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CITY OF BUSSELTON

MINUTES FOR THE COUNCIL MEETING HELD ON 10 MAY 2017

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MINUTES

MINUTES OF A MEETING OF THE A MEETING OF THE BUSSELTON CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 10 MAY 2017 AT 5.30PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 5.30pm.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Coralie Tarbotton Deputy Mayor
Cr Ross Paine
Cr Terry Best
Cr John McCallum
Cr Rob Bennett
Cr Paul Carter
Cr Robert Reekie
Cr Gordon Bleechmore

Officers:

Mr Mike Archer, Chief Executive Officer
Mr Oliver Darby, Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mrs Naomi Searle, Director, Community and Commercial Services
Mr Cliff Frewing, Director, Finance and Corporate Services
Miss Kate Dudley, Administration Officer, Governance

Apologies

Nil

Approved Leave of Absence

Nil

Media:

"Busselton-Dunsborough Times"
"Busselton-Dunsborough Mail"

Public:

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3. PRAYER

The prayer was delivered by Pastor Nathan Seinemeier of Hope Church.

4. PUBLIC QUESTION TIME**Response to Previous Questions Taken on Notice**

Nil

Public Question Time

Nil

5. ANNOUNCEMENTS WITHOUT DISCUSSION**Announcements by the Presiding Member**

Nil

Announcements by other Members at the invitation of the Presiding Member

Nil

6. APPLICATION FOR LEAVE OF ABSENCE

Nil

7. PETITIONS AND PRESENTATIONS

Nil

8. DISCLOSURE OF INTERESTS

The Mayor noted that a declaration of financial interest had been received from:

- Cr Paul Carter in relation to agenda Item 12.1 - Kerbside Recycling Contract.

The Mayor advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration would be read out immediately before Item 12.1 was discussed.

9. CONFIRMATION AND RECEIPT OF MINUTES**Previous Council Meetings****9.1 Minutes of the Council Meeting held 26 April 2017****Council Decision****C1705/093**

Moved Councillor T Best, seconded Councillor J McCallum

That the Minutes of the Council Meeting held 26 April 2017 be confirmed as a true and correct record.

CARRIED 9/0

Committee Meetings9.2 Minutes of the Policy and Legislation Committee held 20 April 2017**Council Decision****C1705/094**

Moved Councillor C Tarbotton, seconded Councillor R Reekie

That the minutes of the Policy and Legislation Committee Meeting held 20 April 2017 be received.

CARRIED 9/0**ITEMS BROUGHT FORWARD AND ADOPTION BY EXCEPTION RESOLUTION**

At this juncture the Mayor advised the meeting that with the exception of the items identified to be withdrawn for discussion, that the remaining reports, including the Committee and Officer Recommendations, will be adopted en bloc.

Council Decision / Committee Recommendation and Officer Recommendation**C1705/095**

Moved Councillor G Bleechmore, seconded Councillor P Carter



That the Committee and Officer Recommendations in relation to the following agenda items be carried en bloc:

- 10.1 Policy and Legislation Committee - 20/04/2017 - REVIEW OF LOCAL PLANNING POLICY 9A BUSSELTON HERITAGE CONSERVATION PROVISIONS
- 10.2 Policy and Legislation Committee - 20/04/2017 - CONSOLIDATED PARKING SCHEME AMENDMENT - ALBERT STREET BUS BAYS
- 10.3 Policy and Legislation Committee - 20/04/2017 - REVIEW OF C246 - SHELTERS AND STRUCTURES ON BEACHES
- 10.4 Policy and Legislation Committee - 20/04/2017 - CONSOLIDATED PARKING SCHEME AMENDMENT - YALLINGUP TOWNSITE
- 10.5 Policy and Legislation Committee - 20/04/2017 - REVIEW OF POLICY 003 COMMUNITY RECOGNITION - HONOURS, EVENTS AND WELL WISHES
- 10.6 Policy and Legislation Committee - 20/04/2017 - REVIEW POLICY 005 MEETINGS, INFORMATION SESSIONS AND DECISION-MAKING PROCESSES
- 10.7 Policy and Legislation Committee - 20/04/2017 - MINOR UPDATING OF COUNCIL POLICIES FOLLOWING FURTHER REVIEW PROCESS
- 10.9 Policy and Legislation Committee - 20/04/2017 - REVIEW OF POLICY 098 COUNCILLORS' INDUCTION, TRAINING AND PROFESSIONAL DEVELOPMENT
- 10.10 Policy and Legislation Committee - 20/04/2017 - WITHDRAWN COUNCIL POLICIES FOLLOWING FURTHER REVIEW PROCESS
- 11.1 PROPOSED FORMATION OF 'WESTERN RINGTAIL POSSUM WORKING GROUP'
- 15.1 COUNCILLORS' INFORMATION BULLETIN

CARRIED 9/0**EN BLOC**

10. REPORTS OF COMMITTEE

10.1 Policy and Legislation Committee - 20/04/2017 - REVIEW OF LOCAL PLANNING POLICY 9A BUSSELTON HERITAGE CONSERVATION PROVISIONS

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

This item was considered by the Policy and Legislation Committee at its meeting on 20 April 2017, the recommendations from which have been included in this report.

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 instances 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.

Council Decision and Committee Recommendation

C1705/096 Moved Councillor G Bleechmore, seconded Councillor P Carter


That the Council, resolves to –

1. 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; and
2. Require the presentation to Council of draft guidelines for a 'heritage grants programme' within 12 months.

CARRIED 9/0

EN BLOC

10.2 Policy and Legislation Committee - 20/04/2017 - CONSOLIDATED PARKING SCHEME AMENDMENT - ALBERT STREET BUS BAYS

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

This item was considered by the Policy and Legislation Committee at its meeting on 20 April 2017, the recommendations from which have been included in this report.

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.

Council Decision / Committee Recommendation and Officer Recommendation

C1705/097

Moved Councillor G Bleechmore, seconded Councillor P Carter




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*.

CARRIED 9/0

EN BLOC

10.3 Policy and Legislation Committee - 20/04/2017 - REVIEW OF C246 - SHELTERS AND STRUCTURES ON BEACHES

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

This item was considered by the Policy and Legislation Committee at its meeting on 20 April 2017, the recommendations from which have been included in this report.

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 15m² 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.

Council Decision / Committee Recommendation and Officer Recommendation

C1705/098

Moved Councillor G Bleechmore, seconded Councillor P Carter

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

	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 15m² 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

Council Resolution	Date	Information
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

CARRIED 9/0

EN BLOC

10.4 Policy and Legislation Committee - 20/04/2017 - CONSOLIDATED PARKING SCHEME AMENDMENT - YALLINGUP TOWNSITE

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

This item was considered by the Policy and Legislation Committee at its meeting on 20 April 2017, the recommendations from which have been included in this report.

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.

Council Decision / Committee Recommendation and Officer Recommendation

C1705/099 Moved Councillor G Bleechmore, seconded Councillor P Carter



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*.

CARRIED 9/0

EN BLOC

10.5 Policy and Legislation Committee - 20/04/2017 - REVIEW OF POLICY 003 COMMUNITY RECOGNITION - HONOURS, EVENTS AND WELL WISHES

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

This item was considered by the Policy and Legislation Committee at its meeting on 20 April 2017, the recommendations from which have been included in this report.

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.

Council Decision / Committee Recommendation and Officer Recommendation

C1705/100

Moved Councillor G Bleechmore, seconded Councillor P Carter

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

Attachment A

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 rejections or 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

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

CARRIED 9/0

EN BLOC

10.6 Policy and Legislation Committee - 20/04/2017 - REVIEW POLICY 005 MEETINGS, INFORMATION SESSIONS AND DECISION-MAKING PROCESSES

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

This item was considered by the Policy and Legislation Committee at its meeting on 20 April 2017, the recommendations from which have been included in this report.

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.

Council Decision / Committee Recommendation and Officer Recommendation

C1705/101

Moved Councillor G Bleechmore, seconded Councillor P Carter

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

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.

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

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

CARRIED 9/0

EN BLOC

10.7 Policy and Legislation Committee - 20/04/2017 - MINOR UPDATING OF COUNCIL POLICIES FOLLOWING FURTHER REVIEW PROCESS

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

This item was considered by the Policy and Legislation Committee at its meeting on 20 April 2017, the recommendations from which have been included in this report.

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.

Council Decision / Committee Recommendation and Officer Recommendation

C1705/102 Moved Councillor G Bleechmore, seconded Councillor P Carter

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.

Attachment A

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."

History

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

Attachment C

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	
<i>Outstanding Works Bond determined by the Chief Executive Officer</i>	
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 Licence, 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 Licence 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:

- 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

Attachment E

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 MGBreceptacle.

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:

- 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 privateroads.

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.

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

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.

1. Provision of a New Waste Collection Service

1.1 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.

1.2 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

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

CARRIED 9/0

EN BLOC

10.9 Policy and Legislation Committee - 20/04/2017 - REVIEW OF POLICY 098 COUNCILLORS' INDUCTION, TRAINING AND PROFESSIONAL DEVELOPMENT

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

This item was considered by the Policy and Legislation Committee at its meeting on 20 April 2017, the recommendations from which have been included in this report.

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.

Council Decision / Committee Recommendation and Officer Recommendation**C1705/103** Moved Councillor G Bleechmore, seconded Councillor P Carter

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*

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.

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 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 or as 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 is not permitted within three months of the date of expiry of office.

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

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.

CARRIED 9/0

EN BLOC

10.10 Policy and Legislation Committee - 20/04/2017 - WITHDRAWN COUNCIL POLICIES
FOLLOWING FURTHER REVIEW PROCESS

SUBJECT INDEX:	Policy and Procedures
STRATEGIC OBJECTIVE:	An organisation that is managed effectively and achieves positive outcomes for the community.
BUSINESS UNIT:	Engineering and Works Services
ACTIVITY UNIT:	Engineering & Work Services
REPORTING OFFICER:	Director, Engineering and Works Services - Oliver Darby
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Existing Policy 026 Road Asset Renewal  Attachment B Existing Policy 142 Roadside Advertising 

This item was considered by the Policy and Legislation Committee at its meeting on 20 April 2017, the recommendations from which have been included in this report.

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

The policy was last reviewed on [date] 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.

Council Decision / Committee Recommendation and Officer Recommendation**C1705/104**

Moved Councillor G Bleechmore, seconded Councillor P Carter

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.

CARRIED 9/0**EN BLOC**

11. PLANNING AND DEVELOPMENT SERVICES REPORT

11.1 PROPOSED FORMATION OF 'WESTERN RINGTAIL POSSUM WORKING GROUP'

SUBJECT INDEX:	Environmental Projects & Programmes
STRATEGIC OBJECTIVE:	Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations.
BUSINESS UNIT:	Planning and Development Services
ACTIVITY UNIT:	Environmental Management
REPORTING OFFICER:	Director, Planning and Development Services - Paul Needham
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Nil

PRÉCIS

The Council is asked to consider supporting the formation of a 'Western Ringtail Possum Working Group', with the presentation of this report following a recent informal briefing of Councillors by the Department of Parks & Wildlife (DPaW) relating to the status and protection of Western Ringtail Possums (WRP).

It is proposed that the Working Group consist of interested Councillors and relevant staff, and that the Group be charged with researching and investigating the issues and identifying what the City's role and approach to WRP issues should be, both in terms of actions by the City itself, but also in terms of advocating for action at State and/or Federal level.

It is envisaged that the Group would undertake research and receive briefings on WRP issues, including briefings from relevant government agencies, interested/engaged community groups or community members, as well as from relevant industry groups/stakeholders (e.g. developers, real estate sector).

The rationale for the proposed formation of the Working Group is summarised in the 'Background' section of this report.

BACKGROUND

Parts of the City, especially parts of our urban areas, are a significant proportion of the remaining range and habitat of WRP, the conservation status of which has been upgraded in recent years from 'Threatened', to 'Endangered' and, last year, to 'Critically Endangered' – this is the highest conservation status before species are considered to be 'Extinct in the Wild' or 'Extinct'. Within the last decade, WRP numbers in some inland/forest areas are estimated to have declined by 95-99%.

There has been a substantial amount of research undertaken into WRP and their habitat, and there are a number of issues that we do not yet fully understand. It is thought likely, though, that WRP, without a sustained and significant conservation effort, may become extinct in the next decade or so. Habitat in the urban areas of Busselton and Dunsborough is particularly important because WRP exist at substantially higher densities there than in natural/forest environments. It is understood a key reason for that is that urban gardens and parks are watered through the summer, thereby increasing the carrying capacity of the landscape and mitigating the effects of the drying climate.

DPaW, together with the Federal Environment Department and other stakeholders (such as local government), have developed WRP 'recovery plans'. The success of any such plan, however, is likely to require a broader response, involving all levels of government, multiple agencies, the community and industry. Because of the importance of habitat in the City, the City will need to be involved. It is considered, however, that further work and discussion is necessary to determine exactly what the City's role and approach should be, and that the proposed Working Group would play a key role in that.

STATUTORY ENVIRONMENT

Legislation relevant to this issue includes –

- *Planning and Development Act 2005* and associated subsidiary regulations, including the *City of Busselton Local Planning Scheme 21*
- *Environmental Protection Act 1986* and associated subsidiary regulations, including the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*
- *Biodiversity Conservation Act 2016*
- *Wildlife Conservation Act 1950* and associated subsidiary regulations
- (Commonwealth) *Environmental Protection and Biodiversity Conservation Act 1999* and associated subsidiary regulations

RELEVANT PLANS AND POLICIES

Action 1.2 of the Environment Strategy is; "Continue improvement of planning mechanisms for the protection of biodiversity and habitat. Review and finalise the draft Western Ringtail Possum Habitat Protection and Enhancement Strategy".

FINANCIAL IMPLICATIONS

There will be a need to support the Working Group with relevant staff resources. That will be achieved using existing resources.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report reflect Strategic Objective 3.2 of the City's *Community Strategic Plan*, which is; "Natural areas and habitats are cared for and enhanced for the enjoyment of current and future generations".

RISK ASSESSMENT

There are no significant risks associated with the recommendations of this report.

CONSULTATION

Consultation associated with the most recent reviews of both the *Community Strategic Plan* and the *Environment Strategy* has indicated a degree of community interest and concern related to WRP issues. The proposed formation of the Working Group would assist in addressing those concerns. It is also envisaged the Working Group would consult with a range of stakeholders, including relevant government agencies, interested/engaged community groups or community members, as well as relevant industry groups/stakeholders (e.g. developers, real estate sector).

OFFICER COMMENT

The presentation of this report follows a recent informal briefing of Councillors by DPaW relating to the status and protection of WRP. It is considered that WRP issues are significant public policy matters for the City and our community. It is further considered that a focused and careful approach is warranted, and that the proposed Working Group will provide a basis to do that. In some respects, what is proposed is similar to the approach taken by the Council in forming the 'Lower Vasse River Taskforce', which ultimately was an important part of the various steps which led to the formation of the 'Vasse Ministerial Taskforce' and 'Revitalising Geographe Waterways' initiatives.

To ensure that the Working Group can operate in an informal, flexible and responsive fashion, it is not proposed that the Working Group be constituted as a formal committee of the Council. Instead, it is asked that the Council resolve to support the CEO in forming the Working Group as an informal working group, consisting of interested Councillors and relevant officers. Whilst community and other stakeholder input will also be vital, it is envisaged that occur through briefings from stakeholders, rather than through stakeholder involvement on the Working Group itself.

Once the Working Group has formed a view on what the City's role and approach should be, it is envisaged that the Working Group would brief the rest of the Council and, if necessary, a formal report may be presented to the Council. It is envisaged that the Working Group would consist of 2-4 Councillors, and a similar number of officers.

CONCLUSION

It is recommended that the Council support the formation of a 'Western Ringtail Possum Working Group', as described in this report.

OPTIONS

The Council could decide not to form a working group and/or to adopt a different approach to determining the City's role and approach to WRP issues.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

It is envisaged that the CEO would form the Working Group within one month, and that the Working Group would form a view on what the City's role and approach should be, and brief the rest of the Council, before the end of the 2017 calendar year.

Council Decision and Officer Recommendation

C1705/105 Moved Councillor G Bleechmore, seconded Councillor P Carter

That the Council support the formation by the CEO of a 'Western Ringtail Possum Working Group', with the membership and role of the Group to be as follows -





1. Membership - Interested Councillors and relevant staff; and
2. Role -
 - a) Researching and receiving briefings from stakeholders on WRP issues;
 - b) Forming a view on what the City's role and approach to WRP issues should be, both in terms of actions by the City itself, but also in terms of but also in terms of advocating for action at State and/or Federal level; and
 - c) Briefing and seeking Council support for the Group's findings and proposed direction.

CARRIED 9/0

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15. CHIEF EXECUTIVE OFFICER'S REPORT

15.1 COUNCILLORS' INFORMATION BULLETIN

SUBJECT INDEX:	Councillors' Information
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Executive Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Reporting Officers - Various
AUTHORISING OFFICER:	Chief Executive Officer - Mike Archer
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Planning Applications Received 1 April 2017 - 15 April 2017 
	Attachment B Planning Applications Determined 1 April 2017 - 15 April 2017 
	Attachment C Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement 
	Attachment D Minister for Seniors and Ageing; Volunteering; Sport and Recreation 

PRÉCIS

This report provides an overview of a range of information that is considered appropriate to be formally presented to the Council for its receipt and noting. The information is provided in order to ensure that each Councillor, and the Council, is being kept fully informed, while also acknowledging that these are matters that will also be of interest to the community.

Any matter that is raised in this report as a result of incoming correspondence is to be dealt with as normal business correspondence, but is presented in this bulletin for the information of the Council and the community.

INFORMATION BULLETIN

15.1.1 Planning and Development Statistics

Attachment A is a report detailing all Planning Applications received by the City between 1 April 2017 and 15 April 2017. Thirty seven formal applications were received during this period.

Attachment B is a report detailing all Planning Applications determined by the City between 1 April 2017 and 15 April 2017. A total of 43 applications (including subdivision referrals) were determined by the City during this period with 43 approved / supported and 0 refused / not supported.

15.1.2 Current Active Tenders

RFT01/17 KERBSIDE RECYCLING SERVICES

The City invited tenders for the collection of material from yellow top recycling bins and related services within the City of Busselton. The tender was advertised on 28 January 2017, with a closing date of 10 March 2017. A total of 3 tenders were received. The value of the contract will exceed the CEO's delegated authority and a recommendation report will be presented to Council in May 2017.

RFT02/17 KING STREET BEACH CAR PARK – SEAWALL REFURBISHMENT

The City of Busselton invited tenders for the upgrade of the geotextile sand containers seawall at the King Street Beach Car Park. The tender was advertised on 18 February 2017, with a closing date of 15 March 2017. A total of 6 tenders were received. The evaluation has been completed and the contract awarded by the CEO under delegated authority to BCP Contractors Pty Ltd for the Contract sum of \$197,706.

RFT03/17 DETAILED DESIGN AND CONSTRUCTION OF TODDLER'S PLAYGROUND, BUSSELTON FORESHORE

The City of Busselton invited tenders for the detailed design and construction of a toddler's playground at the Busselton foreshore. The tender was advertised on 18 March 2017, with a closing date of 18 April 2017. A total of 2 tenders were received. The value of the contract will not exceed the CEO's delegated authority. The evaluation is expected to be completed and a recommendation report expected to be presented to the CEO in May 2017.

RFT04/17 DEVELOPMENT AND DETAILED DESIGN OF THE BUSSELTON FORESHORE JETTY PRECINCT PLAY SPACE

The City of Busselton invited tenders for the detailed design and construction of the Busselton Foreshore Jetty precinct play space. The tender was advertised on 8 April 2017, with a closing date of 4 May 2017. The value of the contract is not expected to exceed the CEO's delegated authority.

RFT05/17 BUSSELTON FORESHORE CENTRAL EAST CAR PARK

The City of Busselton invited tenders for the construction of a new car park located at the Busselton foreshore known as the Busselton Foreshore Central East Car Park. The tender was advertised on 18 March 2017, with a closing date of 4 April 2017. A total of 7 tenders were received. The value of the contract is not expected to exceed the CEO's delegated authority. The evaluation is expected to be completed and a recommendation report expected to be represented to the CEO in May 2017.

15.1.3 Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement

Attachment C is an acknowledgment letter from Hon Bill Johnston MLA.

15.1.4 Minister for Seniors and Ageing; Volunteering; Sport and Recreation

Attachment C is an acknowledgment letter from Hon Mick Murray MLA.

Council Decision and Officer Recommendation

C1705/106 Moved Councillor G Bleachmore, seconded Councillor P Carter

That the items from the Councillors' Information Bulletin be noted:

- 15.1.1 Planning and Development Statistics
- 15.1.2 Current Active Tenders
- 15.1.3 Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement
- 15.1.4 Minister for Seniors and Ageing; Volunteering; Sport and Recreation

CARRIED 9/0

EN BLOC

16. COMMUNITY AND COMMERCIAL SERVICES REPORT

Nil

17. FINANCE AND CORPORATE SERVICES REPORT

Nil

12. ENGINEERING AND WORKS SERVICES REPORT

12.1 KERBSIDE RECYCLING CONTRACT

SUBJECT INDEX:	Waste Management
STRATEGIC OBJECTIVE:	Development is managed sustainably and our environment valued.
BUSINESS UNIT:	Waste and Fleet Services
ACTIVITY UNIT:	Waste Management
REPORTING OFFICER:	Manager, Waste and Fleet Services - Vitor Martins
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Confidential Tender Evaluation and Recommendation Report

DISCLOSURE OF INTEREST	
Date	10 May 2017
Meeting	Council
Name/Position	Paul Carter, Councillor
Item No./Subject	12.1 – Kerbside Recycling Contract
Type of Interest	Financial Interest
Nature of Interest	My employer, First National Real Estate manages the property that Suez leases.

5:34pm At this time Councillor P Carter left the meeting.

PRÉCIS

The City of Busselton invited RFT 1/17 Kerbside Recycling Services and received 3 submissions. This report summarises the tender responses and makes recommendation to award the tender.

BACKGROUND

The objective of this Request for Tender is to appoint a suitably qualified contractor for the provision of kerbside recycling services. The current contract is due to expire on 31/6/2017 and the new contract needs to be signed and the contractor appointed in order to ensure a seamless transition.

This Request for Tender specified the requirements of the City and invited suitably qualified and experienced respondents to submit bids to enter into a Contract for the provision of kerbside recycling services.

The requirements of for the service include for the fortnightly collection of material from 240L yellow-top recycling bins, recycling of Recyclables, and the delivery of new recycling bins and repairs to existing bins, within the Collection Area.

The successful tenderer will be reporting to the Director of Engineering and Works Services to fulfil the requirements as described in this report

The request for tender for Kerbside Recycling Services was advertised from 28 January 2017 to 8 February 2017, with a closing date of 10 March 2017.

The City received 4 requests for the tender documents and received four (3) tender responses, from 2 tenderers. A tender evaluation panel was formed to evaluate all tenders submissions and prior to the evaluation meeting, each panel member was provided with a copy of each submitted tender and

a copy of the Evaluation Score sheet and Panel Guide. Each panel member then scored each tender, with the scores being averaged to determine a final score.

The Evaluation Panel met on 6 April 2017 to discuss and evaluate each tender submission. The basis for the scoring and rationale for each score was discussed and final comments for the averaged scores agreed upon.

A rating scale of zero to five (0 – 5) was used for evaluating each Tender Submission in accordance with the Qualitative Criteria, with 0 being lowest and 5 being highest. The scoring has taken place in accordance with the RFT – Evaluation Scoring Guide and Procedural Fairness Guidelines as published by WALGA.

A comprehensive summary of these responses and pricing schedules has been included in the confidential attachment.

STATUTORY ENVIRONMENT

Section 3.57 of *Local Government Act 1995* requires “A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services”.

Part 4 (Tenders) of the *Local Government (Functions and General) Regulations 1996* require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$ 150,000.

Compliance with the *Local Government Act 1995* section 3.57 is required in the issuing and tendering of contracts.

RELEVANT PLANS AND POLICIES

The City’s purchasing, tender selection criteria and occupational health and safety standards and specifications, were all relevant to this tender and have been adhered to in the process of requesting and evaluating tenders.

Council Policy 211 Refuse Collection Service was taken in consideration in setting up the tender and contract requirements in respect to the extension of the waste (and kerbside recycling) collection prescribed area.

FINANCIAL IMPLICATIONS

As indicated in the background section of this report, tenderers were requested to price three (3) options. Baseline scenario was for 26 (fortnightly) collections per year. Alternative scenario 1 was for 52 (weekly) collections per year. Alternative scenario 3 was for 29 collections per annum (which included fortnightly collections, with weekly collections during Christmas-New Year/Summer School Holiday period).

Moreover, for the fortnightly collections scenarios (or periods), tenderers were given the option of splitting the prescribed area in two and collecting those two sub-areas in alternate weeks.

The tender panel has evaluated the baseline alternative of submissions only, as this was the overall preferred outcome for the services procured, from a total cost perspective – as detailed in the officer recommendation section of this report.

Based on the existing number of services and forecasted growth, the estimated tender contract value will be \$912,400.00 (exc GST) for the first year, which is within the existing budget for the 2017/2018

financial year. The surplus generated by this saving will contribute to balance the Waste Management Facility and Plant Reserve on the basis of the Council decision to endorse the Long Term Financial Plan reducing the Waste Disposal Charge authorised under the provisions of the Waste Avoidance and Recovery Act 2007.

Long-term Financial Plan Implications

Kerbside recycling services are funded directly from service charges (Recycling Collection Charge) and budgeted accordingly and, therefore, will have no impact on municipal funds and related budgets and long term plans.

STRATEGIC COMMUNITY OBJECTIVES

Kerbside Recycling services are provided in accordance with the following strategic Objective of the City of Busselton's Strategic Community Plan (2017):

Key goal area 3: Development is managed sustainably and our environment valued

RISK ASSESSMENT

<i>Risk</i>	<i>Controls</i>	<i>Consequence</i>	<i>Likelihood</i>	<i>Risk Level</i>
The contractor fails to provide the services in accordance with the contract	The proposed contract contains provisions to allow the City engage an alternative contractor and recoup any additional costs	Moderate	Unlikely	Medium
The costs associated with the service are over the Council endorsed budget due to variations to the contractors scope of work	Tender contract terms & conditions; Weekly project meetings to monitor progress and any variations to scope.	Moderate	Unlikely	Medium

CONSULTATION

Nil

OFFICER COMMENT

The tender assessment was carried out by a tender review panel consisting of Vitor Martins – Manager Waste and Fleet Services, Allan Miller – Waste Management Officer and Lisa McDonald – Contract and Tendering Officer. Tender submissions were received from the following organisations:

- Cleanaway
- Suez Environment

Suez Environment submitted two tenders: a conforming tender and an alternative tender.

The alternative tender submission from Suez was not considered advantageous to the City, as the pricing structure was still more expensive than that submitted by Cleanaway in the conforming tender

Tenderers were requested to price three alternative kerbside collection scenarios:

- (1) 26 collections per year, as the baseline scenario
- (2) 52 collections per year, as alternative scenario 1; and
- (3) 29 collections per year (additional collections during peak season), as alternative scenario 2.

Based on the current number of services and the two conforming tenders, the additional cost of scenario: 52 collections per year, as compared to the current 26 collections (baseline scenario), would range from \$275,600 to \$972,400. The additional cost of scenario 2: 29 collections per year, as compared to the current 26, would range from \$151,800 to \$209,200.

Given that:

- peak waste generation (i.e. during Summer) in excess of current bin capacity seems to affect primarily holiday homes, and
- property owners can actually request an additional recycling bin service or store recyclables from one fortnight to the next without imposing an additional burden on the vast majority of properties, which do not require additional servicing (of note, presentation rates for recycling bins are just over 60%;

the City providing an additional level of service across the district seems to be disproportionate, expensive and thus, inefficient. Scenarios 2 and 3 are, therefore, not recommended. Kerbside recycling services should be undertaken 26 times per year, in line with existing demand.

All tenders except Suez' alternative tender were found to comply with the terms and conditions and mandatory requirements of the RFT. Accordingly, each complying tender was scored in line with the qualitative criteria endorsed by Council and included in the tender documentation as follows:

Criteria Weighting

(a)	Relevant Experience	20%
(b)	Key Personnel Skills and Experience	0%
(c)	Tenderer's Resources	10%
(d)	Demonstrated Understanding	20%

The net tendered price, worth the remainder 50%, was scored using the 'Average Based Scoring Method' recommended by WALGA in the 'Local Government Purchasing and Tender Guide'.

The panel members individually assessed the compliance and qualitative criteria and then applied an average to provide a final rating. The scores were then added together to indicate the rankings for the tender. The Confidential report attached provides further detail in relation to the relative merits of each of the individual tenderers. Following this evaluation, Cleanaway is the preferred tenderer for the reasons outlined in the confidential report.

As is normal practice with contracts of this nature, Cleanaway has requested a few contract departures, some acceptable and some requiring negotiation. We anticipate that the City will be able to reach an agreement with the contractor.

CONCLUSION

The tender evaluation panel have completed their assessment in line with the City's tender process and Officers now recommend the Council award RFT 1/17 Kerbside Recycling Services to Cleanaway, subject to successful completion of final contract negotiations.

OPTIONS

The Council may consider the following alternate options:

1. The Council choose not to accept the Officers Recommendation and award the Tender to an alternate tenderer. In the view of the Officer's this could result in a Tender being awarded to a tenderer that has not presented the "best value" for money offer.
2. The Council may choose not to accept the Officers Recommendation and not award the tender. This would mean going back out to tender, resulting in significant delays to the contract award and potential significant delays to the provision of kerbside recycling services, which would have to be interrupted from 1/7/2017 to the date of the commencement of the new contract resulting from the new tendering process.
3. The Council may choose to award the tender on the basis of any of the alternative scenarios referred to in the officer comment section.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The award of the tender can be made immediately after the Council has endorsed the Officer's recommendation. Subject to finalisation of a number of minor contractual points, the successful tenderer will receive formal written notification within seven (7) days of the resolution. The unsuccessful tender applicant will also be notified at this time.

Council Decision and Officer Recommendation

C1705/107 Moved Councillor G Bleechmore, seconded Councillor J McCallum



That the Council:

1. Endorses the outcomes of the Evaluation Panel's assessment in relation to RFT01/17 for the provision of kerbside recycling services, which has resulted in Cleanaway being ranked as the best value for money tender.
2. Delegates authority to the CEO, following further negotiations, to award a contract for the kerbside recycling services.

CARRIED 8/0

5.35pm At this time Councillor P Carter returned to the meeting.

10.8 Policy and Legislation Committee - 20/04/2017 - REVIEW OF LOCAL PLANNING POLICY 6B PERCENT FOR ART PROVISIONS

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

This item was considered by the Policy and Legislation Committee at its meeting on 20 April 2017, the recommendations from which have been included in this report.

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 Strateg. 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 collect 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.

ADDENDUM (added to address question taken on notice at the Committee meeting)

At the Committee meeting, Cr Paine asked a question about clause 8.4 of the Policy (i.e. both the current and revised policy), which relates to copyright issues. Clause 8.4 reads as follows –

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.

Upon review of this clause, in the context of the policy as a whole, it appears that the clause primarily relates to situations where the City is commissioning an artist utilising cash-in-lieu funds, where a developer has chosen to meet their percent for art obligation through a cash-in-lieu payment, rather than situations where a developer is commissioning an artist, having chosen to meet their percent for art obligation through on-site works (which is the more common method). The policy is, however, not entirely clear in that respect, and the policy could be interpreted as requiring the developer to extend limited copyright to the City, even where the artwork will not be on City land, or owned or managed by the City in any way. That is not considered reasonable, and has not been the practice.

Further, clause 8.4 could be interpreted as meaning that, where a developer does choose to meeting their percent for art obligation through a cash-in-lieu payment, t in spending the funds on public art, that the City should only secure very limited copyright in relation to the artwork – i.e. non-commercial copyright only. That is also not considered reasonable, and has also not been the practice. There are a number of instances where the City may want to secure broader or even exclusive copyright in public art. The clause would also mean that different copyright requirements would potentially apply to artwork funded through cash-in-lieu payments, as opposed to artwork funded from other sources – which would be particularly difficult if a single artwork had multiple sources of funding.

Given the above, it is considered that clause 8.4 should be removed from the policy. Copyright issues would then be for the artist and the commissioner of the artwork (whether that is the City or a developer) to determine on a case-by-case basis.

Officers have also reviewed the other aspects of part 8 of the policy, and are comfortable that the balance of part 8 remains appropriate. Particular note is made of clause 8.1, which requires a developer, when meeting their percent for art obligation through on-site works, to provide the City with a copy of the contract with the artist. Whilst that generally does not occur in practice, it is seen as useful to have the clause in the policy, such that a copy of the contract can be requested where there may be a concern about the adequacy of the works proposed, including in terms of their cost/value.

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.

Original Committee Recommendation and 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.

Council Decision and Amended Officer Recommendation

C1705/108

Moved Councillor R Paine, seconded Councillor P Carter

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, **further modified through the removal of clause 8.4 and the renumbering of subsequent clauses accordingly;**
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.

CARRIED 9/0

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. CONFIDENTIAL REPORTS

Nil

15. QUESTIONS FROM MEMBERS

Nil

16. PUBLIC QUESTION TIME

Nil

17. NEXT MEETING DATE

Wednesday, 24 May 2017

18. CLOSURE

The meeting closed at 5.36pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 69 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 24 MAY 2017.

DATE: _____

PRESIDING MEMBER: _____