amendments to the policy not recommended by Officer or the Policy and Legislation Committee.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council adopt the recommendation, the policy will become effective immediately.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1706/133 Moved Councillor R Bennett, seconded Councillor R Reekie

That Council adopts the revised Policy 004 as shown in Attachment A.

CARRIED 5/0

004	Busselton Jetty – Placement of Memorial Plaques	V2 DRAFT
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1. PURPOSE

This policy sets out the special circumstances by which a memorial plaque to be located on the Busselton Jetty with the approval of the City of Busselton.

2. SCOPE

The policy applies to requests for the placement of new memorial plaques and maintenance/replacement of existing plaques on the Busselton Jetty.

3. POLICY CONTENT

Approval to place memorial plaques on the Busselton Jetty is limited to special circumstances as described in this policy. The City reserves the right to remove unauthorised plaques.

Approval to place memorial plaques will only be given if all of the requirements of the policy are met. Any proposal which does not meet these requirements will not be considered.

3.1 Procedure for placement of new memorial plaques

An application for placement of a new memorial plaque on the Busselton Jetty must be made in writing and must include:

- Details of the person the plaque relates to;
- Justification for the proposal that meets the assessment criteria (see below); and, Details of proposed text. •

3.2 Criteria for Assessment of new memorial plaques

Proposals will only be considered for special circumstances and will be assessed against the following criteria:

1. Whether the person being honoured has been instrumental in the development of the Jetty or undertook activities that contributed in a significant way to the Jetty;
2. There is demonstrated community support with respect to honouring the person in this manner. Letters of support must be provided with the proposal;
3. The person was a resident in the City of Busselton for at least ten (10) years;
4. There was a significant contribution made by the person to the local community through their involvement with the Jetty. A significant contribution could include:
 - (i) Twenty (20) or more years association with the Jetty; or,
 - (ii) Actions by the individual to protect, restore, enhance, or maintain the Jetty that produced substantial long-term improvements for the community or area; or,
 - (iii) Evidence of works undertaken being of a unique and significant nature for the benefit of the community.

3.3 Busselton Jetty Reference Group

All applications for a memorial plaque must be referred to and supported by the Busselton Reference Group. Applications not supported by the Busselton Reference Group will be rejected.

3.4 Requirements for new memorial plaques

The Applicant is responsible for the supply and delivery of the plaque to the City of Busselton, and must be provided in the following format:

- Size: 200mm x 200mm;
- Material: Permabrass;
- Text: As approved by Council;
- A hole in each corner.

All plaques will be placed at Section 3 of the Busselton Jetty by City of Busselton staff (or its contractors) and will be affixed in consecutive order or at the discretion of the City.

All costs associated with the supply and fitting of the plaques will be borne by the Applicant. Fees payable for the installation of plaques are set out in the City of Busselton's Annual Fees and Charges Schedule contained in the City budget and which is also available on the City's website.

Approved plaques will be permitted for a maximum of a 20 year term. At the expiry of the maximum term, the applicant (or his/her agent) will be advised in writing (where records are held by the City) and may reapply for a further term of 20 years.

4. MAINTENANCE / REPLACEMENT OF MEMORIAL PLAQUES

The City of Busselton will not be responsible for the maintenance of individual plaques and reserves the right to remove or relocate plaques at its sole discretion, should they present poorly. In such cases, the applicant (or his/her agent) will be notified of the removal and may reapply for a new memorial plaque in accordance with this policy.

The City of Busselton will undertake annual inspections to determine the condition of each plaque and will notify the owner (where records exist) or advertise locally to advise any plaques found in poor condition. These will be removed from the Jetty and stored by the City and will require the owner to reapply for placement.

5. ACCOUNTABILITY

Minutes of the Meeting of the Busselton Jetty Reference Group are included in the Councillors' Information Bulletin which is included on the Council Agenda papers available for the examination.

Policy Background

Policy Reference No. – 004

Owner Unit – Commercial Services

Originator – Director, Community and Commercial Services

Policy approved by – Council

Date approved – 14 June 2017

Review Frequency – As required

Related Documents – Nil

Background/History – Reviewed by Busselton Jetty Reference Group and City of Busselton Policy and Legislation Committee.

History

Council Resolution	Date	Information
	14 June 2017	Date of implementation Version 2 (TBC)

6.5 REVIEW OF DELEGATION: ACQUIRING AND DISPOSING OF PROPERTY

SUBJECT INDEX:	Delegation of Power/Authority
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 Delegation LG3k – Acquiring and Disposing of Property ↓ Attachment B Delegation LG3B – Acquiring of Property ↓ Attachment C Delegation LG3C – Disposal of Property ↓

PRÉCIS

The purpose of this report is to consider changes to Delegation LG3K – Acquiring and Disposing of property which has been in existence in one form or another since 2008.

BACKGROUND

The existing Delegation is in the form of:

To exercise the powers and discharge the duties of the local government under Sections 3.58(2) and 3.58(3) of the Local Government Act 1995 (disposal of property provisions) and further to Section 5.43 (limits on acquisition or disposal provisions) on the local government's behalf.

Conditions

The value of the property shall not exceed \$100,000 in accordance with Section 5.43(d) of the Local Government Act 1995.

It is considered that some parameters should be placed around the Delegation in order to avoid the potential of unintended application.

STATUTORY ENVIRONMENT

Pursuant to section 5.42(1)(a) of the Act Council may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43. The Act prescribes that any such delegation requires an absolute majority vote of Council.

RELEVANT PLANS AND POLICIES

Delegation LG3K – Acquiring and Disposing of property - is a Delegation that has been in place for some considerable time and is one of a number of Delegations that exist to enable actions to be taken it is proposed to cancel this delegation and replace it with Delegation LG3B – Acquiring of Property and Delegation LG3C – Disposal of Property expeditiously without formal reference to Council.

Delegation LG3J – Inviting Tenders and Rejecting and Accepting Tenders is not impacted by this Delegation.

FINANCIAL IMPLICATIONS

There are no direct financial implications contained within this report.

Long-term Financial Plan Implications

There are no direct long term financial implications contained within this report.

STRATEGIC COMMUNITY OBJECTIVES

This policy aligns with and supports the Council's Key Goal Area 6 – 'Leadership' and more specifically Community Objective 6.2 – 'Governance systems, process and practices are responsible, ethical and transparent'.

RISK ASSESSMENT

The proposed course of action reduces the risk of unintended action being taken in relation to exercising the powers available in accordance with the existing Delegation.

CONSULTATION

It is not considered that external consultation is necessary to vary the terms of the existing Delegation.

OFFICER COMMENT

The Local Government Act deals with the Local government's ability to dispose of property. Under S3.58 :

- Dispose in this context not only means sale but also to enter into a lease or licence;
- Property includes the whole or any part of the interest of a local government in property, but does not include money; and
- The manner in which property may be disposed of is limited to public auction, public tender or by way of a public consultation process (giving local public notice of the proposed disposal and inviting and considering submissions made in response).

It appears that at the time (probably in 2008) the main purpose of this Delegation was to allow the CEO in the normal course of the City's functions to acquire and dispose of mobile plant and equipment and furniture & equipment with a relatively low value/low impact and excess to the City's day-to-day requirements. However one of the practical implications of Delegation LG3K is that it also allows the CEO to acquire and sell land and enter into leases and licences with a value of less than \$100,000.

It is doubtful whether it was the intention of Council to delegate to the CEO this range of powers and it is suggested that some conditions be placed on the delegation. It is also suggested that the Delegation be split into two Delegations – one for Acquisition and one for Disposal as follows:

Proposed changes in relation to Delegation to Acquire property.

Section 5.43(d) of the LG Act states:

A local government cannot delegate to a CEO any of the following powers or duties —

(d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.

As mentioned above, Council has already determined that the CEO may acquire property up to the value of \$100,000. This Delegation works well for non-land related acquisitions and is a necessary function of the CEO and the administration. It is noted however that Council may wish to limit the power of delegation in relation to land acquisition.

Delegation LG3J – Inviting Tenders and Rejecting and Accepting Tenders is not impacted by this Delegation.

In relation to land, there may be instances where, for example, the City is required to acquire minor parcels of land, for example for truncations to enable roadworks to proceed.

The *Local Government (Functions & General) Regulations 1996* – regulation 30(3)(a) states that where land is valued at less than \$20,000, it may be sold without going through formal S3.58 disposal processes such as tenders and auctions etc. Using this figure as a guide, it seems reasonable to use the same figure as a base for land acquisition purposes.

Proposed changes in relation to Delegation to Dispose of property.

It is suggested that the Delegation be clear on what the CEO has Delegated authority over and a distinction between sale and lease / licencing of property is proposed.

In relation to disposal of land by way of sale:

It is suggested that the limit imposed by clause 30(3)(a) of the Regulations referred to above (\$20,000) is a reasonable figure to delegate to the CEO to dispose of land. It is unlikely that the CEO would ever need to sell land with a value of up to \$100,000 (as is currently the case) without reference to Council.

In relation to disposal of land by way of lease:

In event of disposal by way of a lease or Licence (whether the property is for sporting, community or commercial use) the following conditions are considered to be both reasonable and practical:

- (i) The Delegation does not apply to the first time a property is leased. The Delegation only applies in relation to subsequent leases, renewals or options exercised regardless of whether the same lessee is involved or not;
- (ii) The maximum term of the lease, including any right by the lessee to assign the lease or sublease the property or extend the term of the lease, shall not exceed 5 years;
- (iii) The value of the leasehold interest to be disposed of does not exceed \$25,000pa
- (iv) The permitted use of the property must be consistent with:
 - A. the designated purpose of the property;
 - B. the general use of the property immediately prior to entering into the lease; or
 - C. if the property has recently been acquired, the intention for which the property has been acquired by the local government.
- (v) This delegation includes the power to allow assignment of a lease or sub-lease of the property subject to abovementioned conditions.

In relation to disposal of other property by way of sale:

It is intended to retain the value already set by Council for sale of property with a value of less than \$100,000. This will enable the CEO to perform the day-to-day functions of the City and in particular to dispose of surplus, unserviceable or obsolete property like mobile plant & equipment or furniture & equipment if and when required.

CONCLUSION

A review of the existing Delegation is timely and it enables Council to set clear limits to the level of Delegation to the CEO.

OPTIONS

The Council may either decide not to cancel the existing Delegation and retain it with or without modification or alternatively amend the proposed delegations.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Delegation(s) will become effective day following the decision of Council.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION**PL1706/134**

Moved Councillor R Reekie, seconded Councillor R Bennett

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED (delete if not)

That the Council:

- (a) Cancel the existing Delegation LG3k – Acquiring and Disposing of Property (Attachment A) last adopted by Council in June 2106 (Resolution C1606/140);
- (b) Adopt new Delegation LG3B – Acquiring of Property (Attachment B); and
- (c) Adopt new Delegation LG3C – Disposal of Property (Attachment C)

CARRIED 5/0



Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG3K	3.58(2) 3.58(3)	Chief Executive Officer	Acquiring and Disposing of Property

Delegator

Council.

Power/Duty

To exercise the powers and discharge the duties of the local government under Sections 3.58(2) and 3.58(3) of the *Local Government Act 1995*, and further to acquire property on the local government's behalf.

Conditions

The value of the property shall not exceed \$100,000 in accordance with Section 5.43(d) of the *Local Government Act 1995*.

Section 5.43(d)

A local government cannot delegate to a CEO any of the following powers or duties —

.....

- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.*

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in sections 3.58(2) and 3.58(3) of the *Local Government Act 1995*.

Section 3.58(2)

Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or*
(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

Section 3.58(3)

A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned;*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

And

- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Verification

Recent Council Resolution
C1606/140

Initial Council Resolution
C0806/188

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

Notes of Alteration

Update to refer to the correct section of the *Local Government Act 1995 (22 June 2011)*



Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG3B		Chief Executive Officer	Acquisition of Property

Delegator

Council.

Power/Duty

To acquire property on the local government's behalf in accordance with section 5.43(d).

Conditions

The value of the property shall not exceed \$100,000 in accordance with Section 5.43(d) of the *Local Government Act 1995*.

Section 5.43(d)

A local government cannot delegate to a CEO any of the following powers or duties —

.....

(d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.*

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in section 5.43(d) of the *Local Government Act 1995*.

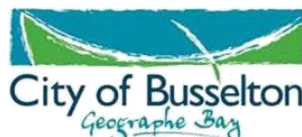
Verification

Recent Council Resolution

Initial Council Resolution

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.



Instrument of Delegation

Reference Number	Local Government Act Reference	Delegate	Delegation Subject
LG3C	Sections 3.58 (2), (3) and (4)	Chief Executive Officer	Disposing of Property

Delegator

Council.

Power/Duty

To exercise the following powers and discharge the following duties of the local government under Sections 3.58(2), (3) and (4) of the *Local Government Act 1995 (Act)*:

1. Pursuant to Section 3.58(2) of the Act dispose of property by way of a public auction or public tender;
2. Pursuant to Section 3.58(3) and (4) of the Act dispose of property other than under Section 3.58(2) – (local Public Notice requirements).

Conditions

This delegation is subject to:

1. Disposal by sale
 - (a) The value of the property to be disposed of (by way of sale) shall not exceed \$20,000 for sale of land or \$100,000 for sale of other property in accordance with Section 5.43(d) of the Act; and
 - (b) Where the property is land valued at less than \$100,000 and has been to public auction or put out to tender and not sold may be disposed of in accordance with Regulation 30 (2a) of the Local Government Functions and General Regulations; or
 - (c) Where the value of land does not exceed \$20,000, the property may be disposed of in accordance with Regulation 30 (3) (a) of the Local Government Functions and General Regulations.
2. Disposal by Lease or Licence
 - (a) In event of disposal by way of a lease (whether the property is for Sporting, Community or commercial use) :
 - (i) The Delegation does not apply to the first time a property is leased. The Delegation only applies in relation to subsequent leases, renewals or options exercised regardless of whether the same lessee is involved or not;
 - (ii) The maximum term of the lease, including any right by the lessee to assign the lease or sublease the property or extend the term of the lease, shall not exceed 5 years unless the lease is proposed to be renewed by a Sporting or Community group for an existing building for a period of not more than 10 years;
 - (iii) The value of the lease does not exceed \$25,000pa
 - (iv) The permitted use of the property must be consistent with:

- A. the designated purpose of the property;
 - B. the general use of the property immediately prior to entering into the lease; or
 - C. or, if the property has recently been acquired, the intention for which the property has been acquired by the local government.
- (v) This delegation includes the power to allow assignment of a lease or sub-lease of the property subject to abovementioned conditions.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO to exercise some of its powers and discharge of its duties provided for in Section 3.58 of the Act, read with Section 5.43 of the Act:

Section 5.43

Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;

Section 3.58(3)

- (1) In this section —
 - dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;
 - property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or

LG Functions and General Regulations

30. Dispositions of property excluded from Act s. 3.58

(2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —

- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or
- (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable.

(3) A disposition of property other than land is an exempt disposition if —

- (a) its market value is less than \$20 000; or
- (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, at least once every financial year.

6.6 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 Revised Proposed Terms of Reference for the Finance Committee ↓
	Attachment B Revised Proposed Terms of Reference for the Finance Committee - Tracked Changes ↓
	Attachment C Revised Proposed Terms of Reference for the Policy & Legislation Committee ↓
	Attachment D Revised Proposed Terms of Reference for the Policy & Legislation Committee - Tracked Changes ↓
	Attachment E Revised Proposed Terms of Reference for the Audit Committee ↓
	Attachment F Revised Proposed Terms of Reference for the Audit Committee - Tracked Changes ↓
	Attachment G Revised Proposed Terms of Reference for the Airport Advisory Committee ↓
	Attachment H Revised Proposed Terms of Reference for the Airport Advisory Committee - Tracked Changes ↓
	Attachment I Revised Proposed Terms of Reference for the Busselton Settlement Art Steering Committee ↓
	Attachment J Revised Proposed Terms of Reference for the Busselton Settlement Art Steering Committee - Tracked Changes ↓
	Attachment K Revised Meelup Regional Park Management Committee Governance Arrangements ↓
	Attachment L Revised Meelup Regional Park Management Committee Governance Arrangements - Tracked Changes ↓
	Attachment M Revised Meelup Regional Park Management Committee Terms of Reference ↓

PRÉCIS

The purpose of this report is to review the Terms of Reference / Governance Arrangements of the main Council Committees. These Committees are those whose minutes are regularly contained at item 9 of the Council Agenda "Confirmation and receipt of Minutes".

In accordance with the current Terms of Reference of each Council Committee, it has been practice to limit the term of each Council Committee to a two year term that expires at the time the new Council is sworn in at a Special Meeting of Council following the biennial elections being conducted.

At the Special Meeting following the biennial elections when elected members are sworn in, the Council Committees are then re-established and new members are appointed to the Committees

The Terms of Reference / Governance Arrangements of the Council Committees have been reviewed and recommends that their terms continue until such time that the Council determines that they are

no longer necessary. This will avoid the need to prepare a report on re-establishing the committees each year. This proposal does not prevent the Council from reviewing the Terms of Reference / governance Arrangements of the Committees on a regular or needs basis.

The appointment of members to the Committees will necessarily be dealt with after the Council election to occur on Saturday, 21 October, 2017. Memberships will be determined at a Special Meeting of Council that is likely to occur on Monday, 23 October, 2017.

BACKGROUND

Council Committees

The Council currently has the following Council Committees established under the *Local Government Act 1995* (and the *Bush Fires Act 1954*):

Finance	Standing Committee
Policy and Legislation	Standing Committee
Audit	Standing Committee
Airport	Advisory Committee
Busselton Settlement Art Project	Steering Committee
Meelup Regional Park	Management Committee
CapeROC	Voluntary Regional Organisation of Councils
Bush Fires	Advisory Committee

The Terms of Reference of the following Committees have been reviewed and the results are contained in this report for consideration of Council:

- Finance;
- Policy and Legislation;
- Audit;
- Airport;
- Busselton Settlement Arts Project; and
- Meelup Regional Park Management Committee.

The Terms of Reference of the Meelup Regional Park Management Committee has only been changed by clarifying that the Committee does not automatically expire every two years in association with the Local Government election cycle. Changes are however proposed to be made to the Governance arrangements of the Management Committee and these are detailed in this report.

The Terms of Reference of the following Committees have not been reviewed at this time for reasons detailed in this report:

- CapeRoc Voluntary Regional Council; and
- Bush Fires Advisory Committee

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. The general practice is however not to delegate powers to Committees – and no change to this is proposed as a result of this review.

A local government is required to have an Audit Committee by virtue of Section 7.1A(1) of the LG Act and certain powers and duties can be delegated to audit committees in accordance with Section 7.1B of the Act.

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.

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 shall be convened for this purpose and wherever possible it shall occur on the Monday evening immediately following the ordinary election day. The proceedings shall commence with the “Swearing In” ceremony for new Councillors to be followed by the Special Meeting for the election of the Mayor and Deputy Mayor and consideration of membership of the Council’s Committees and the appointment of Council delegates to other various groups.

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

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

The Shire of Augusta-Margaret River will need to be involved in any review of the CapeROC Committee Terms of Reference. As a consequence, no amendments should be considered to the CapeROC Committee Terms of Reference until the Committee has considered a report on this topic. The next meeting of this Committee is scheduled to be held in August when a review of the Terms of Reference will be considered.

Similarly, it is not proposed to review the Terms of Reference of the Bush Fire Advisory Committee at this time as the City is currently in the process of recruiting a new Community Emergency Services Manager. It is considered important he or she should be involved in reviewing the Terms of Reference and the objectives. This will be achieved within the next few months.

OFFICER COMMENT

The Terms of Reference of the main Council Committees have been reviewed. These Committees are those whose minutes are regularly contained at item 9 of the Council Agenda "Confirmation and receipt of Minutes".

Since these Committees are likely to be on going in nature – at least in the foreseeable future - reference to the Committees having a termination date has been removed. This will avoid the practice of "Re-establishing" Committees every two years. It is noted that there is no statutory requirement for the life of Committees to be contained in any terms of Reference – the termination relates to membership of the Committee not the Committee itself.

In certain instances, minor other changes have been made to the Terms of References – generally to reflect current practice.

The proposed changes to the Terms of Reference will have no impact on the need to re-appoint members to the Committees after the October 2017 election.

Finance Committee

The Finance Committee exists to assist the Council to oversee the allocation and use of the local government's finances and resources. The following relevant documents are attached:

- Attachment A Proposed Terms of Reference.
- Attachment B Marked up Terms of Reference

Policy and Legislation Committee

The Policy and Legislation Committee exists to assist the Council to determine the local government's policies, and to carry out its legislative function. The following relevant documents are attached:

- Attachment C Proposed Terms of Reference.
- Attachment D Marked up Terms of Reference.

Audit Committee

The Audit Committee is established to fulfil the requirements of Local Government (Audit) Regulation 16. Every local government must have an Audit Committee. The Committee operates to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to financial reporting and audit, internal audit and risk management. The following relevant documents are attached:

- Attachment E Proposed Terms of Reference.
- Attachment F Marked up Terms of Reference.

Airport Advisory Committee

The continued role of the Airport Advisory Committee to assist the Council with the development of the Airport is supported. The Committee has a critical role to play and is recognised in the Noise Management Plan to provide input into:

- high level direction for Airport development and management;
- changes to the Noise Management Plan;
- initial applications for flight training;
- applications for ongoing special event or special circumstance exemptions.

The following relevant documents are attached:

- Attachment G Proposed Terms of Reference.
- Attachment H Marked up Terms of Reference.

Busselton Settlement Art Project Steering Committee

The Busselton Settlement Art Project Steering Committee's objectives are:

- to oversee the commissioning of sculptures proposed under the "Busselton Settlement Art Project" as approved by the Council;
- to provide for the disbursement of funds, as approved by the Council, for use by the fundraising group for the purposes of raising the necessary funds for the "Busselton Settlement Art Project"; and
- to perform other activities from time to time as approved by the Council.
 - The following relevant documents are attached:

- Attachment I Proposed Terms of Reference
- Attachment J Marked up Terms of Reference.

Meelup Regional Park Management Committee

The Meelup Regional Park Management Committee exists to:

- assist the Council in managing and promoting Meelup Regional Park;
- ensure that the full range of issues relevant to the making of decisions about the management and promotion of the Park are considered, including environmental, amenity, recreational, community, social, economic and financial considerations; and
- build and maintain productive working relationships between the Council, City officers, volunteers and users of the Park, as well as other stakeholders.

Other than to include a section in the Terms of Reference which does not specify a date on which the term of the Committee expires, (consistent with similar changes made to the Terms of Reference of other Committees), no changes are proposed to be made.

The Terms of Reference as shown in Attachment M has been changed by the inclusion of the following:

8.0 Termination of Committee

Termination of the Committee shall be:

- a) *In accordance with the Local Government Act 1995; and*
- b) *At the direction of Council.*

In addition, it is felt that changes should be made to the “Governance Arrangements” adopted for the Committee. The Governance Arrangements were adopted by Council at its meeting on 14 October 2015 and have been amended to reduce the governance arrangements for appointment of members as reflected in the “tracked changes” version of the document.

It is not felt that there is any loss of control given the elected member involvement in the appointment process.

- Attachment K Proposed Governance Arrangements
- Attachment L Marked up Governance Arrangements.

Changes are proposed to be made to the Governance Arrangements relating to the way in which community members are appointed to this Committee as the present arrangements appear to be unduly prescriptive.

CapeROC

CapeROC exists to enhance the capacity of both local governments to deliver social, economic and environmental benefits to their communities and the region.

The terms of Reference of the CapeROC state that termination of the Committee shall be by decision of either Council or jointly to discontinue participation in the Voluntary Regional Organisation of Councils. To be consistent with all other Council Committees, no change is proposed at this time. In terms of content however, the Terms of Reference will be referred to the next CapeRoc Committee meeting in August for consideration. If CapeRoc makes changes to the Terms of Reference, the changes will need to be endorsed by the Shire of Augusta Margaret River and Busselton Councils.

Bush Fires Advisory Committee

The objectives of the Bush Fires Advisory Committee are:

- to provide advice to Council in regard to all matters relating to bush fire control, prevention and management, including recommendation on the annual firebreak requirements, capital (equipment) purchase, review of firefighting/prevention practices and firefighting training;
- to develop a bush fire strategic plan incorporating plant, firebreak order development process and strategic firebreak development, to be endorsed by Council; and
- to care for, control and manage the bush fire risk within the district of the City of Busselton.

This is an important Committee given the City’s exposure to risk from a variety of sources. It is envisaged that the Terms of Reference of the Bush Fire Advisory Committee will be reviewed in the near future and presented to Council for consideration.

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 review of these Committees has been conducted and changes are proposed to the Terms of Reference / Governance Arrangements of the high profile Council Committees.

Consideration of changes to the Terms of Reference to the CapeRoc and Bush Fire Advisory Committee’s will occur at a later date.

OPTIONS

The Council may determine that it does not require any or all of these Committees, 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.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1706/135 Moved Councillor T Best, seconded Councillor R Paine

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council:

1. Adopts the revised Proposed Terms of Reference for the Finance Committee as shown in Attachment A;
2. Adopts the revised Proposed Terms of Reference for the Policy & Legislation Committee as shown in Attachment C;
3. Adopts the revised Proposed Terms of Reference for the Audit Committee as shown in Attachment E;
4. Adopts the revised Proposed Terms of Reference for the Airport Advisory Committee as shown in Attachment G;
5. Adopts the revised Proposed Terms of Reference for the Busselton Settlement Art Steering Committee as shown in Attachment I;
6. Adopts the revised Governance Arrangements for the Meelup Regional Park Management Committee as shown in Attachment K; and
7. Adopts the revised Terms of Reference for the Meelup Regional Park Management Committee as shown in Attachment M.

CARRIED 5/0

FINANCE COMMITTEE

TERMS OF REFERENCE

1.0 Introduction

The Council of the City of Busselton has established a standing committee to be known as the Finance Committee, under the powers given in Section 5.8 of the *Local Government Act 1995*.

The Finance Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(a) of the Act and to oversee the allocation and use of the local government's finances and resources.

The Finance Committee consists of 5 elected members appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Committee shall act for and on behalf of Council in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

2.0 Objectives

The Finance Committee will assist the Council to oversee the allocation of the local government's finances and resources.

The objectives of the Finance Committee are:

- To monitor income and expenditure with the objective of ensuring and overseeing budget compliance;
- Consider funding options for major capital projects;
- To assist the Council to prepare its long-term financial plans;
- To review budget development processes;
- To receive reports proposed to be put to the Council with significant financial implications or reports for the purposes of meeting the requirements of the *Local Government (Financial Management) Regulations*;
- Consider Financial Policies; and
- To review and advise the Council on specific matters referred by the Council from time to time.

3.0 Membership

5 elected members shall be appointed to the Committee; and
4 deputy members shall be appointed for the Committee

4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *City of Busselton Standing Orders Local Law*.

6.6 Attachment A Revised Proposed Terms of Reference for the Finance Committee

5.0 Meetings

The Committee shall meet at least six times per year and shall report to Council once every two months as a minimum.

5.1 Notice of meetings shall be given to members at least 5 days prior to each meeting.

5.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.

5.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law*.

5.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

6.0 Quorum

Quorum for a meeting shall be three (3) members, whether any positions are vacant or not. A decision of the Committee does not have effect unless it has been made by the required majority.

7.0 Delegated Powers

The Finance Committee has been established in accordance with a decision of Council and this Terms of Reference but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

8.0 Termination of Committee

Termination of the Committee shall be:

- a) In accordance with the Local Government Act 1995; and
- b) By a decision of Council

9.0 Amendment to the Terms of Reference

This document may be altered at any time by the Council.

<u>History</u>	
9 October, 2013	C1310/267
12 October, 2011	C1110/315
18 November, 2009	C0911/393 - Establishment

POLICY AND LEGISLATION COMMITTEE

TERMS OF REFERENCE

1. Introduction

The Council of the City of Busselton establishes a standing committee to be known as the Policy and Legislation Committee, under the powers given in Section 5.8 of the *Local Government Act 1995*.

The Policy and Legislation Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(b) of the Act, to determine the local government's policies, and its legislative function in accordance with Division 2 of Part 3 of the Act.

The Policy & Legislation Committee consists of 5 elected members appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Committee shall act for and on behalf of Council in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

2.0 Objectives

The Policy and Legislation Committee will assist the Council to determine the local government's policies, and to carry out its legislative function.

The objectives of the Policy and Legislation Committee are:

- To consider new and review existing policies and delegations of the City of Busselton (other than Financial Policies);
- To review Local Laws and other delegated legislation made by the City of Busselton;
- To consider reports proposed to be put to the Council with significant policy or legislative implications;
- To review and advise the Council on specific matters relating to policy or legislation referred by the Council from time to time.

3.0 Membership

5 elected members shall be appointed to the Committee; and
4 deputy elected members shall be appointed for the Committee

4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *City of Busselton Standing Orders Local Law*.

6.6 Attachment C Revised Proposed Terms of Reference for the Policy &
Legislation Committee

5.0 Meetings

The Committee shall meet at least six times per year and shall report to Council once every two months as a minimum.

5.1 Notice of meetings shall be given to members at least 5 days prior to each meeting.

5.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.

5.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *City of Busselton Standing Orders Local Law*.

5.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

6.0 Quorum

Quorum for a meeting shall be three (3) members, whether any positions are vacant or not. A decision of the Committee does not have effect unless it has been made by the required majority.

7.0 Delegated Powers

The Policy and Legislation Committee has been established in accordance with a decision of Council and this Terms of Reference but does not have any delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect. .

8.0 Termination of Committee

Termination of the Committee shall be:

- a) In accordance with the Local Government Act 1995; and
- b) By a decision of Council.

9.0 Amendment to the Terms of Reference

This document may be altered at any time by the Council.

<u>History</u>	
9 October, 2013	C1310/267
12 October, 2011	C1110/315
18 November, 2009	C0911/394 - Establishment

AUDIT COMMITTEE

TERMS OF REFERENCE

1.0 Introduction

The Council of the City of Busselton has established an Audit Committee under the powers given in Part 7 of the *Local Government Act 1995*.

The Committee is established to fulfil the requirements of *Local Government (Audit) Regulation 16*. The Committee provides oversight of the financial systems of the local government on behalf of the Council. The Committee operates to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities in relation to financial reporting and audit, internal audit and risk management.

The Committee is to provide guidance and assistance to the local government as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act and as to the process to be used to select and appoint a person to be an auditor. It will also provide guidance and assistance in relation to other audit processes and risk management initiatives.

The Audit Committee consists of 3 elected members appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Committee shall act in accordance with the provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

2.0 Objectives

- 2.1 To monitor the annual external audit and to liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.
- 2.2 To ensure openness in the local government's financial reporting and to liaise with the Chief Executive Officer (or his representative) to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.
- 2.3 To facilitate:
 - * the enhancement of the credibility and objectivity of external financial reporting;
 - * compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
 - * the provision of an effective means of communication between the external auditor, the Chief Executive Officer (or his representative) and the Council;
 - * the effective conduct of internal audit and risk management activities.

3.0 Specific Duties and Responsibilities

The following specific duties and responsibilities have been given to the Committee in order to facilitate the achievement of its objectives.

- 3.1 To provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to audits.
- 3.2 To provide guidance and assistance to Council as to the process for the selection and appointment of a person as the local government's auditor.
- 3.3 To recommend to Council the person or persons to be appointed as auditor.
- 3.4 To liaise with the Chief Executive Officer (or his representative) to ensure that the local government does everything in its power to assist the auditor to conduct the audit and carry out his or her other duties under the Act, and to ensure that audits are conducted successfully and expeditiously.
- 3.5 To examine the reports of the auditor after receiving a report from the Chief Executive Officer on the matters, and determine if any matters raised require action to be taken by the local government and to ensure that appropriate action is taken in respect to those matters.
- 3.6 To review the report prepared by the Chief Executive Officer on any actions taken in respect of any matters raised in the report of the auditor and to present the report to Council for adoption prior to the end of the next financial year or six months after the last report prepared by the auditor is received, whichever is the latest time.
- 3.7 To formally meet with the Auditor in accordance with the requirements of Section 7.12(A)(2) of the Local Government Act on behalf of the local government.
- 3.8 To review the compliance audit return and report to the Council the results of that review in accordance with Audit Regulation 14(3A).
- 3.9 To review reports provided by the CEO relating to the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance and to report to Council the results of the review in accordance with Audit Regulation 16(c).

4.0 Membership

3 Elected Members shall be appointed to the Committee; and
2 deputy members shall be appointed to the Committee.

5.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *Shire of Busselton Standing Orders Local Law*.

6.0 Meetings

The Committee shall meet at least twice annually, and shall report to Council on a twice per year basis as a minimum.

6.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.

6.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.

6.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *Shire of Busselton Standing Orders Local Law*.

6.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

7.0 Quorum

Quorum for a meeting shall be two (2) members, whether vacant or not. A decision of the Committee does not have effect unless it has been made by the required majority.

8.0 Delegated Powers

The Committee has delegated power to conduct the formal meeting with the City's Auditor required by Section 7.12(A)(2) of the *Local Government Act 1995* on behalf of the Local Government but does not have any other delegated powers. Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

In all other circumstances, the Committee is established to report to Council and provide appropriate advice and recommendations on matters relevant to its objectives, duties and responsibilities. This is in order to facilitate informed decision-making by Council in relation to the identified legislative functions and duties of the local government that have not been delegated to the Chief Executive Officer.

9.0 Termination of Committee

Termination of the Committee shall be:

- a) In accordance with the *Local Government Act 1995*; and
- b) By a decision of Council

10.0 Amendment to the Instrument of Appointment and Delegation

This document may be altered at any time by the Council.

<u>History</u>	
21 October, 2013	SC1310/186 Membership
9 October, 2013	C1310/267 Establishment
12 October, 2011	C1110/315

AIRPORT ADVISORY COMMITTEE

TERMS OF REFERENCE

1. Introduction

The Council of the City of Busselton has established an Airport Advisory Committee under the powers given in Section 5.8 of the *Local Government Act 1995*.

The Airport Advisory Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(a) of the Act to establish and maintain liaison between stakeholders, consider policies associated with the airport and oversee development of the airport.

The Airport Advisory Committee consists of 4 elected members appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Committee shall act for and on behalf of Council in accordance with provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this document.

2.0 Objectives

- 2.1 To foster liaison and cooperation between the City of Busselton and all stakeholders associated with the Busselton Margaret River Regional Airport.;
- 2.2 To provide a normalised, proper and formalised forum for the discussion of issues and the formulation of suggestions and/or recommendations on issues associated with the airport;
- 2.3 Make recommendations to Council on matters associated with the future development of the Airport.

3.0 Membership

4 Elected Members shall be appointed to the Committee.

2 Deputy elected members shall be appointed for the Committee.

Other persons (or representatives of organisations) may participate in meetings of the Committee (or any sub committees the Committee may establish) as determined by an ordinary majority of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *Shire of Busselton Standing Orders Local Law*.

6.6 Attachment G Revised Proposed Terms of Reference for the Airport Advisory Committee

5.0 Meetings

The Committee shall meet at least twice annually and shall report to Council annually as a minimum.

5.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.

5.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on the Committee. The Council shall be informed, who will then appoint a replacement for the balance of the member's term of appointment.

5.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *Shire of Busselton Standing Orders Local Law* and presented to Council where all recommendations are considered

5.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

6.0 Quorum

Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

7.0 Delegated Powers

Nil.

The Airport Advisory Committee has been established as an Advisory Committee only and does not have any delegated powers.

8.0 Termination of Committee

Termination of the Committee shall be:

- a) In accordance with the *Local Government Act 1995*; and
- b) At the direction of Council.

9.0 Amendment to the Terms of Reference

This document may be altered at any time by the Council.

10.0 Committee Recommendations

Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect.

History	
21 October, 2013	SC1310/186 Membership
9 October, 2013	C1310/267 Establishment
12 October, 2011	C1110/315
14 July, 2010	C1007/252 Establishment

BUSSELTON SETTLEMENT ART PROJECT STEERING COMMITTEE

TERMS OF REFERENCE

1. Introduction

The Council of the City of Busselton has established a Busselton Settlement Art Project Steering Committee under the powers given in Section 5.8, 5.9(2)(d) and 5.17(1)(c) of the *Local Government Act 1995*.

The Busselton Settlement Art projects Steering Committee consists of 1 elected member appointed by the Council for a term ceasing on the day preceding the ordinary elections held every alternate year. At the first meeting after the ordinary elections, Council shall appoint members for a further term.

The Busselton Settlement Art projects Steering Committee is established for the purpose of assisting the Council to undertake its role under Section 2.7(2)(b) of the Act to oversee the commissioning of sculptures and make recommendations as to funding arrangements.

The Committee shall act for and on behalf of Council in accordance with provisions of the *Local Government Act 1995*, local laws and policies of the City of Busselton and this Instrument.

2.0 Objectives

- 2.1 To oversee the commissioning of sculptures proposed under the "Busselton Settlement Art Project" as approved by the Council.
- 2.2 To provide for the disbursement of funds, as approved by the Council, for use by the fundraising group for the purposes of raising the necessary funds for the "Busselton Settlement Art Project".
- 2.3 Other activities from time to time as approved by the Council.

3.0 Membership

1 Elected Member and 1 Deputy shall be appointed to the Committee

7 Community Members shall be appointed to the Committee

Deputy Members may be appointed as required

1 representative of the CEO shall be appointed to the Committee

Other persons (or representatives of organisations) may participate in meetings of the Committee (or any sub committees the Committee may establish) as determined by an ordinary majority of the Committee. Such persons will not be entitled to vote on any matter brought before the Committee.

4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to conduct its business. The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the *Shire of Busselton Standing Orders Local Law*.

5.0 Meetings

The Committee shall meet at least three times annually, and shall report to Council on an annual basis as a minimum.

5.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.

5.2 If any member is absent from 3 consecutive meetings without leave of the Committee, they shall forfeit their position on such Committee. The Council shall be informed, who will appoint a replacement for the balance of the Committee's term of appointment.

5.3 The Presiding Member shall ensure that detailed minutes of all meetings are kept in accordance with the *Shire of Busselton Standing Orders Local Law* and presented to Council where all recommendations are considered

5.4 All members of the Committee shall have one vote. If the vote of the members present is equally divided, the person presiding shall cast a second vote.

6.0 Quorum

Quorum for a meeting shall be at least 50% of the number of offices, whether vacant or not. A decision of the Committee does not have effect unless it has been made by a simple majority.

7.0 Delegated Powers

8.0 Conditions

Nil

9.0 Termination of Committee

Termination of the Committee shall be:

- a) In accordance with the *Local Government Act 1995*; and
- b) At the direction of Council.

10.0 Amendment to the Terms of Reference

This document may be altered at any time by the Council.

11.0 Committee Recommendations/Decisions

Committee recommendations shall not be binding on Council and must be endorsed by Council to take effect. Decisions made under delegated authority shall not be binding on Council if such decisions are in conflict with the delegated powers.

<u>History</u>	
21 October, 2013	SC1310/186 Membership
9 October, 2013	C1310/267 Establishment
12 June, 2013	C1306/139

6.6 Attachment K Revised Meelup Regional Park Management Committee
Governance Arrangements

Meelup Regional Park Management Committee

Governance arrangements and terms of reference

Process associated with appointing community members to the Committee

The process associated with appointing community members to the Committee shall be generally as follows -

1. The Mayor, Presiding Member of the Committee and Chief Executive Officer or Chief Executive Officer's nominee shall meet to discuss and agree the aims/objectives in terms of the skills, background or interests, or mix of skills, background and interests, of the person(s) that it would be most appropriate and desirable to include on the Committee at that time, and the agreed direction in that regard shall be reflected in the process associated with the attraction and assessment of potential community members;
2. City officers shall arrange to publicly advertise community member vacancies, seeking expressions-of-interest from suitable members of the community;
3. Interested members of the community shall be required to submit an expression-of-interest (1-2 pages long only) setting out what value they believe they would bring to the Committee and why they are interested in becoming a member;
4. If the vacancy is not for a deputy community member, in addition to considering those persons that have submitted expressions-of-interest, shall identify whether any existing deputy community member is interested in becoming a community member, and shall generally give priority to filling a community member vacancy with an existing deputy community member.
5. The Mayor, the Presiding Member of the Committee and the Chief Executive Officer or Chief Executive Officer's nominee shall meet again to assess the expressions-of-interest that have been received, identify and agree the preferred candidates to fill one or more of the positions that are vacant at that time and are authorised to make the appointment to the Committee.
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 1

Meelup Regional Park Management Committee

Terms of Reference

1. Introduction

The Council of the City of Busselton has established the Meelup Regional Park Committee pursuant to sections 5.8 and 5.9(2)(d) of the *Local Government Act 1995*.

2.1 Purpose

2.2 To assist the Council in managing and promoting Meelup Regional Park.

2.3 To ensure that the full range of issues relevant to the making of decisions about the management and promotion of the Park are considered, including environmental, amenity, recreational, community, social, economic and financial considerations.

2.4 To build and maintain productive working relationships between the Council, City officers, volunteers and users of the Park, as well as other stakeholders.

3.1 Membership

3.2 Two elected members as appointed by the Council, as follows –

3.3 One deputy elected member as appointed by the Council, as follows –

3.4 Six community members as appointed by the Council, as follows –

3.5 Four deputy community members as appointed by the Council, who may be present at all Committee meetings, including when matters are being considered ‘behind closed doors’ (i.e.

Note: Once the ‘Friends of Meelup Regional Park Incorporated’ has been formed, the intention is that the Council will progressively move towards a model of three community members being representatives of that group, with the other three being independent members, potentially with retention of deputy members. That will, however, be a decision for the Council at the time, in consultation with stakeholders at that time.

3.6 Membership of the Committee shall, unless determined otherwise, be for a term of approximately two years, ceasing on the day of the next ordinary Council election.

3.7 If any member is absent from the Committee for three consecutive meetings without approved leave of absence from the Committee, the Chief Executive Officer shall present a report to the Council so that the Council may determine whether to continue that person’s membership of the Committee.

4.0 Presiding Member

The Committee shall appoint a Presiding Member and Deputy Presiding Member to run its meetings. The Presiding Member shall ensure that business at formal meetings is conducted in accordance with the *City of Busselton Standing Orders Local Law*.

5.1 Formal Meetings

- 5.2 Formal meetings of the Committee shall be scheduled when the need for a meeting is identified by either the Presiding Member or Chief Executive Officer, and only when there is a need for a matter to be subject of a formal decision of the Committee and/or the Council, and in any case no less often than twice annually and no more frequently than once a month.

Note: Matters that would require a formal decision of the Committee are any matter that requires a formal resolution of the Council (such as any change to the membership or terms of reference of the Committee, any amendment to the budget, any matter that requires, from a legal/statutory perspective, a formal decision of the Council, any other matter that the Presiding Member of the Committee, having received and considered the advice of City officers, considers requires formal consideration by the Council, and/or matters that require a formal decision of the Council because consensus has not been achieved in an informal meeting, as set out in Part 7.0 of these Terms of Reference), as well as matters on which a decision is required and which are considered to be of high strategic importance and/or broad public interest (such as proposals for significant infrastructure or significant changes to the management of the park, but not usually individual works projects or events, or the noting of plans, studies or similar, which are primarily or wholly being presented to the Committee for information purposes).

- 5.3 Formal meeting agendas shall be distributed by the Chief Executive Officer to Committee members no less than seven days prior to the meeting.
- 5.4 Where a Committee member wishes the Committee to consider an alternative to the officer recommendation in relation to any particular item, they shall indicate in writing (preferably email) to the Chief Executive Officer or Chief Executive Officer's nominee and the Presiding Member their intention to do so, setting out their proposed alternative and the reasons for that alternative, no less than 24 hours prior to the scheduled commencement of the meeting. The Chief Executive Officer or Chief Executive Officer's nominee shall provide officer comment on the proposed alternative in writing to Committee members prior to the scheduled commencement of the meeting.

Note: In relation to alternative recommendations put forward by Committee members, City officers are able to assist in the drafting of alternative recommendations, but that should not be construed as indicating officer support for any alternative that may be proposed.

- 5.5 The Chief Executive Officer shall ensure that minutes of formal meetings are kept, presented for review and adoption at the subsequent formal meeting, and provided to the Council for information as part of the first practicable ordinary Council meeting agenda following the formal Committee meeting.
- 5.6 Where the Committee makes a decision in a formal meeting that involves the making of a recommendation for consideration by the Council, the Chief Executive officer shall ensure that the recommendation is presented to the Council as part of the first practicable ordinary Council meeting agenda following the formal Committee meeting. In cases where the

Committee recommendation is not consistent with the officer recommendation to the Committee, the Chief Executive officer shall present the Committee recommendation but may also present an alternative officer recommendation for consideration by the Council.

5.7 Quorum for a meeting shall be at least 50% of the members (i.e. four).

5.8 Meetings shall be open to the public, unless items are of a nature that can be considered confidentially pursuant to the *Local Government Act 1995*.

6.0 Delegated Powers

Pursuant to section 5.17 of the *Local Government Act 1995*, the Committee, when constituted for a formal meeting, is delegated to adopt plans, policies or documents that relate to management of the Park, other than where those plans, policies or documents require adoption pursuant to a particular statutory power, but may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally considered by the Council.

7.1 Informal Meetings

7.2 Informal meetings of Committee members and City officers involved in management of the Park shall be scheduled when the need for a meeting is identified by either the Presiding Member, the Chief Executive Officer or the Chief Executive Officer's nominee, and in any case no less often than every two months and no more frequently than once per month (notwithstanding that, the Committee members and City officers may agree to establish informal working groups or similar charged with addressing particular issues and which may meet as deemed appropriate), and when a formal meeting is also scheduled in the respective month, informal meetings shall take place immediately following the formal meeting.

7.3 The purpose of informal meetings of Committee members and City officers shall be to discuss matters relating to and affecting the management of the Park, and where necessary and possible, agree a consensus position on the approach to be taken with respect to those matters.

7.4 Where consensus on a particular matter is achieved at an informal meeting of Committee members and City officers, City officers where delegated, authorized or otherwise empowered to do so, shall take the necessary steps to ensure that the consensus position on a particular matter is implemented.

Note: 'Consensus' means 'general agreement', it is not necessarily achieved through a simple majority 'vote' and nor does it necessarily require unanimity. Judgement as to whether consensus has been achieved should not usually involve any kind of 'voting' procedure or similar. A judgement that consensus has been achieved on a particular matter pursuant to clause 7.3 above will require both the Presiding Member at the meeting and the Chief Executive Officer or the Chief Executive Officer's nominee to be of the view that there is general agreement. If that does not occur, consensus has not been achieved and the matter shall be addressed as per clause 7.4 below.

7.5 Where a consensus position on any particular matter cannot be achieved, the Chief Executive Officer shall ensure that a report is prepared to be presented to and considered by the

Committee in a formal meeting, following which the matter will be presented for formal consideration at an ordinary meeting of the council.

- 7.6 The Chief Executive Officer or the Chief Executive Officer's nominee shall ensure that notes of informal meetings are prepared and distributed to all Committee members and the City officers present at the meeting for their review within seven days of the meeting. If the Committee members or City officers present at any particular meeting have any concerns with the notes prepared, they should advise the Presiding Member and Chief Executive Officer or the Chief Executive Officer's nominee as soon as possible and in any case prior to the next informal meeting, and where that occurs the Presiding member shall ensure that the matter is resolved to the extent necessary and practicable at the next informal meeting, with the outcome to be reflected in the notes of that next informal meeting. Notes shall record the outcomes of discussions, but not the content of those discussions.
- 7.7 Informal meeting agendas shall be developed in consultation between the Presiding Member (or Deputy Presiding Member in the Presiding Members' absence) and Chief Executive Officer or the Chief Executive Officer's nominee, and shall be distributed to Committee members no less than three days prior to the meeting.
- 7.8 Informal meetings shall not generally be open to the public, although the Presiding Member may agree to invite members of the public to be present when particular matters of interest are being considered, following consultation with Chief Executive Officer or the Chief Executive Officer's nominee.

8.0 Termination of Committee

Termination of the Committee shall be:

- a) In accordance with the Local Government Act 1995; and
- b) At the direction of Council.

History	
Revised 14 September 2016	C1609/242
Revised 26 August 2015	C1508/248
Adopted 12 October, 2011	C1110/315

7. GENERAL DISCUSSION ITEMS

Nil

8. NEXT MEETING DATE

Thursday, 20 July 2017

9. CLOSURE

The meeting closed at 10.12am.

THESE MINUTES CONSISTING OF PAGES 1 TO 59 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON THURSDAY, 20 JULY 2017.

DATE: _____

PRESIDING MEMBER: _____