



28 February 2024

Climate Change, Adaptation and Sustainability Committee



GORDON MACMILE
CHIEF EXECUTIVE OFFICER



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1. Declaration of Opening/Announcement of Visitors

The Chief Executive Officer opened the meeting at 3.03pm and made the following Acknowledgment of Country and statement:

'We wish to acknowledge the traditional custodians of the land we are meeting on, the Wadandi people. We wish to acknowledge and respect their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their culture; and to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.'

Election of Chair

5.12. Presiding members and deputies, election of (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule –

- (a) to "office" were references to "office of presiding member"; and
- (b) to "council" were references to "committee"; and
- (c) to "councillors" were references to "committee members".

The *Local Government Act 1995* Schedule 2.3, Division 1, Section 4 indicates in part that:

1. The Council is to elect a Councillor to fill the office of Chair.
2. The election is to be conducted by the Chief Executive Officer in accordance with the procedures prescribed.
3. Nominations are to be given to the Chief Executive Officer in writing before the meeting or during the meeting before the close of nominations.
4. Nominations close at the meeting at a time announced by the Chief Executive Officer, which is sufficient time after the announcement by the Chief Executive Officer that nominations are about to close to allow for any nominations made to be dealt with.

The Chief Executive Officer held an Election for the role of Chair of the Climate Change Adaptation and Sustainability Committee. Two (2) nominations were received (Cr Mogg and Cr Schiano) by the Chief Executive Officer at the close and following the count of the ballot, the following Councillor was elected to Chair:

Cr Sebastian Schiano

Cr Schiano assumed the role of the Chair.

Election of Deputy Chair

(2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule –

- (a) to "office" were references to "office of deputy presiding member"; and
- (b) to "council" were references to "committee"; and
- (c) to "councillors" were references to "committee members"; and
- (d) to "mayor or president" were references to "presiding member".



The *Local Government Act 1995* Schedule 2.3, Division 2, Section 8 indicates in part that:

- The Council is to elect a Councillor (other than the Mayor or President) to fill the office of Deputy Chair
- The election is to be conducted in accordance with the procedures prescribed by the Mayor or President, or if he or she is not present, by the Chief Executive Officer.
- Nominations are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- Nominations close at the meeting at a time announced by the person conducting the election, which is sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination, unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.

The Chief Executive Officer held an Election for the role of Deputy Chair of the Climate Change Adaptation and Sustainability Committee. Two (2) nominations were received by (Cr Mogg and Cr Fergusson) by the Chief Executive Officer at the close and following the count of the ballot, the following Councillor was elected to Deputy Chair:

Cr Fergusson

2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)

PRESENT:

Councillor - Chair	S Schiano
Councillor - Deputy	J Fergusson
Councillor	P McCleery
Councillor	R Mogg
Councillor	T Sharp
Chief Executive Officer	G MacMile
Director Infrastructure and Development	T Gillett
Strategic Governance and Risk Officer	T Shipley
Governance Support Officer	B Facey

LEAVE OF ABSENCE:

Nil

GUESTS: Councillor

K Noonan



3. Confirmation of Minutes

3.1. Climate Change Adaptation and Sustainability Minutes - 23 & 30 August 2023

Voting Requirements

Simple Majority

Officer's Recommendation – 3.1.
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That the Minutes of the Climate Change Adaptation and Sustainability Minutes - 23 & 30 August 2023 be confirmed as a true and correct record.

CC/2024/1 - Officer's Recommendation/Committee Decision - 3.1
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Moved Cr McCleery, Seconded Cr Sharp.

That the Minutes of the Climate Change Adaptation and Sustainability Minutes - 23 & 30 August 2023 be confirmed as a true and correct record.

Carried

For - Cr Fergusson, Cr McCleery, Cr Mogg, Cr Schiano and Cr Sharp

Against – Nil

4. Presentations

Nil



5. Reports

5.1. Climate Change Adaptation and Sustainability Terms of Reference Review

Author	Strategic Governance and Risk Coordinator, Tahlia Shipley
Authorising Officer	Chief Executive Officer, Gordon MacMile
Nature of the Decision	Review
Attachments	<ol style="list-style-type: none">1. Attachment CCAS Terms of Reference Tracked Changes [5.1.1 - 4 pages]2. Attachment CCAS Terms of Reference Clean [5.1.2 - 4 pages]
Confidential Status	<i>This item is not a confidential matter.</i>

Proposal

Endorse the reviewed and amended draft Climate Change Adaptation and Sustainability Committee's Terms of Reference.

Officer's Recommendation

That the Climate Change, Adaptation and Sustainability Committee endorses and recommends to the Council to adopt the updated Terms of Reference.

Background

The Shire of Capel establishes Committees to assist Council in the performance of its duties. When establishing a Committee, Council should provide the Committee with Terms of Reference to ensure that the Committee fulfils the role asked of it by Council.

Terms of Reference for the Climate Change Adaptation and Sustainability are also beneficial for the Committee functions to reflect the aspirations of Council and the community.

Previous Council Decisions

25 October 2023 (OC/2023/187) – Council appointed 5 Councillors (McCleery, Schiano, Fergusson, Sharp, Mogg) to the Climate Change Adaptation and Sustainability Committee for a period ending on the ordinary election day in October 2025.

27 May 2020 - (OC051/2020) - Ordinary Council Meeting – Council adopted the draft Terms of Reference for the Climate Change, Adaptation and Sustainability Committee.

26 February 2020 - (CC02/2020) - Climate Change Adaptation and Sustainability Committee endorsed the draft Terms of Reference.



Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

Direction 2 - Manage and protect our environment

2.1 Improved management of our natural environment assets and attractions

2.2 Increased community capacity in supporting positive environmental management

2.3 A Shire committed to sustainable practices

2.5 Improved connection and access to natural assets of the forest and coastal environment

Direction 4 - Deliver good leadership, governance and decision-making

4.1 Effective and compliant governance

4.2 Informed and transparent decision making

Corporate Business Plan 2023-2027

- GOV 27 - **Committee Framework** - Review Shire committee framework

Statutory Framework

Local Framework

There are no local frameworks relevant to this item.

State Framework

Local Government Act 1995

Section 5.8 Establishment of committees

Federal Framework

There are no federal frameworks relevant to this item.

Policy Framework

The following Shire Policies apply:

- There are no Council policies relevant to this item.

Implications

Risk Implications

Risk	Likelihood	Consequence	Mitigation
Risk 1 Reputation Rating: Low	Unlikely	Minor	Ensuring the review of the Terms of Reference on a biannual basis.
Risk Description: Failure to keep the purpose of the Committee relevant with the climate change and sustainability expectations of the community.			



Risk	Likelihood	Consequence	Mitigation
Risk 2 Environmental Rating: Low	Unlikely	Minor	Ensuring the review of the Terms of Reference on a biannual basis.
Risk Description: Failure to have a continual review of the Committee can result in inconsistencies within the environmental management of the Shire.			
Opportunity: A considered and regular review of the function of the Climate Change, Adaptation and Sustainability Committee.			

Financial Implications

Budget

There are no financial implications relevant to this proposal.

Long Term

As no assets/infrastructure are being created, there are no long term financial implications relevant to this proposal.

Sustainability Implications

The Climate Change, Adaptation and Sustainability Committee will consider on going implications from a social, environmental, asset and economic perspective. These implications will be considered at the time of the reports relevant to the committee.

Consultation/Engagement

External Consultation

No external consultation was undertaken.

Internal Consultation

Internal consultation was undertaken with the Chief Executive Officer, Governance Team and Director of Infrastructure and Development.

Officer Comment

The amendments to the Terms of Reference reflect amendments to the newly legislated changes to the appointment of the Chair and Deputy Chair.

Additionally, the incorporation of the Capel Coast Sub Committee oversight included within the duties and responsibilities has resulted from the recent Council decision made at the January 2024 Ordinary Meeting.



The decision included the following point:

' 6. Resolves to set up a Capel Coast Sub-Committee to the Climate Change and Sustainability Committee with responsibility for the assistance in the implementation of the Final Capel CHRMAP and to include elected members, Shire Officers, community representatives and other appropriate organisations agencies.'

The draft Terms of Reference have been provided to the Climate Change, Adaptation and Sustainability Committee for consideration and recommendation to Council.

There have also been other minor amendments made for clarity and conciseness.

Subject to the recommendation for endorsement of the revised Terms of Reference, a report will be taken to the March 2024 Ordinary Meeting of Council for final approval.

Summary

The amendments to the Terms of Reference provide more clarity of the Committee and the roles and responsibilities of the members.

Voting Requirements

Simple Majority

Officer's Recommendation – 5.1.

CC/2024/2 - Officer's Recommendation/Committee Decision - 5.1

Moved Cr Fergusson, Seconded Cr Mogg.

That the Climate Change, Adaptation and Sustainability Committee endorses and recommends to Council to adopt the updated Terms of Reference.

Carried 5 / 0

For - Cr Fergusson, Cr McCleery, Cr Mogg, Cr Schiano and Cr Sharp

Against - Nil



Cr Noonan left the room at 3.23pm

5.2. Capel Coast Sub Committee Terms of Reference

Author	Strategic Governance and Risk Coordinator, Tahlia Shipley
Authorising Officer	Chief Executive Officer, Gordon MacMile
Nature of the Decision	Executive/Strategic
Attachments	1. Capel Coast Sub Committee ToR DRAFT [5.2.1 - 5 pages]
Confidential Status	<i>This item is not a confidential matter.</i>

Proposal

Endorse the draft Capel Coast Sub Committee Terms of Reference and understand the Climate Change Adaptation and Sustainability Committee's ongoing responsibility to oversee the actions and recommendations from the Sub Committee.

Officer's Recommendation

That the Climate Change, Adaptation and Sustainability Committee endorses the draft Capel Coast Sub Committee Terms of Reference and recommends to Council to adopt the Terms of Reference.

Background

The background relating to the purpose of the Sub Committee has been outlined within the Terms of Reference.

The Sub Committee was identified to support the governance and consideration of initiatives in relation to coastal matters. Council recognises that the implementation of the CHRMAP along with the ongoing management of the Capel Coast with the community, requires a long-term commitment that is consistent and sustainable.

Previous Council Decisions

31 January 2024 Ordinary Meeting of Council - (OC/2024/12) Council resolved the following:

'That Council,

1. Endorses the Final Capel Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) (Attachments 14.5.1 to 14.5.12) as a guide for future planning and coastal management in the Shire.
2. Notes all the comments made by members of the community throughout the process of the production of the Capel CHRMAP as detailed in Attachments 14.5.4, 14.5.11, 14.5.12, 14.5.14 and 14.5.15;



3. Accepts the Recommendations for Management Units MU1-Peppermint Grove Beach, MU2-Capel Coast and MU3-Dalyellup as set out in Section 8.7 of the Final Shire of Capel CHRMAP and summarized in Attachment 14.5.16
4. Does not accept the funding mechanisms detailed in the Benefit Distribution Analysis in Attachments 14.5.8 and 14.5.9 for Management Units 1 and 2 to construct a levee on the Capel River (PR6) and for Management Unit 3 to construct groynes in Dalyellup and resolves to investigate alternative funding mechanisms for the actions identified in the Final Capel CHRMAP.
5. Refers the Final Capel CHRMAP to the Department of Planning, Lands and Heritage and the Western Australian Planning Commission for their consideration and recommends that a two-stage approach to CHRMAP production is considered, in order to allow for better community understanding and engagement.
6. Resolves to set up a Capel Coast Sub-Committee to the Climate Change and Sustainability Committee with responsibility for the assistance in the implementation of the Final Capel CHRMAP and to include elected members, Shire Officers, community representatives and other appropriate organisations agencies.
7. Resolves to continually update the Final Capel CHRMAP as necessary as new data or information becomes available.'

Decision Framework

Shire of Capel Strategic Community Plan 2023-2033

Direction 2 - Manage and protect our environment

- 2.1 Improved management of our natural environment assets and attractions
- 2.2 Increased community capacity in supporting positive environmental management
- 2.3 A Shire committed to sustainable practices
- 2.5 Improved connection and access to natural assets of the forest and coastal environment
- 2.7 Urban planning that supports sustainable development

Direction 4 - Deliver good leadership, governance and decision-making

- 4.2 Informed and transparent decision making
- 4.3 Contemporary planning and local development

Direction 5 - Provide and maintain suitable infrastructure and facilities

- 5.4 Improved beach infrastructure to support a healthy beach lifestyle

Corporate Business Plan 2023-2027

DEVS 4 - **CHRMAP** - Prepare and implement a joint Coastal Hazard Risk Mitigation Plan including community engagement and consultation.

Statutory Framework

Local Framework

There are no local frameworks relevant to this item.



State Framework

There are no state frameworks relevant to this item.

Federal Framework

There are no federal frameworks relevant to this item.

Policy Framework

There are no Council policies relevant to this item.

Implications

Risk Implications

Risk	Likelihood	Consequence	Mitigation
Risk 1 Reputation Rating: Medium	Possible	Moderate	A fit for purpose and operational Terms of Reference that supports the Sub Committees future work.
Risk Description: Failure to consider the future impacts on the community from the findings and recommendations of the CHRMAP.			
Risk 2 Environmental Rating: Medium	Possible	Moderate	A fit for purpose and operational Terms of Reference that supports the Sub Committees future work.
Risk Description: Failure to start the implementation and consideration of future environmental impacts.			
Opportunity: The future advocacy and considerations of the Sub Committee for the impacts and actions identified through the CHRMAP.			

Financial Implications

Budget

There are no financial implications relevant to this proposal. However, future recommendations through the Sub Committee for future budgetary impacts and considerations may be put to the Climate Change, Adaptation and Sustainability Committee.

Long Term

There are no future long term financial implications relevant to this proposal. However, future recommendations through the Sub Committee for future budgetary impacts and considerations may be put to the Climate Change, Adaptation and Sustainability Committee.



Sustainability Implications

The Capel Coast Sub Committee will consider ongoing implications from a social, environmental, asset and economic perspective. These implications will be considered at the time of the reports relevant to the committee.

Consultation/Engagement

External Consultation

No external consultation has been undertaken. Following the endorsement of the Terms of Reference, the Shire will engage with the relevant stakeholders that have been identified as potential members of this sub-committee.

An Expression of Interest process will also be undertaken for community representation, and the applications received will be considered by the Climate Change, Adaptation and Sustainability Committee.

Internal Consultation

Consultation between the Chief Executive Officer, Director of Infrastructure and Development, Strategic Governance and Risk Coordinator and Planning Coordinator has been undertaken.

Officer Comment

The Capel Coast Sub Committee will consider the impacts of:

- temporary coastal flooding;
- permanent marine inundation;
- increased heat-related health issues;
- changes in mosquito activity; and
- subsequent impact on residents and economic impacts on those industries which rely on our waterways and coast, such as tourism and accommodation businesses and commercial fishing.

The Sub Committee will work to identify future solutions and investigations of these impacts on the Capel community.

A vital part of the future mitigation and management strategies will involve investigations to be undertaken on the financial impacts and provide recommendations on strategies and financial assistance opportunities.

This sub-committee should consist of several community representatives to ensure proper engagement and involvement of the community, along with elected members, Shire Officers and representatives from other relevant organisations. These members have been identified through internal consultation on the relevant stakeholders. Noting that due to current staff roles being reviewed, titles of officers may be subject to change, and this will be amended in the Terms of Reference if required.



Summary

The Sub Committees Terms of Reference provides an opportunity for the ongoing consideration and action of the CHRMAP recommendations and findings.

Voting Requirements

Simple Majority

Officer's Recommendation – 5.2.

CC/2024/3 - Officer's Recommendation - 5.2

Moved Cr Fergusson, Seconded Cr McCleery.

That the Climate Change, Adaptation and Sustainability Committee endorses the draft Capel Coast Sub Committee Terms of Reference and recommends to Council to adopt the Terms of Reference.

Carried 5 / 0

For - Cr Fergusson, Cr McCleery, Cr Mogg, Cr Schiano and Cr Sharp

Against - Nil

Cr Noonan returned to the room at 3.29pm.

6. Meeting Closure

There being no further business, the Chair declared the meeting closed at 3.30pm.