



## **Policy and Legislation Committee Agenda**

***20 April 2017***

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

[city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

**CITY OF BUSSELTON**

**MEETING NOTICE AND AGENDA – 20 APRIL 2017**

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**TO: THE MAYOR AND COUNCILLORS**

**NOTICE** is given that a meeting of the Policy and Legislation Committee will be held in the Meeting Room A, City Administration Site, Harris Road, Busselton on Thursday, 20 April 2017, commencing at 9.30am.

The attendance of Committee Members is respectfully requested.



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**MIKE ARCHER**

**CHIEF EXECUTIVE OFFICER**

13 April 2017

**CITY OF BUSSELTON**

**AGENDA FOR THE POLICY AND LEGISLATION COMMITTEE MEETING TO BE HELD ON 20 APRIL 2017**

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1. **DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

2. **ATTENDANCE**

**Apologies**

**Approved Leave of Absence**

Nil

3. **PUBLIC QUESTION TIME**

4. **DISCLOSURE OF INTERESTS**

Nil

5. **CONFIRMATION OF MINUTES**

5.1 **Minutes of the Policy and Legislation Committee Meeting held 16 February 2017**

**RECOMMENDATION**

That the Minutes of the Policy and Legislation Committee Meeting held 16 February 2017 be confirmed as a true and correct record.



## 6. REPORTS

### 6.1 REVIEW OF LOCAL PLANNING POLICY 9A BUSSELTON HERITAGE CONSERVATION PROVISIONS

<b>SUBJECT INDEX:</b>	Busselton Heritage Conservation Provisions
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Planning Services
<b>REPORTING OFFICER:</b>	Planning Officer - Stephanie Izzard
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Local Planning Policy 9a - Busselton Heritage Conservation Provisions - amended <a href="#">↓</a> Attachment B Summary of Local Governments with Heritage Incentives <a href="#">↓</a>

## PRÉCIS

The City of Busselton Local Planning Policy 9A Busselton Heritage Conservation Provision (LPP9A) was endorsed by the Council at its meeting held on 10 March 2010 and replaced the former Heritage Conservation Policy. While LPP9A is a local planning policy it deals with both matters that are properly local planning policy content (i.e. guiding the exercise of discretion under the town planning scheme), as well as matters that should be dealt with in a Council policy, such as rate concessions for owners of heritage policies.

This report does not provide for a holistic review of the Policy, instead it proposes to remove the rate concessions currently provided for within LPP9A, essentially on the basis that they are not particularly well articulated or understood, and that such policies are, in any case, not considered to be very effective means of encouraging the preservation and conservation of heritage places. It is envisaged that a more comprehensive review of the policy will be undertaken separately, at a later date.

## BACKGROUND

The former Heritage Conservation Policy, adopted 12 April 2000, was repealed and replaced with the current LPP9A by the Council on 10 March 2010. The Policy provides guidance on the contents of the City's Municipal Heritage Inventory (MHI) and Heritage List, and sets out how development controls applicable to heritage places will be applied. In the main, that guidance is considered to continue to be relevant and useful, especially now that the City's MHI and Heritage List have been substantially reviewed to align the categorisations of heritage places with the approach to development assessment set out in the policy.

LPP9A, reflecting the town planning scheme, outlines incentives for owners of heritage properties and states that discretion to the following areas of development control will be considered when assessing a development application on a heritage property;

- relaxation or modification of parking;
- plot ratio;
- residential density;
- land use permissibility; and/or
- permitting an additional dwelling in rural areas where the existing dwelling is heritage listed.

It should be noted that incentives of these kinds have been effective in recent years in facilitating the preservation, redevelopment and adaptive re-use of two significant heritage buildings/sites in the Busselton City Centre, namely the 'Bovell Building' on the corner of Queen and Duchess Streets, and 'the 'Yoonderup House' site, on Kent Street.

The above incentives are considered appropriate within a local planning policy, as they deal with discretions which may be awarded under the Scheme. However, the Policy also states that in certain circumstances a rate concession will be awarded for conservation works. These types of concessions are not considered appropriate within a local planning policy and should be located within a Council policy as they do not deal with 'planning' content, rather, they relate to the City's functions under the local government legislation.

In relation to rate concessions, the Policy states:

"The City may in certain circumstances allow a reduction of rates in return for conservation works to a heritage place. This will apply in the year the work is carried out or a subsequent year and for the following four years (total of 5 years) at the discretion of the City."

Whilst it is clear, given the context, that such rates concessions would only apply where approved works necessary for the preservation of the place were being undertaken, that is not made explicit, and nor is there much additional guidance around the matter. In particular, it is not clear whether State listed places, which are eligible for grant funding contributions from the Heritage Council of WA, are eligible as well, or whether the concessions relate only to locally listed places. In terms of 'bang for the buck', it is also considered that a grant funding programme would be more effective than a rates concession approach. In addition, for many heritage places, especially residential places, the value of a concession relative to the costs associated with building maintenance, even relatively normal building maintenance costs for non-heritage listed housing, is not especially high, and nor is the value of a rates concession especially high relative to the costs of applying for, assessing and administering such concessions.

A copy of the existing policy, with track changes illustrating the proposed amendments, is included as Attachment A.

## **STATUTORY ENVIRONMENT**

As the provision regarding rate concession is considered to be a council policy matter and not a local planning policy matter the statutory requirements for the preparation of the policy is as per Section 2.7(2)(b) of the Local Government Act 1995 which permits the Council in its role to determine the Local Government's policies. Consultation on the amendment is not considered necessary.

## **RELEVANT PLANS AND POLICIES**

### *Heritage of Western Australia Act 1990*

The *Heritage of Western Australia Act 1990* outlines the Heritage Council's functions and responsibilities. It also provides for a range of regulatory orders that the Heritage Minister may issue to provide special protection for a place. The *Heritage of Western Australia Act 1990* also includes provisions for conservation incentives to be provided for by the Heritage Council of Western Australia. The types of incentives include financial assistance or incentives towards conservation, including recommendation for the remission of rates and taxes. *Clause 36 - Remission of certain taxes and rates for places subject to Heritage Agreements etc. of Part 4 - Heritage Agreements and conservation incentives* provides for the Minister to remit whole or any part of the relevant rates or charges in lieu of rates as follows:

- (1) Where it appears to the Council in relation to any place that is entered in the Register or is the subject of, or is the subject of negotiations for, a Heritage Agreement —*
- (a) (i) that the use or continued use of that place is not economically feasible; and*  
*(ii) its conservation is thereby endangered; or*
- (b) in special cases where in the opinion of the Council the conservation of the place will be secured, the Council may make a report to the Minister recommending that one or more of the powers conferred by subsection (2) be exercised.*

## **FINANCIAL IMPLICATIONS**

The Council at its meeting held 31 October 2007 previously awarded rates concession to the owners of Membenup Homestead, located at 50 Membenup Road, Wonnerup. This concession was awarded under the former Heritage Conservation Policy and a concession of 50% was awarded from 2007/2008 for a maximum period of 5 years. A one year extension was granted to this concession and resulting in a total concession of \$4,499. This concession was awarded following conservation works, including re-roofing, being undertaken on the property.

No other rate concessions have been awarded for heritage properties.

## **STRATEGIC COMMUNITY OBJECTIVES**

The recommendation in this report reflects Community Objective 2.2 of the City's Strategic Community Plan 2013 – 'A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections'.

## **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 were identified where the residual risk, once controls are considered, is medium or greater.

## **CONSULTATION**

As the provision regarding rate concession is considered to be a Council policy matter and not a local planning policy matter, the statutory requirements for the preparation of the policy is as per Section 2.7(2)(b) of the *Local Government Act 1995* and therefore consultation in accordance with clause 4 of Part 2 of Schedule 2 - Deemed Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015* is not a statutory requirement and is not considered necessary in this instance.

## **OFFICER COMMENT**

There are a number of other Councils within Western Australia that offer incentives for conservation works undertaken on heritage properties. An outline of nine local governments within Western Australia that offer a rate concession and/or an alternative grant/programme is provided at Attachment B. Two of the three Councils which do offer a rate concession, the City of Swan and City of Stirling, allocate a maximum rate concession amount of 50% and require the concession to be applied for on an annual basis. The City of Bunbury offers a rate concession for eligible places of 30% per annum on the rates payable on the subject property for a period of five years to a maximum of \$1,000 per year to a maximum total concession of \$5,000. The value of the concession cannot exceed 50% of the total cost of eligible works.

The current wording of LPP9A in relation to property rates concession is considered to be ambiguous as it does not specify the maximum rate concession to be awarded to heritage properties, nor does it

not provide any guidance as to the type of works required to be undertaken to qualify for concessions. It is considered there is insufficient guidance within the Policy currently to ensure that the rate concessions are applied in a fair and equitable manner. As the applicable concessions are subject to the landowner undertaking works, which is out of the City's control, the City is unable to budget for these concessions until such time that the owner has applied for them.

Further to the above, as the amount of concession awarded depends on the amount of rates paid, and not the heritage value of the property or the value of the works which have been undertaken to upgrade the property, it is considered that the current provisions of LPP9A do not result in the best conservation outcome for heritage properties. There are, however, a number of grants available for State Registered heritage places for urgent conservation works and/or developing conservation management plans and strategies through the State Heritage Officer. Grants of up to \$100,000 are available.

The more popular incentive amongst other local governments for heritage properties is a grant style programme whereby applicants are able to apply for a grant for eligible properties as part of an annual or bi-annual expression of interest process. In most instance 50% of the total cost of eligible works up to a maximum amount can be awarded. Eligible work is generally considered to be urgent conservation works, and/or conservation works that enhance the heritage significance of a place.

These programmes are structured similarly to the City's current Busselton and Dunsborough Centres Facade Refurbishment Subsidy Programme, which the City allocates \$50,000 per year towards. The City provides successful applicants a grant of up to 50% of the agreed scope of works cost up to a maximum grant of \$5,000.00 for preliminary designs, and up to \$20,000 in a grant for eligible works. This style of Programme is considered to be more equitable in its allocation of funds and is also easier for the City to budget for as a set amount of funds is allocated to the programme each year. Officers consider that, should the Council wish to contribute, in a financial sense, towards the preservation of privately owned heritage places, such an approach would be more effective than a rates concession approach. Officers are not, however, recommending the Council establish such a programme at the present time. Rather, officers envisage a more comprehensive review of the policy will occur in the future, and that issue would be best considered at that time.

## **CONCLUSION**

It is recommended that LPP9A be amended and the following wording, which allows a rate concession, be deleted:

“The City may in certain circumstances allow a reduction of rates in return for conservation works to a heritage place. This will apply in the year the work is carried out or a subsequent year and for the following four years (total of 5 years) at the discretion of the City.”

## **OPTIONS**

The Council may choose to:

1. Modify the proposed amendment to LPP9A and adopt as amended;
2. Not proceed with the proposed amendment to LPP9A.

In addition, the Council may choose to:

1. Initiate the development of an alternative subsidy style programme for eligible works on heritage properties now, rather than considering the issue in future, when a more comprehensive review of the policy takes place.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

If endorsed for the purposes of advertising notice will be arranged within one month of the Council making a resolution consistent with the recommendation.

**OFFICER RECOMMENDATION**

That the Council, resolves to amend Local Planning Policy 9A - "Busselton Heritage Conservation Provision", to delete references to rate rebates or concessions, as set out in Attachment A to the agenda report.

## **9A BUSSELTON HERITAGE CONSERVATION PROVISIONS**

### **1.0 STATEMENT OF INTENT**

These provisions have been prepared to assist and guide the City and landowners in achieving the conservation of significant heritage places and areas within the Busselton City, and to assist the City in meeting its responsibilities pursuant to the *Heritage of Western Australia Act 1990*.

These provisions have been drafted and adopted as a result of a review of the Heritage Conservation Policy (2000), and the subsequent adoption of the Municipal Heritage Inventory 2006 (MHI).

The City of Busselton contains a significant collection of heritage assets as identified in the MHI. The City's Town Planning Scheme No. 20 (TPS20) supports the identification, conservation and protection of those assets.

Note that for the purpose of these provisions, the heritage provisions of TPS21 are deemed to be clause 7.1 to 7.4 of the Model Scheme Text (MST) adopted as an amendment to TPS20, and existing clauses 36(11) to 36(13) and clauses 36(16) to 36(19) of TPS20.

### **1.1 Purpose of the Provisions**

- Builds on the heritage conservation objectives of TPS20.
- Applies the development control principles contained in the State Planning Policy 3.5 "Historic Heritage Conservation" (2007).
- Provides development and design guidance for development of places on the Heritage List and within Heritage Areas established pursuant to TPS20.
- Details procedures for making applications for approval of heritage-related development.

### **2.0 OBJECTIVES**

The objectives of these provisions are:

- To confirm the City of Busselton's commitment to the conservation of heritage assets under its ownership and control.
- To conserve and protect places and areas of cultural heritage significance within the City of Busselton.
- To ensure that development does not adversely affect the significance of heritage places and areas.
- To ensure that cultural heritage significance is given due weight in local planning decision-making.
- To provide improved certainty to landowners and the community about the planning processes for heritage identification and protection within the City of Busselton.

### **3.0 APPLICATION OF THESE PROVISIONS**

These provisions apply to all places entered in the Heritage List pursuant to TPS20.

The provisions also apply to all Heritage Areas designated under TPS20.

Where specified, the provisions also relates to other places of cultural heritage significance within the municipality, as identified from time to time, including some places on the MHI that have not been included in the Heritage List.



#### 4.0 INTERPRETATIONS

##### Why conserve heritage?

Heritage places are important "because they tell us about who we are, and the past that has formed us." ... "These places of cultural significance must be conserved for present and future generations." (*Illustrated Burra Charter*, 2004)

Archival Record means a document containing drawings, photographs and written information prepared in order to record the state of a place at a given time, usually prior to demolition or major change. The Heritage Council of Western Australia (HCWA) has prepared standards for archival recording.

Burra Charter means the Australian ICOMOS Charter for the conservation of places of cultural heritage significance. The charter has been generally accepted as the standard for heritage practitioners in Australia.

Conservation means all the processes of looking after a place so as to retain its cultural heritage significance. It includes maintenance and may, according to circumstances, include preservation, restoration, reconstruction and adaptation. Conservation will commonly involve a combination of more than one of these.

Conservation Plan means a document that details how to identify and look after the significant cultural values of a place. Its preparation involves a systematic way of considering, recording and monitoring actions and decisions relating to all aspects of managing a place. The Heritage Council of WA provides guidelines for the preparation of conservation plans to ensure that all important matters are considered.

Cultural Heritage Significance means the aesthetic, historic, social and scientific values of a place for past, present or future generations.

Heritage Area means an area of land that has identified cultural heritage significance and character which is desirable to conserve.

Heritage Agreement means a contract under section 29 of the *Heritage of Western Australia Act 1990* which is undertaken on a voluntary basis by the owners of a heritage place. The agreement binds current and successive owners to a set of conservation conditions and may provide compensating benefits in some circumstances. Essentially, the purpose of a Heritage Agreement is to secure the long-term conservation of a heritage place. A Heritage Agreement runs with the land and is confirmed through a Memorial placed on the land title.

Heritage Assessment means a systematic assessment that describes a place and its setting and states its significant heritage values in terms of the criteria adopted by the Heritage Council of WA. These criteria are the aesthetic, historic, social and scientific values of the place.

Heritage Impact Statement means a report that evaluates the likely impact of proposed development on the significance of a heritage place and its setting, or on the heritage area within which it is situated. The report may also outline measure by which any detrimental impact may be minimised. The Heritage Impact Statement should address:

- How will the proposed works affect the cultural heritage significance of the place?
- What alternatives have been considered to ameliorate any adverse impacts?
- Will the proposal result in any heritage conservation benefits that may offset any adverse impacts?



**Note:** The Heritage Council of WA has produced a guide and form for the preparation of Heritage Impact Statements. This information is available on the Heritage Council's website.

Heritage List means a list of places that has been adopted under the Town Planning Scheme.

Heritage Place means a building, structure, site, area of land or other physical element valued for its cultural (or historic) heritage significance, together with associated contents and surrounds.

Interpretation means all the ways of presenting the significance of a heritage place. Interpretation can include the use of colour, lighting, furnishings, historic material or signage or a combination of these to tell the story of the building or place.

Interpretation Plan is a document that explains the ways in which a place could be interpreted. Interpretation Plans should aim to increase both our understanding and our enjoyment of heritage places.

Local Heritage Contract means a contract between the owners of a heritage place and the local authority undertaken on a voluntary basis by the owners in return for planning concessions ~~-or a rate rebate-~~ agreed to by the local authority. The agreement binds the current owner to a set of conservation conditions in return for identified and agreed compensating benefits.

Special Character Area means an area of land that has a defined character which is desirable to conserve.

Structural Condition Assessment means a report prepared by a qualified structural engineer that assesses the structural state of a building or element.

The Heritage of Western Australia Act 1990 is the statutory framework for the identification and conservation of places which have significance to the cultural heritage of Western Australia. The Act also describes the composition and powers of the Heritage Council of Western Australia (HCWA) and requires Local Governments to prepare Municipal Heritage Inventories.

## **5.0 HERITAGE LISTS AND REGISTERS**

### **5.1 Aboriginal Heritage Register**

All places of Aboriginal heritage significance in Western Australia are protected under the provisions of the *Aboriginal Heritage Act* (WA) 1972. It is the responsibility of the owner of the land, or their agent, to ensure that the Department of Indigenous Affairs has been contacted to check for possible Aboriginal sites and for advice regarding approvals for development.

### **5.2 World Heritage List/ National Heritage List/ Commonwealth Heritage List**

There are no places within the City of Busselton on the World Heritage List, the National Heritage List or the Commonwealth Heritage List.

### **5.3 Register of Heritage Places (Heritage Council of Western Australia)**

A number of places in the City of Busselton have been entered in the Heritage Council of Western Australia's Register of Heritage Places. These places are protected under the provisions of the *Heritage of Western Australia Act 1990*. All development applications for places that are included in the Register will be referred by the City to the Heritage Council for advice under Section 78 of the Act. The City will base its decision on such applications on the Heritage Council's advice.

### **5.4 Places Classified by the National Trust of Australia (WA)**





Some places in the City of Busselton are classified by the National Trust. Classification does not imply any specific conservation requirements, however most classified places are also included on the City of Busselton's Heritage List.

#### **5.5 Heritage List adopted under TPS20**

The Heritage List is a list of heritage places adopted by the City of Busselton that is attached to the Town Planning Scheme and protected under the provisions of TPS20 (Schedule 14).

The Heritage List contains all the more important places on the City's adopted MHI. Elevation of these places into the Heritage List gives those more important places a measure of protection through the provisions of the TPS.

Until such time as the City of Busselton formally adopts its Heritage List, it is deemed to comprise all the places on the City's Municipal Heritage Inventory (2006).

The City of Busselton may from time to time add other places to the Heritage List by following specific procedures, including consultation with the owner, as set out in TPS20.

#### **5.6 Municipal Heritage Inventory (MHI)**

The City of Busselton has established a Municipal Heritage Inventory (adopted 13/09/2006) which is a local heritage asset register, as required by the *Heritage of Western Australia Act 1990*. The MHI identifies those places within the municipality which are of cultural heritage significance, together with a description of each place and the reasons for its entry (statement of significance).

Each place is given a level of significance and a Management Category which is considered when determining an application for development. Some places are considered very important, while others may simply be an historic location with no remaining physical evidence that some important event took place there.

One of the following "Management Categories" is applied to each place identified in the MHI:

Category 1 - These places are the most important places in the City with the highest cultural heritage values, and generally have built features that are part of their significance. Some of these places have been assessed by the Heritage Council of WA and have been included in the State Register. These places are afforded statutory protection under the *Heritage of Western Australia Act 1990*.

Other places in Category 1 should also be assessed by the Heritage Council for possible inclusion in its Register.

Category 2 - These places are also important places in the City, and generally have built features as part of their significance. These places should be retained on the list and conservation encouraged.

Category 3 - These places are of interest with built features, but their conservation is not considered to be essential. While retention and conservation is encouraged, significant change and even demolition is an acceptable outcome, though some recording prior to these actions is recommended.

Category 4 - These places are owned by the City and should be conserved, but special action is not required because the sites are mainly of historic and social value without built features. Some of the sites in this category are largely natural features and simply need to be managed in the ordinary sense of maintenance. Conservation actions may be limited to interpretation and/or site signage.



Category 5 - These places are of historic or social value, with few or no built features, and in private ownership or held by State agencies. Actions required are few and may, according to circumstances, be limited to recognition by way of interpretation or signage.

These provisions relate primarily to Development Applications for places identified as Categories 1 – 3. Provisions also relate to places identified as Categories 4 and 5, however greater flexibility will be exercised when assessing development applications for these.

### 5.7 Adopting and Amending the Heritage List

Even the most thorough MHI and Heritage List will have some gaps in it, and over time the need will arise to assess non-listed places that appear potentially significant. The City may amend the Heritage List over time in the following circumstances:

Event	City Provisions
A place is found to be significant in a review of the MHI.	5.7.1 The City will consider inclusion of a place in the MHI and/or the Heritage List on the basis of its cultural heritage significance as identified through a review of the MHI.
A place is nominated for inclusion in the MHI and/or Heritage List by the owner or a member of the public.	5.7.2 The City will consider inclusion of a place in the MHI and/or the Heritage List if assessment documentation to the required standard is provided by the nominator.  5.7.3 If not, the City will commission a heritage assessment or defer its decision until a review of the MHI or Heritage List is scheduled.
A heritage assessment is prepared in conjunction with a development proposal.	5.7.4 The City may consider inclusion of a place in the MHI and/or the Heritage List if a heritage assessment is prepared: <ul style="list-style-type: none"> <li>• As part of a Heritage Impact Statement submitted by an applicant, or</li> <li>• By the City at its own expense.</li> </ul>
A place is demolished or substantially damaged or destroyed.	5.7.5 The City will consider removing a place from the MHI and/or Heritage List if it is demolished or is damaged or destroyed, to the extent that its cultural heritage significance is lost.
A heritage assessment of a place finds that previous historic information was not correct.	5.7.6 The City will consider removing a place from the MHI and/or Heritage List if its assessed cultural heritage significance is found to be flawed.

The City will retain a record of all places destroyed, demolished and/or removed from the Heritage List, to monitor the rate of losses over time.

The procedures for adding places to the Heritage List, or modifying or removing places from the Heritage List, are set out in TPS20. The procedures include a mandatory process of consultation with owners.

## 6.0 HERITAGE AREAS AND SPECIAL CHARACTER AREAS

### 6.1 Heritage Areas



Heritage Areas are areas the City has identified as requiring special planning controls to conserve and enhance their cultural heritage significance and character.

These are areas which contain places and/or buildings or other features which collectively display cultural heritage values.

Before adopting a Heritage Area under the TPS the City must prepare a Heritage Assessment for the area. The Heritage Assessment should comprise:

- A short historical overview of the Heritage Area
- A map showing the boundaries of the Heritage Area
- A list of the places that contribute to the area's cultural heritage significance
- A Statement of Significance

The TPS requires that an adopted Heritage Area has a Local Planning Policy (LPP) that comprises:

- A map showing the boundaries of the Heritage Area
- A record of places of cultural heritage significance in the Heritage Area
- Objectives and Guidelines for conservation of the Heritage Area

A list of designated Heritage Areas within the City of Busselton is attached to TPS20.

## **7.0 DEVELOPMENT APPLICATIONS**

### **7.1 Requirements**

The definition of development and requirements for submission of Development Applications are as set out in TPS20.

Under TPS20, a Development Application must be submitted for any development proposed for a place included on the Heritage List or within a Heritage Area.

### **7.2 Accompanying Material**

The City of Busselton may require an applicant to provide one or more of the following to assist the City in the determination of a planning application. This is additional to the requirement for accompanying material set out in the scheme.

#### Heritage Assessment

A Heritage Assessment to be prepared at the applicant's expense may be requested for places on the Heritage List or within Heritage Areas adopted under TPS20.

#### Heritage Impact Statement

A Heritage Assessment to be prepared at the applicant's expense may be requested for places on the Heritage List or within Heritage Areas adopted under TPS20 where development is likely to have a substantial impact on the cultural heritage values of the place or, in the case of Heritage Areas, on the significance of adjacent places or the Area as a whole.

#### Conservation Plan

Where a Conservation Plan has been prepared for individual buildings, groups of buildings or places of cultural heritage significance, the City will take the contents of the Conservation Plan into account when



determining development applications for the places to which they apply. Where Conservation Plans are available, these, or relevant sections of these, should be provided with the development application.

The Council may require the preparation of a Conservation Plan prior to considering a development application. Conservation Plans will be required for all buildings or places that are included on the Heritage Council's Register of Heritage Places or for places that are identified as Category 1 on the City's MHI, depending on the extent of the proposed development and the likely impact that the development will have on the cultural heritage significance of the building or place.

All Conservation Plans must be prepared by a recognised heritage expert in accordance with the *Heritage Council of Western Australia's Conservation Plans: A Standard Brief for Consultants (Oct 2002)*. Where a Conservation Plan is prepared at the request of the City, that Conservation Plan should be presented to the City for review at the draft stage to ensure that it meets the City's requirements.

Structural Condition Assessment in the Case of Demolition – if structural failure is cited as a justification for the demolition of a place on the Heritage List, evidence shall be provided from a registered structural engineer (preferably one with experience in dealing with heritage places) that the structural integrity of the building has failed, to the point where it cannot be rectified without removal of a majority of its significant fabric and/or incurring prohibitive costs.

## **8.0 POLICY PROVISIONS & ASSESSMENT CRITERIA**

### **8.1 Introduction**

Heritage conservation is an important consideration in many planning and development issues in the City of Busselton. Protecting cultural heritage significance will be an ongoing process as the City grows and changes. Within some areas of particular heritage value ("Heritage Areas"), heritage conservation is integral to the development process.

In considering any planning applications in relation to a place entered in the Heritage List, included on the MHI or located in a Heritage Area adopted under TPS20, the City of Busselton will apply and have regard to:

- The matters set out in section 6.5 of State Planning Policy 3.5 "Historic Heritage Conservation" (2007).
- The development control principles set out in section 6.6 of State Planning Policy 3.5 "Historic Heritage Conservation" (2007).
- The information contained in the place data sheet of the City of Busselton's MHI (adopted 13.09.2006), and in particular the Statement of Significance and Management Category for the place.
- Material contained in Conservation Plans, Heritage Assessments, Heritage Impact Statement or other heritage documents or reports prepared for the place.
- The Policy considerations and assessment criteria contained in the following section.
- The structural condition of a place, and whether a place is reasonably capable of conservation.

### **8.2 Policy Provisions: Cultural Heritage Significance**

The Statement of Significance and Management Category of a heritage place are fundamental to the assessment of any development application for that place.

All development proposals for places that are included on the Heritage Council of Western Australia's Register of Heritage Places will be referred to the Heritage Council for comment.





Any development application may be referred to the Regional Heritage Advisor for comment at the discretion of the City. Generally, all major development proposals affecting non-registered places that are included on the Heritage List, the MHI or within Heritage Areas will be referred to the Regional Heritage Advisor for comment.

Categories of Significance	City Provisions
Buildings or places on the Heritage List, except places identified as Management Category 3 in the MHI	<p>8.2.1 If the place is on the State Register of Heritage Places the development application will be referred to HCWA. Assessment of the application will be based on HCWA's advice.</p> <p>8.2.2 If the place is not on the State Register, assessment will be based on the cultural heritage significance of the place.</p> <p>8.2.3 Assessment of the application will give primary consideration to ensuring that the development is compatible with the cultural heritage significance of the place.</p> <p>8.2.4 Approval will be granted if it can be demonstrated that there will be no undue impact on the cultural heritage significance, and all other planning requirements are met.</p> <p>8.2.5 A Heritage Impact Statement, Heritage Assessment or Conservation Plan may be required.</p>
Buildings or places identified as Management Category 3-5 in the MHI	<p>8.2.6 Consideration will be given to the cultural heritage significance of the place, however this will be balanced against other relevant planning issues.</p> <p>8.2.7 Approval will be granted if all planning requirements are met and it can be demonstrated that cultural heritage significance has been taken into account.</p> <p>8.2.8 A Heritage Impact Statement may be required.</p>
Buildings or places in Heritage Areas	<p>8.2.9 The process will be guided by the Local Planning Policy for the Heritage Area.</p> <p>8.2.10 The contribution of the building or place to the cultural heritage significance of the area will be taken into account.</p>

### 8.3 Policy Provisions: Demolition Controls

Demolition of any building or place within the City requires development approval. It is strongly recommended that where demolition of all or part of a building or place is proposed, the applicant seek advice from the City prior to the preparation of a proposal for a new building on the site.

In assessing a development application for demolition the City will have regard to the cultural heritage significance of the place and, in the case of places in Heritage Areas, of the impact of demolition on the significance or character of the Areas as a whole.

As mentioned previously, even the most thorough MHI and/or Heritage List is not necessarily complete. Over time the need may arise to assess non-listed places where there is some evidence of cultural heritage significance. In such cases the City may choose to commission a heritage expert to prepare a



Heritage Assessment at its own cost. In the event that the place is subsequently found to be significant, the City may at its discretion decide to approve or not approve demolition on the basis of the assessed cultural heritage significance of the place.

Proposed Development	City Provisions
Demolition of a building or place on the Heritage List, except places identified as Management Category 3 in the MHI	<p>8.3.1 Demolition will not generally be approved.</p> <p>8.3.2 Demolition may be considered in exceptional cases where it can be demonstrated that the place is not capable of conservation.</p>
Demolition of a building or place identified as Management Category 3-5 in the MHI	<p>8.3.3 Retention of the building or place is encouraged however demolition may be approved, subject to the consideration of cultural heritage significance together with all other relevant planning issues.</p> <p>8.3.4 Heritage issues will be considered together with other planning issues in reaching a decision.</p>
Demolition of a building or place located in a Heritage Area	<p>8.3.5 Demolition will only be approved where it can be demonstrated that the building or place does not contribute to the cultural heritage significance of the area and that its removal will not have a detrimental effect on the cultural heritage significance of the area.</p> <p>8.3.6 The requirements of the policy provisions for the Heritage Area will apply.</p>

#### 8.4 Policy Provisions: New Development and/ or Replacement Buildings

Generally, new development on sites that are included in the Heritage List or in the MHI must comply with the planning requirements for the locality.

Where demolition of an existing building or place is approved and as a result the place is no longer significant, the planning requirements of the locality apply to future development.

Where a site contains a significant building or place and there is capacity for additional development to occur, that development must be compatible with the cultural heritage significance of the existing building(s) or place.

In the event that a significant building(s) or place is demolished without City approval, the City may require reinstatement or other means of rectifying the situation as a condition of a future approval for the site.

Where the site is located within a Heritage Area development must comply with the Policy provisions for that area.

Proposed Development	City Provisions
New building, buildings, or outbuildings on the site of a place on the Heritage List, except places identified as Management Category 3 in the MHI	<p>8.4.1 New buildings including garages, sheds and outbuildings on land that contains a building or place on the Heritage List must be designed to not detract from the significant building or buildings on the site.</p> <p>8.4.2 Generally:</p> <p>8.4.2.1 The significant building or buildings must remain the</p>



	<p>dominant buildings on the site.</p> <p>8.4.2.2 New buildings should respect the scale, form and proportions of the significant building(s).</p> <p>8.4.2.3 New buildings should respect the materials and colours of the significant building(s).</p> <p>8.4.2.4 New buildings should not copy the style and design of the significant building(s) and should not attempt to look like old buildings.</p>
New building, buildings, or outbuildings on the site of a place that is identified as Management Category 3 -5 in the MHI	8.4.3 New buildings including garages, sheds and outbuildings on land that contains a building or place on the MHI should be designed to generally respect the significant building or buildings on the site.
<p>New building or buildings in a Heritage Area</p> <p>(Heritage Areas are characterised by groupings of buildings or places that have a similar history or cultural heritage significance. They are important for historic and social reasons as well as aesthetic reasons. The conservation of the area depends on the protection of these buildings and the history they represent.)</p>	<p>8.4.4 The requirements of the Local Planning Policy for the Heritage Area will apply</p> <p>8.4.5 Generally:</p> <p>8.4.5.1 New buildings should be of similar scale and proportions to the existing significant buildings in the Heritage Area.</p> <p>8.4.5.2 The significant buildings in the Heritage Area should remain the dominant buildings or features in the area.</p> <p>8.4.5.3 Where the Heritage Area is located in an established urban area, new buildings should respect the dominant street pattern, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Side and front setbacks</li> <li>• Roof form and pitch</li> <li>• Building heights</li> <li>• Colours and materials</li> <li>• Building orientation</li> <li>• Landscape treatments</li> <li>• Parking location and access</li> </ul> <p>8.4.5.4 New buildings should not copy the style and design of the significant building(s) and should not attempt to look like old buildings.</p>

## 8.5 Policy Provisions: Conservation and Restoration Works

Wherever possible the original significant fabric of a building or heritage place should be retained. Regular maintenance and repair are recommended as the best way to conserve and protect heritage places.

Ensuring that a heritage place is occupied is a good way of looking after it. The City will encourage owners to ensure that heritage buildings or places are not left unoccupied.

Where a heritage building or place has deteriorated to the point of requiring restoration works, deteriorated fabric should be replaced with fabric that matches the original as closely as possible. The use of traditional trades and skills is encouraged.

Where restoration work is carried out to a heritage building or place that has been altered, work should be based on research including historic photographs, plans or other documents that can identify the original elements, details or finishes of the building or place. Where a development application is required to be



submitted, copies of any research materials used as the basis of restoration works should be included to assist in assessing the application.

Proposed Development	City Provisions
Conservation/restoration of a building on the Heritage List, except places identified as Management Category 3 in the MHI	<p>8.5.1 Generally conservation and restoration of buildings or places on the Heritage List is encouraged. It should be guided by a Conservation Plan or policy prepared for the place.</p> <p>8.5.2 Where there is no conservation plan, work should be guided by the principles of the Burra Charter. Generally this means:</p> <ul style="list-style-type: none"> <li>• Replace deteriorated fabric or elements with new fabric or elements to match the original.</li> <li>• Where restoration is being carried out, works should be based on historic photographs, plans or other material that shows the former state of the building or place. Restoration should not be based on conjecture.</li> </ul> <p>8.5.3 Where existing fabric contains asbestos products, replacement should be based on materials that give a similar appearance to the original. Removal of asbestos must be carried out to WorkSafe requirements.</p>
Conservation/ restoration of a building on the site of a place identified as Management Category 3 – 5 in the MHI	<p>8.5.4 Generally conservation and restoration of buildings or places on the MHI is encouraged.</p> <p>8.5.5 Work should be guided by the principles of the Burra Charter. Generally this means:</p> <ul style="list-style-type: none"> <li>• Replace deteriorated fabric or elements with new fabric or elements to match the original.</li> <li>• Where restoration is being carried out, works should be based on historic photographs, plans or other material that shows the former state of the building or place. Restoration should not be based on conjecture.</li> </ul> <p>8.5.6 Where existing fabric contains asbestos products, replacement should be based on materials that give a similar appearance to the original. Removal of asbestos must be carried out to WorkSafe requirements.</p>
Conservation/ restoration of a building in a Heritage Area	<p>8.5.7 The requirements of the Local Planning Policy for the Heritage Area will apply.</p> <p>8.5.8 Generally conservation and restoration of buildings or places in Heritage Areas is encouraged. Where a conservation plan has been prepared, works should follow the recommendations of the plan. Where there is no conservation plan works should be based on the principles of the Burra Charter.</p>

## 8.6 Policy Provisions: Alterations and Additions

Adaptation should be carried out with the least amount of change to the original or significant fabric as possible. Work that can be reversed in the future is desirable, however work that cannot be reversed will be supported provided the cultural heritage significance of the place is not compromised.





Where significant buildings are adapted or extended, new work should be visually in keeping with the original fabric, but there should be sufficient difference to distinguish it as new. Additions or extensions may range from traditional, to highly contemporary in style.

The impact of new development and of the redevelopment of heritage buildings on existing heritage places will be taken into account. The impact of any development within a Heritage Area on the cultural heritage significance of that Area as a whole will be taken into account.

Proposed Development	City Provisions
Alterations and additions to a building or place on the Heritage List, except places identified as Management Category 3 in the MHI	<p>8.6.1 Alterations and additions should comply with the conservation plan for the building(s) or place.</p> <p>8.6.2 Where there is no conservation plan, a Heritage Impact Statement may be required.</p> <p>8.6.3 Alterations and Additions should be limited to areas of the building(s) or place assessed to be of lower significance.</p> <p>8.6.4 Alterations and additions should not obscure or alter areas or elements that contribute to cultural heritage significance.</p> <p>8.6.5 Alterations and additions should:</p> <ul style="list-style-type: none"> <li>• Be in keeping with the bulk and scale of a significant building.</li> <li>• Use materials and colours that match the significant building, or use materials and colours that do not detract from the significant building.</li> <li>• Ensure that the original building remains clearly evident, i.e. not overwhelmed by the new addition or altered beyond recognition</li> <li>• Be clearly evident as new in comparison with the original building. Differences may be subtle or pronounced.</li> </ul> <p>8.6.6 Generally:</p> <ul style="list-style-type: none"> <li>• The façade and roof pitch of the original building should not be altered.</li> <li>• The original building should remain the dominant structure when viewed from the primary street and from side streets in the case of a corner site.</li> <li>• Upper floors should not be constructed over significant areas of a building. Upper floors may be constructed to the rear of a significant building provided they do not impact on the significant fabric or elements of the building.</li> </ul>
Alterations and additions to a building or place identified as Management Category 3 - 5	<p>8.6.7 Alterations and additions should not obscure or alter areas or elements that contribute to the cultural heritage significance of the building or place.</p> <p>8.6.8 Alterations and additions should:</p> <ul style="list-style-type: none"> <li>• Be in keeping with the bulk and scale of a significant building.</li> <li>• Use materials and colours that match the significant building, or use materials and colours that do not detract from the significant building.</li> <li>• Ensure that the original building remains clearly evident, i.e. not overwhelmed by the new addition or altered beyond recognition</li> <li>• Be clearly evident as new in comparison with the original building. Differences may be subtle or pronounced.</li> </ul>
Alterations and additions to a building or place in a	8.6.9 The requirements of the Local Planning Policy for the



Heritage Area	<p>Heritage Area will apply</p> <p>8.6.10 Alterations and additions to a building or place in a Heritage Area will be assessed for their impact on the streetscape and on the significance of the Heritage Area as a whole unless the place is also on the Heritage List or the MHI in its own right.</p>
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## 8.7 Policy Provisions: Change of Use

The City will support original uses over new uses in heritage buildings. However, where new uses are required to ensure the future viability of the building or place, their suitability will be assessed on the capacity of the building to retain its cultural heritage significance.

Proposed Development	City Provisions
Change of use for a building or place on the Heritage List, except places identified as Management Category 3 in the MHI	<p>8.7.1 New uses will be assessed on the basis of the recommendations of the conservation plan for the place. Where no conservation plan exists a Heritage Impact Report may be required.</p> <p>8.7.2 New uses will be assessed against their impact on the cultural heritage significance of the place. Uses that do not alter the significance of the place and do not require extensive alterations that may alter the significance of the place are preferred.</p>
Change of use for a building or place identified as Management Category 3 – 5 in the MHI	<p>8.7.3 New uses will be assessed against their impact on the cultural heritage significance of the place. Uses that do not alter the significance of the place and do not require extensive alterations that may alter the significance of the place are preferred.</p>
Change of use for a building or place in a Heritage Area	<p>8.7.4 The requirements of the Local Planning Policy for the Heritage Area will apply</p> <p>8.7.5 New uses will be assessed for their impact on the cultural heritage significance of the area as a whole.</p>

## 9.0 INCENTIVES, AGREEMENTS, COMPLIANCE and REVIEW

### 9.1 Incentives

The City of Busselton is committed to assisting owners to conserve heritage places wherever possible. The City has developed a program of incentives that it can offer to owners in return for the owner's commitment to conservation of the heritage place.

Incentives can be offered to owners of places on the Heritage List on the MHI or located in a Heritage Area.



Incentives take the form of relaxation or modification of one or more of the planning requirements for that place that would normally apply under TPS20 or the Residential Design Codes. This includes but is not limited to:

- Parking requirements
- Plot ratio
- Residential density
- Use categories
- The requirement for only one dwelling on a rural lot. (This will be relaxed where an owner wishes to construct a new dwelling and the existing dwelling is a listed heritage place.)

~~The City may in certain circumstances allow a reduction of rates in return for conservation works to a heritage place. This will apply in the year the work is carried out or a subsequent year and for the following four years (total of 5 years) at the discretion of the City.~~

~~In return for incentives the City may require the owner of a heritage place to enter into a Heritage Agreement under the Act or a Heritage Agreement under the Local Town Planning Scheme with the City of Busselton.~~

## **9.2 Heritage Agreements under the *Heritage of Western Australia Act, 1990***

Under TPS20, the City of Busselton may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a Heritage Agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

Detailed provisions relating to Heritage Agreements are set out in the Act. The principal purpose of a Heritage Agreement is to secure the long-term conservation of a heritage place.

A Heritage Agreement in accordance with the *Heritage of Western Australia Act* will normally apply where the place is included on the Heritage Council's Register of Heritage Places.

## **9.3 Heritage Agreements under the Local Town Planning Scheme**

Where the City offers planning concessions or other incentives to places not included on the Register of Heritage Places, a legal agreement will be required between the owner of the heritage place and the City. This is a legally binding contract that commits the owner of a place to a particular outcome.

The use of a Heritage Agreement under the Local Town Planning Scheme may be considered where there is a specific need or desire to preserve or protect a heritage place with suitable cultural significance. Heritage provisions under the Scheme allows for development standards to be varied, including a change of use, to provide a planning concession to a developer in return for the retention of a building. The developer may also be required to undertake certain improvement works to the heritage place where required. An example of where a planning concession may be considered is where a density bonus is negotiated, which would allow an extra residential unit to be developed on a site in return for the protection and retention of the heritage place on site. Other potential incentives may include those listed under section 9.1 above.

## **9.4 Interpretation and Interpretation Plans**

The City encourages the provision of interpretative material as a means of conveying the cultural heritage significance of a place. The City may require the preparation of an Interpretation Plan or interpretative material as a condition of Development Approval or as a requirement of a Heritage Agreement or Agreement.

The following criteria will apply:



- The extent of redevelopment of the heritage building or place that is proposed.
- The extent to which the proposed development will impact on the cultural heritage value of the heritage building or place.
- The level and nature of cultural heritage significance of the building or place and the extent to which interpretative material will increase community understanding of the place.

The following interpretive techniques should be considered. The list is not considered to be exhaustive and other techniques may be used depending on the level and nature of significance of the building or place to be interpreted.

- Where appropriate, the historically accurate restoration of original colours, features, finishes, fittings and furnishings of a heritage building and/or the original landscape treatment (including planting schemes) of a cultural landscape.
- Installation of appropriate signage and/or interpretative panels depicting the history and significance of the place.
- Preparation of publications based on documentary research and/or oral history about the heritage place.
- The introduction of art works that illustrate historic themes such as the former use of a heritage building or place.

The City encourages the inclusion of interpretive material on heritage sites which also have Aboriginal significance. Interpretive material must be culturally appropriate and approved by the Department of Indigenous Affairs. Interpretive material does not require a Development Approval from the City of Busselton unless it is designed as part of an external fixture or other elements requiring Development Approval. The content of the interpretive material will not be assessed by the City of Busselton and relevant approvals will only be granted where the applicant provides evidence that the content has been approved by the Department of Indigenous Affairs.

#### **9.5 Heritage Advice and Support**

The City may, at its own expense, engage experts in the field of heritage, architecture, structural engineering, quantity surveying, town planning, urban design or other areas as it sees fit to provide advice to the City on the assessment of individual development applications on an 'as-needs' basis. Such advice will be based on the area of expertise of the expert only and will be used to assist the City in the decision-making process.

The City may also commission heritage experts to prepare independent Heritage Assessments, Heritage Impact Statements or other Heritage Reports to assist in the assessment of a particular development application. The cost of preparing such a report may be required to be borne by the applicant.

In certain circumstances the City may also provide at its own expense technical support to owners of a heritage place to determine appropriate means of conserving that place. The City contributes to the retention of a Regional Heritage Advisor, and this person is available to provide free advice on heritage principles and issues to land owners, developers, community groups and others with an interest in, or concerns about, local heritage issues.

#### **9.6 Heritage Grants**

From time to time owners of heritage places are eligible for assistance in the form of Grants for conservation works. The City will assist owners to access grant funding, for example, by providing links to funding organisations on its web site and by, where appropriate, advising owners of places on the Heritage List when funding rounds open and close.



The main sources of heritage funding are as follows:

- Heritage Council of Western Australia
- LotteryWest
- Private owners
- Not-for-Profit Organisations

#### **9.7 Council-Owned Property**

The City of Busselton will seek to lead by example by managing its own property in accordance with these provisions.

#### **9.8 Compliance with these Provisions**

Failure to comply with these provisions may result in penalties under the *Planning and Development Act 2005*. If the place is entered on the Heritage Council's Register of Heritage Places, penalties under the *Heritage of Western Australia Act 1990* may apply.

#### **9.9 Reviewing of these provisions**

These provisions shall be reviewed regularly, with the first review due to commence 3 years from the adoption date.

#### **Reference Documents**

- City of Busselton Municipal Heritage Inventory (Adopted 13/09/06)
- Western Australian Planning Commission *SPP 3.5 Historic Heritage Conservation*
- Local Government Heritage Working Party Findings (April 2005)





**ADOPTION NOTICE**

**ADOPTION OF PLANNING POLICY – Environment and Heritage Conservation Policy**

In accordance with Clause 103 of District Town Planning Scheme 20, and Council Resolution C1009/069 dated the 10<sup>th</sup> March 2010, notice is hereby given that the Council resolution took effect on the 9<sup>th</sup> April 2010, 2010 to finally adopt the Local Planning Policy - Environment and Heritage Conservation Policy.

Summary of Local Governments with Heritage Incentives

Local Government	Rates Concessions	Other Heritage Incentives/Programmes
City of Swan	<ul style="list-style-type: none"> <li>50% rate concession on general residential rates to encourage and support owners to maintain their buildings.</li> <li>Property must be on the heritage list.</li> <li>The concession is required to be applied for on an annual basis.</li> <li>Building insurance and current pest control certificate to be provided each year.</li> </ul>	<ul style="list-style-type: none"> <li>No grants or programmes</li> </ul>
City of Bunbury	<ul style="list-style-type: none"> <li>Rate concession for heritage places which awards a rate concession for eligible places of 30% per annum on the rates payable on the subject property for a period of five years to a maximum of \$1,000 per year to a maximum total concession of \$5,000.</li> <li>The value of the concession cannot exceed 50% of the total cost of eligible works.</li> </ul>	<ul style="list-style-type: none"> <li>No grants or programmes</li> </ul>
City of Stirling	<ul style="list-style-type: none"> <li>50% rate concession of the general rate;</li> <li>The concession for commercial properties will be capped at \$2,000 per property</li> <li>Property must be on the City of Stirling Heritage List;</li> <li>Building insurance and current pest control certificate to be provided each year.</li> <li>The concession is required to be applied for on an annual basis.</li> </ul>	<p><b>Heritage Grants</b></p> <ul style="list-style-type: none"> <li>Eligible projects are entitled to up to 50% of the total cost of the works, up to a maximum of \$5,000 on any one property.</li> <li>The Heritage Grants fund has one application period per financial year.</li> </ul>
City of Gosnells	<ul style="list-style-type: none"> <li>No rates concessions</li> </ul>	<p><b>Condition reward scheme</b></p> <ul style="list-style-type: none"> <li>The City of Gosnells is rewarding owners who maintain their heritage listed properties in acceptable condition.</li> <li>In 2016 the rewards offered, based on the property's condition, were as follows: <ul style="list-style-type: none"> <li>Condition Score of Good \$400</li> <li>Condition Score of Fair \$200</li> </ul> </li> </ul>
City of Vincent	<ul style="list-style-type: none"> <li>No rate concessions</li> </ul>	<p><b>Heritage Assistance Fund</b></p> <ul style="list-style-type: none"> <li>Eligible projects are entitled to up to 50% of the total cost of works, up to a maximum of \$5,000, subject to the availability of budget.</li> </ul>
City of Albany	<ul style="list-style-type: none"> <li>No rate concessions</li> </ul>	No grants or programmes
City of Subiaco	<ul style="list-style-type: none"> <li>No rate concessions</li> </ul>	<p><b>Heritage grants fund</b></p> <ul style="list-style-type: none"> <li>Places listed on the heritage list or contributory places located within a heritage area are eligible for financial assistance for urgent conservation works, and/or conservation works that enhance and reveal the heritage significance of a place.</li> <li>Eligible projects are entitled to up to 50% of the total cost of works, up to a maximum of \$5,000, subject to the availability of budget. Council may at its discretion approve a grant allocated over \$5,000.</li> </ul>
City of Kalgoorlie-Boulder	<ul style="list-style-type: none"> <li>No rate concessions</li> </ul>	<p><b>Local heritage fund</b></p> <ul style="list-style-type: none"> <li><b>Places of Exceptional Significance</b> - Between \$5,000 and \$20,000 per project for conservation works, but not exceeding 50% of the total cost of the project.</li> <li><b>Places of Considerable Significance</b> - Between \$5,000 and \$15,000 per project for conservation works, but not exceeding 50% of the total cost of the project.</li> <li><b>Places of Some Significance</b> - Between \$3,000 and \$10,000 per project for conservation works, but not exceeding 50% of the total cost of the project.</li> <li><b>Places within Heritage Precincts</b> - Grants of up to \$3,000 per project for conservation works, but not exceeding 50% of the total cost of the project.</li> </ul>
Town of Claremont	<ul style="list-style-type: none"> <li>No rate concessions</li> </ul>	<p><b>Maintenance Grant</b></p> <ul style="list-style-type: none"> <li>The agreed contribution to the maintenance of the heritage place will be at the complete discretion of the Council.</li> </ul>

## 6.2 CONSOLIDATED PARKING SCHEME AMENDMENT - ALBERT STREET BUS BAYS

<b>SUBJECT INDEX:</b>	Minor Parking Scheme Amendments
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Ranger and Emergency Services
<b>REPORTING OFFICER:</b>	Ranger & Emergency Services Coordinator - Ian McDowell
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A GIS Map showing proposed location of the bus bay <a href="#">↓</a>

### PRÉCIS

The purpose of this report is to seek Council endorsement of a proposed variation to the City's Consolidated Parking Scheme to provide a dedicated bus bay for TransWA coach services in Albert Street, Busselton.

### BACKGROUND

The City resumed control of the former Geographe Bay Tourist Association (GTBA) building on Peel Terrace, Busselton in 2015 for the purpose of providing a Customer Information Centre for the City during the construction of the City's new administration building, and because the Association (now part of the amalgamated Margaret River-Busselton Tourism Association) was transitioning, via temporary premises on the Busselton Foreshore, to new premises in the 'Railway House' development, also on the Busselton Foreshore. As part of this relocation, concerns have been raised as to the appropriateness of the usage of the carpark adjoining this building by the TransWA coach service for the embarking and disembarking of passengers. It was identified that this would also need to be addressed when the Customer Information Centre relocates back to the new centralised administration building, after which the City is looking to lease the building to other users, whose use of the building may not be consistent with TransWA's continuing use of the car park.

In February 2016 the City considered a number of options for relocation of the TransWA service and decided the better option was to relocate it to Albert Street, thus centralising all bus and coach transfers to one location and creating a 'Bus Precinct'. It is proposed to remove/reallocate the four existing car parking bays opposite the Busselton Liquor Store ('Cellarbrations') in Albert Street, Busselton to facilitate the creation of a dedicated bus bay for TransWA coach services within Busselton. The area in question is identified in Attachment A. The provision of an additional bus bay in Albert Street is also easily accessible being on the fringe of the City Centre and existing footpath networks provide easy walkability and connections back to Queen Street (including TransWA ticketing, through the 'Hello World' travel agent) and in the direction of the Busselton Foreshore. The proximity of nearby public car parking bays also supports those patrons requiring transfers to and from the bus to park easily and safely. Public ablutions are also available within reasonable proximity, as part of the Busselton Library/CRC Precinct, open Monday to Friday 9:30am to 5:30pm (7:00pm on Thursday), and 9:30am to 12:00 noon on Saturday. The TransWA timetable and information relating to their service through Busselton only lists the Bunbury Passenger Terminal as having toilet facilities available. As such users of the service would not expect public ablutions to be available at the Busselton stop.



## **STATUTORY ENVIRONMENT**

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

Section 2.1(1)(g) of the Local Law states: *“That Council may, constitute, determine or vary permitted classes of vehicles which may park in specified parking stalls, parking stations and parking areas”*. This report seeks to make a variation through the reallocation of four existing car bays to one bus bay.

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

## **RELEVANT PLANS AND POLICIES**

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

## **FINANCIAL IMPLICATIONS**

The Public Transport Authority has agreed to meet all costs associated with the bus stop hardstand upgrades including tactile indicators, signage and the provision of a refurbished shelter for the area surrounding the new bus bay.

Resources required for line marking the bus bay with paint are provided for within the City’s overall operational budget and can be absorbed without any budgetary amendments being required.

### **Long-term Financial Plan Implications**

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

## **STRATEGIC COMMUNITY OBJECTIVES**

The recommendation of this report reflects Community Objective 2.2 of the Strategic Community Plan 2013 (review 2015), which is: *“a City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections”*.

## **RISK ASSESSMENT**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City’s risk assessment framework. There have been no risks identified for this variation to the Parking Scheme.

## **CONSULTATION**

No consultation has been undertaken with any adjoining property owners regarding this proposal. The impact is considered minimal with ample off street parking available for nearby businesses.

The City’s Design and Survey team has worked closely with the Public Transport Authority to achieve the desired outcome.

**OFFICER COMMENT**

The roundabout at the intersection of Albert Street, Harris Road and Stanley Place provides the ability for all coaches to seamlessly access the area regardless of which side of the street is required for parking.

The provision of the relocated coach stop to Albert Street will require the installation of tactile indicators, signage and the remarking of the 4 existing parking bays into 1 bus bay. The proposed site also allows for the wheel chair lift to function adequately while retaining adequate pedestrian access. While this proposal does require the removal of 4 existing car parking bays, this is adequately catered for in the public carpark directly opposite the proposed location.

**CONCLUSION**

That Council endorse the proposed amendments to the City's Consolidated Parking Scheme to establish a dedicated bus bay for the TransWA coach services in Busselton.

**OPTIONS**

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

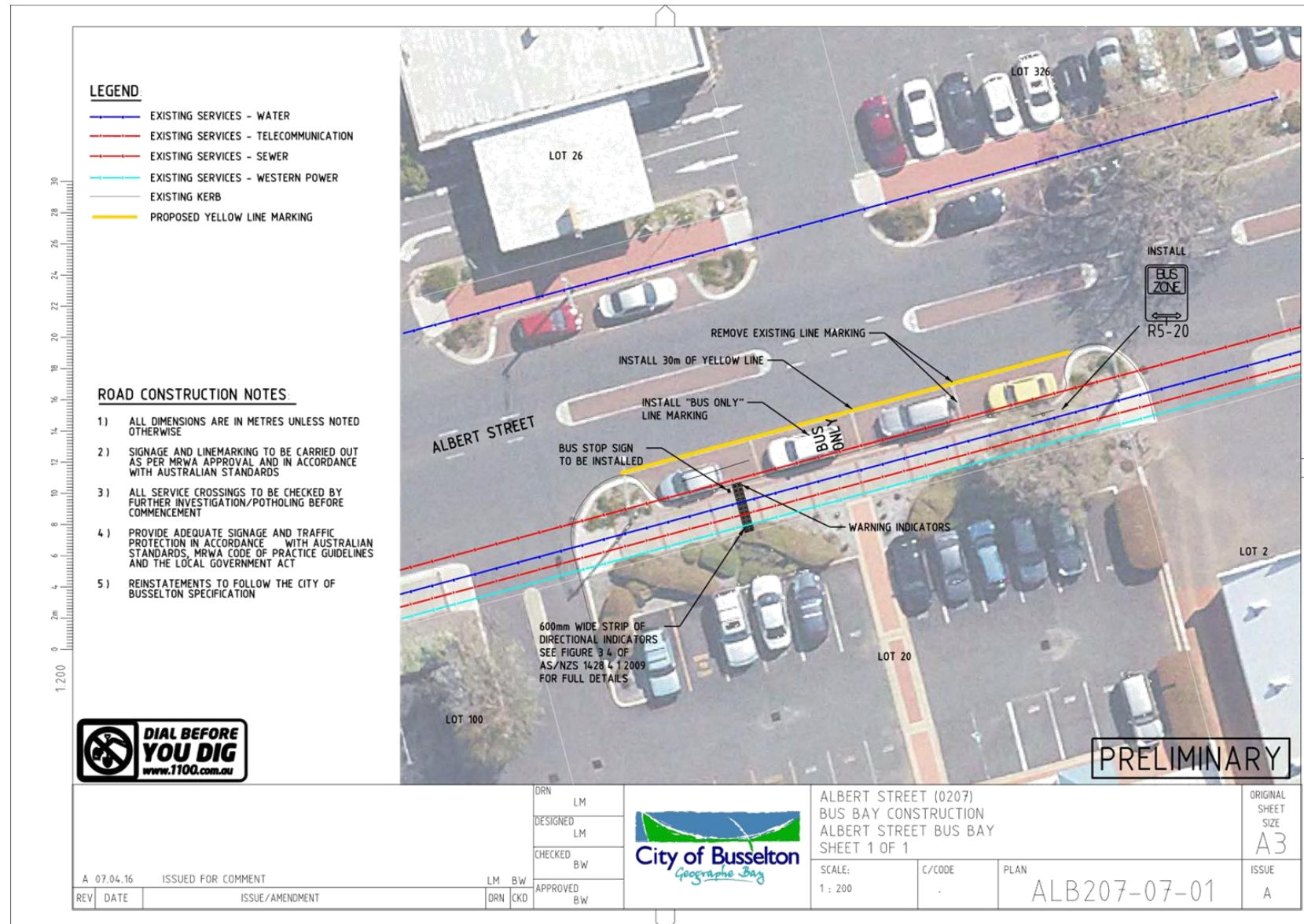
**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

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

**OFFICER RECOMMENDATION**

That the Council:

1. Amends the Consolidated Parking Scheme, pursuant to the City of Busselton *Parking Local Law 2011* to vary the classification of four car parking bays located in Albert Street, Busselton as identified in Attachment A of this report, to a dedicated bus bay for the use of TransWA coach services.
2. Endorses the CEO to give local public notice of the determination as required by the City of Busselton *Parking Local Law 2011*.



### 6.3 REVIEW OF C246 - SHELTERS AND STRUCTURES ON BEACHES

<b>SUBJECT INDEX:</b>	Local Government Property Local Law 2010
<b>STRATEGIC OBJECTIVE:</b>	Our natural environment is cared for and enhanced for the enjoyment of the community and visitors.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Rangers and Emergency Services
<b>REPORTING OFFICER:</b>	Ranger & Emergency Services Coordinator - Ian McDowell
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A CP246 – Shelters and Structures on Beaches Version 1 <a href="#">↓</a> Attachment B Local Government Insurance Services (LGIS) advice <a href="#">↓</a> Attachment C Pictures of beach shelters and anchoring methods <a href="#">↓</a>

#### **PRÉCIS**

The purpose of this report is to seek endorsement of the revised Council Policy 246 – Shelters and Structures on Beaches. The policy has been reviewed and amended to provide clarity.

#### **BACKGROUND**

The City of Busselton *Local Government Property Local Law 2010* prohibits the retention of beach shelters and windbreaks on local government property outside the hours of daylight, unless a permit has been issued.

In October 2015 a petition containing 540 signatures was received by the City requesting Council to rescind its decision to ban the long term use of beach shelters. Council considered the petition in December 2015 at which time they resolved not to support the placement of shelters for private purposes on beaches overnight and requested a policy be drafted and presented to the Policy and Legislation Committee on the matter.

A policy was drafted and in April 2016 Council adopted Council Policy 246 – Shelters and Structures on Beaches (the Policy). The Policy, underpinned by the City of Busselton *Local Government Property Local Law 2010*, prohibits the retention of structures (including beach shades or windbreaks) on beaches overnight without the owner first obtaining a permit from the City – which the policy indicates the City would only issue in very limited circumstances.

Immediately prior and during the 2016/17 summer period, the City received complaints from a small number of community members and a local business owner in relation to the Policy. The complainants support the retention of structures, and in particular beach shelters, on beaches overnight without the need to apply for a permit; or by application for a permit with a more simplified process and in a wider variety of circumstances than currently exists within the Policy.

This matter was subsequently discussed at a meeting of the Policy and Legislation Committee on 16 February 2017 at which time it was agreed that a further report would be presented to Council through the Policy and Legislation Committee.

#### **STATUTORY ENVIRONMENT**

Under section 29(1) of the *Local Government (Functions and General) Regulations 1996*, a contravention of a regulation or a local law made under the *Local Government Act 1995* (the Act) can lead to the impounding of goods involved in the contravention if:

- a. it occurs in a public place; and
- b. either:
  - i. the presence of the goods presents a hazard to public safety, or obstructs the lawful use of any place; or
  - ii. where the regulation or local law prohibits or regulates the placement of goods, the goods are located in a place contrary to that regulation or local law.

Under section 3.14(3)(b) of the City of Busselton Local Government Property Local Law 2010 a person must not without a permit erect any tent, camp, hut or similar structure on local government property other than a beach shelter or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

## **RELEVANT PLANS AND POLICIES**

CP246 – Shelters and Structures on Beaches Version 1 dated 13 April 2016 (Attachment A).

## **FINANCIAL IMPLICATIONS**

Resources required for implementation of the Local Law, that is to remove shelters left overnight or longer, are currently provided for within the City's overall operational budget and can be achieved without any significant effect on other operational areas.

Changing our approach through the administration of a permit issuing process including the assessment of applications and ongoing monitoring of compliance with the stringent conditions required would have a significant impact on existing resources and would likely result in the need to increase financial and human resources to adequately enforce any new approach.

### **Long-term Financial Plan Implications**

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

## **STRATEGIC COMMUNITY OBJECTIVES**

Consideration of this matter is consistent with Key Goal 5 of the City of Busselton Strategic Community Plan 2013. – Cared For and Enhanced Environment, Community Objective 5.1 – our natural environment is cared for and enhanced for the enjoyment of the community and visitors.

## **RISK ASSESSMENT**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. There have been no risks identified for this amendment to the Shelters and Structures on Beaches Policy. Should the Council wish to consider a more liberal approach with respect to shelters, however, there are potentially significant risks that would need to be understood and addressed.

## **CONSULTATION**

Community consultation is not considered necessary. The Policy has been revised to provide clarity and continues to reflect Council's previously established position (December 2015 and April 2016). which does not support the retention of beach shelters and the like on our beaches overnight.

Advice has been sought from the City's Legal Services Coordinator, and the Local Government Insurance Services (LGIS) Risk and Governance Services with regard to the establishment of a permit system that would allow the beach shelters to remain in-situ on public land overnight. The advice provided acknowledges that whilst it is possible to establish a permit system to allow beach shelters to remain in-situ overnight, such a system would prove to be impractical and onerous for the City and applicant alike. A copy of the LGIS advice is attached (Attachment B).

#### **OFFICER COMMENT**

The types of structures being left on our beaches overnight are designed as portable and temporary structures, they are not designed to be permanent structures, or used/erected for more than very short periods at any one time. Two such products from different manufacturers, one a "deluxe gazebo" the other an "ultimate jumbo heavy duty gazebo", come with the same manufacturer and supplier warnings:

- Do not use this gazebo in strong wind and rain
- Wind and rain can damage the gazebo and could result in injury
- Always stake or weigh down the gazebo once set up
- This gazebo is not a permanent structure

Regardless of any systems that may be in place, ignoring the warnings by allowing the structures to remain in-situ overnight or for longer periods, contrary to those warnings, may expose Council to claims of public liability in the event of personal injury or property damage.

In February 2017, an audit of structures that had been left in place on our beaches for extended periods was conducted. At that time, 18 structures had been left in place between Dunsborough and Busselton and were anchored by various means, many of which were unsafe, inadequate or both. Examples of beach shelters left in place and the various methods of anchoring the structures in place are attached (Attachment C).

Council Policy 246 has been reviewed and revised so as to provide greater clarity in the management of structures erected on local government property, including beaches, but the intent of the Policy has remained the same. A copy of the revised draft Policy is as shown in the officer recommendation.

The Local Government Property Local Law that underpins the Policy makes reference to the erection of tents, camps, hut or similar structures on local government property and not only beaches. To avoid possible confusion the scope/title of the revised draft Policy has been changed to Shelters and Structures on Local Government Property. Other changes include:

- The definitions of a beach shelter: a temporary structure being less than 15m<sup>2</sup> in area, and includes but is not limited to windbreaks, beach umbrellas, gazebos or any other manufactured or DIY structure similar in style.
- A link to the definition of an event: as defined in Council Policy 231 – Events.
- A link to the definition of local government property: as defined in the Local Government Property Local Law 2010.
- Clear delineation on how the City will deal with beach shelters and other structures by providing information under separate headings.
- Clear information in relation to the immediate removal by the City of unauthorised structures obstructing community access, or which present an immediate risk to public safety due to

structural integrity concerns (either due to its decrepit state or the manner in which it has been erected or anchored).

## CONCLUSION

Endorsement of the revised draft policy will provide for the consistent enforcement of Council's objective with regard to structures on local government property. The revised Policy maintains the previously agreed position of Council that beach shelters and the like should not remain in-situ on local government property overnight or longer; whilst making provision for the use of other structures that may be required as part of a City approved event.

## OPTIONS

The City may:

1. Maintain its current policy and practices.
2. Regulate temporary approvals through a permit system.
3. Review and amend the existing policy to provide clarity.

## TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised Policy will be implemented immediately following its adoption by Council.

## OFFICER RECOMMENDATION

That Council adopts version 2 of Council Policy 246 – Shelters and Structures on Local Government Property:

246	Shelters and Structures on Local Government Property	Version 2
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## PURPOSE

The purpose of this policy is to establish a framework for the management of structures erected on local government property within the City of Busselton.

## SCOPE

This policy will guide the community and staff on circumstances when shelters or structures may be erected on local government property and the circumstances in which structures that are considered an obstruction or a risk to public safety may be removed.

## DEFINITIONS

**Beach Shelter:** a temporary structure being less than 15m<sup>2</sup> in area, and includes but is not limited to windbreaks, beach umbrellas, gazebos or any other manufactured or DIY structure similar in style.

**Event:** as defined in Council Policy 231 – Events.

**Local Government Property:** as defined in the *Local Government Property Local Law 2010*.

## POLICY CONTENT

Pursuant to clause 3.14 (3) (b) of the City of Busselton *Local Government Property Local Law 2010* (the Local Law):

*“A person must not without a permit erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day”.*

### Beach Shelters

Under the provisions of the Local Law beach shelters or windbreaks that are erected and dismantled on the same day do not require a permit. The City does not support the retention of these structures on local government land overnight.

### Other Structures

Other structures such as marquees or tents may only be erected on local government property and left overnight where it is necessary for an event organised or approved by the City.

Applications for a permit for the retention of other structures on local government property overnight will form part of the event application process. Such applications will only be supported where the applicant:

1. Demonstrates there is no practical alternative to leaving the structure in place overnight.
2. Demonstrates the structural integrity/safety of the structure.
3. Holds a minimum of \$10m in Public Liability Insurance.

### Unauthorised Structures

Under the *Local Government (Functions and General) Regulations 1996* the City may impound goods on local government property if they present a hazard to public safety; if they obstruct the lawful use of any place; or where a regulation or local law prohibits or regulates the placement of the goods and they are in a place contrary to that regulation or local law.

Where an unauthorised structure is obstructing community access, or presents an immediate risk to public safety due to structural integrity concerns (either due to its decrepit state or the manner in which it has been erected or anchored) the City will remove it immediately.

## **Policy Background**

Policy Reference No – 246

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy Approved by – Council

Date Approved –

Review Frequency – as required

Related Documents – City of Busselton *Local Government Property Local Law 2010*

## **History**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1604/076	13 April 2016	Date of Implementation Version 1
		Policy revised to provide clarity regarding beach shelters, and to expand the scope of the policy to include all local government property Version 2





**Current Policy**

246	Shelters and Structures on Beaches	V1 Current
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**PURPOSE**

The purpose of this policy is to establish the objectives of the Council in the management of structures erected beaches within the City of Busselton.

**SCOPE**

This policy will guide the community and staff on circumstances when shelters or structures may be permitted to be erected, and the manner in which are erected without authorisation are to be removed.

**POLICY CONTENT**

Clause 3.14 (3) (b) of the City's *Property Local Law* sets out that -

*A person must not without a permit -*

*...erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.*

As a result of the above, a 'beach shade or windbreak' can be brought to the beach for use for the day, but is not allowed to remain overnight, and nor is any other kind of structure allowed, without a permit. 'Beach shade or windbreak' is not specifically defined, but Council considers that any structure larger than 15m<sup>2</sup> in area cannot reasonably be considered to be a 'beach shade or windbreak'.

Consistent with the provisions of the City of Busselton Local Government Property Local Law 2011, the City of Busselton does not, though, support the overnight retention of any shelters or structures that have been erected on beaches within the City, other than in the circumstances set out in the paragraph below.

Structures may only be erected on the beach and left overnight where this is absolutely necessary for an activity or event authorised by the City under the City of Busselton Local Government Property Local Law 2011.

**APPLICATION OF THE POLICY**

Applications to erect shelters or structures on a beach will only be supported if the Applicant satisfactorily addresses the following matters:

1. There is no practical alternative available other than leaving the structure erected
2. Location – so as to minimise obstruction/conflict
3. Public Liability Insurance – (minimum value \$10,000,000)
4. Structural integrity

Unauthorised structures shall be managed in accordance with the Local Government Act 1995, the Local Government (Functions and General) Regulations and Operating Practices and Procedures developed for this purpose.

Such procedures shall provide for the giving of 72 hours' notice to remove the structure, after which the structure shall be impounded.

The procedure shall also provide for the immediate removal of the structure if it is considered to be obstructing community access, poses a risk to the public due to structural integrity issues or other factors such as inclement weather which potentially pose a risk to public safety.

**Policy Background**

Policy Reference No – 246

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy Approved by – Council

Date Approved – 13 April 2016

Review Frequency – as required

Related Documents – City of Busselton *Local Government Property Local Law 2010*

**History**

Council Resolution	Date	Information
C1604/076	13 April 2016	Date of Implementation Version 1

**LGIS Risk and Governance Services Advice**

In general, with any land under its control, the City would have to consider its duty to others as an occupier of that land. Section 8 of the *Occupiers' Liability Act 1985* (WA) preserves a higher duty of care on Occupiers of land and it is a well-accepted principle of law that Occupiers have a duty to protect users of property from any defect or danger in the physical state or condition of the property – in some circumstances Occupiers may even have a duty to control others (i.e. a third party) on the premises where there is a foreseeable risk of harm (although this is unlikely to extend to preventing any criminal conduct).

In order for the City to demonstrate it has taken reasonable steps to discharge its duty of care, it should ensure there is an appropriate consideration of the risks and the provision of reasonable measures to control or manage those risks. From the information provided to us it would appear that one of the key risk issues with the retention of temporary structures overnight, is the potential for the structures to cause harm (Injury or damage), particularly where unattended. This may be due to various causes, some of which may be:

- Structural failure.
- Unsuitable design for conditions.
- Inappropriate installation and placement.
- Lack of supervision/monitoring.
- Weather conditions (causing damage or displacement).

The Draft Revised Policy (the Policy) provides certain risk control measures in relation to large temporary structures (Other Structures) via conditions placed on the retention permit and the event application process. For example, applicants are required to:

- Demonstrate there is no practical alternative to leaving the structure in place overnight.
- Demonstrates the structural integrity/safety of the structure.
- Hold a minimum of \$10m in public liability insurance.

Whilst it may be possible to introduce a permit to capture overnight retention of smaller temporary structures (Beach Shelter), in order to condition the permit in a fashion that will have appropriate risk control measures in place, would likely require conditions that are: impractical for the applicant to achieve; overly onerous on the City to manage; or else are too general to afford sufficient protection to the City.

For example:

- Beach shelters encompass many variations including: windbreaks, beach umbrellas, gazebos and other manufactured or 'Do it Yourself' structures. There may be some uncertainty regarding integrity of these structures and their suitability to being left exposed to the elements, particularly in an unsupervised environment. It may be difficult for the City to obtain appropriate assurances or have a sufficient level of confidence that each structure would be fit for purpose. This can be contrasted with larger structures supplied by event organisers that are engineered and constructed for commercial purposes.
- As stated in the Policy, "Under the Local Government (Functions and General) Regulations 1996, the City may impound goods on local government property if they present a hazard to public safety; if they obstruct the lawful use of any place; or where regulation or local law prohibits or regulates the placement of the goods and they are on place contrary to that

regulation or local law.” With potentially multiple structures in multiple locations, it would be overly onerous on the City to demonstrate reasonable attempts in managing public safety and ensure structures do not present a hazard to the public.

- It would be an impractical and unfair requirement to request an individual applicant provide public liability insurance for the purposes of a Beach Shelter on City land, however without this there would be no form of risk transfer mechanism in the event of a claim arising out of the placement of the structure.

The City may wish to conduct an assessment of risks involved in relaxing the existing policy and including a permit for the overnight retention of Beach Shelters. Ultimately when deciding on the appropriate course of action, the City will have to balance the desires of the community with the City’s ability to manage the associated risks. We are of the opinion that to look at this matter from a liability risk point of view, the City would need to consider how a court would view the City’s response to the identified risks and whether the response could be considered a reasonable one. This will to some degree depend on the following factors:

- The magnitude of the risk/s at hand, along with the probability of its occurrence.
- The probability of harm and/or damage occurring by not treating the risk/s.
- The burden on the City in implementing the risk treatment/s (including the expense, difficulty and inconvenience).
- The allocation of the City’s resources and any conflicting responsibilities or competing priorities.
- The social utility of the activity that creates the risk of harm and/or damage.

**Pictures of Shelters and Anchoring Methods**  
(taken during an audit in February 2017)

Beach Shelters



Methods of Anchoring Beach Shelters



Star picket deep in sand, two cable ties holding leg to star picket



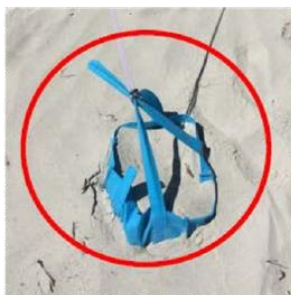
Wooden stake and string



Only the bottom part of the leg is attached to the star picket anchor



Star picket deep in sand



Bag filled with sand buried in the sand (handle broke whilst testing effectiveness of this method)



Tent peg (leg lifted from sand)

#### 6.4 CONSOLIDATED PARKING SCHEME AMENDMENT - YALLINGUP TOWNSITE

<b>SUBJECT INDEX:</b>	Minor Parking Scheme Amendments
<b>STRATEGIC OBJECTIVE:</b>	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Rangers and Emergency Services
<b>REPORTING OFFICER:</b>	Ranger & Emergency Services Coordinator - Ian McDowell
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Proposed "No Stopping" September 2016 <a href="#">↓</a> Attachment B Proposed "No Stopping" April 2017 (overlay) <a href="#">↓</a> Attachment C Proposed "No Stopping" April 2017 (no overlay) <a href="#">↓</a>

### PRÉCIS

The purpose of this report is to seek Council endorsement of proposed amendments to the City's Consolidated Parking Scheme to establish "no stopping" zones in Yallingup townsite as follows:

- 1) On the western side of Elsegood Avenue, southward from Dawson Drive to the public access way abutting 24 Elsegood Avenue;
- 2) On the western side of Hammond Road, southward from Dawson Drive to the public access way abutting 34 Hammond Road; and
- 3) On the western side of Wardanup Crescent, southward from Dawson Drive to the Public access way abutting 38 Wardanup Crescent.

### BACKGROUND

In March 2016, the Department of Fire and Emergency Services (DFES) wrote to the City expressing concerns regarding access for emergency service vehicles within the Yallingup townsite. The letter was co-signed by representatives from the Western Australian Police Service (WAPOL), St John's Ambulance Service and the Yallingup Coastal Bush Fire Service.

The main concern relates to vehicles parked on both sides of Elsegood Avenue, Hammond Road, and Wardanup Crescent impeding the flow of traffic and potentially blocking access to emergency services vehicles responding to emergency incidents in the area.

In their letter the emergency service representatives requested the implementation of parking restrictions on one side of the road. The following are proposed amendments to the Scheme to reflect this request:

- 1) Designate a "no stopping" zone on the western side of Elsegood Avenue, southward from Dawson Drive to the public access way abutting 24 Elsegood Avenue;
- 2) Designate a "no stopping" zone on the western side of Hammond Road, southward from Dawson Drive to the public access way abutting 34 Hammond Road; and
- 3) Designate a "no stopping" zone on the western side of Wardanup Crescent, southward from Dawson Drive to the public access way abutting 38 Wardanup Crescent.



## STATUTORY ENVIRONMENT

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

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

## RELEVANT PLANS AND POLICIES

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

## FINANCIAL IMPLICATIONS

Resources required for implementation of the Local Law, that is to mark parking bays and/or zones with paint and installing signs on posts, are provided for within the City's overall operational budget and can be absorbed without any budgetary amendments being required.

### Long-term Financial Plan Implications

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

## STRATEGIC COMMUNITY OBJECTIVES

The recommendation of this report reflects Community Objective 2.2 of the Strategic Community Plan 2013 (review 2015), which is: *"a City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections"*.

## RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework. The assessment identified only 'downside' risks. The following table describes identified risks where the residual risk, once controls have been identified, is identified as medium or greater.

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
Public Health and Reputational Risk – inadequate vehicle parking control affecting community safety	Implementation of parking management	Minor	Unlikely	Low

## CONSULTATION

In September 2016 the City consulted with the community through the Council for Community newsletter, the City's website and by writing to 203 affected residents/property owners in the Yallingup townsite. At that time it was proposed that "no stopping" controls be implemented on the western sides of Elsegood Avenue, Hammond Road, and Wardanup Crescent for the entire length of those roads (refer Attachment A).

The City received 17 responses (8.37% of affected residents/property owners) to this community survey. 10 of the 17 respondents (4.29% of affected residents/property owners) subsequently opposed the proposed “no stopping” restrictions. Although 58.8% of the 17 respondents to the survey opposed the parking restrictions, this number of respondents represents a small percentage of those invited to take part in the consultation process and who would ultimately be affected by the proposed controls.

During the initial consultation process, concerns were expressed by members of the Yallingup Residents’ Association (YRA) that the extent of the proposed parking controls, being the entire lengths of the three roads, was excessive and that it was mainly the northern end of the three roads that presented a risk during peak periods. As a result of this feedback, the City subsequently met with members of the YRA, DFES and the Yallingup Coastal Bush Fire Brigade and agreed a modified solution as recommended by this report and shown on Attachments B and C.

The YRA also expressed concerns regarding the installation of additional signage in the townsite as a means of enforcing the proposed parking restrictions. They suggested additional signs may not be conducive with the natural amenity of the area. In lieu of this concern and pursuant to section 142 of the *Road Traffic Code 2000*, and section 4.1(4) of the *Parking Local Law 2011* ‘A driver must not stop at the side of a carriageway marked with a continuous yellow edge line.’ This will allow the City to implement the desired parking controls by painting continuous yellow edge lines without the need to install signage but still ensure the enforcement of ‘no stopping’ in this area.

#### **OFFICER COMMENT**

Although the matter of emergency vehicle access in the Yallingup townsite has been raised as a safety risk by emergency services, there have not been any recorded incidents where emergency services were not able to access properties or streets within the townsite when responding to emergency calls. That being said, a drive through Yallingup and the evidentiary pictures provided by emergency services indicate there is potential for emergency services access to be restricted where two vehicles are parked adjacent to each other on opposite sides of the street. The risk of this occurring increases during peak periods where people using the nearby beaches cannot find a place to park their cars in the car parks provided and park in nearby streets.

Feedback from the YRA suggests that during peak periods, where beach goers cannot find a park in the beach car parks they are more likely to use the northern ends of Elsegood Avenue, Hammond Road, and Wardanup Crescent to park rather than the middle or southern end of these roads. Accordingly, it is recommended that the “no stopping” restrictions only be implemented at the northern end of these streets, southward from Dawson Drive to the pedestrian access way (PAW) adjacent to 24 Elsegood Avenue, 34 Hammond Road, and 38 Wardanup Crescent.

#### **CONCLUSION**

That Council endorse the proposed amendments to the City’s Consolidated Parking Scheme to establish “no stopping” zones in the identified roads in Yallingup townsite, to facilitate the safe passage of emergency vehicles as required.

#### **OPTIONS**

Council may support or amend the officer recommendations to implement parking controls in the designated streets within the Yallingup townsite. Alternatively, they may resolve not to support the implementation of parking controls at all.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

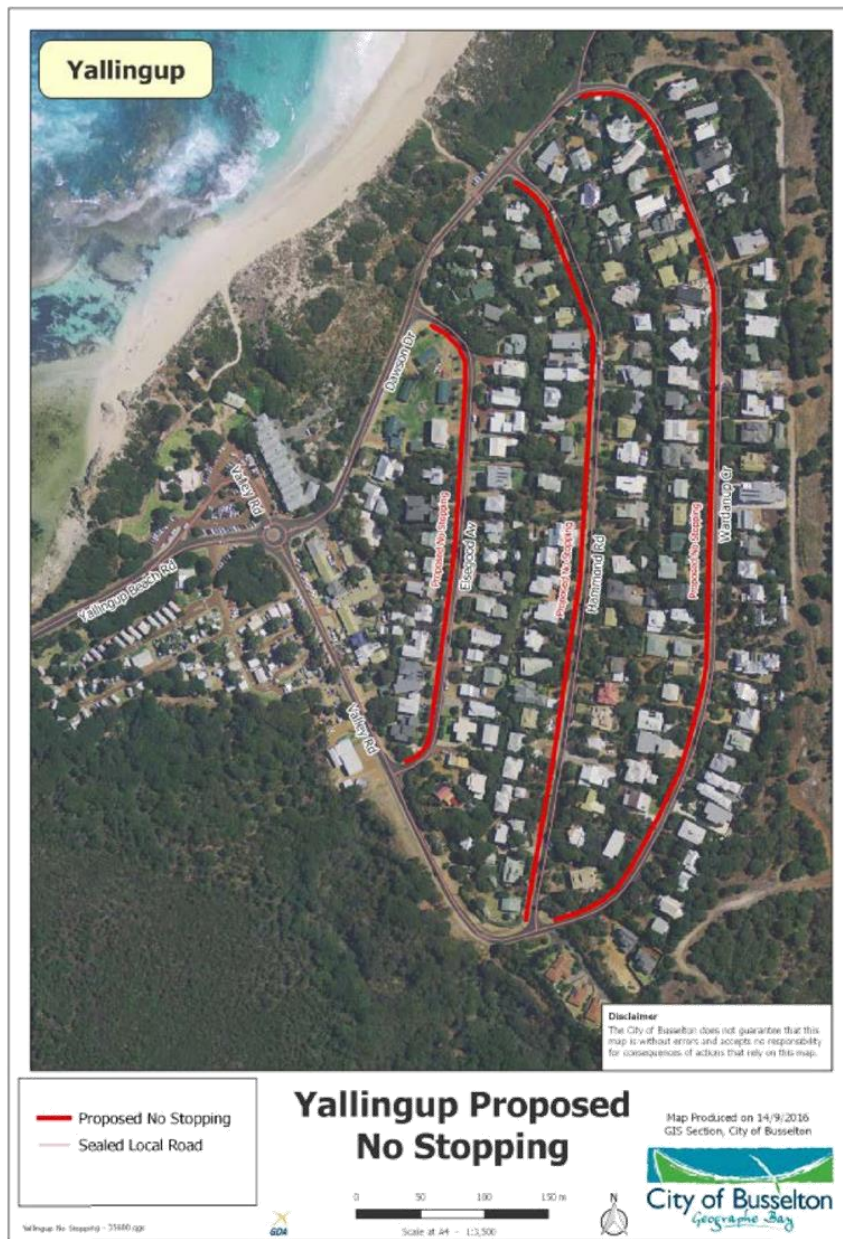
Where Council makes a determination to establish or amend a parking stall, parking stations and parking areas under the Parking Local Law 2011, the CEO must give local public notice of, and erect temporary signs to give effect to, the determination. Subject to Council endorsement of the officer recommendations local public notice will be advertised and appropriate temporary signage erected prior to the beginning of September 2017.

**OFFICER RECOMMENDATION**

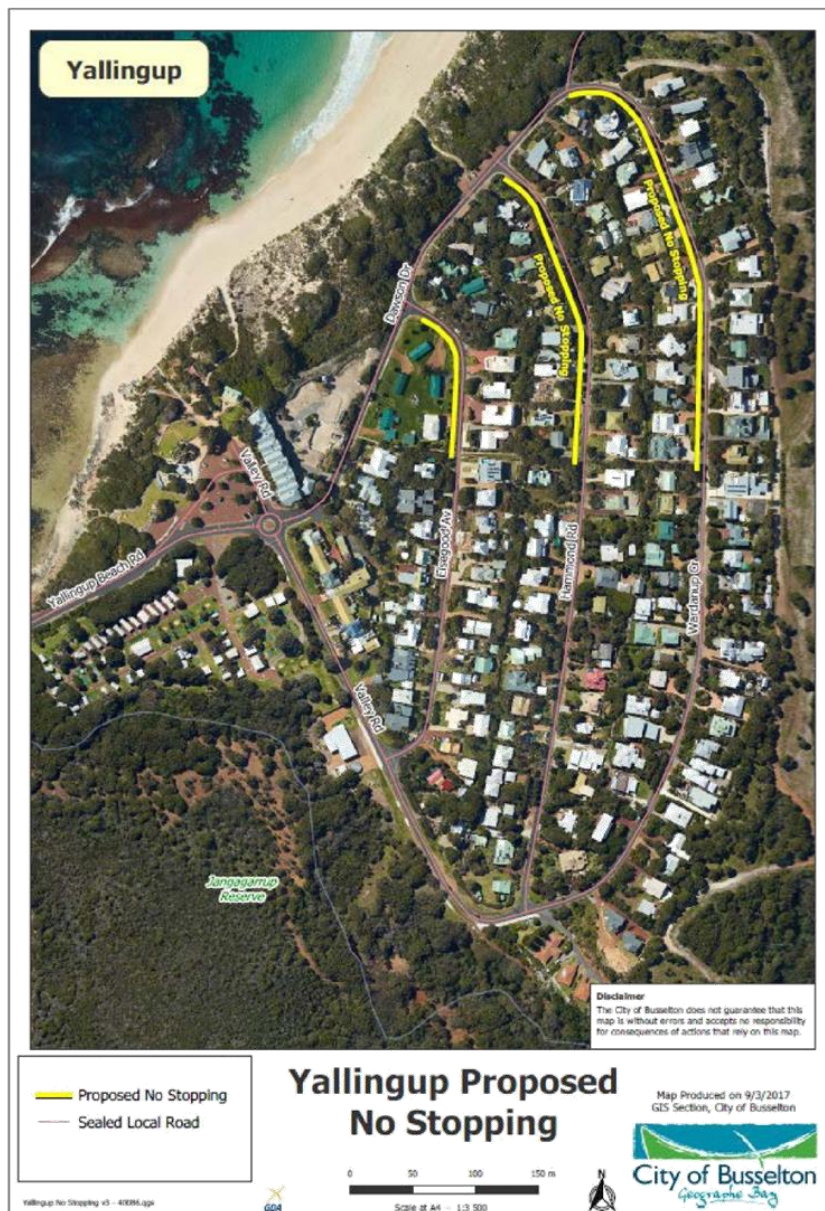
That the Council:

1. Amends the Consolidated Parking Scheme, pursuant to the City of Busselton *Parking Local Law 2011*, to include “no stopping” zones in the following areas within the Yallingup townsite:
  - a. on the western side of Elsegood Avenue, southward from Dawson Drive to the public access way abutting 24 Elsegood Avenue;
  - b. on the western side of Hammond Road, southward from Dawson Drive to the public access way abutting 34 Hammond Road; and
  - c. on the western side of Wardanup Crescent, southward from Dawson Drive to the public access way abutting 38 Wardanup Crescent;
2. Notes that the “no stopping” zones will be designated by a continuous yellow edge line along the side of the affected carriageways; and
3. Endorses the CEO to give local public notice of the determination as required by the City of Busselton *Parking Local Law 2011*.

Proposed No Stopping Controls, September 2016



Proposed No Stopping Controls, April 2017 (overlay)





**Proposed No Stopping Controls, April 2017 (no overlay)**



## 6.5 REVIEW OF POLICY 003 COMMUNITY RECOGNITION - HONOURS, EVENTS AND WELL WISHES

<b>SUBJECT INDEX:</b>	Policies, Plans and Procedures
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Executive Assistant - Christine Garratt
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Revised Policy 003 Community Recognition - Honours and Significant Events <a href="#">↓</a> Attachment B Revised Policy 003 Community Recognition - Honours and Significant Events showing proposed tracking changes <a href="#">↓</a>

### PRÉCIS

As part of Council's ongoing policy review, a review of Policy 003 Community Recognition – Honours, Events and Well wishes has been conducted. As a result of this review minor amendments are proposed to the policy.

### BACKGROUND

This policy was last before the Council in November 2014 at which time an amendment was made in which the requirements of Policy 003 "Well Wishes" was combined with Policy 035 "Community Recognition Honours and Events" to become the "Community Recognition – Honours, Events and Well Wishes" policy. The amended policy was endorsed by Council at that time (C1411/297).

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 003 Community Recognition – Honours, Events and Well Wishes.

### 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

This report proposes updates of Policy 003 Community Recognition – Honours, Events and Well Wishes.

### FINANCIAL IMPLICATIONS

The Council's adopted budget includes provision for various awards, events and gifts with all decisions made having due regard to budget availability

**Long-term Financial Plan Implications**

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

**STRATEGIC COMMUNITY OBJECTIVES**

This policy aligns with and supports the Council's Key Goal Area 6 – 'Open and Collaborative Leadership' and more specifically Community Objective 6.3 – 'An organisation that is managed effectively and achieves positive outcomes for the community'.

**RISK ASSESSMENT**

Not required for review of this Council policy.

**CONSULTATION**

As a policy with an internal focus, this policy is not considered to require any public consultation.

**OFFICER COMMENT**

As a result of this review minor amendments are proposed to the Policy. Officers are recommending that a provision be included in the General Awards and Recognition Process for the ability for referrals of General Award nominations and/or Civic Reception requests to be submitted to include the *Deputy Mayor and the CEO* for consideration. Currently the policy only has provision for referrals to be submitted to the Mayor.

As part of the High Honours Awards and Recognition Process, nominations received by the Mayor and subsequently considered worthy of receipt of the High Honour Award, are referred to Council for a decision. Officers are also recommending that *All Councillors* are provided with the opportunity to deem a nominee worthy of consideration for this higher honour as part of this process.

In addition Officers are recommending that the title of Policy 003 Community Recognition – Honours, Events and Well Wishes be updated to reflect current relevant practices. The new title proposed is Policy 003 Community Recognition – Honours and Significant Events.

A revised policy showing the proposed amendments is attached (*Attachment B*).

**CONCLUSION**

As part of the regular practice of reviewing Council policies, a review of Policy 003 Community Recognition – Honours, Events and Well Wishes has been conducted. Following this review Officers are recommending minor amendments are made to the policy.

**OPTIONS**

The Council may not agree to endorsement of the revised Policy and may seek to retain the existing policy in its current format.



**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The policy would be effective immediately upon adoption of Council.

**OFFICER RECOMMENDATION**

That the Council adopts the revised Policy 003 Community Recognition – Honours and Significant Events as shown in Attachment A.

<b>003</b>	<b>Community Recognition - Honours and Significant Events</b>	<b>V4 Current</b>
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## **1. PURPOSE**

This policy is to provide a framework for recognising significant achievements by individuals and groups within the City of Busselton and significant events in the personal lives of close associates of the City, with acknowledgement or support offered at that time.

## **2. SCOPE**

The policy is to be applied to proposals for the contribution of community groups or individuals to be formally recognised by the Council of the City of Busselton with an award or presentation. It also may be applied for existing employees, former long-term employees, Councillors, former Councillors or close affiliates of the City when significant events occur in their lives and may include their family members.

## **3. POLICY CONTENT**

It is appropriate that the local government formally acknowledges and rewards outstanding contributions from community members and community groups that enhance the community, environment, economy and social fabric of the City of Busselton.

This may be done by the presentation of an award, which will usually be presented at a Civic Reception for that purpose, and include invited guests appropriate to the occasion.

### **General Awards and Recognition Process**

Any general award nomination or request for a Civic Reception is to be referred to the Mayor, Deputy Mayor and CEO for consideration who may approve or reject the nomination or request, or require further research be undertaken, with approval being cognisant of the existence of a specific or general budget authority for the award and/or reception to proceed. All Councillors are to be informed of all determinations made under this policy before any award or event proceeds.

As a general guide, and taking into consideration the community's needs, it may be possible to combine such events, including Naturalisation Ceremonies as appropriate, with the aim of reducing costs and the frequency of those events while maintaining their value to participants.

Arrangements for Civic Receptions including the invitation lists are to be made by the Mayor and the Chief Executive Officer without referral to Council.

### **High Honours Awards and Recognition Process**

The Council has in the past made a limited number of individual community members Honorary Freeman of the Local Government, an award of high distinction for community members. In receiving a nomination for an Honorary Freeman award, or should the Mayor or any other Councillor deem a nominee for a general award may be worthy of consideration for this higher honour, the nomination is to be referred to the City.

The Council will consider the nomination in confidential session as the proposal relates to the personal affairs of a person in accordance with the *Local Government Act 1995*. The Council may, by a resolution passed by an absolute majority of members, confer the title 'Honorary Freeman of the Local Government' on a person. Following this a ceremony to recognise the achievements of the person leading to the conferral of this high honour will be arranged, in accordance with Mayor and CEO's responsibilities established under the General Awards and Recognition Process.

While recognising and acknowledging the significant contribution made by many members of the community and groups in the community, the high honour associated with Honorary Freemanship will see the honour reserved for the community's most significant contributors. Therefore, in considering a nomination for Honorary Freemanship, any or all of the following criteria will be considered:

- Distinguished service to the community of the local government;
- Achievement in a sphere which brings the local government area wide recognition;
- Meritorious and significant service rendered to the Council, community, sport, environment or business of the local government.

#### **Significant Events Recognition**

It is appropriate that significant events in the lives of close associates of the City of Busselton are recognised by the City. This may include milestone birthdays, bereavements or significant achievements.

Flowers, cards or small gifts, or suitable notices in the local paper are appropriate recognition in accordance with this policy. Due regard shall be given by the CEO to matters such as length of service or affiliation with the organisation and broader community acknowledgement in determining the appropriate recognition.

#### **4. APPLICATION OF THE POLICY**

The policy shall be applied by public relations and governance staff.

#### **Policy Background**

Policy Reference No. - 003  
Owner Unit – Governance Services  
Policy approved by Council on 12 November 2014  
Review Frequency – As required

#### **History**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1411/297	12 November, 2014	Version 4 Combination of "Community Recognition Honours and Events" with "Well Wishes" policy

003	Community Recognition - Honours and Significant Events	V4 Current
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## 1. PURPOSE

This policy is to provide a framework for recognising significant achievements by individuals and groups within the City of Busselton and significant events in the personal lives of close associates of the City, with acknowledgement or support offered at that time.

## 2. SCOPE

The policy is to be applied to proposals for the contribution of community groups or individuals to be formally recognised by the Council of the City of Busselton with an award or presentation. It also may be applied for existing employees, former long-term employees, Councillors, former Councillors or close affiliates of the City when significant events occur in their lives and may include their family members.

## 3. POLICY CONTENT

It is appropriate that the local government formally acknowledges and rewards outstanding contributions from community members and community groups that enhance the community, environment, economy and social fabric of the City of Busselton.

This may be done by the presentation of an award, which will usually be presented at a Civic Reception for that purpose, and include invited guests appropriate to the occasion.

### General Awards and Recognition Process

Any general award nomination or request for a Civic Reception is to be referred to the Mayor, [Deputy Mayor and CEO for consideration](#) who may approve or reject the nomination or request, or require further research be undertaken, with approval being cognisant of the existence of a specific or general budget authority for the award and/or reception to proceed. All Councillors are to be informed of all determinations made under this policy before any award or event proceeds.

As a general guide, and taking into consideration the community's needs, it may be possible to combine such events, including Naturalisation Ceremonies as appropriate, with the aim of reducing costs and the frequency of those events while maintaining their value to participants.

Arrangements for Civic Receptions including the invitation lists are to be made by the Mayor and the Chief Executive Officer without referral to Council.

### High Honours Awards and Recognition Process

The Council has in the past made a limited number of individual community members Honorary Freeman of the Local Government, an award of high distinction for community members. In receiving a nomination for an Honorary Freeman award, or should the Mayor [or any other Councillor](#) deem a nominee for a general award may be worthy of consideration for this higher honour, the nomination is to be referred to the City.

The Council will consider the nomination in confidential session as the proposal relates to the personal affairs of a person in accordance with the *Local Government Act 1995*. The Council may, by a resolution passed by an absolute majority of members, confer the title 'Honorary Freeman of the Local Government' on a person. Following this a ceremony to recognise the achievements of the person leading to the conferral of this high honour will be arranged, in accordance with Mayor and CEO's responsibilities established under the General Awards and Recognition Process.

While recognising and acknowledging the significant contribution made by many members of the community and groups in the community, the high honour associated with Honorary Freemanship will see the honour reserved for the community's most significant contributors. Therefore, in considering a nomination for Honorary Freemanship, any or all of the following criteria will be considered:

- Distinguished service to the community of the local government;
- Achievement in a sphere which brings the local government area wide recognition;
- Meritorious and significant service rendered to the Council, community, sport, environment or business of the local government.

#### **Significant Events Recognition**

It is appropriate that significant events in the lives of close associates of the City of Busselton are recognised by the City. This may include milestone birthdays, bereavements or significant achievements.

Flowers, cards or small gifts, or suitable notices in the local paper are appropriate recognition in accordance with this policy. Due regard shall be given by the CEO to matters such as length of service or affiliation with the organisation and broader community acknowledgement in determining the appropriate recognition.

#### **4. APPLICATION OF THE POLICY**

The policy shall be applied by public relations and governance staff.

#### **Policy Background**

Policy Reference No. - 003

Owner Unit – Governance ~~Services~~ ~~Originator –~~  
~~Manager, Governance Services~~

-Policy approved by Council on 12 November 2014

Review Frequency – As required

#### **History**

Council Resolution	Date	Information
C1411/297	12 November, 2014	Version 4 Combination of "Community Recognition Honours and Events" with "Well Wishes" policy

6.6 REVIEW POLICY 005 MEETINGS, INFORMATION SESSIONS AND DECISION-MAKING PROCESSES

<b>SUBJECT INDEX:</b>	Policies, Plans and Procedures
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Executive Assistant - Christine Garratt
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Revised Policy 005 Meetings, Information Sessions and Decision-Making Processes <a href="#">↓</a> Attachment B Revised Policy 005 Meetings, Information Sessions and Decision-Making Processes showing proposed tracking changes <a href="#">↓</a>

## PRÉCIS

As part of Council's ongoing policy review, a review of Policy 005 Meetings, Information Sessions and Decision-Making Processes has been conducted. As a result of this review minor amendments are proposed to the Policy.

## BACKGROUND

This policy was last before the Council in May 2015 at which time the policy was assessed as requiring no change with the exception of updating terminology to City. The amended policy was endorsed by Council endorsed at that time (C1505/112).

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 005 Meetings, Information Sessions and Decision-Making Processes.

## 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

Department of Local Government and Communities Local Government Operational Guidelines Number 5 – January 2004 'Council Forums'.

## FINANCIAL IMPLICATIONS

Nil.

**Long-term Financial Plan Implications**

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

**STRATEGIC COMMUNITY OBJECTIVES**

This policy aligns with and supports the Council's Key Goal Area 6 – 'Open and Collaborative Leadership' and more specifically Community Objective 6.3 – 'An organisation that is managed effectively and achieves positive outcomes for the community'.

**RISK ASSESSMENT**

The lack of provision of all relevant information provided to Councillors could mitigate a risk in that Councillors do not have all the required information to ensure informed decisions are made.

**CONSULTATION**

This policy is not considered to require any public consultation as it only seeks to make minor changes and relates to the internal requirements to ensure Councillors are fully informed to participate in formal decision-making processes.

**OFFICER COMMENT**

As a result of this review, minor amendments are proposed to the Policy. Officers are recommending that as part of the process of information provision to Councillors that a provision be incorporated for Councillors to be provided with the ability to request personal information of a private nature to be provided on a "Private and Confidential" basis.

Officers are proposing additional minor amendments to the wording of the Policy, however, these are of an aesthetic nature and do not alter the fundamental principles of the Policy.

A revised policy showing the proposed amendments is attached (*Attachment B*).

**CONCLUSION**

As part of the regular practice of reviewing Council policies, a review of Policy 005 Meetings, Information Sessions and Decision-making Processes has been conducted. Following this review Officers are recommending minor amendments are made to the policy.

**OPTIONS**

The Council may not agree to endorsement of the revised Policy and may seek to retain the existing policy in its current format.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The revised policy would become effective immediately upon adoption of Council.

**OFFICER RECOMMENDATION**

That the Council adopts the revised Policy 005 Meetings, Information Sessions and Decision-Making Processes as shown in Attachment A.



005	Meetings, Information Sessions and Decision-making Processes	V3 Current
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## 1. PURPOSE

A key role of a Local Government Councillor is to participate in the Local Government's decision-making processes at Council and Committee meetings. A key function of the organisation's CEO is to ensure that advice and information is available to the Council so that informed decisions can be made.

It is not always possible for all information that a Councillor may need to be able to fully and confidently participate in formal decision-making processes to be provided in the course of a formal meeting process. Therefore, the City utilises a range of mechanisms to ensure informed decisions can be made including workshops, briefing sessions, community access sessions and various electors' meetings in addition to its formal Council and Committee meetings.

This policy sets out the guidelines for the provision of information to Councillors and the Council and other matters relating to the various forums utilised.

## 2. SCOPE

This policy applies to all convened information sessions and formally-constituted meetings involving Councillors of the City of Busselton held in the course of carrying out the business of the local government.

## 3. POLICY CONTENT

### 3.1 Information Provision

All Councillors should have access to the same information when making decisions. Councillors' written questions of officers regarding agenda reports shall be circulated to all Councillors for information and the officer's response shall be circulated to all Councillors. Where a question cannot be sufficiently answered at any information session or meeting and further information is required to be provided by an officer, it shall be circulated to all Councillors. Councillors however can ask for personal information of a private nature to be provided on a "Private and Confidential" basis.

### 3.2 Reports to Council or Committee

All reports shall include the details of the reporting officer/s and the options that may be available to the Council should it not agree with the officer's recommendation. All reports listed for consideration at a meeting are to be provided at the time of agenda distribution, unless they meet the criteria for a late item of urgent business for consideration by the Council or Committee.

Any officers' report shall not duplicate the subject of a motion of which a Councillor has given notice, and where this is unavoidable, the Councillor's notice of motion will take precedence in the order of business of the meeting.

### 3.3 Briefing Sessions and Workshops

It is usual for workshops and briefing sessions on a range of matters to be convened by the CEO to provide information to Councillors to enable informed decisions to be made. Agenda briefing sessions are utilised to discuss matters:

- that appear on the Council agenda; and
- In relation to a matter of consideration or information at the time.

The Council currently has a meeting cycle of formal Council meetings, preceded by various briefing sessions and workshops in the week before the meeting and on the day of the meeting. Agenda briefing sessions are held to provide Councillors with more information and to answer questions relating to matters on a formal agenda. They shall be conducted in an open, accountable manner and held in accordance with the Code of Conduct, subject to the confidentiality provisions relating to agenda reports. In addition, to strengthen the disclosure requirements that apply at formal meetings, it is noted that the Department of Local Government guidelines promote disclosure of interests at agenda forums as participation without disclosing an interest is ethically unacceptable. Interests shall therefore be disclosed at agenda briefing sessions (informal and formal), information sessions and workshops etc.

Other briefing sessions and workshops are convened to offer the Councillors the opportunity to:

- Explore options and discuss ideas;
- Discuss future agenda items and strategic direction;
- To be briefed on key ongoing projects and have input prior to the allocation of significant resources in taking forward reports to the Council;
- Provide feedback and input in relation to decisions being made, or which may be made, by officers (under delegation, authorisation or similar, or 'acting through');\*
- Discuss grievances and concerns to be resolved where possible.

They may be relatively informal and not open to the general public unless invited to attend due to the preliminary and exploratory nature of the discussions.

\*The CEO will often refer particular matters to a briefing, information session or workshop for discussion and officers may then make decisions having regard for the nature of the discussion.

Formal decisions of the Council are only made during a formal Council meeting and therefore collective or implied agreement on any issue cannot bind the Local Government during any briefing, information session or workshop.

### **3.4 Community Access Sessions**

Community members are offered the opportunity to address the Councillors on items that are listed on an agenda or any other matter of local government business during specially convened Community Access Sessions. The CEO and Directors, or their representatives, are to attend Community Access Sessions if items pertaining to their directorate are listed on the Agenda.

### **3.5 Electors' and Special Electors' Meetings**

Matters discussed at electors' meetings provide important input into Council decision-making processes. All annual meetings of electors and special meetings of electors shall be convened in City-owned buildings to ensure that the venue is appropriate for the conduct of such a meeting.

The CEO, or his representative, shall attend all meetings of electors and is requested to have Directors in attendance, such that wherever possible, electors can be provided with the information that they are seeking at the meeting.

### **3.6 Council and Committee Meetings**

Council and Committee Meetings are conducted in accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the City of Busselton Standing Orders Local Law.

Formal decisions of the Council are made utilising the Council and Committee meeting process.

### **Policy Background**

Policy Reference No. - 005

Owner Unit – Governance Services

Policy considered by Policy and Legislation Committee and approved by Council on 13 May 2015

Review Frequency – As required

Related Documents –

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

Department of Local Government Council Forums Guideline

### **History**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
		General Update Version 4
C1505/112	13 May, 2015	Version 3

005	Meetings, Information Sessions and Decision-making Processes	V3 Current
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## 1. PURPOSE

A key role of a Local Government Councillor is to participate in the Local Government's decision-making processes at Council and Committee meetings. A key function of the organisation's CEO is to ensure that advice and information is available to the Council so that informed decisions can be made.

It is not always possible for all information that a Councillor may need to be able to fully and confidently participate in formal decision-making processes to be provided in the course of a formal meeting process. Therefore, the City utilises a range of mechanisms to ensure informed decisions can be made including workshops, briefing sessions, community access sessions and various electors' meetings in addition to its formal Council and Committee meetings.

This policy sets out the guidelines for the provision of information to Councillors and the Council and other matters relating to the various forums utilised.

## 2. SCOPE

This policy applies to all convened information sessions and formally-constituted meetings involving Councillors of the City of Busselton held in the course of carrying out the business of the local government.

## 3. POLICY CONTENT

### 3.1 Information Provision

All Councillors should have access to the same information when making decisions. Councillors' written questions of officers regarding agenda reports shall be circulated to all Councillors for information and the officer's response shall be circulated to all Councillors. Where a question cannot be sufficiently answered at any information session or meeting and further information is required to be provided by an officer, it shall be circulated to all Councillors. Councillors however can ask for personal information of a private nature to be provided on a "Private and Confidential" basis.

### 3.2 Reports to Council or Committee

All reports shall include the details of the reporting officer/s and the options that may be available to the Council should it not agree with the officer's recommendation. All reports listed for consideration at a meeting are to be provided at the time of agenda distribution, unless they meet the criteria for a late item of urgent business for consideration by the Council or Committee.

Any officers' report shall not duplicate the subject of a motion of which a Councillor has given notice, and where this is unavoidable, the Councillor's notice of motion will take precedence in the order of business of the meeting.

### 3.3 Briefing Sessions and Workshops

It is usual for workshops and briefing sessions on a range of matters to be convened by the CEO to provide information to Councillors to enable informed decisions to be made. Agenda briefing sessions are utilised to discuss matters:

- that appear on the Council agenda; • and
- In relation to a matter of consideration or information at the time.

The Council currently has a meeting cycle of formal Council meetings, preceded by various briefing sessions and workshops in the week before the meeting and on the day of the meeting. Agenda briefing sessions are held to provide Councillors with more information and to answer questions relating to matters on a formal agenda. They shall be conducted in an open, accountable manner and held in accordance with the Code of Conduct, subject to the confidentiality provisions relating to agenda reports. In addition, to strengthen the disclosure requirements that apply at formal meetings, it is noted that the Department of Local Government guidelines promote disclosure of interests at agenda forums as participation without disclosing an interest is ethically unacceptable. Interests shall therefore be disclosed at agenda briefing sessions (informal and formal), information sessions and workshops etc.

Other briefing sessions and workshops are convened to offer the Councillors the opportunity to:

- Explore options and discuss ideas;
- Discuss future agenda items and strategic direction;
- To be briefed on key ongoing projects and have input prior to the allocation of significant resources in taking forward reports to the Council;
- Provide feedback and input in relation to decisions being made, or which may be made, by officers (under delegation, authorisation or similar, or 'acting through');\*
- Discuss grievances and concerns to be resolved where possible.

They may be relatively informal and not open to the general public unless invited to attend due to the preliminary and exploratory nature of the discussions.

\*The CEO will often refer particular matters to a briefing, information session or workshop for discussion and officers may then make decisions having regard for the nature of the discussion.

Formal decisions of the Council are only made during a formal Council meeting and therefore collective or implied agreement on any issue cannot bind the Local Government during any briefing, information session or workshop.

### **3.4 Community Access Sessions**

Community members are offered the opportunity to address the Councillors on items that are listed on an agenda or any other matter of local government business during specially convened Community Access Sessions. The CEO and Directors, or their representatives, are to attend Community Access Sessions if items pertaining to their directorate are listed on the Agenda..

### **3.5 Electors' and Special Electors' Meetings**

Matters discussed at electors' meetings provide important input into Council decision-making processes. All annual meetings of electors and special meetings of electors shall be convened in City-owned buildings to ensure that the venue is appropriate for the conduct of such a meeting.

The CEO, or his representative, shall attend all meetings of electors and is requested to have Directors in attendance, such that wherever possible, electors can be provided with the information that they are seeking at the meeting.

### **3.6 Council and Committee Meetings**

Council and Committee Meetings are conducted in accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the City of Busselton Standing Orders Local Law.

Formal decisions of the Council are made utilising the Council and Committee meeting process.

### **Policy Background**

Policy Reference No. - 005

Owner Unit – Governance Services

Policy considered by Policy and Legislation Committee and approved by Council on 13 May 2015

Review Frequency – As required

Related Documents –

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

Department of Local Government Council Forums Guideline

### **History**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
		General Update Version 4
C1505/112	13 May, 2015	Version 3

## 6.7 MINOR UPDATING OF COUNCIL POLICIES FOLLOWING FURTHER REVIEW PROCESS

<b>SUBJECT INDEX:</b>	Policies and Procedures
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community.
<b>BUSINESS UNIT:</b>	Engineering and Works Services
<b>ACTIVITY UNIT:</b>	Engineering & Works Services
<b>REPORTING OFFICER:</b>	Director, Engineering and Works Services - Oliver Darby
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Revised Policy 244 Nature Verges for Urban Areas <a href="#">↓</a>
	Attachment B Revised Policy 244 Nature Verges for Urban Areas - Tracking Changes <a href="#">↓</a>
	Attachment C Revised Policy 144/3 Early Subdivision Clearance and Charges <a href="#">↓</a>
	Attachment D Revised Policy 144/3 Early Subdivision Clearance and Charges - Tracking Changes <a href="#">↓</a>
	Attachment E Revised Policy 211 Current Refuse Collection Service <a href="#">↓</a>
	Attachment F Revised Policy 211 Current Refuse Collection Service - Tracking Changes <a href="#">↓</a>

### PRÉCIS

The City's rolling review of Council policies continues via the Policy and Legislation Committee. This report presents a range of policies that have been thoroughly reviewed by the responsible officers and assessed as requiring, withdrawal, minimal change with the exception of updating terminology to City. While no substantial changes are recommended, the operation of each policy has been examined in detail to ensure no other changes are required.

### BACKGROUND

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby all policies of the Council will be reviewed, with the aim of determining the ongoing applicability of the policies, along with standardisation and reduction.

### STATUTORY ENVIRONMENT

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

Each policy referred to in this report has been developed in accordance with and reviewed being aware of the relevant enabling legislation.

### RELEVANT PLANS AND POLICIES

This report proposes the minor update of a series of existing policies of the Council.



**FINANCIAL IMPLICATIONS**

There are no financial implications arising from the review of these policies.

**Long-term Financial Plan Implications**

Not applicable.

**STRATEGIC COMMUNITY OBJECTIVES**

The ongoing review of Council policies helps achieve governance systems that deliver responsible, ethical and accountable decision-making.

**RISK ASSESSMENT**

Having a policy relating to any matter is an effective risk mitigation strategy and there are no risks remaining at a sufficient level for further individual assessment.

**CONSULTATION**

Not Required

**OFFICER COMMENT**

In the main, it is the considered view of the relevant officers that the policies included in this report have been operating efficiently and effectively since the previous review was undertaken by the Policy and Legislation Committee and the Council.

This report presents a range of policies that have been thoroughly reviewed by the responsible officers and assessed as requiring minimal change with the exception of updating terminology to City. While no substantial changes are recommended, the operation of each policy has been examined in detail to ensure no other changes are required. A brief comment on the changes associated with each policy is provided below:

**Council Policy 244 – Nature Verges for Urban Areas**

The policy was last reviewed on 23 April 2008. The purpose of this policy to provide opportunities for residents within the City of Busselton to minimise the use of water, reduce nutrient runoff into waterways etc. Changes to this policy are only amending the name from Shire to City.

**Council Policy 144/3 – Early Subdivision Clearance and Charges**

The policy was last reviewed on 12 May 2010. The purpose of this report is to allow the City to approve early clearance of subdivisions subject to the payment of bonds to cover the value of all outstanding works and conditions plus a 100% contingency on the value of outstanding works. The update includes minor clarification to the associated requirements for early clearance, the removal of table 1 which is ambiguous in the context of the policy and minor grammatical and text errors.

**Council Policy 211 – Refuse Collection Services**

The policy was last reviewed on 25 January 2012. This policy is designed to provide guidance and consistency on kerbside waste and recycling collection for domestic and commercial services. The policy has been updated to provide clarification on waste collection on private property and to include the current and most appropriate terminology associated with waste services.

**CONCLUSION**

The three policies have provided consistent guidance to City decision-making processes, however other than minor updates there are no substantial changes.

**OPTIONS**

The Committee may recommend and the Council may determine that a policy or policies are not required or that further changes are necessary.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The policies remain effective and the updated versions will take effect as soon as a decision is made by the Council.

**OFFICER RECOMMENDATION**

That the Council:

1. Adopts the Nature Verges Policy for Urban Areas as shown in Attachment A.
2. Adopts the following updated Early Subdivision Clearance and Charges as shown in Attachment C.
3. Adopts the following updated Refuse Collection Services Policy as shown in Attachment E.

Last updated 23/04/2008 (implementation)

244	Nature Verges for Urban Areas	V1 Current
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#### **Purpose**

It is the intention of this policy to provide opportunities for residents within the City of Busselton to minimise the use of water, reduce nutrient runoff into waterways, increase wildlife habitat and compliment the natural heritage of the City by the Implementation of a "Nature Verge Policy".

#### **Scope and Limitations**

The "Nature Verge" is the land set aside within the road reserve between the resident's property line and the road or traffic lane and provides access for pedestrians, services and utilities. The verge also complements each individual adjacent residence and it is a preferred practice for residents to maintain the verge to an acceptable standard.

#### **Background**

This Policy provides a suitable framework for residents to undertake and/or retain the planting of trees and shrubs in the road verges to minimise the use of water by other means than typical irrigated lawn areas.

#### **Policy Statement**

The City will provide, where compliant, a WA native street tree/trees dependent on the size of the property's verge.

The City will accept and promote the practice of the planting of low growing "waterwise" WA native shrubs within the urban "nature verge" subject to a landscape plan being submitted and approved by the City prior to implementation. The brochure "Nature Verge landscaping" will form part of this Policy.

#### **Outcomes**

The City of Busselton will support the planting of WA native trees and shrubs within urban road verges as a response to Climate Change and reduced rainfall averages within the South West Region. This Policy is to provide an opportunity within public lands for residents to practice water efficiency principles by alignment with the State Water Strategy and encourage the installation of local plant species biodiversity values.

#### **Monitoring**

This Policy will be supported by Community Infrastructure's Technical Specifications - Section 9(c) Landscape Road Reserve / Nature Verge to provide the technical requirements of implementing a "nature verge" within public lands (gazetted road reserve). Policy review will be in line with the review of the Section 9(c) Technical Specification."

Last updated 23/04/2008 (implementation)

**History**

Council Resolution	Date	Information
C0804/126	23 April, 2008	Date of implementation Version 1

Last updated 23/04/2008 (implementation)

244	Nature Verges for Urban Areas	V1 Current
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#### Purpose

It is the intention of this policy to provide opportunities for residents within the [ShireCity](#) of Busselton to minimise the use of water, reduce nutrient runoff into waterways, increase wildlife habitat and compliment the natural heritage of the [ShireCity](#) by the Implementation of a "Nature Verge Policy".

#### Scope and Limitations

The "Nature Verge" is the land set aside within the road reserve between the resident's property line and the road or traffic lane and provides access for pedestrians, services and utilities. The verge also complements each individual adjacent residence and it is a preferred practice for residents to maintain the verge to an acceptable standard.

#### Background

This Policy provides a suitable framework for residents to undertake and/or retain the planting of trees and shrubs in the road verges to minimise the use of water by other means than typical irrigated lawn areas.

#### Policy Statement

- The [ShireCity](#) will provide, where compliant, a WA native street tree/trees dependent on the size of the property's verge.
- The [ShireCity](#) will accept and promote the practice of the planting of low growing "waterwise" WA native shrubs within the urban "nature verge" subject to a landscape plan being submitted and approved by the [ShireCity](#) prior to implementation. The brochure "Nature Verge landscaping" will form part of this Policy.

#### Outcomes

- The [ShireCity](#) of Busselton will support the planting of WA native trees and shrubs within urban road verges as a response to Climate Change and reduced rainfall averages within the South West Region. This Policy is to provide an opportunity within public lands for residents to practice water efficiency principles by alignment with the State Water Strategy and encourage the installation of local plant species biodiversity values.

#### Monitoring

- This Policy will be supported by Community Infrastructure's Technical Specifications - Section 9(c) Landscape Road Reserve / Nature Verge to provide the technical requirements of implementing a "nature verge" within public lands (gazetted road reserve). Policy review will be in line with the review of the Section 9(c) Technical Specification."

Last updated 23/04/2008 (implementation)

**History**

Council Resolution	Date	Information
C0804/126	23 April, 2008	Date of implementation Version 1

Last updated 12/05/2010

144/3	Early Subdivision Clearance and Charges	V3 Current
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The Council will approve early clearance of subdivisions subject to the payment of the adopted percentage (in the current year's schedule of fees and charges) of estimated value of outstanding construction of roads, footpaths, drains, landscaping, water allocation and rehabilitation works, or a minimum of the adopted fee (in the current year's schedule of fees and charges) whichever is the greater, and the payment of bonds to cover the value of all outstanding works and conditions plus a 100% contingency on the value of outstanding works - as per table 1.

Table 1.

Description	
<b><i>Outstanding Works Bond determined by the Chief Executive Officer</i></b>	
If the number of works items outstanding =<5	Value + 50%
If the number of works items outstanding =>5	Value + 100%

Maintenance bond and supervision fees shall also be paid at the time of clearance with the whole of contract maintenance bond held for 12 months from practical completion of the outstanding works. The outstanding works will be as determined and valued by the Chief Executive Officer, from a submission by the Consultant Engineer and are to be completed by an agreed date. The agreed date shall be within a reasonable time of Titles being available.

Early clearance fees will apply to all requests where the works are less than 95% complete, excluding the value of the final seal where prime and seal of roads is used.

Early clearance will only be issued for developments which are completed to a stage representing not less than 65% of the estimated total cost as determined by the Chief Executive Officer, excluding final seal. Roads must be completed to base stage including installation of road crossings for drainage and services.

The agreement which indemnifies the Council from litigation shall include an undertaking to advise all purchasers that Council will not issue a Building License, prior to issue of titles, unless a copy of plans and diagram for the lot proposed to be built on is attached, with the Building License Application. Such a plan/diagram shall be endorsed by the Titles Office as being "in Order for Dealings." This information must be conveyed to all purchasers via the contract of sale.

No draw down will be allowed on individual items of the outstanding works bond. The Council requires that all outstanding works are completed before release of the outstanding work bond.

#### **Guidelines - Early Subdivision Clearance**

Any application for early clearance must be accompanied by:



Last updated 12/05/2010

- \* Estimated value of outstanding works (provided by consulting engineer).
- \* Schedule for completion and a completion date for all works.
- \* Requisite fees letter.
- \* The pro-forma/legal agreement/undertaking signed by all land owners, contractors, developers and mortgagees and others with an interest in the land.

**History**

Council Resolution	Date	Information
C1005/153	12/05/2010	Need to correctly align the policy with the schedule of fees and charges. Version 3
C0606/199	14/06/2006	Removal of fees payable to replace with reference to current schedule of fees and charges and change from "total value of" to "estimated value of outstanding". Version 2
		Version 1

Last updated 12/05/2010

144/3	Early Subdivision Clearance and Charges	V3 Current
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**The** Council will approve early clearance of subdivisions subject to the payment of the adopted percentage (in the current year's schedule of fees and charges) of estimated value of outstanding construction of roads, footpaths, drains, landscaping, water allocation and rehabilitation works, or a minimum of the adopted fee (in the current year's schedule of fees and charges) whichever is the greater, **and the payment of bonds to cover the value of all outstanding works and conditions plus a 100% contingency on the value of outstanding works - as per table 1.**

Table 1.

Description	
<b><i>Outstanding Works Bond determined by the Chief Executive Officer</i></b>	
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Maintenance bond and supervision fees shall also be paid at the time of clearance with the whole of contract maintenance bond held for 12 months from practical completion of the outstanding works. The outstanding works will be as determined and valued by the Chief Executive Officer, from a submission by the Consultant Engineer and are to be completed by an agreed date. The agreed date shall be within a reasonable time of Titles being available.

Early clearance fees will apply to all requests where the works are less than 95% complete, excluding the value of the final seal where prime and seal of roads is used.

Early clearance will only be issued for developments which are completed to a stage representing not less than 65% of the estimated total cost as determined by the Chief Executive Officer, excluding final seal. Roads must be completed to base stage including installation of road crossings for drainage and services.

The agreement which indemnifies the Council from litigation shall include an undertaking to advise all purchasers that Council will not issue a Building License, prior to issue of titles, unless a copy of plans and diagram for the lot proposed to be built on is attached, with the Building License Application. Such a plan/diagram shall be endorsed by the Titles Office as being "in Order for Dealings." This information must be conveyed to all purchasers via the contract of sale.

No draw down will be allowed on individual items of the outstanding works bond. **The** Council requires that all outstanding works are completed before release of the outstanding work bond.

#### **Guidelines - Early Subdivision Clearance**

Any application for early clearance must be accompanied by:

Last updated 12/05/2010

- \* Estimated value of outstanding works (provided by consulting engineer).
- \* Schedule for completion and a completion date for all works.
- \* Requisite fees letter.
- | \* The pro-forma/[legal](#) agreement/undertaking signed by all land owners, contractors, developers and mortgagees and others with an interest in the land.

**History**

Council Resolution	Date	Information
C1005/153	12/05/2010	Need to correctly align the policy with the schedule of fees and charges. Version 3
C0606/199	14/06/2006	Removal of fees payable to replace with reference to current schedule of fees and charges and change from "total value of" to "estimated value of outstanding". Version 2
		Version 1

Last updated 25 January 2012

211	Waste Collection Service	V2 Current
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#### **PURPOSE**

This policy is designed to provide guidance and consistency on kerbside waste and recycling collection for domestic and commercial services via mobile garbage bins (MGBs) (or waste receptacles) and the inclusion of streets in the prescribed area for waste collection.

#### **SCOPE**

The prescribed area referred to in this policy is the area within which the City is required to provide or make provision for a waste collection service. This service includes both rubbish and recycling collection. The prescribed area is defined as that part of the district indicated on the domestic waste collection routes to which the source area maps refer.

#### **POLICY CONTENT**

##### **PART A**

##### **Domestic, Commercial and Rural Customers**

All premises that are, or are capable of being, occupied or used for residential purposes within the prescribed area are obliged to buy, and keep in good condition, a dark-green MGB as a receptacle for the collection and removal, from those premises, of general waste. Commercial customers within the prescribed area may also, at their discretion, have a kerbside waste collection service, for which they are obliged to buy their own dark- green MGB receptacle.

Premises within the prescribed area are also required to pay for the use of additional receptacles supplied for kerbside recycling services. The recycling receptacles themselves will be paid for, and remain the property of, the City.

The Council may amend the prescribed area from time to time.

All requests for the provision of a waste collection service to residences within the part of the district zoned "Residential" are to be incorporated, as far as practicable, into the current waste collection runs and the assessment criteria contained within part B of this policy shall not apply.

Requests for commercial services within the prescribed area are to be submitted by completing a Commercial Waste Collection Application Form. If approved, applicants will be supplied with a coloured sticker indicating the day of the week on which the waste receptacle will be emptied. Only commercial waste receptacles with an approved sticker will be emptied.

Upon request, commercial services within the prescribed area may also be supplied with, and pay for, additional receptacles for recycling services.

Wherever possible, collection of waste and recycling receptacles is to be carried out along the verge of public roads. Waste collection vehicles are strongly discouraged from travelling along private roads due to the following factors:

Last updated 25 January 2012

- Private roads are not specifically designed for large waste trucks, thereby resulting in a higher potential for damage to vehicles, roads or private property.
- Resorts, holiday villages and private estates may be regarded as unsuitable because of narrow internal roads, poor visibility, lack of turn around space and the large number of pedestrians, particularly children in the vicinity raising safety concerns.
- Safety of waste collection staff and the public may be compromised by travelling along private roads.

In circumstances where it can be demonstrated that safety to all persons is not compromised, where there is minimal prospect of damage to vehicles and property, where there is no suitable space on the public verge to place the waste and recycling receptacles for collection, and where it represents a major inconvenience for the owners or occupiers of a premise to wheel their waste receptacles to the public verge, consideration may be given - at the City's discretion - to travelling along private roads to collect those receptacles.

This will be determined on an individual basis and an appropriate agreement must be made with all serviced private properties in respect to a liability and insurance disclaimer, in order for the waste collection trucks to enter on to private property.

Costs associated with the service and the demand for the service will be considered in the City's decision.

The physical location of each waste and recycling receptacle collection point on public roads within the prescribed area will be determined by the following factors:

- Safe and adequate turnaround areas at the end of *cul de sacs* and no-through roads;
- Width of roads;
- General condition of roads;
- Intrusion of vegetation and other obstacles at the side of roads;
- Height of overhanging vegetation;
- Safe and adequate space to present waste receptacles for collection;
- Other safety factors.

The waste receptacles must be presented in an area clear of obstacles, ideally at least 0.5m away from other receptacles. Overhanging trees, buildings, vehicles, etc must not pose a danger of damage being caused to the truck or to existing infrastructure.

In accordance with Clause 2.6 (1) and (2) of the City of Busselton Waste Local Law (2016) the City may direct the owner or occupier of specified premises, in writing, to place their receptacle for collection in a specific location.

The City is not able to provide assistance for owners or occupiers of premises to wheel their waste receptacles to or from the place of collection.

The City will review the suitability of existing waste collection service routes on public and private roads from time to time. The level of service to customers may be amended to suit current conditions following these reviews. Customers may be required to change the location of their waste collection point at the request of the City on a temporary or permanent basis to facilitate these changes.

Last updated 25 January 2012

## **PART B**

### **Rural Customers (outside the prescribed area)**

Prior to the provision of a collection service to premises outside the prescribed area the following assessment criteria shall be considered.

#### **1. Waste Collection Service Assessment Criteria.**

The viability of providing a waste collection service to premises in areas outside the prescribed area is determined by the following criteria:

- Cost of providing the service.
- Income potential.
- Demand for the service.
- Time required to provide the service.
- Suitability and safety of roads.

##### **1.1 Service Costs**

Costs considered include the following:

- Plant costs
- Labour costs
- Disposal costs

##### **1.2 Service Demand**

The demand for the service is determined by:

- Number of potential services in the proposed area
- Commercial as well as domestic demand
- Accessibility to the proposed service location
- Survey - community consultation
- Existing service runs.

##### **1.3 Time**

Time required to provide the service is determined by:

- Travelling time, to and from service area
- Collection time, within the service area
- Estimated time for service area to reach potential income.

##### **1.4 Roads**

The suitability of roads is determined by:

- Safe and adequate turnaround areas in *cul de sacs* and no-through roads
- Width of roads
- General condition of roads
- Intrusion of vegetation and other obstacles at the side of roads
- Height of overhanging vegetation
- Safe and adequate space to present waste receptacles for collection
- Other safety factors.

The service of emptying a waste receptacle must be capable of being carried out in a safe road manner. Factors such as the area speed limit, the distance a truck is able to pull off the road in order to service the waste receptacle, the width and condition of the road shoulder, visibility of traffic in both directions, and steepness of terrain may all need to be considered.

The City will review the suitability of existing waste collection service routes in

Last updated 25 January 2012

rural areas from time to time. The level of service to customers may be amended to suit current conditions following these reviews. Changes may include the termination of the service or change in the location of their waste collection point at the request of the City.



Last updated 25 January 2012

## **2. Provision of a New Waste Collection Service**

### **2.1 Domestic Collections**

There is no obligation on the Council to extend the service area beyond the prescribed area, and all or part of an area may be serviced depending upon the above assessment criteria.

Where it can be demonstrated that potential income is equal to or exceeds the cost of providing the service, and where other factors in the Waste Service Assessment Criteria do not pose an obstacle, then the new service is incorporated into the waste collection run. Demand criteria are used to determine when the service is introduced.

Where a survey is undertaken to determine demand then a 75% approval of all domestic householders is required prior to the service being introduced. Surveys shall apply to all lots within the subdivision in which the survey is undertaken.

One-off collections are assessed on their merits and may be approved where they can be linked to an existing run.

Where a service is introduced into a new area or part of a new area, then the service fee applies to all premises within that area or part of an area. The service fee applies irrespective of whether or not the occupier of the premise actually uses the service or the extent of that use, that is, the frequency with which the general waste receptacles are placed for collection.

### **2.2 Commercial Collections**

Commercial collections are not normally provided outside the prescribed area, unless they can be incorporated into an existing run. Commercial collections are provided by agreement between the client and the City and are subject to the assessment criteria as detailed above.

### **Policy Background**

Policy Reference No. 211/2 Owner Unit - Waste Management

Originator - Manager Waste and Fleet Service

Policy approved by - Council

Date Approved - For consideration Review Frequency - As required

Related Documents - Prescribed Area Maps Background/History -

### **History**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1201/005	25 January 2012	Adopted to replace the existing 211/2 Refuse Collection - Service Policy.

Last updated 25 January 2012

211	<u>Refuse-Waste</u> Collection Service	V2 Current
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#### PURPOSE

This policy is designed to provide guidance and consistency on kerbside refuse waste and recycling collection for domestic and commercial services via mobile garbage bins (MGBs) (or waste receptacles) and the inclusion of streets in the prescribed area for waste collection.

#### SCOPE

The prescribed area referred to in this policy is the area within which the Council City is required to provide or make provision for a refuse-waste collection service. This service includes both rubbish and recycling collection. The prescribed area is defined as that part of the district indicated on the domestic refuse-waste collection routes to which the source area maps refer.

#### POLICY CONTENT

##### PART A

##### Domestic, Commercial and Rural Customers

~~Domestic-households~~All premises that are, or are capable of being, occupied or used for residential purposes within the prescribed area are obliged to buy, and keep in good condition, a dark-green ~~mobile garbage bin (MGB)~~ as a receptacle for their kerbside refuse for the collection and removal, from those premises, of general waste. Commercial customers within the prescribed area may also, at their discretion, have a kerbside refuse-waste collection service, for which they are obliged to buy their own dark-green MGB receptacle.

~~Domestic-households~~Premises within the prescribed area are also required to pay for the use of additional bins-receptacles supplied for kerbside recycling services. The recycling bins-receptacles themselves will be paid for, and remain the property of, the Shire City.

The Council may amend the prescribed area from time to time.

All requests for the provision of a refuse-waste collection service to residences within the part of the district zoned "Residential" are to be incorporated, as far as practicable, into the current refuse-waste collection runs and the assessment criteria contained within part B of this policy shall not apply.

Requests for commercial services within the prescribed area are to be submitted by completing a Commercial Refuse-Waste Collection Application Form. If approved, applicants will be supplied with a coloured sticker indicating the day of the week on which the refuse-binwaste receptacle will be emptied. Only commercial bins waste receptacles with an approved sticker will be emptied.

Upon request, commercial services within the prescribed area may also be supplied with, and pay for, additional bins-receptacles for recycling services.

Wherever possible, collection of rubbish-waste and recycling bins-receptacles is to be carried out along the verge of public roads. Waste collection vehicles are strongly discouraged from travelling along private roads due to the following factors:

Last updated 25 January 2012

- Private roads are not specifically designed for large waste trucks, thereby resulting in a higher potential for damage to vehicles, roads or private property.
- Resorts, holiday villages and private estates may be regarded as unsuitable because of narrow internal roads, poor visibility, lack of turn around space and the large number of pedestrians, particularly children in the vicinity raising safety concerns.
- Safety of waste collection staff and the public may be compromised by travelling along private roads.

In circumstances where it can be demonstrated that safety to all persons is not compromised, where there is minimal prospect of damage to vehicles and property, where there is no suitable space on the public verge to present-place the bins-waste and recycling receptacles for collection, and where it represents a major inconvenience for bin-ownerthe owners or occupiers of a premise to wheel their bins-waste receptacles to the public verge, consideration may be given - at the City's discretion - to travelling along private roads to collect waste-binthose receptacles.

This will be determined on an individual basis and an appropriate agreement must be made with all serviced private properties in respect to a liability and insurance disclaimer, in order for the waste collection trucks to enter on to private property.

-Costs associated with the service and the demand for the service will be considered in the Shire's City's decision.

The physical location of each bin-waste and recycling receptacle collection point on public roads within the prescribed area will be determined by the following factors:

- Safe and adequate turnaround areas at the end of cul de sacs and no-through roads;
- Width of roads;
- General condition of roads;
- Intrusion of vegetation and other obstacles at the side of roads;
- Height of overhanging vegetation;
- Safe and adequate space to present bins-waste receptacles for collection;
- Other safety factors.

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The waste receptacles must be presented in an area clear of obstacles, ideally at least 0.5m away from other receptacles. Overhanging trees, buildings, vehicles, etc must not pose a danger of damage being caused to the truck or to existing infrastructure.

In accordance with Clause 2.6 (1) and (2) of the City of Busselton Waste Local Law (2016) the City may direct the owner or occupier of specified premises, in writing, to place their receptacle for collection in a specific location.

The City is not able to provide assistance for owners or occupiers of premises to wheel their waste receptacles to or from the place of collection.

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The Shire City will review the suitability of existing waste collection service routes on public and private roads from time to time. The level of service to customers may be amended to suit current conditions following these reviews. Customers may be required to change the location of their waste collection point at the request of The Shire of Busselton the City on a temporary or permanent basis to facilitate these

Last updated 25 January 2012  
changes.

**PART B**

**Rural Customers (outside the prescribed area)**

Prior to the provision of a collection service to premises outside the prescribed area the following assessment criteria shall be considered.

**1. Refuse-Waste Collection Service Assessment Criteria.**

The viability of providing a refuse-waste collection service to premises in areas outside the prescribed area is determined by the following criteria:

- Cost of providing the service.
- Income potential.

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Last updated 25 January 2012

- Demand for the service.
- Time required to provide the service.
- Suitability and safety of roads.

#### 1.1 Service Costs

Costs considered include the following:

- Plant costs
- Labour costs
- Disposal costs
- ~~Overheads (includes cash costs and depreciation).~~

#### 1.2 Service Demand

The demand for the service is determined by:

- Number of potential services in the proposed area
- Commercial as well as domestic demand
- Accessibility to the proposed service location
- Survey - community consultation
- Existing service runs.

#### 1.3 Time

Time required to provide the service is determined by:

- Travelling time, to and from service area
- Collection time, within the service area
- Estimated time for service area to reach potential income.

#### 1.4 Roads

The suitability of roads is determined by:

- Safe and adequate turnaround areas in *cul de sacs* and no-through roads
- Width of roads
- General condition of roads
- Intrusion of vegetation and other obstacles at the side of roads
- Height of overhanging vegetation
- Safe and adequate space to present ~~bins~~ waste receptacles for collection
- Other safety factors.

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The service of emptying a ~~bin~~ waste receptacle must be capable of being carried out in a safe road manner. Factors such as the area speed limit, the distance a truck is able to pull off the road in order to service the ~~bin~~ waste receptacle, the width and condition of the road shoulder, visibility of traffic in both directions, and steepness of terrain may all need to be considered.

The Shire City will review the suitability of existing waste collection service routes in rural areas from time to time. The level of service to customers may be amended to suit current conditions following these reviews. Changes may include the termination of the service or change in the location of their waste collection point at the request of ~~The Shire of Busselton~~ the City.

Last updated 25 January 2012

## 2. Provision of a New ~~Refuse-Waste~~ Collection Service

### 2.1 Domestic Collections

There is no obligation on the Council to extend the service area beyond the prescribed area, and all or part of an area may be serviced depending upon the above assessment criteria.

Where it can be demonstrated that potential income is equal to or exceeds the cost of providing the service, and where other factors in the ~~Refuse-Waste~~ Service Assessment Criteria do not pose an obstacle, then the new service is incorporated into the ~~refuse-waste~~ collection run. Demand criteria are used to determine when the service is introduced.

Where a survey is undertaken to determine demand then a 75% approval of all domestic householders is required prior to the service being introduced. Surveys shall apply to all lots within the subdivision in which the survey is undertaken.

One-off collections are assessed on their merits and may be approved where they can be linked to an existing run.

Where a service is introduced into a new area or part of a new area, then the service fee applies to all premises ~~on the particular run within that area or part of an area. The service fee applies irrespective of whether or not the occupier of the premise actually uses the service or the extent of that use, that is, the frequency with which the general waste receptacles are placed for collection.~~

### 2.2 Commercial Collections

Commercial collections are not normally provided outside the prescribed area, unless they can be incorporated into an existing run. Commercial collections are provided by agreement between the client and the ~~Council- City~~ and are subject to the assessment criteria as detailed above.

#### Policy Background

Policy Reference No. 211/2 Owner Unit - Waste Management  
Originator - ~~Waste Management Officer~~ Manager Waste and Fleet Service

-Policy approved by - Council

Date Approved - For consideration Review Frequency - As required

Related Documents - Prescribed Area Maps Background/History -

#### History

Council Resolution	Date	Information
C1201/005	25 January 2012	Adopted to replace the existing 211/2 Refuse Collection - Service Policy.

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## 6.8 REVIEW OF LOCAL PLANNING POLICY 6B PERCENT FOR ART PROVISIONS

<b>SUBJECT INDEX:</b>	Percent for Art Provisions
<b>STRATEGIC OBJECTIVE:</b>	A City where the community has access to quality cultural, recreation, leisure facilities and services.
<b>BUSINESS UNIT:</b>	Development Services and Policy
<b>ACTIVITY UNIT:</b>	Statutory Planning
<b>REPORTING OFFICER:</b>	Planning Officer - Stephanie Izzard
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Current Local Planning Policy 6B - Percent for Art Provisions <a href="#">↓</a> Attachment B Amended Local Planning Policy 6B - Percent for Art Provisions <a href="#">↓</a>

### PRÉCIS

The City of Busselton Local Planning Policy 6B Percent for Art Provisions (LPP6B) was originally adopted in 2008 in response to the City's desire to protect and enhance the utility, amenity and identity of the public domain of places such as town/village centres, commercial nodes, main streets, entry points, squares, foreshores and parks within the District. A copy of the current Policy is provided at Attachment A.

The Policy generally encourages developers to meet their percent for art requirements through on-site works, and that is generally what occurs. The Policy also, however, allows the meeting of the percent for art requirements through a cash payment in lieu of on-site works ('cash-in-lieu option'), and some developers have chosen this option. Under the cash-in-lieu option, the Policy allocates funds to be spent in one two precincts ('Busselton' – specifically for the Settlement Art Project – and 'Dunsborough' – to be spent in the Dunsborough Town Centre). Changes to this approach are recommended, to create separate 'Yallingup' and 'Vasse' precincts, and to reflect the fact that the Settlement Art Project is now fully funded and largely complete. This report also sets out proposed direction in terms of how cash-in-lieu contributions in each of the precincts might be utilised in future.

In addition, this report also proposes amendments to the criteria that determine what developments are subject of the policy, to exclude all residential development and/or the residential components of mixed-use development.

### BACKGROUND

The City of Busselton Local Planning Policy 6B Percent for Art Provisions (LPP6B) was originally adopted in 2008 in response to the City's desire to protect and enhance the utility, amenity and identity of the public domain of places such as town/village centres, commercial nodes, main streets, entry points, squares, foreshores and parks within its municipality. Development with an estimated cost of development in excess of \$1M is required to provide art work on site equal to 1% of the estimated cost of development. Alternatively, should the applicant not wish to provide this art work on site, they make a cash-in-lieu payment (cash-in-lieu option) to the City for the same amount.

Currently LPP6B prescribed two precincts, the Busselton Precinct and the Dunsborough Precinct. Contributions which are collected under the Policy are required to be spent within the precinct which the development is located. It is proposed as part of this amendment to create two additional two precincts – 'Yallingup' and 'Vasse'. The reasons for that are essentially because contributions have been received from development in the Yallingup townsite itself, and it is considered appropriate



such funds be utilised in that location, rather than in Dunsborough Town Centre, and contributions have been received and are expected to be received associated with development in the Vasse Village Centre, and it is similarly considered appropriate that such funds be applied in the Village Centre itself, rather than on the Busselton Foreshore or in the Busselton City Centre.

Under the current LPP6B, funds collected within the Busselton Precinct are to be expended on the Settlement Artwork Project. As funding for this project has now been allocated it is considered a review of this provision is necessary to provide guidance for further contributions received under the Policy. It is considered that ideas/themes for the projects specified in the policy should come from a community consultation process. This would need to be undertaken before an amended policy regarding this matter could be endorsed by the Council for the purposes of advertising, and therefore this report only proposes to commence the preliminary community consultation on this aspect of the Policy and not an amended policy at this stage.

Under LPP6B proposals eligible for Public Arts Contribution include multiple dwellings, grouped dwellings, mixed use, commercial, civic, institutional, educational projects or public works of a value greater than \$1M. Single house development (i.e. building one house on one lot) is exempt, but any other development with a value in excess of \$1M is subject of the policy. It is, however, proposed that the policy be amended to exclude all residential development and/or the residential components of mixed-use development

There are two related reasons for that recommended change. Firstly and most importantly, because most residential development is in the form of single houses, or grouped dwelling developments with a total construction cost of under \$1M, most residential development is not subject of the policy, and therefore only a very small proportion of residential development is subject of the policy – meaning that such development does not have a ‘level playing field’ relative to other, similar development. Secondly, the type of residential development most likely to be subject of the policy is multiple dwelling development (i.e. flats/apartments), and there is a pressing need for development of more of that kind of housing option, which the current approach discriminates against, in a financial sense.

One example of this lack of a level of playing field is the situation of the planned National Lifestyle Village (NLV) development in Vasse versus the planned Novacare aged persons housing development in Dunsborough where, because of differences in how the projects are actually being delivered, there would be no percent for art requirement for the actual housing component of the NLV project, but there would for the Novacare project. Note that, in both cases, however, the central and shared facilities elements of both projects would be subject of a percent for art requirement.

A copy of the proposed policy, with track changes illustrated relative to the existing policy, is provided as Attachment B.

## **STATUTORY ENVIRONMENT**

Part 2 - Local Planning Framework of Schedule 2 - Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015* enables the City to make, amend and/or repeal a local planning policy. The procedure of amending a local planning policy is contained within clause 5 of Part 2 and permits the local government to not advertise an amendment to a local planning policy where, in the opinion of the local government, the amendment is minor.

Should the amendment not be considered minor advertising is required in accordance with clause 4 of Part 2 and shall be for a period of not less than 21 days via notice in a newspaper circulating within the Scheme area. Officers do not consider the amendment to be sufficiently minor to not advertise, and, as such, consultation is recommended.

At the conclusion of the advertising period the Council may resolve to -

- (i) proceed with the policy without modification; or
- (ii) proceed with the policy with modification; or
- (iii) not to proceed with the policy.

## **RELEVANT PLANS AND POLICIES**

### City of Busselton Local Cultural Planning Strategy 2011

The City of Busselton adopted a Local Cultural Planning Strategy (LCPS) on 24 August 2011 and was noted by the Western Australian Planning Commission on 25 May 2012. The aim of the strategy is to conserve the key cultural elements of the City's towns and rural areas and to maintain these elements over time.

The LCPS forms a component of the City's local planning framework and is a strategic tool informing the development and interpretation of the Local Planning Strategy. Due regard to the Strategy's recommendations is to be given in making planning decisions and in the consideration of rezoning proposals, draft structure plans, development applications and subdivision proposals, as well as policy formulation and review.

## **FINANCIAL IMPLICATIONS**

The proposed amendments to the Policy will result in changes to the manner in which the Percent for Art contributions are collected and distributed. It is considered that the changes to the eligible development are in keeping with previous decisions made by the Council in relation to similar applications and therefore the amount of contributions collected will not alter however the provisions within the Policy will provide clarity for developers.

## **STRATEGIC COMMUNITY OBJECTIVES**

The recommendation in this report reflects Community Objective 2.2 of the City's Strategic Community Plan 2013 – 'A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections'.

## **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 were identified where the residual risk, once controls are considered, is medium or greater.

## **CONSULTATION**

Should the Council choose to progress with the amendment to the Precincts within LPP6B and endorse the amended Policy for the purposes of advertising it is proposed that advertising will be undertaken in accordance with clause 4 of Part 2 of Schedule 2 - Deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amended Policy is to be advertised for 21 days via a notice in the local newspaper, notice on the City's website and notice at the City's Customer Information Centre and libraries. It is envisaged that, in parallel with that, consultation on the projects/themes/locations to which cash-in-lieu funds might best be applied would occur, and that may result in further, minor modifications to the policy, when the matter is further considered by the Council, after consultation.

## OFFICER COMMENT

### Changes to precinct boundaries

Currently funding is split between two precincts, the Busselton Precinct and the Dunsborough Precinct. This report proposes to amend the two precinct boundaries and add an additional two precincts, Yallingup and Vasse.

Due to the development within the Vasse Village Centre it is considered the addition of this as its own precinct is appropriate in allowing funds collected in Vasse to be spent on projects within the Village Centre. It is anticipated that would be done in partnership with the Vasse JV developers, and if a clear strategy were articulated, that may assist in encouraging the developers of individual sites to meet their percent for art obligations via the cash-in-lieu option, and deliver an integrated and high quality approach to public art in the Village Centre.

Further to this, it is considered that the addition of a Yallingup precinct is appropriate to ensure that contributions collected within the Yallingup townsite are able to be spent there. The City has already received one such contribution from the “Surfside” development located at 10 Valley Road Yallingup. The City is currently working with members of the community to determine the best allocation of this funding towards a suitable public art project.

An amended Precinct Plan is provided as part of the amended Policy provided at Attachment B.

### Descriptions of proposal eligible for Public Arts Contribution

Part 3.2.1 and 4.1.1 Proposals Eligible of LPP6B proposals eligible for Public Arts Contribution states:

#### *3.2.1 Proposals Eligible*

*All development proposals for multiple dwellings, grouped dwellings, mixed use, commercial, civic, institutional, educational projects or public works of a value greater than \$1,000,000 (one million dollars) shall be regarded as eligible proposals under these provisions.*

#### *4.1 Public Art Contribution Rate*

*The cost of any Public Art provided under these provisions shall be no less than one percent of the value of the eligible proposal.*

It is recommended that the policy be amended as follows:

#### *3.2.1 Proposals Eligible*

*All development proposals with a value greater than \$1,000,000 excluding:*

- Permanently occupied (i.e. lawfully able to be permanently occupied) residential development, including single house, grouped dwellings, aged persons dwellings and multiple dwellings;*
- Extractive Industry; and*
- Agricultural development, excluding wineries, cellar doors, restaurants or similar development on rural land that is not directly associated with agricultural pursuits (i.e. the actual growing of crops or rearing of livestock).*

~~*for multiple dwellings, grouped dwellings, mixed use commercial, civic, institutional, educational projects or public works of a value greater than \$1,000,000 (one million dollars) shall be regarded as eligible proposals under these provisions.*~~

#### 4.1 Public Art Contribution Rate

*The cost of any Public Art provided under these provisions shall be no less than one percent of the value of the eligible proposal.*

*For any eligible proposals comprising a permanently occupied residential component, including but not limited to, mixed use development, aged persons dwellings and/or retirement villages, the Public Art Contribution Rate is to be based only on the value of the non-residential component, central/communal facilities, and the proportionate value of supporting infrastructure works, such as the costs of fill, drainage, wastewater, water, electricity, telecommunications, pedestrian and vehicular accessways, parking and landscaping.*

It is considered that the proposed changes will improve consistency and fairness in the manner in which the contributions are applied. For example, under the current provisions of the Policy, grouped dwellings which are applied for individually are able to avoid the Percent for Art Contributions if the estimated cost of each elements of development works is less than \$1 million. However if a number of grouped dwellings are applied for under one development application and the value of the works exceeds \$1 million, they are required to make a contribution under the Policy. The same issue occurs for retirement villages and aged persons dwellings.

#### **Projects/themes/locations for art works in the Busselton and Dunsborough precincts**

Under LPP6B funds collected within the Busselton Precinct are to be expended on the Settlement Artwork Project. As funding for this project has now been allocated it is considered a review of this provision is necessary to provide guidance for future contributions received under the Policy. Currently, the Policy does not stipulate a specific project which the contributions collected within the Dunsborough Precinct are to be allocated towards however states that the contributions are to be expended on art work within the Dunsborough Town Centre and/or Foreshore. It is noted that to date no contributions have been received within the Dunsborough Precinct.

It is considered that ideas/themes for the projects specified in the Policy should be developed in conjunction with the community. Community consultation will required to be undertaken before an amended policy regarding this provision could be endorsed by the Council for the purposes of formal advertising. Therefore this report only proposes to commence the development and initial community consultation on this aspect of the Policy and not an amendment to this provision of the policy at this stage.

Specifying the projects/themes/locations for which the contributions are to be allocated has a number of benefits including providing certainty for developers as to what projects their contributions will be funding and therefore providing an additional incentive to make the contribution. Further to this it prevents several projects progressing at the same time resulting with inadequate funding and uncertainty as to which projects will be allocated the contributions.

In addition, by developing the projects which the contributions will be allocated towards this allows for a charitable trust be set up for that project, such as the case for the Busselton Settlement Art Project. This allows for the contributions to be tax refundable.

#### **CONCLUSION**

It is recommended that LPP6B be amended as outlined in Attachment B, including amended Precinct Plans provided in Attachment C and that development of new provisions, which will involve community consultation, for the ideas/themes for the projects specified in Policy be initiated.

**OPTIONS**

The Council may choose to:

1. Modify the proposed amendment to LPP6B and advertise these modifications;
2. Not proceed with the proposed amendment to LPP6B.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

If endorsed for the purposes of advertising notice will be arranged within one month of the Council making a resolution consistent with the recommendation.

**OFFICER RECOMMENDATION**

That the Council –

1. Pursuant to clause 5 of Part 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, proceeds with the amendment to Local Planning Policy 6B Percent for Art Provisions as outlined in Attachment B of this report;
2. Pursuant to clause 4 of Part 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises the amendment to Local Planning Policy 6B Percent for Art Provisions; and
3. In parallel with point 2 above, undertakes community consultation to assist in developing new themes/ideas/locations for projects which contributions collected under the Policy in the Busselton and Dunsborough Precincts shall be allocated towards in the future.

## **6B PERCENT FOR ART PROVISIONS**

### **1.0 Preliminary**

#### **1.1 Purpose**

The City of Busselton Cultural Plan 2005 identified the need to develop a Percent for Art Policy. The City of Busselton Local Cultural Planning Strategy 2011 (LCPS) builds on the relevant recommendations of the Cultural Plan and states the following objectives for the Percent for Art Provisions:

- a) promotion of civic, community and cultural identity by introducing public art which makes streets, open spaces and buildings more locally distinctive;
- b) enhancing a sense of place by encouraging public art forms which reinforce and highlight European and indigenous history, cultural heritage and contemporary traditions;
- c) promotion of community reflection, inspiration, celebration and wellbeing;
- d) improving visual amenity by use of public art to screen unattractive views and improve the appearance of places; and
- e) improving the functionality of the public domain through the use of public art to provide appropriate street furniture functions.

These Percent for Art Provisions were originally adopted in 2008 and respond to the City's desire to protect and enhance the utility, amenity and identity of the public domain of places such as town/village centres, commercial nodes, main streets, entry points, squares, foreshores and parks within its municipality.

### **2.0 Definitions**

#### **2.1 Public Art**

For the purposes of these provisions 'Public Art' is defined as being site-related and place-responsive art in the public domain. It includes the process of engaging artists' ideas, enhances the built and natural environments and adds value to character and cultural identity through the use of a diverse range of art forms and design applications.

##### **2.1.1 Exclusions to Public Art**

Art projects ineligible for consideration include:

- commercial promotions in any form;
- directional elements such as supergraphics, signage or colour coding;
- 'art objects' which are mass produced such as fountains, statuary or playground equipment;
- most art reproductions;
- landscaping or generic hardscaping elements which would normally be associated with the project; and
- services or utilities necessary to operate or maintain artworks.

## 2.2 Professional Artist

Only professional artists will be eligible to carry out public art commissions. As the term 'artist' is self-referencing, for the purposes of these provisions a professional visual artist can be defined as a person who fits into at least two of the following categories:

- a person who has a university degree or minimum 3 year full time TAFE Diploma in visual arts, or when the brief calls for it, other art forms such as multimedia;
- a person who has a track record of exhibiting their artwork at reputable art galleries that sell the work of professional artists;
- a person who has had work purchased by major public collections, including (but not limited to) the Art Gallery of Western Australia, any of the university collections or Artbank;
- a person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions;
- an artist who is a member of Artsource and / or holds public liability and professional indemnity insurance.

Sometimes it will be appropriate to be more flexible and seek people other than professional artists to carry out artwork commissions. In addition to the above, the City supports art teachers and students from recognised educational institutions taking on and fulfilling the obligations, subject to meeting general criteria.

## 3.0 Application

### 3.1 Public Art to be Required

The City of Busselton shall require eligible proposals to provide public art in accordance with the described method for determining Public Art contributions described hereunder.

### 3.2 Proposals Eligible for Public Art Contributions

#### 3.2.1 Proposals Eligible

All development proposals for multiple dwellings, grouped dwellings, mixed use, commercial, civic, institutional, educational projects or public works of a value greater than \$1,000,000 (one million dollars) shall be regarded as eligible proposals under these provisions.

#### 3.2.2 Prescribed Zones

These provisions apply to those development proposals listed in 3.2.1 above where they are situated within the municipality of the City of Busselton.

#### 3.2.3 Proponents

These provisions shall apply to all proponents, except those exempt from obtaining local authority planning approval under other legislation. Those proponents so exempted should utilise these

provisions as a guide for the implementation of their respective percent for art obligations where applicable.

#### **4.0 Method of Determining Public Art Contribution**

##### **4.1 Public Art Contribution Rate**

The cost of any Public Art provided under these provisions shall be no less than one percent of the value of the eligible proposal.

##### **4.2 Form of Public Art Contribution**

Public Art required pursuant to these provisions shall be provided on site by the proponent. Alternatively, the proponent may choose to satisfy the contribution through a cash in lieu payment towards precinct public artwork.

In cases where the proponent chooses a cash in lieu payment as their preferred method of satisfying their obligation, the funds collected from their contribution shall be expended by the City on public artwork in the Precinct in which the funds were collected. Cash-in-lieu contributions in the Busselton (east) Precinct may be paid directly into the charitable trust established for the Settlement Artwork Project.

##### **4.3 Precincts**

There are two Percent for Art Precincts, Busselton (east) and Dunsborough (west). The precinct map is attached as Appendix A. Funds collected within the Busselton Precinct will be expended on the Settlement Artwork project. Funds collected within the Dunsborough Precinct will be expended on an artwork within the Dunsborough Town Centre and / or Foreshore.

Unless otherwise determined by the City, cash in lieu contributions for public artwork shall be collected and expended in the manner and on the artwork set out above.

#### **5.0 Implementation of Percent for Art Policy Provisions**

##### **5.1 Location of Public Art**

Public Art provided pursuant to these provisions shall be provided on site, or on crown land immediately adjacent to the site, in a location approved by the City.

##### **5.2 Separate approval generally not required for Public Art**

Public Art provided under these provisions, in fulfilment of a condition of Planning Approval, shall not require a further Development Application.

##### **5.3 Cash In Lieu**

Although it is desirable that the proponent fulfil their Percent for Art obligations through on-site artwork, their obligation may be satisfied by a cash-in-lieu contribution based on the rate described in these provisions. Such cash-in-lieu payments are to be paid to the City of Busselton Public Arts Fund (Percent for Public Art) and expended in accordance with sections 4.2 and 4.3 above.



#### 5.3.1 Eligible Costs

Costs associated with the production of an art project may include:

- professional artist's budget, including artist fees, Request for Proposal, material, assistants' labour costs, insurance, permits, taxes, business and legal expenses, operating costs, and art consultant's fees if these are necessary and reasonable;
- fabrication and installation of artwork;
- site preparation;
- structures enabling the artist to display the artwork;
- documentation of the artwork; and
- acknowledgment plaque identifying the artist, artwork and development(s) from which funding was obtained.

#### 5.4 Equity, Safety and Universal Access

Public art should be made accessible to all members of the community, irrespective of their age and abilities. While art in public spaces might be considered primarily a visual experience, it can provide a range of sensory experiences for people with disabilities – artwork can be tactile, aural and give off pleasant smells as well as being visual. Artwork need not be monumental, but can be at heights suitable for people in wheelchairs to touch, move through and explore. Artwork can be interactive play objects for family groups and children. Interpretive signage in an easy to read format, including Braille, will ensure that artworks are inclusive of all members of the community. Where feasible and appropriate to the site and community, the City of Busselton will commission artworks that can be enjoyed as an interactive experience, irrespective of age, mobility or ability. Issues of public safety will be considered and addressed during design and installation of the artworks.

#### 5.5 Design Documentation

The artist will be required to prepare detailed documentation of the artwork at various stages of the commission, design, fabrication and implementation processes. Such documentation shall demonstrate the structural viability and suitability of the materials and fabrication processes for the proposed location. Depending upon the project, the documentation may include concept drawings, maquettes, structural and other engineering drawings, photographic images of works in progress, photographic images of completed and installed work and a maintenance schedule.

#### 5.6 Clearance Process

The approval of the City shall be required prior to the creation and installation of the Public Art. For this purpose, the Council may delegate authority to grant approval to the Public Art to an appropriate Officer, or duly appointed panel.

Details of works shall be submitted to and approved by the City of Busselton prior to issue of a building permit. The detail submitted shall be assessed against the requirements of these provisions and associated *Step by Step Guide for Developers*. The public artwork must be completed and installed prior to occupation of the development and/or issue of a Permit to Use, and maintained thereafter by the owner(s). It is recommended that the artist be contracted early in the design process to avoid any

delays to final clearance. Alternatively, the City may accept a suitable agreement, prepared at the applicant's expense, binding the proponent to complete the works within a specified time frame and indicating that the works will be maintained by the owner for the life of the artwork.

Where agreement has been reached for the contribution to be met by way of a cash in lieu payment, this shall be satisfied prior to issue of a building permit.

## **6.0 Following Completion of Artwork**

### **6.1 Maintenance Schedule**

Artworks that are low maintenance, robust, durable and resistant to vandalism will be encouraged and this will form part of the assessment of all proposals. Proponents will be required to present the City with a maintenance schedule at the completion of the commission.

### **6.2 Decommissioning**

In the case of artworks located on Crown Land, the City may decide to remove an artwork because it is in an advanced state of disrepair or damage, because the artwork is no longer considered suitable for the location or for other reasons such as safety risk. In such cases, the City will consult with the artist, where possible, prior to making a decision to remove and prepare a documented archival record of the artwork prior to its removal.

In the case of artworks located on private property, the developer must contact the City and the artist at least 28 days ahead of any relocation, sale, alteration or removal of an artwork. In the case that an artist has moved and the developer cannot find them, evidence that a reasonable attempt to find the artist must be provided on request.

## **7.0 Creative Development Process**

### **7.1 Creative Design Process**

The proponent (or City where the public art is situated on City managed land) will consult with the City's Cultural Development Officer to identify appropriate locations, themes and materials from which the proponent will develop an Artists' Brief. This document will be used to select and commission a professional artist to design, fabricate and install the artwork. The proponent may, at their discretion, coordinate and manage the process by which the artist works as part of the design team, alongside architects, landscape architects, planners and engineers. Alternatively, they may engage the services of a specialist art consultant whose fees may be considered as part of the public art contribution within the general intent of these provisions and on application by the proponent

### **7.2 Consultation with the Community**

Where appropriate, an invitation should be extended to community members to participate in the artwork process. This can be facilitated through, but not limited to, drawing sessions, cultural mapping processes to identify themes, or representation on a selection panel.

Some groups in the community are not comfortable with the expression of interest and tender processes, and will not enter into them without assistance. While artists from these groups will be encouraged to apply for all publicly advertised commissions, there may be opportunities for designating specific commissions for them. In such cases, the selection processes outlined above may

be modified and more assistance given to the artists submitting Expressions of Interest or Requests for Proposals.

### 7.3 Collaboration

There is an expectation that commissioned artists will work in collaboration with other consultants engaged by the proponent (most commonly, but not exclusively, landscape architects, urban planners and engineers) and that the conceptual and technical requirements of these professionals will be duly regarded by the artist when designing and installing the artwork.

There is an equal expectation that the artists' aesthetic judgement will be respected by other consultants engaged by the proponent. Changes to an artwork, even at concept stage, can only be made with the full knowledge and approval of the artist.

## 8.0 Artists Rights

### 8.1 Artist Contract

The proponent will be required to forward copies of the artist's contract, maintenance schedule and artist contact details to the City at the commencement of the project. In the case where the proponent is the City, it shall satisfy itself that these requisites have been met.

The artist's contract or letter of agreement should, in general, follow the provisions of the ArtsLaw Centre of Australia pro forma Design and Commission Agreement or other similar contractual document such as the WA State Government Percent for Art Agreement.

### 8.2 Moral Rights

Since 2000, moral rights legislation has protected artists. In brief, an artist's moral rights are infringed if:

- their work is not attributed or credited;
- their work is falsely attributed to someone else; or
- their work is treated in a derogatory way by distorting, modifying or removing it without their knowledge or consent.

In practical terms this means that all artworks should have the artist's name on or attached it, that the City cannot change an artwork in any way without seeking the artist's permission; likewise, cannot remove or re-locate the artwork without seeking the artist's permission. In the case that an artist has moved and the City cannot find them, evidence that a reasonable attempt to find the artist must be provided on request.

The City will take special care to ensure that acts of restoration or preservation (of artworks) will be conducted in a sensitive manner with prior consultation with the artists. Wherever possible, preservation or restorative works should be carried out by professional conservators. Special care will also be taken with the moral rights associated with works created by more than one artist, in that it is acknowledged that collaborators on artistic creations can take different views on issues such as relocation and restoration.

### 8.3 Acknowledgement of Artwork

In line with moral rights legislation, the proponent (or City where the artwork is situated on Crown Land) will install a plaque or plate near each artwork, acknowledging the name of the artist, and the name of the person, agency or company who funded the artwork.

### 8.4 Copyright of Artwork

Once an artwork has been completed and accepted by the City, copyright will be held jointly by the City and the artist. In practical terms this means that the City has the right to reproduce extracts from the design documentation and photographic images of the artwork for non-commercial purposes, such as annual reports, information brochures about the City and information brochures about the artwork. The artist will have the right to reproduce extracts from the design documentation or photographic images of the artwork in books or other publications associated with the artist or artwork.

### 8.5 Fees to Artists

A fee may be paid to artists invited to submit a Request for Proposal (RFP) and this may be credited to the value of the Public Art required under the Policy. The amount will be at the discretion of the proponent and in proportion to the overall artwork budget. The fee will be paid after the proposal had been submitted, deemed to comply with the requirements and the artist has attended their interview.

## 9.0 Reference Documentation

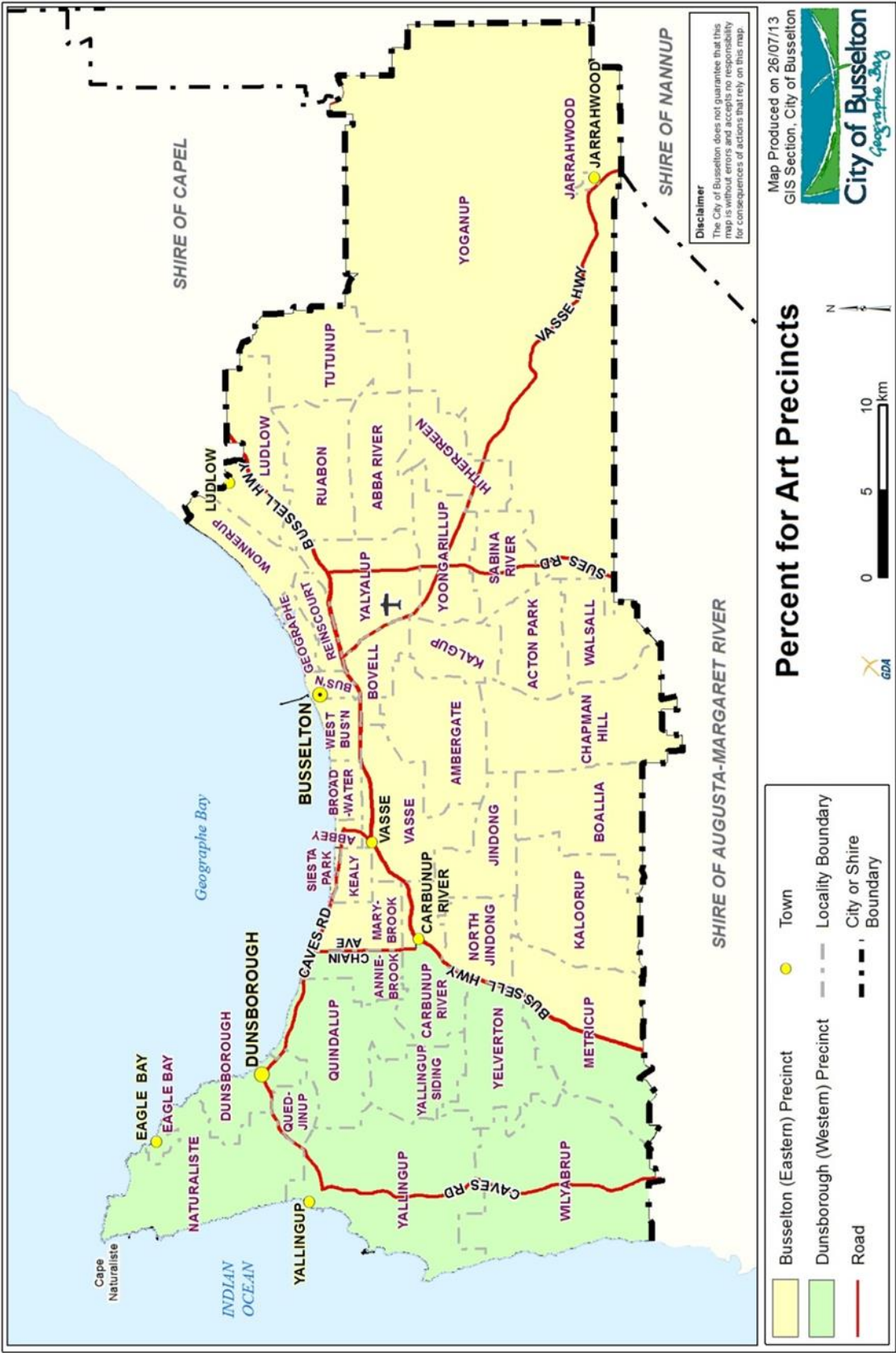
Relevant documents to be referenced by these provisions include but are not limited to:

- City of Busselton Local Cultural Planning Strategy 2012
- Busselton Town Centre Guide Plan 2004
- City of Busselton Cultural Plan 2005
- Dunsborough Townscape Plan 2002
- Liveable Neighbourhoods WAPC 2009

## 10.0 Review

A five yearly review of these provisions will be undertaken to allow evaluation of processes and procedures and identify any required amendments. If such amendments are deemed to be necessary, a report will be referred to Council for consideration.

FIGURE 1 - PRECINCTS



## **6B PERCENT FOR ART PROVISIONS**

### **1.0 Preliminary**

#### **1.1 Purpose**

The City of Busselton Cultural Plan 2005 identified the need to develop a Percent for Art Policy. The City of Busselton Local Cultural Planning Strategy 2011 (LCPS) builds on the relevant recommendations of the Cultural Plan and states the following objectives for the Percent for Art Provisions:

- a) promotion of civic, community and cultural identity by introducing public art which makes streets, open spaces and buildings more locally distinctive;
- b) enhancing a sense of place by encouraging public art forms which reinforce and highlight European and indigenous history, cultural heritage and contemporary traditions;
- c) promotion of community reflection, inspiration, celebration and wellbeing;
- d) improving visual amenity by use of public art to screen unattractive views and improve the appearance of places; and
- e) improving the functionality of the public domain through the use of public art to provide appropriate street furniture functions.

These Percent for Art Provisions were originally adopted in 2008 and respond to the City's desire to protect and enhance the utility, amenity and identity of the public domain of places such as town/village centres, commercial nodes, main streets, entry points, squares, foreshores and parks within its municipality.

### **2.0 Definitions**

#### **2.1 Public Art**

For the purposes of these provisions 'Public Art' is defined as being site-related and place-responsive art in the public domain. It includes the process of engaging artists' ideas, enhances the built and natural environments and adds value to character and cultural identity through the use of a diverse range of art forms and design applications.

##### **2.1.1 Exclusions to Public Art**

Art projects ineligible for consideration include:

- commercial promotions in any form;
- directional elements such as supergraphics, signage or colour coding;
- 'art objects' which are mass produced such as fountains, statuary or playground equipment;
- most art reproductions;
- landscaping or generic hardscaping elements which would normally be associated with the project; and
- services or utilities necessary to operate or maintain artworks.



## 2.2 Professional Artist

Only professional artists will be eligible to carry out public art commissions. As the term 'artist' is self-referencing, for the purposes of these provisions a professional visual artist can be defined as a person who fits into at least two of the following categories:

- a person who has a university degree or minimum 3 year full time TAFE Diploma in visual arts, or when the brief calls for it, other art forms such as multimedia;
- a person who has a track record of exhibiting their artwork at reputable art galleries that sell the work of professional artists;
- a person who has had work purchased by major public collections, including (but not limited to) the Art Gallery of Western Australia, any of the university collections or Artbank;
- a person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions;
- an artist who is a member of Artsource and / or holds public liability and professional indemnity insurance.

Sometimes it will be appropriate to be more flexible and seek people other than professional artists to carry out artwork commissions. In addition to the above, the City supports art teachers and students from recognised educational institutions taking on and fulfilling the obligations, subject to meeting general criteria.

## 3.0 Application

### 3.1 Public Art to be Required

The City of Busselton shall require eligible proposals to provide public art in accordance with the described method for determining Public Art contributions described hereunder.

### 3.2 Proposals Eligible for Public Art Contributions

#### 3.2.1 Proposals Eligible

All development proposals with a value greater than \$1,000,000 excluding:

- Permanently occupied (i.e. lawfully able to be permanently occupied) residential development, including single house, grouped dwellings, aged persons dwellings and multiple dwellings;
- Extractive Industry; and
- Agricultural development, excluding wineries, cellar doors, restaurants or similar development on rural land that is not directly associated with agricultural pursuits (i.e. the actual growing of crops or rearing of livestock).

for multiple dwellings, grouped dwellings, mixed use commercial, civic, institutional, educational projects or public works of a value greater than \$1,000,000 (one million dollars) shall be regarded as eligible proposals under these provisions.



### 3.2.2 Prescribed Zones

These provisions apply to those development proposals listed in 3.2.1 above where they are situated within the municipality of the City of Busselton.

### 3.2.3 Proponents

These provisions shall apply to all proponents, except those exempt from obtaining local authority planning approval under other legislation. Those proponents so exempted should utilise these provisions as a guide for the implementation of their respective percent for art obligations where applicable.

## 4.0 Method of Determining Public Art Contribution

### 4.1 Public Art Contribution Rate

The cost of any Public Art provided under these provisions shall be no less than one percent of the value of the eligible proposal.

For any eligible proposals comprising a permanently occupied residential component, including but not limited to, mixed use development, aged persons dwellings and/or retirement villages, the Public Art Contribution Rate is to be based only on the value of the non-residential component, central/municipal facilities, and the proportionate value of supporting infrastructure works, such as the costs of fill, drainage, wastewater, water, electricity, telecommunications, pedestrian and vehicular accessways, parking and landscaping.

### 4.2 Form of Public Art Contribution

Public Art required pursuant to these provisions shall be provided on site by the proponent. Alternatively, the proponent may choose to satisfy the contribution through a cash in lieu payment towards precinct public artwork.

In cases where the proponent chooses a cash in lieu payment as their preferred method of satisfying their obligation, the funds collected from their contribution shall be expended by the City on public artwork in the Precinct in which the funds were collected. Cash-in-lieu contributions in the Busselton (east) Precinct may be paid directly into the charitable trust established for the Settlement Artwork Project.

### 4.3 Precincts

There are ~~two~~four Percent for Art Precincts, Busselton (east), Yallingup, Vasse and Dunsborough (west). The precinct map is attached as Appendix A. Funds collected within the Busselton Precinct will be expended on the Settlement Artwork project. ~~Funds collected within the Dunsborough, Yallingup and Vasse Precincts will be expended on an artwork within their respective precinct.~~ Dunsborough Town Centre and / or Foreshore.

Unless otherwise determined by the City, cash in lieu contributions for public artwork shall be collected and expended in the manner and on the artwork set out above.

## 5.0 Implementation of Percent for Art Policy Provisions





#### 5.1 Location of Public Art

Public Art provided pursuant to these provisions shall be provided on site, or on crown land immediately adjacent to the site, in a location approved by the City.

#### 5.2 Separate approval generally not required for Public Art

Public Art provided under these provisions, in fulfilment of a condition of Planning Approval, shall not require a further Development Application.

#### 5.3 Cash In Lieu

Although it is desirable that the proponent fulfil their Percent for Art obligations through on-site artwork, their obligation may be satisfied by a cash-in-lieu contribution based on the rate described in these provisions. Such cash-in-lieu payments are to be paid to the City of Busselton Public Arts Fund (Percent for Public Art) and expended in accordance with sections 4.2 and 4.3 above.

##### 5.3.1 Eligible Costs

Costs associated with the production of an art project may include:

- professional artist's budget, including artist fees, Request for Proposal, material, assistants' labour costs, insurance, permits, taxes, business and legal expenses, operating costs, and art consultant's fees if these are necessary and reasonable;
- fabrication and installation of artwork;
- site preparation;
- structures enabling the artist to display the artwork;
- documentation of the artwork; and
- acknowledgment plaque identifying the artist, artwork and development(s) from which funding was obtained.

#### 5.4 Equity, Safety and Universal Access

Public art should be made accessible to all members of the community, irrespective of their age and abilities. While art in public spaces might be considered primarily a visual experience, it can provide a range of sensory experiences for people with disabilities – artwork can be tactile, aural and give off pleasant smells as well as being visual. Artwork need not be monumental, but can be at heights suitable for people in wheelchairs to touch, move through and explore. Artwork can be interactive play objects for family groups and children. Interpretive signage in an easy to read format, including Braille, will ensure that artworks are inclusive of all members of the community. Where feasible and appropriate to the site and community, the City of Busselton will commission artworks that can be enjoyed as an interactive experience, irrespective of age, mobility or ability. Issues of public safety will be considered and addressed during design and installation of the artworks.

#### 5.5 Design Documentation

The artist will be required to prepare detailed documentation of the artwork at various stages of the commission, design, fabrication and implementation processes. Such documentation shall



demonstrate the structural viability and suitability of the materials and fabrication processes for the proposed location. Depending upon the project, the documentation may include concept drawings, maquettes, structural and other engineering drawings, photographic images of works in progress, photographic images of completed and installed work and a maintenance schedule.

#### 5.6 Clearance Process

The approval of the City shall be required prior to the creation and installation of the Public Art. For this purpose, the Council may delegate authority to grant approval to the Public Art to an appropriate Officer, or duly appointed panel.

Details of works shall be submitted to and approved by the City of Busselton prior to issue of a building permit. The detail submitted shall be assessed against the requirements of these provisions and associated *Step by Step Guide for Developers*. The public artwork must be completed and installed prior to occupation of the development and/or issue of a Permit to Use, and maintained thereafter by the owner(s). It is recommended that the artist be contracted early in the design process to avoid any delays to final clearance. Alternatively, the City may accept a suitable agreement, prepared at the applicant's expense, binding the proponent to complete the works within a specified time frame and indicating that the works will be maintained by the owner for the life of the artwork.

Where agreement has been reached for the contribution to be met by way of a cash in lieu payment, this shall be satisfied prior to issue of a building permit.

### 6.0 Following Completion of Artwork

#### 6.1 Maintenance Schedule

Artworks that are low maintenance, robust, durable and resistant to vandalism will be encouraged and this will form part of the assessment of all proposals. Proponents will be required to present the City with a maintenance schedule at the completion of the commission.

#### 6.2 Decommissioning

In the case of artworks located on Crown Land, the City may decide to remove an artwork because it is in an advanced state of disrepair or damage, because the artwork is no longer considered suitable for the location or for other reasons such as safety risk. In such cases, the City will consult with the artist, where possible, prior to making a decision to remove and prepare a documented archival record of the artwork prior to its removal.

In the case of artworks located on private property, the developer must contact the City and the artist at least 28 days ahead of any relocation, sale, alteration or removal of an artwork. In the case that an artist has moved and the developer cannot find them, evidence that a reasonable attempt to find the artist must be provided on request.

### 7.0 Creative Development Process

#### 7.1 Creative Design Process

The proponent (or City where the public art is situated on City managed land) will consult with the City's Cultural Development Officer to identify appropriate locations, themes and materials from



which the proponent will develop an Artists' Brief. This document will be used to select and commission a professional artist to design, fabricate and install the artwork. The proponent may, at their discretion, coordinate and manage the process by which the artist works as part of the design team, alongside architects, landscape architects, planners and engineers. Alternatively, they may engage the services of a specialist art consultant whose fees may be considered as part of the public art contribution within the general intent of these provisions and on application by the proponent

#### 7.2 Consultation with the Community

Where appropriate, an invitation should be extended to community members to participate in the artwork process. This can be facilitated through, but not limited to, drawing sessions, cultural mapping processes to identify themes, or representation on a selection panel.

Some groups in the community are not comfortable with the expression of interest and tender processes, and will not enter into them without assistance. While artists from these groups will be encouraged to apply for all publicly advertised commissions, there may be opportunities for designating specific commissions for them. In such cases, the selection processes outlined above may be modified and more assistance given to the artists submitting Expressions of Interest or Requests for Proposals.

#### 7.3 Collaboration

There is an expectation that commissioned artists will work in collaboration with other consultants engaged by the proponent (most commonly, but not exclusively, landscape architects, urban planners and engineers) and that the conceptual and technical requirements of these professionals will be duly regarded by the artist when designing and installing the artwork.

There is an equal expectation that the artists' aesthetic judgement will be respected by other consultants engaged by the proponent. Changes to an artwork, even at concept stage, can only be made with the full knowledge and approval of the artist.

### 8.0 Artists Rights

#### 8.1 Artist Contract

The proponent will be required to forward copies of the artist's contract, maintenance schedule and artist contact details to the City at the commencement of the project. In the case where the proponent is the City, it shall satisfy itself that these requisites have been met.

The artist's contract or letter of agreement should, in general, follow the provisions of the ArtsLaw Centre of Australia pro forma Design and Commission Agreement or other similar contractual document such as the WA State Government Percent for Art Agreement.

#### 8.2 Moral Rights

Since 2000, moral rights legislation has protected artists. In brief, an artist's moral rights are infringed if:

- their work is not attributed or credited;



- their work is falsely attributed to someone else; or
- their work is treated in a derogatory way by distorting, modifying or removing it without their knowledge or consent.

In practical terms this means that all artworks should have the artist's name on or attached it, that the City cannot change an artwork in any way without seeking the artist's permission; likewise, cannot remove or re-locate the artwork without seeking the artist's permission. In the case that an artist has moved and the City cannot find them, evidence that a reasonable attempt to find the artist must be provided on request.

The City will take special care to ensure that acts of restoration or preservation (of artworks) will be conducted in a sensitive manner with prior consultation with the artists. Wherever possible, preservation or restorative works should be carried out by professional conservators. Special care will also be taken with the moral rights associated with works created by more than one artist, in that it is acknowledged that collaborators on artistic creations can take different views on issues such as relocation and restoration.

### 8.3 Acknowledgement of Artwork

In line with moral rights legislation, the proponent (or City where the artwork is situated on Crown Land) will install a plaque or plate near each artwork, acknowledging the name of the artist, and the name of the person, agency or company who funded the artwork.

### 8.4 Copyright of Artwork

Once an artwork has been completed and accepted by the City, copyright will be held jointly by the City and the artist. In practical terms this means that the City has the right to reproduce extracts from the design documentation and photographic images of the artwork for non-commercial purposes, such as annual reports, information brochures about the City and information brochures about the artwork. The artist will have the right to reproduce extracts from the design documentation or photographic images of the artwork in books or other publications associated with the artist or artwork.

### 8.5 Fees to Artists

A fee may be paid to artists invited to submit a Request for Proposal (RFP) and this may be credited to the value of the Public Art required under the Policy. The amount will be at the discretion of the proponent and in proportion to the overall artwork budget. The fee will be paid after the proposal had been submitted, deemed to comply with the requirements and the artist has attended their interview.

## 9.0 Reference Documentation

Relevant documents to be referenced by these provisions include but are not limited to:

- City of Busselton Local Cultural Planning Strategy 2012
- Busselton Town Centre Guide Plan 2004
- City of Busselton Cultural Plan 2005
- Dunsborough Townscape Plan 2002



- Liveable Neighbourhoods WAPC 2009

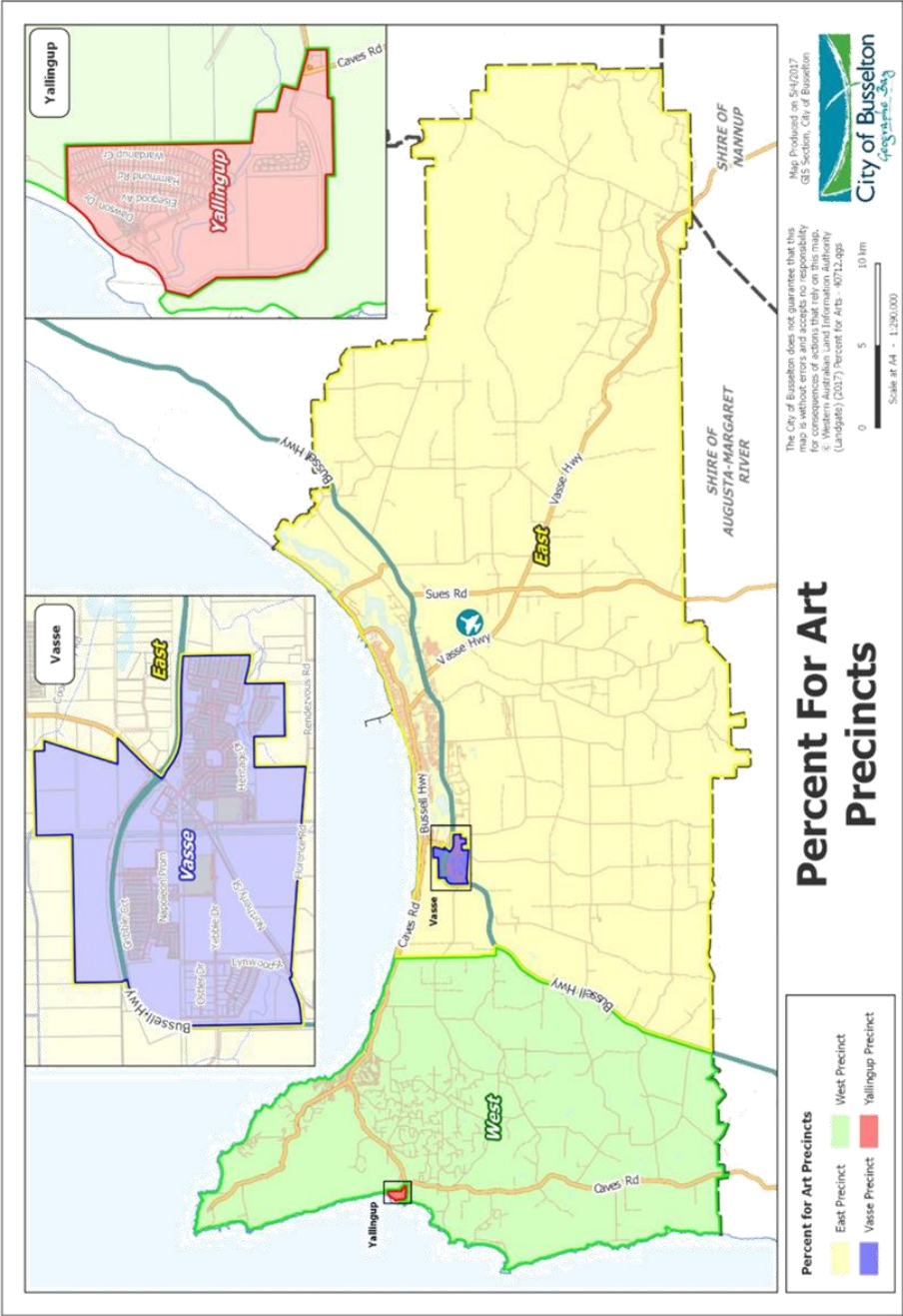
#### **10.0 Review**

A five yearly review of these provisions will be undertaken to allow evaluation of processes and procedures and identify any required amendments. If such amendments are deemed to be necessary, a report will be referred to Council for consideration.





FIGURE 1 - PRECINCTS



## 6.9 REVIEW OF POLICY 098 COUNCILLORS' INDUCTION, TRAINING AND PROFESSIONAL DEVELOPMENT

<b>SUBJECT INDEX:</b>	Plans, Policies and Procedures
<b>STRATEGIC OBJECTIVE:</b>	Governance systems that deliver responsible, ethical and accountable decision-making.
<b>BUSINESS UNIT:</b>	Finance and Corporate Services
<b>ACTIVITY UNIT:</b>	Governance Services
<b>REPORTING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>AUTHORISING OFFICER:</b>	Director, Finance and Corporate Services - Cliff Frewing
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Existing Policy 098 Councillor Induction, Training and Professional Development <a href="#">↓</a>
	Attachment B Existing Policy 013 Specific Requirements for Development Opportunities Involving Significant Travel <a href="#">↓</a>
	Attachment C Revised Policy 098 Councillors Induction, Training and Professional Development - Tracking Changes <a href="#">↓</a>

### PRÉCIS

As part of the ongoing policy review process, Policies 013 – *Specific Requirements for Development Opportunities involving significant Travel* and 098 - *Councillors Induction, Training and Professional Development* have been reviewed. There is duplication between the policies and it is appropriate that the policies be combined with Policy 013 - *Elected Members Training & Development* being revoked as it is not necessary.

### BACKGROUND

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby all policies of the Council will be reviewed, with the aim of determining the ongoing applicability of the policies, along with standardisation and reduction.

### STATUTORY ENVIRONMENT

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

Each policy referred to in this report has been developed in accordance with and reviewed being aware of the relevant enabling legislation.

### RELEVANT PLANS AND POLICIES

Policy 013 – *Specific Requirements for Development Opportunities involving significant Travel*; and Policy 098 - *Councillors Induction, Training and Professional Development*

### FINANCIAL IMPLICATIONS

There are no financial implications contained in this report.

**Long-term Financial Plan Implications**

Nil

**STRATEGIC COMMUNITY OBJECTIVES**

The ongoing review of Council policies helps achieve governance systems that deliver responsible, ethical and accountable decision-making.

**RISK ASSESSMENT**

Having a policy relating to any matter is an effective risk mitigation strategy and there are no risks remaining at a sufficient level for further individual assessment.

**CONSULTATION**

There is no requirement or benefit seen in participating in any external consultation.

**OFFICER COMMENT**

Policies 013 – *Specific Requirements for Development Opportunities involving significant Travel* and 098 - *Councillors Induction, Training and Professional Development* have been reviewed during the ordinary course of the ongoing review process.

Policy 013 – *Specific Requirements for Development Opportunities involving significant Travel* was last reviewed in July 2013. The Policy covers overseas travel guidelines for both Councillors and Officers. Other than travelling in relation to Sister City visits and State sponsored travel there is very little overseas travel. In both of these instances travel arrangements are reported to Council or discussed at Council briefings and this would continue in the future.

On this basis, it is considered that if there was an opportunity for a Councillor to participate in overseas travel for purposes other than those mentioned above, Council approval would be required. This requirement has therefore been included in a revision to Policy 098 which specifically deals with Councillors training and development. Any travel by officers outside of those mentioned above would also require a separate report and approval.

As both policies contained similar approval criteria and other information, an amalgamation of the policies is deemed appropriate. The proposed Policy 098 now is only relevant to elected members.

**CONCLUSION**

An amalgamation of the two policies combines the essential elements of the policies and is now specific to elected members only making interpretation and application easier resulting in a need to cancel policy 013.

**OPTIONS**

Council may decide to not make changes to either policy, make changes to one or both of the existing policies and retaining them both or make changes to the proposed the new policy.



**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The new Policy will become effective once it is adopted.

**OFFICER RECOMMENDATION****ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED (delete if not)**

That the Council:

1. Adopt Policy 098 - *Councillors Induction, Training and Professional Development*; and
2. Revoke Policy 013 - *Specific Requirements for Development Opportunities involving significant Travel*

Last updated 08/06/2016

098	Councillors' Induction, Training and Professional Development	V3 Current
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#### 1. PURPOSE

This policy is to provide a framework within which Councillors can have access to a range of development opportunities that will assist them to undertake their role, including but not limited to pre-election information sessions, induction programs, training programs and development opportunities throughout the elected term of office.

The City of Busselton has a budget allocation for the purpose of enabling Councillors to participate in development opportunities that will assist them to undertake their role and/or develop skills and competencies.

#### 2. SCOPE

The policy provides that all Councillors can participate in development and training opportunities during their elected term of office, noting that where a term of office is less than the usual four-year term, access to a full range of opportunities may not be available within the term.

#### 3. POLICY CONTENT

The City of Busselton will provide an induction, training and development program for Councillors that contributes to the corporate objectives by:

- Assisting prospective and new Councillors assimilate into the role;
- Assisting Councillors meet the demands upon them by developing the necessary skills through recognised training;
- Assisting Councillors achieve excellence in performance; and
- Ensuring Councillors work professionally in a team environment for the betterment of their constituents.

Councillors can attend various programs during their term of office, to assist their professional development and to provide them with enhanced skills to effectively maximise the benefits of the commitment they have given to their elected position.

##### Pre-election Information Sessions

This policy provides for the Chief Executive Officer to conduct a seminar for aspiring Councillors to be held prior to a Local Government election. The aim of this seminar would be to provide aspirants with an insight to the role of a Councillor and better prepare them for what lays ahead.

##### Induction Program

Following election, new Councillors will be guided through an in-house induction program, modelled on the Department of Local Government Councillor Induction Checklist, to provide them with all the information relevant to commencing their role as a Councillor. The provision of in-house information and training sessions is also encouraged after the completion of the induction program.

Last updated 08/06/2016

#### WALGA Training Program

The Western Australian Local Government Association offers a module-based training program that is standardised for WA Local Governments. Progressive participation in this program is encouraged and is considered to be the best opportunity outside of the organisation to develop relevant local government knowledge, including the opportunity to obtain a Diploma in Local Government by the completion of the course modules.

#### Local Government Week

Local Government Week is an annual networking and development opportunity for Councillors provided by the Western Australian Local Government Association. This is undertaken in conjunction with the association's Annual General Meeting at which the City of Busselton is entitled to have two delegates. It is usual that this will be the Mayor and Deputy Mayor, however, this may be passed to another Councillor or Councillors when one or both of the Mayor and Deputy Mayor are not in attendance.

In addition to the two delegate participants, opportunity exists for other Councillors and the CEO to attend Local Government Week.

#### Other Training and Development

Other training and development opportunities are identified from time to time by either an individual Councillor or the organisation, attendance at which may be approved where:

- The course or development opportunity is relevant to the functions of a Councillor; or
- The course or development opportunity is relevant to a Councillor's role of Council approved representative on a Council Committee or external body; and
- There is scope for application of skills acquired by the attendee at the City.

#### Approval Process

Applications from Councillors will be determined by the Mayor in consultation with the CEO with regard to applicability of the development opportunity to the Councillor's role and budget availability.

The application can only be approved where the costs including registration fees, travel, accommodation and an estimation of other expenses in accordance with Council Policy 001 can be accommodated within the approved allowance allocated to the Councillor for this purpose in accordance with the annual budget provision. The annual training budget determined by the Council will be equally allocated to each Councillor on a pro-rata basis in accordance with election dates. An individual's unspent funds can be carried forward for use within the biennial election cycle.

The CEO is to maintain a register of each Councillors' training and professional development expenses.

Nothing in this policy provision prevents the Council from approving additional funds to be accessible or the Council from approving a specific application that is outside of the existing budget.

Last updated 08/06/2016

**Policy Background**

Policy Reference No. - 098  
Owner Unit – Governance Services  
Originator – Manager, Governance Services  
Policy approved by – Council  
Date Approved – 8 June, 2016  
Review Frequency – As required  
Related Documents –  
Council Policy 001  
Council Policy 013

**History**

Council Resolution	Date	Information
C1606/135	8 June, 2016	Proposal to provide an equal allocation for use by each Councillor on approved training programs and Local Government Week attendance. Version 3
C1206/138	13 June, 2012	Proposal to consolidate the Elected Member Induction, Training and Development Policy with the Local Government Week policy Version 2
		Version 1

Last updated 24 July 2013

013	Specific Requirements for Development Opportunities Involving Significant Travel	V3 Current
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#### 1. PURPOSE

The City of Busselton has a budget allocation and other professional development entitlements for the purpose of enabling Councillors and Officers to participate in development opportunities that will assist the Councillor or Officer to undertake their role and/or develop skills and competencies. In many circumstances, these development opportunities are undertaken locally or in Perth. This policy applies when a development opportunity is proposed that involves travel overseas, interstate or north of the 26<sup>th</sup> parallel, to ensure the City will receive value from the development investment.

#### 2. SCOPE

This policy is to apply to the attendance of any Councillor or Officer in that capacity at any development opportunity or other event on behalf of the City outside of Western Australia or north of the 26<sup>th</sup> parallel. It provides the approval framework and reporting requirements to ensure that demonstrable benefit is brought to the City, the Council or the Community. This policy applies in addition to any Council policies relating to training and development and any operational practices and procedures for training and development established by the CEO.

#### 3. POLICY CONTENT

##### 3.1 Specific Requirement

Despite any other provision of this policy, any application for attendance at a development opportunity outside of Australia shall also be referred to the Council for determination. The application must comply with the relevant requirements of this policy before being presented.

##### 3.2 Application and Approval Criteria

The key objective of attendance at any development opportunity or event is to bring benefit to the City, the Council and/or the Community. Applications shall identify the benefit that is proposed to be obtained from attendance at the development opportunity or event.

Due regard should also be given to:

- The development opportunity or event's relevance to the functions of the City;
- The scope for application of skills acquired by the attendee at the City;
- A Councillor's effective representation on Council Committees or external bodies whereby it can be demonstrated the development opportunity or event's purpose relates to an existing role;
- The number of applications for attendance received from Councillors whereby it would not be usual for more than one Councillor to attend a development opportunity or event without good reason;

by the applicant in their application and by the decision-maker when determining the application.

##### 3.3 Reporting Requirements

At the conclusion of the development opportunity or event the attendee shall provide either a written report to the City or a verbal presentation to Councillors within 14 days to facilitate knowledge sharing.

Last updated 24 July 2013

The report should detail skills and competencies gained, benefits for the City, Council and Community and relevant recommendations.

The Mayor or CEO may approve an extension in circumstances deemed appropriate. Regard may be given to the technicality of the information to be prepared into a report, workloads or other factors.

Failure to provide a report or presentation within the approved timeframe can result in the Councillor or Officer being required to reimburse costs associated with such attendance to the City.

### **3.4 Approval Process**

#### **3.4.1 Councillors**

Applications from Councillors will be determined by the Mayor, Deputy Mayor and the CEO with regard to budget availability. In addition, an application under section 3.1 of the policy will be referred to the Council for determination following assessment by the Mayor, Deputy Mayor and CEO.

The application can only be approved where the costs including professional fees, travel, accommodation and an estimation of other expenses in accordance with Council Policy 001 can be accommodated within the approved budget allowance.

Nothing in this policy provision prevents the Council from approving additional funds to be accessible or the Council from approving a specific application that is outside of the existing budget.

#### **3.4.2 Officers**

Applications from the CEO will be determined by the Mayor and Deputy Mayor. In addition, an application under section 3.1 of the policy will be referred to the Council for determination following assessment by the Mayor and Deputy Mayor.

Applications from officers will be determined with regard to the requirements of this policy under the CEO's management responsibility. In addition, an application under section 3.1 of the policy will be referred to the Council for determination following assessment by the CEO.

### **Policy Background**

Policy Reference No. - 013

Owner Unit – Governance

Originator – Manager, Governance Services

Policy approved by – Council

Date Approved – 24 July, 2013

### **History**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1307/194	24 July, 2013	Version 3
		Version 2 – Draft – Referred back to the P and L Committee by the Council
C1003/074	10 March, 2010	Date of implementation Version 1

Last updated 08/06/2016

098	Councillors' Induction, Training and Professional Development	V3 Current
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#### 1. PURPOSE

This policy is to provide a framework within which Councillors can have access to a range of development opportunities that will assist them to undertake their role, including but not limited to pre-election information sessions, induction programs, training programs, attendance at conferences & seminars and other development opportunities throughout the elected term of office.

The City of Busselton has a budget allocation for the purpose of enabling Councillors to participate in development opportunities that will assist them to undertake their role and/or develop skills and competencies.

#### 2. SCOPE

The policy provides that all Councillors can participate in development and training opportunities during their elected term of office, noting that where a term of office is less than the usual four-year term, access to a full range of opportunities may not be available within the term.

#### 3. POLICY CONTENT

##### 3.1 Pre Election

The Chief Executive Officer or his delegate will conduct a seminar for aspiring Councillors to be held prior to a Local Government election. The aim of this seminar would be to provide aspirants with an insight to the role of a Councillor and better prepare them for what lays ahead.

##### 3.2 Induction

Upon election to Council, the City will provide an Induction, training and development program for Councillors modelled on the Department of Local Government Councillor Induction Checklist, to provide them with all the information relevant to commencing their role as a Councillor. Attendance at in-house information and training sessions is also encouraged after the completion of the induction program.

The Induction program contributes to the corporate objectives by:

- Assisting new Councillors assimilate into the role;
- Assisting Councillors meet the demands upon them by developing the necessary skills through recognised training;
- Assisting Councillors achieve excellence in performance; and
- Ensuring Councillors work professionally in a team environment for the betterment of their constituents.

##### 3.3 Annual Allowance for Training and Development

Councillors are encouraged to attend various programs during their term of office, to assist their professional development and to provide them with enhanced skills to effectively maximise the benefits of the commitment they have given to their elected position.

Last updated 08/06/2016

Each Elected Member is equally allocated an annual sum as allocated in each annual budget for attendance at Training and Development programs and courses. The amount should not, in normal circumstances be exceeded and registration will not be effected if there are insufficient funds available to be used.

If the annual allowance is exceeded, the value in excess of the amount allowed will be reduced from the following years allowance. Any surplus funds in an Elected Members allocation will be carried forward to the next financial year but will not be carried forward to the next following year.

### **3.4 Conferences & training courses**

The annual budget allocation may be used for any of the following:

- Western Australian Local Government Association (WALGA) Training Program

WALGA offers a module-based training program that is standardised for WA Local Governments. Progressive participation in this program is encouraged and is considered to be the best opportunity outside of the organisation to develop relevant local government knowledge, including the opportunity to obtain a Diploma in Local Government by the completion of the course modules.

- Local Government Week

Local Government Week is an annual networking and development opportunity for Councillors provided by the WALGA. This is undertaken in conjunction with the Association's Annual General Meeting at which the City of Busselton is entitled to have two voting delegates. It is usual that this will be the Mayor and Deputy Mayor, however, this may be passed to another Councillor or Councillors (or the CEO) when one or both of the Mayor and Deputy Mayor are not in attendance.

In addition to the two delegate participants, opportunity exists for up to two additional Councillors (up to a maximum of four Councillors) and the CEO, (or his delegate) to attend Local Government Week.

- Other Training and Development

Other training and development opportunities are identified from time to time by either an individual Councillor or the organisation, attendance at which may be approved where:

- The course or development opportunity is relevant to the functions of a Councillor; or
- The course or development opportunity is relevant to a Councillor's role or is a member of a Council approved representative on a Council Committee or external body; and
- There is scope for the attendee to acquire skills beneficial to the City.

### **3.5 Restrictions and exclusion on Travel**

No more than two Elected Members may attend the same Interstate event and no more than three Elected Members may attend the same Intrastate event (authorised training and development courses excluded).

Travel Interstate is not permitted within three months of being elected as an Elected Member and other than attendance at Local Government week, attendance at a



Last updated 08/06/2016

conference/seminar is not permitted within three months of the date of expiry of office. Application of this Policy is subject to there being sufficient funds available for each Councillor.

Attendance at any overseas conference, seminar or other development event requires the specific approval of Council.

Attendance at BASCA events / exchanges are not covered by this Policy

### **3.6 Reporting Requirements**

When considered appropriate, on return from attending an Interstate training & development opportunity attendee shall provide either a written report to the City or a verbal presentation to an Elected Members Briefing session within 21 days to facilitate knowledge sharing. The report should detail skills and competencies gained, benefits for the City, Council and Community and relevant recommendations.

The Mayor or CEO may approve an extension in circumstances deemed appropriate. Regard may be given to the technicality of the information to be prepared into a report, workloads or other factors.

Failure to provide a report or presentation within the approved timeframe may result in the Elected Member being required to reimburse costs associated with attendance to the City.

### **3.7 Approval Process**

Applications from Councillors for attendance at interstate courses and conferences etc will be considered by the Mayor and Deputy Mayor in consultation with the CEO with regard to applicability of the development opportunity to the Councillor's role and budget availability.

The application can only be approved where the costs including registration fees, travel, accommodation and an estimation of other expenses in accordance with Council Policy 001 can be accommodated within the approved allowance allocated to the Councillor for this purpose in accordance with the annual budget provision. The annual training budget determined by the Council will be equally allocated to each Councillor on a pro-rata basis in accordance with election dates. An individual's unspent funds can be carried forward for use within the biennial election cycle.

The CEO is to maintain a register of each Councillors' training and professional development expenses.

Nothing in this policy provision prevents the Council from approving additional funds to be accessible or the Council from approving a specific application that is outside of the existing budget.

### **Policy Background**

Policy Reference No. - 098  
Owner Unit – Governance Services  
Policy approved by – Council XXX  
Review Frequency – As required  
Related Documents – Council Policy 001

### **History**

Last updated 08/06/2016

Council Resolution	Date	Information
C1606/135	8 June, 2016	Proposal to provide an equal allocation for use by each Councillor on approved training programs and some changes to Local Government Week attendance.

## 6.10 WITHDRAWN COUNCIL POLICIES FOLLOWING FURTHER REVIEW PROCESS

<b>SUBJECT INDEX:</b>	Policy and Procedures
<b>STRATEGIC OBJECTIVE:</b>	An organisation that is managed effectively and achieves positive outcomes for the community.
<b>BUSINESS UNIT:</b>	Engineering and Works Services
<b>ACTIVITY UNIT:</b>	Engineering & Work Services
<b>REPORTING OFFICER:</b>	Director, Engineering and Works Services - Oliver Darby
<b>AUTHORISING OFFICER:</b>	Chief Executive Officer - Mike Archer
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Existing Policy 026 Road Asset Renewal <a href="#">↓</a> Attachment B Existing Policy 142 Roadside Advertising <a href="#">↓</a>

### PRÉCIS

The City's rolling review of Council policies continues via the Policy and Legislation Committee. This report presents a range of policies that have been thoroughly reviewed by the responsible officers and assessed as requiring, withdrawal, minimal change with the exception of updating terminology to City. While no substantial changes are recommended, the operation of each policy has been examined in detail to ensure no other changes are required.

### BACKGROUND

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby all policies of the Council will be reviewed, with the aim of determining the ongoing applicability of the policies, along with standardisation and reduction.

### STATUTORY ENVIRONMENT

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

Each policy referred to in this report has been developed in accordance with and reviewed being aware of the relevant enabling legislation.

### RELEVANT PLANS AND POLICIES

This report proposes withdrawing a series of existing policies of the Council.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from the review of these policies.

### Long-term Financial Plan Implications

Not applicable.

**STRATEGIC COMMUNITY OBJECTIVES**

The ongoing review of Council policies helps achieve governance systems that deliver responsible, ethical and accountable decision-making.

**RISK ASSESSMENT**

Having a policy relating to any matter is an effective risk mitigation strategy and there are no risks remaining at a sufficient level for further individual assessment.

**CONSULTATION**

Not Required

**OFFICER COMMENT**

In the main, it is the considered view of the relevant officers that the policies included in this report are obsolete since the previous review was undertaken by the Policy and Legislation Committee and the Council.

This report presents a range of policies that have been thoroughly reviewed by the responsible officers and assessed as requiring withdrawal.

Council Policy 026 – Road Asset Renewal

The policy was last reviewed on 24 July 2013. This Policy is no longer required. The intention of this policy was to ensure that all funds generated by the asset renewal rate increase as per the Council's Long Term financial Plan, plus any surplus of Council's existing own source renewal funding be transferred to and from the Road Asset Renewal Reserve. This provided a clear understanding of the amount of funds generated and where they are spent and also allow for longer term planning of works to take place. As the context and actions associated with the Policy are now detailed and included in the endorsed long term financial plan.

Council Policy 142 – Roadside Advertising

This Policy is no longer required. The Council's policy in this instance was to consider applications for roadside advertising. This was done by the calling of a public tender where interest has been shown, and / or where the Council believed the outcome would have a net public benefit. The Council was to consider only advertising on bus shelters, street bins, and street seats in urban areas.

Over the past years the City under the direction of the Council has removed street side advertising associated with this policy and there is currently no intention to allow street advertising of this type in the future. Should the city be approached in the future with this type of request it will be dealt with on a case by case basis.

**CONCLUSION**

The two policies have provided consistent guidance to City decision-making processes however in undertaking the review it is considered that they are no longer considered relevant and can be withdrawn.

**OPTIONS**

The Council may decide to not revoke either policy, make changes to one or both of the existing policies and retaining them both or revoke one or both of the policies.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The policies remain effective and the withdrawal will take effect as soon as a decision is made by the Council.

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

That the Council:

1. Revoke Policy 026 - Road Asset Renewal as shown in Attachment A.
2. Revoke Policy 142 - Roadside Advertising as shown in Attachment B.

Implemented 24/07/13

026	Road Asset Renewal	V1 Current
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### 1. PURPOSE

The intention of this policy is to ensure that all funds generated by the asset renewal rate increase as per the Council's Long Term financial Plan, plus any surplus of Council's existing own source renewal funding are transferred to and from the Road Asset Renewal Reserve. This will provide a clear understanding of the amount of funds generated and where they are spent and also allow for longer term planning of works to take place.

### 2. STATEMENT

The Council is committed to the long term sustainability of its infrastructure assets and recognises the need to undertake asset management planning to ensure that adequate levels of renewal are undertaken. Initial Asset Management Planning has identified a funding gap for roads based on historical levels of expenditure measured against required expenditure going forward.

To address the roads funding gap, the Council has committed to an additional one per cent (1%) asset renewal rate increase to be generated annually over six (6) years commencing 2013/14.

From year seven (7) (2019/20) and beyond the funds generated in 2018/19 will continue in perpetuity and will be allocated, on an annual basis; to the Roads Asset Renewal Reserve for the use of funding the renewal requirements for roads.

The funds allocated from year seven (7) (2019/20) onwards will continue to compound on a yearly basis, based on the nominated rate increase for the given year as a percentage increase to the previous year's additional funding amount.

### 3. POLICY CONTENT

#### Rate Increase Defined

The "1% asset renewal rate increase" referred to in this policy relates to an increase on the 'base rate' from the previous financial year. This one per cent (1%) rate increase is to be utilized specifically for asset management, which is therefore over and above any other Council imposed increases between 2013/14 and 2018/19.

It is also in addition to any external State or Federal Government Funding as well as the Council's own source funding. Once added, the 1% asset renewal rate increase becomes part of Council's own source funding.

#### Council Own Source Funding

Council has allocated funds as part of the Long Term Financial Plan as 'own source funds' for road renewal. These are funds allocated to capital road projects which are funded through the Council's own financial resources i.e. net of external funding and in addition to the rate increase outlined within this policy.

It is the intention of the policy that in any given year, if the budget allocation of Council's own source funds is less than that shown within the Long Term Financial Plan; then the variance will be transferred to the road asset renewal reserve.

Implemented 24/07/13

#### **Road Asset Renewal Reserve**

The annual transfer to the Roads Asset Renewal Reserve is to be reconciled against the asset renewal rate increase for that year and also any surplus in the budgeted Council own source funds.

Transfers from the Roads Asset Renewal Reserve are to be reconciled against specific project cost codes to allow an audit trail of where the money is being spent.

Where additional planning and preparation time are required for large projects or surplus funds following completion of works and suitable justification can be provided; renewal funds may be held over into subsequent financial years awaiting a suitable project.

#### **Eligibility for Funding**

All works funded through this reserve must have been identified as required works through a formally adopted asset management plan of the City of Busselton and be included within the City's Long Term Financial Plan, Corporate Business Plan and Annual Budget.

Priority should be given to renewal based projects over and above new and upgrade. These projects will be primarily focussed on maintaining the existing capacity and capability of the asset; although it should be acknowledged renewal based projects may from time to time include some portion of new and upgrade works.

The immediate intention of the Reserve is to fund the roads backlog over the ten (10) year period (2013/14 – 2022/23), any additional funding over and above that required for roads in any given year is to remain in the reserve until a suitable project is identified.

#### **Definitions**

- The expenditure types referred to in this policy are defined as follows;
- **Renewal Work** is defined as works to replace existing assets or facilities with assets or facilities of equivalent capacity or performance capability;
- **New works** are assets acquired for a new (never before provided) service to the community; and
- **Upgrade works** result in a higher (improved) level of service than previously offered. As distinct from new assets, the service currently exists.

#### **4. APPLICATION OF THE POLICY**

Engineering and Works Services Directorate will ensure application of the policy.

#### **Policy Background - History**

At the Special Council Meeting held on 26<sup>th</sup> June 2013 the council endorsed the following recommendation (resolution number C1306/146)

- "1. adopts the Overall Asset Management Plan as the informing document for the Long Term Financial Plan;*
- 2. adopts the individual asset management plans for Roads, Buildings and Parks and Gardens as the technical documents informing the Overall Asset Management Plan;*
- 3. endorses the development of a Policy detailing the mechanics of administering and accounting for the funding for Roads, Parks and Gardens and Buildings and subsequent expenditure."*

Implemented 24/07/13

Council Resolution	Date	Information
C1306/193	24 July, 2013	Date of Implementation Version 1



142	Roadside Advertising	Current
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Council's policy is to consider applications for roadside advertising by the calling of a public tender where interest has been shown, and / or Council believes the outcome has a net public benefit within aesthetic criteria. Council will consider only advertising on bus shelters, street bins, and street seats in urban areas. Advertising shall not be offensive to the broader community, as determined by Council. Where there is a call for roadside advertising which conforms to this policy, a tender specification shall be prepared and referred to the relevant Townscape Advisory Committee. Specifications shall address issues of size, height, location, lighting and colour and the guidelines presented in the Dunsborough and Busselton Town Centre Studies (2002).

In considering advertising on shelters bins and seats, Council will apply the following tests:

- Function – facility must be reasonably accessible and placed where there is a need;
- Costs – saving and / or income opportunities for Council;
- Number – spacing and number of units shall be limited;
- Aesthetics – visual impact shall not detract from surroundings;
- Location – safety standards for traffic and pedestrians;
- Quality – facility shall be of architectural standard and built to a high quality;
- Compliance with adopted Council Townscape Guidelines.

A legal agreement shall be drawn up at the Contractor's expense for the contract period and containing conditions and clauses which protect the community interest and for the contractor to meet all costs of maintenance and repairs, insurance and servicing. At the end of the contract period the contractor to either transfer ownership to Council at no cost or to remove them. The contract period shall not exceed fifteen (15) years.

Council shall approve each and every site (to be stated in the tender) that has advertising prior to finalising the agreement and commencing works; such approvals to include Main Roads WA if on a Main Road.

All costs, including the connection of power if applicable, are to be met by the contractor.

Shelters, bin surrounds and seating shall be of a standard and type which enhances the aesthetics of its surrounds, is functional and conveniently located for use by the public. Litter bin surrounds shall be of the type that forms an enclosure for 120 litre or 240 litre mobile garbage bins.

#### **LITTER BINS SURROUNDS**

Where litter bins surrounds with advertising are to be provided by private contractors, the general criteria will be set by Council in considering the tender and reflect the following conditions:

- i) Obtaining Council approval for each and every site that has advertising prior to finalising the agreement and commencing works; such approvals to include Main Roads WA if on a main road.
- ii) All costs, are to be met by the contractor.
- iii) A legal agreement being drawn up at the Contractor's expense for the contract period, with no option to extend, and containing conditions and clauses which protect the community interest. The contractor to meet all costs of maintenance and repairs, insurance and servicing. At the end of the contract period the contractor to either transfer ownership to Council at no cost or to remove them. The contract period shall not exceed fifteen (15) years.
- iv) Litter bins surrounds to be lockable and suitable to contain standard 120 or 240 litre mobile garbage bins (MGB) of a standard and type which enhances the aesthetics of its surrounds, is functional, conveniently located and finished in colours selected by Council.

#### **STREET SEATS**

Council recognises the potential for street seats with advertising to be provided by private contractors, the general criteria will be set by Council and reflect the following conditions:

- i) Obtaining Council approval for each and every site that has advertising prior to finalising the agreement and commencing works; such approvals to include Main Roads WA if on a main road.
- ii) All costs, are to be met for by the contractor.
- iii) A legal agreement being drawn up at the Contractor's expense for the contract period, with no option to extend, and containing conditions and clauses which protect the community interest. The contractor to meet all costs of maintenance and repairs, insurance and servicing. At the end of the contract period the contractor to either transfer ownership to Council at no cost or to remove them. The contract period shall not exceed fifteen (15) years.

**7. GENERAL DISCUSSION ITEMS**

**8. NEXT MEETING DATE**

Thursday, 18 May 2017

**9. CLOSURE**