

# POLICY AND LEGISLATION COMMITTEE MEETING 8 NOVEMBER 2023 ATTACHMENTS

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# Local Planning Policy No. 1.5 Coastal Setbacks – West Busselton

Version: Draft

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## 1. Head of Power and Scope

This Policy has been adopted pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 ('Deemed Provisions') Part 2, Clause 4 and R-Codes Volume 1 clause 7.3 Scope of Local Planning Policies, Local Development Plans and Activity Centre Plans.

This Policy replaces the deemed-to-comply requirements of clause 5.1.2 (i – iv) Street Setbacks and clause 5.2.1 Setback of Garages and Carports for lots within the Policy Area and as such, in accordance with Clause 61(c) of the 'Deemed Provisions' where a development does not comply with this Policy, it is subject to development approval.

## 2. Purpose

The purpose of this Policy is to require additional setbacks for Residential Development within the Policy Area and adjacent to Geographe Bay Road to:

- 2.1. Reduce the impact of built form when viewed from Geographe Bay Road and the adjoining coastal reserve; and
- 2.2. Provide for development that contributes to, and is consistent with, the established streetscape.

## 3. Interpretation

Terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, other than those terms defined below:

**"Balcony"** as defined by the R-Codes and provided below:

*"A balustraded platform on the outside of a dwelling with access from an upper internal room."*

**"External Face "** means the same as a "Wall" as defined by the R-Codes and provided below:

*"The vertical external face of a constructed building comprising solid building material and including enclosures to verandahs and balconies."*

**"Policy Area"** means the area that the Policy applies to, which is all lots zoned Residential that adjoin Geographe Bay Road and are located between the intersections of Earnshaw Road and Craig Street, as identified in Appendix 1.

**"R-Codes"** means State Planning Policy 7.3 Residential Design Codes Volume 1 (as amended).

**"Residential Development"** means Single House, Ancillary Dwelling, Grouped Dwelling and/or Multiple Dwelling.

## 4. Policy Statement



- 4.1. For the purpose of assessing clause 5.1.2 ‘Street Setbacks’ and clause 5.2.1 ‘Setback of Garages and Carports’ of the R-Codes, for all Residential Development subject to this Policy the External Face:
- (a) up to five (5) metres in height, should be set back from the Geographe Bay Road lot boundary in accordance with the primary street setbacks specified in Table 1 of the R-Codes; and
  - (b) five (5) metres or greater in height, should be set back from the Geographe Bay Road lot boundary in accordance with the primary street setbacks specified in Table 1 of the R-Codes, plus an additional three (3) metres.

*Note 1: Parts 4.1 (a) and (b) are applicable irrespective of whether Geographe Bay Road is to be treated as the primary or secondary street (where applicable).*

- 4.2. Notwithstanding provision 4.1 above, where a Balcony is covered by an impermeable roof and any part of that roof is five (5) metres or greater in height, the Balcony may be set back in accordance with Table 1 of the R-Codes provided the Balcony is unenclosed by a solid wall on at least three sides.

If a privacy screen is proposed in order to comply with clause 5.4.1 Visual Privacy of the R-Codes, the screening should comply with the following -

- i) a maximum height of 1.6m; and
- ii) no greater than 75 per cent obscure; and
- iii) be restricted in size and design to only the extent that is necessary to restrict view in the direction of overlooking into any adjoining property.

*Note 2: See explanatory diagrams at Appendix 2.*

- 4.3. Where a provision of this Policy is inconsistent with the City of Busselton Local Planning Scheme No. 21 (‘Scheme’), the provisions of the Scheme prevail.

## 5. Review Details

Review Frequency		2 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE		Resolution #	

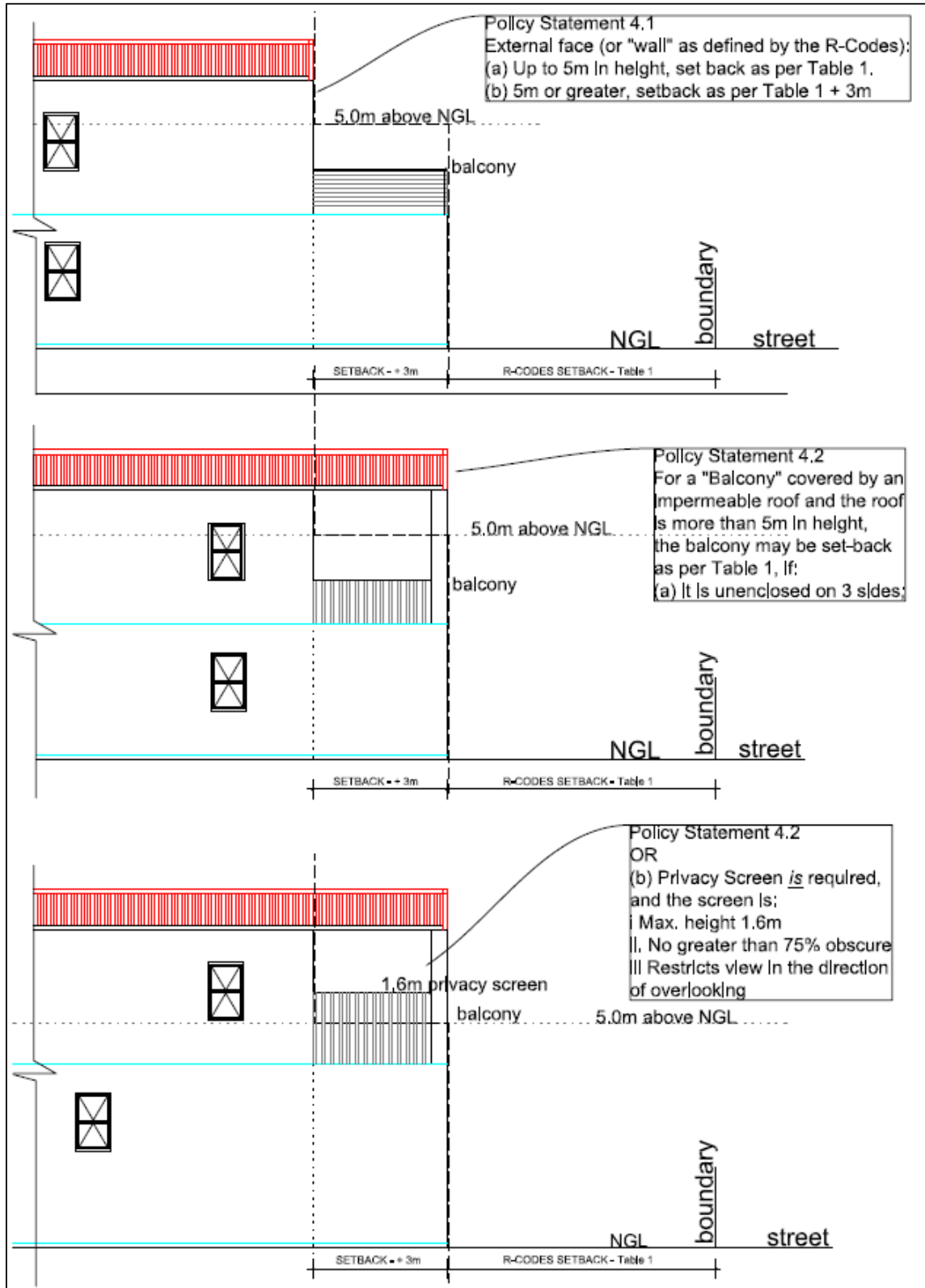


Appendix 1 – Policy Area





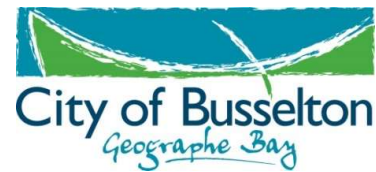
Appendix 2 – Explanatory Diagrams



CURRENT

# Local Planning Policy No. 1.5

## COASTAL SETBACKS



### 1. HEAD OF POWER

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to development across the whole of the City.

### 2. PURPOSE

- 2.1 To provide for development projects of a low rise residential character and reduce the dominance of the built form in the coastal setting outside key nodes which the Scheme zones or identifies land for more intensive residential development.
- 2.2 To ensure coastal processes are not adversely affected by the modification of ground levels for building purposes in the coastal management area.
- 2.3 This Policy recognises that:
- Setbacks for development from coastal reserves are important to protect the intended use for which the adjoining land has been reserved and to recognise ongoing coastal processes within coastal residential areas.
  - Setbacks for development should assist in ameliorating the impacts of building bulk when viewed from the coastal reserve and primary street.
  - The taller and longer a wall is, the further it should be setback from the coastal reserve or primary street.
  - The localities along Geographe Bay Road and associated foreshore areas, comprise predominantly single storey detached single dwellings on large lots with generous front and rear setbacks. These developments are low rise, contribute to the open landscape character along the beachfront locality and generally reflect a Western Australian seaside architectural vernacular.

### 3. INTERPRETATION

- 3.1 This policy provision applies to all low density (R 25 and below) residential lots that abut a coastal foreshore reserve fronting Geographe Bay; or which front a street that adjoins a coastal foreshore reserve immediately opposite the lot, and are outside any higher density coastal nodes which may be identified for specific design control through a development guide plan.
- 3.2 This policy provision does not apply to lots with canal frontage.
- 3.3 For the purposes of this Policy, a coastal foreshore reserve is defined as any Reserve for Recreation abutting the oceanfront of Geographe Bay, as depicted on the Scheme Map.

### 4. POLICY STATEMENT

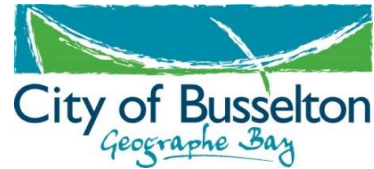
The following provisions apply:

#### 4.1 Streetscape and Primary Street Setbacks

- 4.1.1 For all residential development up to five (5) metres in height, including the exterior face of any roofed, unroofed or partially roofed verandas, decks and balconies, carports and

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## Local Planning Policy No. 1.5 COASTAL SETBACKS



garages, the minimum setback from the primary street shall be in accordance with the setbacks specified in Table 1 of the R Codes.

- 4.1.2 For the purpose of assessing applications against this policy, the Acceptable Development provisions of the R Codes at 6.2.1 (setbacks of buildings generally) and 6.2.3 (setbacks of garages and and carports from the primary street) are superseded by this policy and do not apply.
- 4.1.3 For all residential development above five (5) metres in height, including the exterior face of any roofed, or partially roofed verandas, decks and balconies the minimum setback from the primary street shall be calculated to be a value of the setback distance specified in Table 1 of the R Codes plus an additional three (3) metres. Notwithstanding the aforementioned provision, the exterior face of any roofed verandas, decks and balconies above five metres in height may be setback from the primary street in accordance with Table 1 of the R Codes provided the outdoor area is "open" (non-enclosed) on at least three sides.
- 4.1.4 The City may accept minor projections, and projecting sections of wall and roofs, such as gable ridges which do not meet the height and setback distances required in the preceding provisions provided any minor projection does not increase the building bulk or visual impact of the wall when viewed from the street.
- 4.1.5 In applying the foregoing provisions the City will consider the setback of adjoining buildings and the relationship of the proposal to the existing streetscape in the vicinity of the proposal.

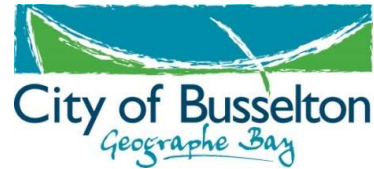
### 4.2 Lots abutting a Coastal Reserve - Rear Setbacks

- 4.2.1 For all residential development up to five (5) metres in height, including the exterior face of any roofed, unroofed or partially roofed verandas, decks and balconies, carports and garages, the minimum setback from the rear boundary shall be in accordance with the R Codes having regard for setbacks prevailing in the locality and any requirement pursuant to the coastal management area of the Scheme.
- 4.2.2 For all residential development above five (5) metres in height, excluding the exterior face of any roofed, or partially roofed verandas, decks and balconies the minimum setback from the rear boundary shall be calculated to be a value of the setback distance specified in Table 1 of the R Codes plus an additional three (3) metres.
- 4.2.3 The exterior face of any unroofed or partially roofed verandas, decks and balconies above five metres in height may be setback from the rear boundary in accordance with Table 1 of the R Codes, provided the structure is open (non-enclosed) on at least three sides.
- 4.2.4 The City may accept minor projections, and projecting sections of wall and roofs, such as gable ridges which do not meet the height and setback distances required in the preceding provisions provided these do not increase the building bulk that is the purpose of these controls or basic impact of the wall when viewed from the coastal reserve.



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# Local Planning Policy No. 1.5 COASTAL SETBACKS



- 4.2.5 Where a lot has one or more than one boundary abutting a foreshore or public open space reserve the setback to be applied to development from that reserve boundary shall be determined by the City following onsite inspection. In determining the required setback the City shall have regard to the existing development line, retaining the natural amenity of the Reserve and avoiding the encroachment of development on the amenity of the reserve area.
- 4.2.6 While private access from an adjoining property into a reserve is generally not supported, any intended access point from a lot onto a reserve is to be indicated on the submitted plans and will be considered in the context of the suitability of the access location, impact on the reserve and current management orders for the reserve. (note: breaches of management orders or indiscriminate access to reserves may be pursued by the City through its use of reserves regulatory system).
- 4.2.7 For lots which abut a coastal foreshore reserve, filling and retaining of the private land at the reserve boundary shall be limited to a maximum of 450mm above natural ground level, irrespective of the minimum finished floor level applicable to the dwelling.
- 4.2.8 Fencing of the reserve boundary will require approval and will be limited to open steel grill construction fencing with or without masonry piers, visually permeable and no higher than 1.5 m above natural ground level.
- 4.2.9 Fill should be minimised through pole or pier construction or alternative building or footing design to avoid vegetation loss and to ensure minimal disturbance to coastal areas.
- 4.2.10 Ancillary developments such as swimming pools (unless constructed at or below ground level), sun rooms, gazebos, tennis courts, prepared surfaces and outdoor decks shall be setback from the rear boundary in accordance with Table I of the R Codes.

### 4.3 PERFORMANCE CRITERIA

The provisions of this Policy may be varied where at least one of the following applies:

- 4.3.1 The physical dimension of the lot, that is its depth or width, prevents reasonable compliance with this policy in respect of rear setbacks.
- 4.3.2 The topography of the land or of the surrounding land does not make the required provisions practicable.

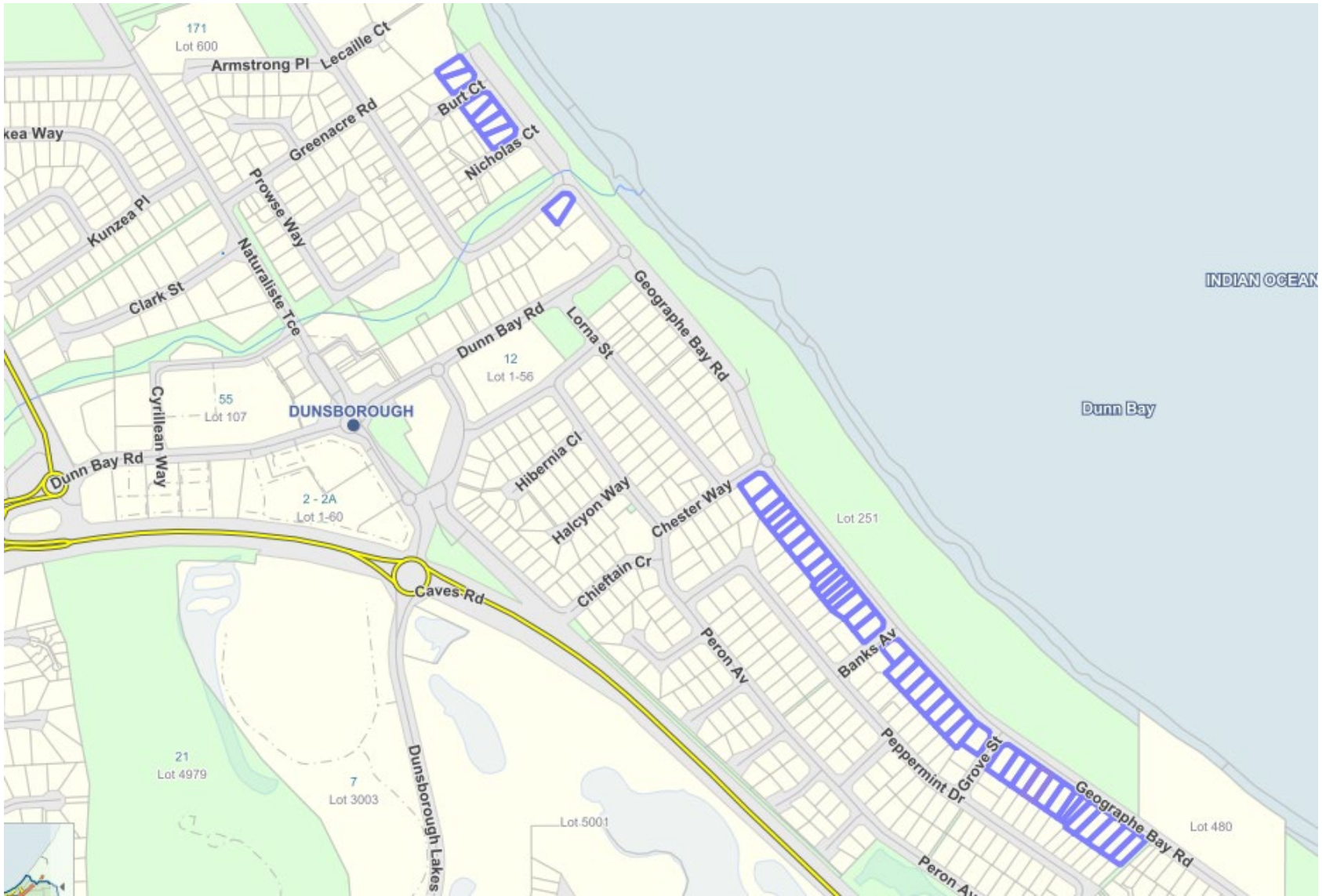
### 5. REVIEW DETAILS

<b>Review Frequency</b>		2 yearly		
<b>Council Adoption</b>	<b>10/3/2010</b>		<b>C1003/069</b>	
<b>Previous Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	

*\* Policy number changed from LPP 1B to LPP 1.5 on the 11th May 2020. The change is administrative only, no resolution by Council required.*

LPP 1.05 Coastal Setbacks – Current applicable lots

Dunstable:



LPP 1.05 Coastal Setbacks – Current applicable lots

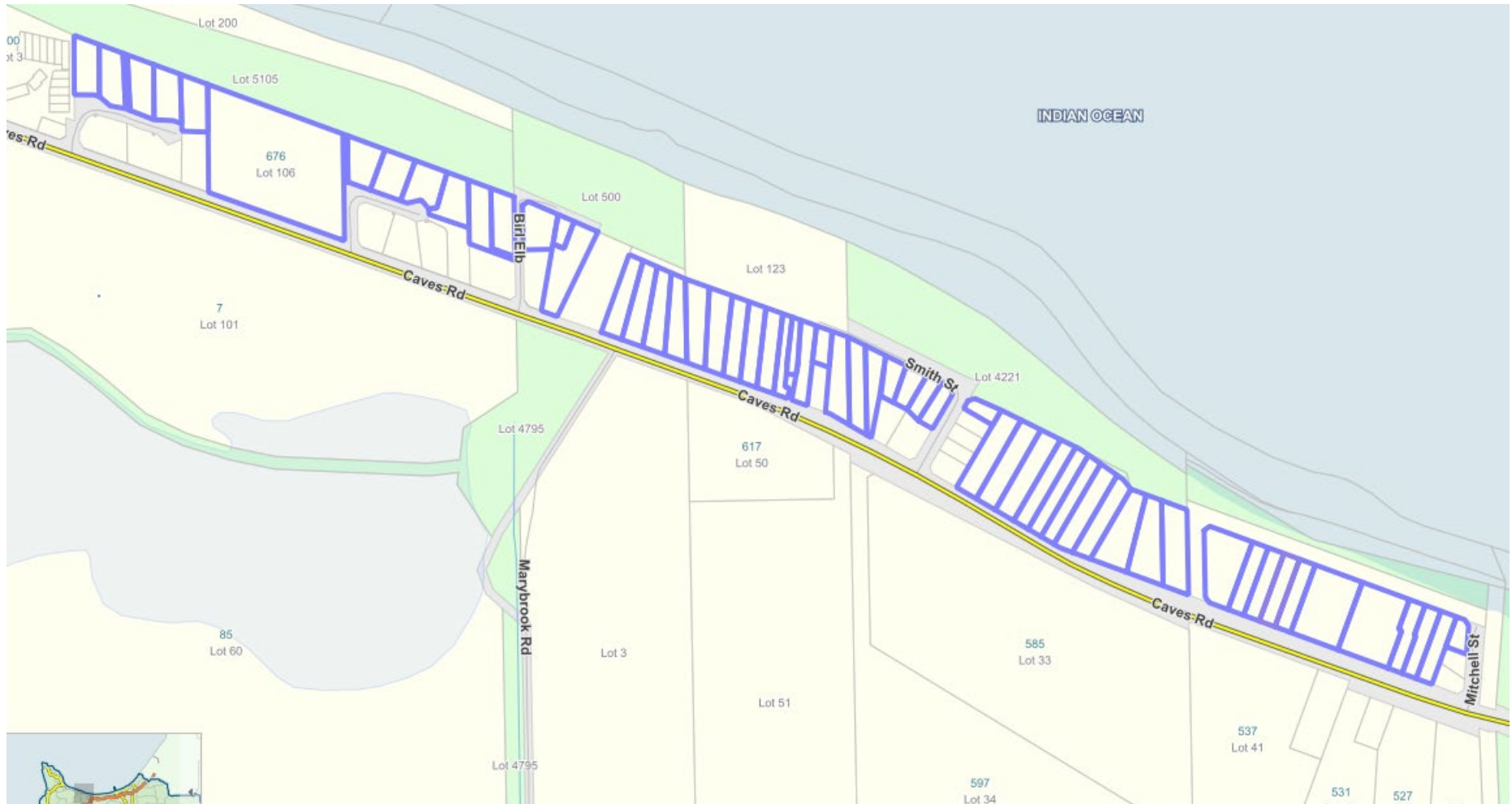
Quindalup:





LPP 1.05 Coastal Setbacks – Current applicable lots

Marybrook:



**LPP 1.05 Coastal Setbacks – Current applicable lots**

Siesta Park:



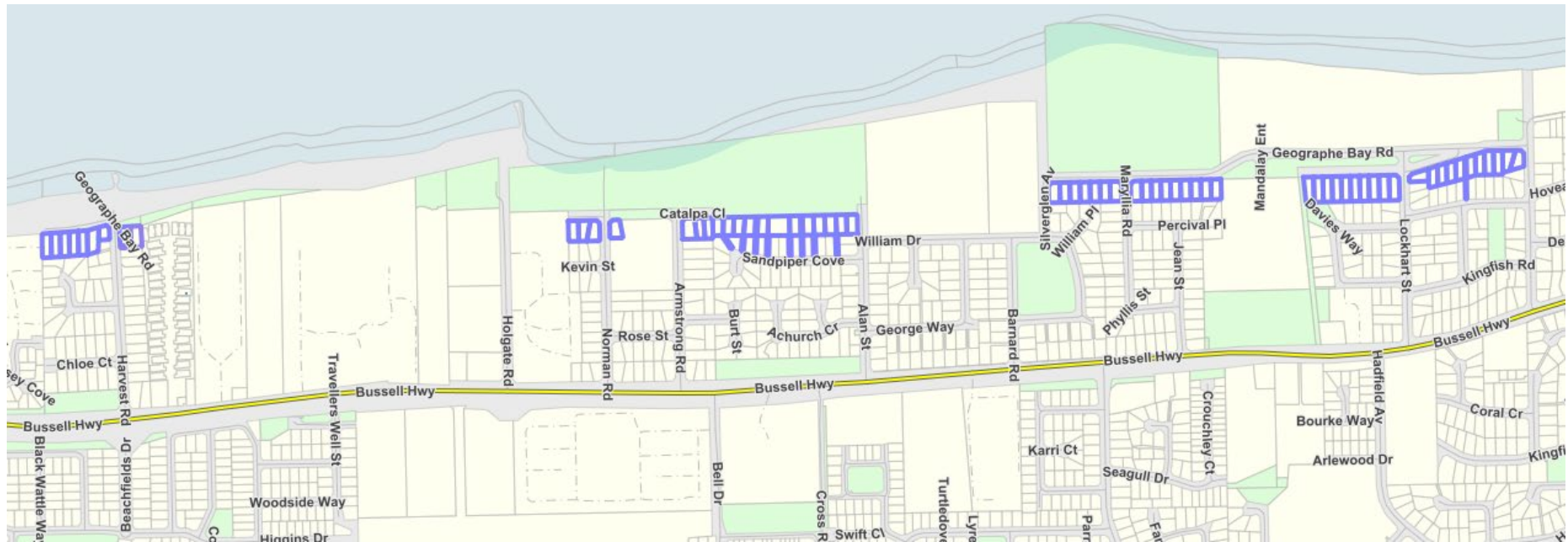
LPP 1.05 Coastal Setbacks – Current applicable lots

Abbey



LPP 1.05 Coastal Setbacks – Current applicable lots

Broadwater









LPP 1.05 Coastal Setbacks – Current applicable lots

Geographe



LPP 1.05 Coastal Setbacks – Current applicable lots

Wonnerup



## SCHEDULE OF SUBMISSIONS

YourSay Responses – Advertised 4 February – 5 March 2021						
	First Name	Surname	Address	Do you support the proposed amended LPP?	Reasons	Officers Comment
1.	N.	Pratt	Dunsborough	No	<p>This is an inconsistent policy. It should also apply to many other City controlled sectors of the Foreshore. Geographe Bay Road actually is also in Dunsborough; and the section Dunn Bay Road to Chester Rd consists of Foreshore also intended for public use. Therefore, the same ruling should apply to this section of Dunsborough as is being considered for Craig St to Earnshaw Rd.</p> <p>That is: 2.1 Reduce the impact of built form when viewed from Geographe Bay Road AND THE ADJOINING COASTAL RESERVE 2.2 Provide for development that contributes AND IS CONSISTENT with, the established streetscape.</p>	Refer to Council report on 11 November 2020 (C2011/130 refers) for justification regarding the proposed changes to LPP1.5.
2.	M.	Miocevich	Quindalup	No	<p>I am continually gobsmacked by an agenda run by a minority of fanatics and ferals that are hell bent on changing the amenity of the Dunsborough foreshore and surrounding streets. These people do not live there, but insisting on imposing their weird ideology on others. Sadly the council aids and abets these nutters, perhaps just to keep them out of their hair.</p> <p>Go away and mow some lawns, repair some footpaths, take away the rubbish and leave us all alone to enjoy our properties that we paid millions for. I will include that the impact on me will be a</p>	Not valid planning considerations applicable to this policy review.

## SCHEDULE OF SUBMISSIONS

					further reduction in the value of my property, the same as when the nutters planted my view out (by the way I don't own the view, but gee I paid for it).	
3.	K.	de Morton	Busselton	No	There is no need for additional setbacks from the front (Geographe Bay Rd) boundary. There are currently plenty of houses (some built recently) that have been built without the additional setbacks. To modify these setback requirements would penalise ( block out their view ) people who are yet to build / renovate.	Prior to consultation, P&L amended the proposed changes to LPP1.5 to exclude Geographe from the Policy Area. It is proposed that the Policy will now only apply to the section of Geographe Bay Road between the intersections of Earnshaw Road and Craig Street, West Busselton.
4.	C & M	Johnson	Broadwater	Yes	We agree with the recommendations to change the setbacks along Geographe Bay Rd Broadwater. It will help make the Coastal Setbacks Policy more uniform.	Noted
5.	M	Ravlich	Marybrook	No	I have a vacant block to the north of my property a reduced setback would have a significant impact on my view and the overall vista. There are towering mature gum trees that would be lost if the setbacks were reduced.	Refer to Council report regarding discussion on views.
6.	K.	Grist	Dunsborough	No	When land-owners purchase property they believe they pay for the full allocated portion of land on their title. By seeking to restrict future building or use of land, after the time of purchase, the value of their property is being eroded by such a planning policy.  Should the city/state then reimburse the land-owner the proportional land value being taken/restricted?  Is it fair for these policies to be retrospective on a land-owner's property?	Not valid planning considerations applicable to this policy review.

**SCHEDULE OF SUBMISSIONS**

					<p>Maybe the City could investigate and instigate a policy that let's the land-owner decide if they wish to take the risk of building close to noticeable erosion sites with the City being relieved of any responsibilities(owners can not sue) should the erosion affect the property.</p> <p>[A friend bought a beach front property for a very cheap price after it become flooded when cyclone Alby visited our shores in March 1978. They bought this property over 40 years ago, after seeing the house with its ground floor covered in water, and have since raised their family and are now ready to retire. They have lived a lifetime on this property without a reoccurrence of flooding.]</p> <p>Is the erosion pattern likely to change over the generations?</p> <p>We and neighbours' have noticed where we live near the Marybrook cut/drain, over the past 20years there is more beach/sand in front of these properties not less.</p> <p>What happens if the landscape never changes and people's properties have been basically resumed just in case? Is this government intrusion?</p> <p>Should the City be able to change people's titles without the land-owners permission or compensation?</p>
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## SCHEDULE OF SUBMISSIONS

					Should property owners be able to decide if they wish to take on the personal and financial costs of any risks associated with the land?	
7.	B & J	Mills	West Busselton	No – should be revoked in its entirety	<p>The proposed policy will negatively impact three corner lots. All other corner lots in the proposed area, between Craig St and Earnshaw Rd, have already recently been redeveloped.</p> <p>We recommend that the proposed Policy is revoked in its entirety by Council in favour of the deemed-to-comply requirements of the R-Codes on the following basis:</p> <p>1) The proposed Policy does not address the defined Purpose of “reducing visual impact of built form”, rather encourages a single “flat” external face at the minimum setback – further brought about by reducing useable land area thereby increasing building mass.</p> <p>2) Furthermore, the proposed amendments do not provide any meaningful recommendations to reduce visual impact or appearance of bulk such as encouraging the articulation of building facades and use of materials sympathetic to the local context.</p> <p>3) Contradictory to the Purpose, the draft Policy discourages the application of “averaging” as per the R-Codes which is shown to encourage the articulation of built form to reduce appearance of bulk.</p>	Refer to Council report on 11 November 2020 (C2011/130 refers) for justification regarding the proposed changes to LPP1.5.

**SCHEDULE OF SUBMISSIONS**

					<p>4) The draft Policy does nothing to promote development which “contributes to the established streetscape” for example by requiring retention of existing (or provision of new) mature vegetation e.g., Peppermint Trees as suggested in the Officer’s notes to Council as key to softening the impact of the built environment and maintaining a sense of place.</p> <p>While the Purpose of the proposed Policy is sound and clearly stated, adoption of the proposed draft will not achieve the Purpose. The proposed Policy will only serve to further increase the need for discretion, and increase the burden on resources to administer Development Applications.</p>	
8.	D	Smith	Jindong	Neutral	<p>We would say that the comment suggesting that the area is predominately a single story dwelling area is somewhat untrue as there are now several 2 level homes in the area and multiple properties in development stage currently.</p> <p>We would also suggest that the removal from the current policy of point 4.1.5, which takes into consideration the adjacent properties development when considering new proposals, may not be fair. The reason we say this is an adjacent property to us we objected to the setback that was proposed.</p> <p>The City overuled our objection. If we now submitted a plan with similar setbacks and were refused because the City could not compromise it would seem we were being denied natural justice</p>	Noted.



## SCHEDULE OF SUBMISSIONS

9.	R	Bromell	Geographe	Yes	I agree with the proposal to reduce the applicable area of LPP1.05 to only include the section of Geographe Bay Road in West Busselton between Craig Street and Earnshaw Road.	Noted.
10.	Double up of submission No. 7					
11.	G	Hope		No	<p>If implemented the proposed modification of the LPP will in our view further reduce the amenity of selected ratepayers as well as indirectly redistribute or at least further diminish the wealth and rental earning potential of these same ratepayers. This outcome will effectively be achieved by 'modifications' that unreasonably and further compromise the development potential of selected rate payer properties. It also appears there is little if any justification for the inclusion of Geographe (between Guerin Street and Ford Road) in the proposed LPP 1.5 'modifications'. In this regard, it is surprising an increase in coastal setbacks associated with properties between Guerin St and Ford Rd has been included at all in the intended LPP 1.5 'modification'. This inclusion appears to be in conflict with advice recently provided to the City of Busselton by planning staff as recorded in the City's minutes dated 11th November 2020.</p> <p>'Geographe (between Guerin Street and Ford Road) In Geographe, while there is very little vegetation, the width of road reserve/verge depth varies and is generally wider than in West Busselton, in places substantially so with properties near to Ford Road having front verges of up to 37m. While the dual use path along this section of coast is generally located close to the road reserve, it is not located on the back</p>	Prior to consultation, P&L amended the proposed changes to LPP1.5 to exclude Geographe from the Policy Area. It is proposed that the Policy will now only apply to the section of Geographe Bay Road between the intersections of Earnshaw Road and Craig Street, West Busselton.



**SCHEDULE OF SUBMISSIONS**

				<p>of back of kerb (minimum setback of approximately 5m). Further, the dune system in Geographe is substantial in comparison to the section of West Busselton discussed above, with setbacks of approximately 80m - 150m between front property boundaries and the beach.</p> <p>Given the wider road verges, the siting of the dual use path off the back of kerb and the significant distance provided between the front of the lots and the beach, the impact on the public realm posed by new residential development in this area is not considered significant enough to justify the imposition of additional setback requirements.</p> <p>Further, it would be difficult to argue that there is a consistent character along this section of coast that is worth protecting through policy given the age, height, bulk, architectural style and setbacks of dwellings vary significantly.</p> <p>B1.3 (b) Setbacks from development should assist in ameliorating the impacts of building bulk when viewed from the coastal reserve and primary street.</p> <p>B1.3 (c) The taller and longer a wall is, the further it should be setback from the coastal reserve or primary street.</p> <p>Apart from the various factors noted above, the impact of building bulk is also influenced by building design and the use of materials. Rather than bulky, buildings can be perceived as visually interesting</p>	
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**SCHEDULE OF SUBMISSIONS**

					<p>through adopting a combination of articulation, horizontal and vertical elements, and use of different materials, openings, and other elements.</p> <p>The setback provisions within the LPP may assist in ameliorating the impact of building bulk, but they may also contribute to poor design outcomes, for example when ‘visually interesting’ upper floors are setback behind ground floor garages which tend to provide little visual interest.</p> <p>The policy requirement for an increased upper floor setback also conflicts with visual privacy requirements within the R-Codes, where an unenclosed balcony must be set back 7.5 metres from the side lot boundary. Use of good design elements can serve to both satisfy visual privacy requirements and provide a visually interesting building.’</p> <p>Given the above, please consider this submission as a formal request for Geographe (between Guerin Street and Ford Road) to be excluded from the proposed ‘modifications’ to LPP 1.5 – Coastal Setbacks.</p> <p>I also request written answers from the City of Busselton to the following questions:</p> <ol style="list-style-type: none"> <li>1. Why, in light of the extract from Council’s minutes above, has Geographe (between Guerin Street and Ford Road) been included in the proposed ‘modifications’ to LPP 1.5 as communicated in the City’s correspondence of 4th February 2021?</li> </ol>
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## SCHEDULE OF SUBMISSIONS

					<p>2. Where is the evidence that inclusion of Geographe (between Guerin Street and Ford Road) in the proposed 'modifications' to LPP 1.5 will result in such a considerable impact on the public realm to justify its approval?</p> <p>3. Will Geographe (between Guerin Street and Ford Road) be excluded from the proposed 'modifications' to LPP 1.5?</p> <p>4. Should Geographe (between Guerin Street and Ford Road) not be excluded from the proposed 'modifications' to LPP 1.5, will provision be made in the LPP 1.5 'modifications' to allow individual properties to be excluded from its impact, subject to appropriate application to the City of Busselton, and if not why not?</p> <p>5. What further plans does the City of Busselton have that may adversely impact the amenity, wealth and rental earning potential of rate payers who own property in Geographe (between Guerin Street and Ford Road) in the future?</p>	
12.	F	Gaschk	Yallingup	No	The current larger setbacks make more sense in view of Climate Change and future coastal impacts	The Policy does not impose additional setbacks for the purposes of coastal erosion or inundation as these are dealt with in the planning framework by other means.
YourSay Responses – Advertised 21 April – 29 May 2023						
	<b>First Name</b>	<b>Surname</b>	<b>Address</b>	<b>Do you support the proposed amended LPP?</b>	<b>Reasons</b>	<b>Officers Comment</b>
1.	G	Redolatti	Marybrook	Yes	Its makes sense.	Noted.

## SCHEDULE OF SUBMISSIONS

2.	K	Hargreaves	GEOGRAPHE	No	<p>At the time of the building my family house I was subject to the current set-backs applicable to a two-storey premise. Both properties either side of my property (older properties) have the potential to be developed in the future and the reduced set-backs will mean that potentially myself and my family will be surrounded by buildings forward of our current set-backs that were enforced at the time of the build. The reduced set-backs will mean that I will lose my current views and had I have known about this proposed change we would not have built our family home. There would be other home-owners affected by the same issue.</p> <p>The reduced set-backs will reduce the privacy of my home should the properties either side of my family home be developed and allowed to move the set-back forward. I am not opposed to development however the changes to set-backs directly impact existing houses that were subject to the old/existing set-back regulations.</p>	Refer to Council report on 11 November 2020 (C2011/130 refers) for justification regarding the proposed changes to LPP1.5.
3.	I	Malseed	GEOGRAPHE	No	I do not agree with the proposal as I do not see the need to change the current process particularly as there is no requirement for consultation with neighbouring property owners.	Refer to Council report on 11 November 2020 (C2011/130 refers) for justification regarding the proposed changes to LPP1.5.
4.	M	Webster	Dunsborough	Neutral	While broadly supportive of and understanding of the rationale behind these changes, I am aware that there will always be a concern surrounding the erosion of developmental protections and controls. I would be more comfortable to support the amendment if I was sure that these amendments couldn't / wouldn't be used in the future to bolster or support the	Refer to Council report on 11 November 2020 (C2011/130 refers) for justification regarding the proposed changes to LPP1.5.

## SCHEDULE OF SUBMISSIONS

					elimination or weakening of other special character area policies by means of representing a desired future direction. Can you reassure me?	
6.	B	Vis	Geographe	Yes	Our plans are in process through planning department at the City of Busselton Shire. It would have made house design easier if the proposed set backs were in place instead of trying to average out the setbacks.	Noted.
7.	M	Telfer	Geographe	Yes		Noted.
8.	M	Evans	West Busselton	No	Coastal management programmes that are requiring a large financial input are being adapted to protect both the environment and the local communities in the Busselton region. The fact that consideration is being given to remove setback restrictions in some exposed coastal zones is contradictory to the long-term goals of the City's Coastal Management PROGRAM 10 year plan (2020 – 2030). Without appropriate set-backs, coastal damage to property is at higher risk and without the larger set-backs, preventative measures won't be able to be built sufficiently away from the road in front of the property to prevent property local damage. We must look to the future.	Refer to Council report on 11 November 2020 (C2011/130 refers) for justification regarding the proposed changes to LPP1.5.
9.	I & P	Tassell	Geographe	No	We strongly OPPOSE any change to the current policy for the following reasons: 1. We are currently in a situation where we have been directly impacted by the intent of this proposed amendment. This has been articulated to the City of Busselton in previous correspondence and by a personal presentation at the Council meeting on 21 December 2022. 2. Our predicament at 946A Geographe Bay Road clearly demonstrates the changes proposed are	Refer to Council report on 11 November 2020 (C2011/130 refers) for justification regarding the proposed changes to LPP1.5.

**SCHEDULE OF SUBMISSIONS**

				<p>flawed and clearly shows the negative outcomes which can eventuate as a result.</p> <p>3. Our neighbours at 946B (house under construction) were given the approval to build 3m forward of the established 6m setback of both adjoining and other neighbouring properties.</p> <p>4. As a result, the occupants at 946B can from their upstairs balcony have direct sight by overlooking our upstairs kitchen/dining area which is an intolerable situation to live with. This would NOT be the case if the new construction had the established 6m setback.</p> <p>5. Correspondence from the City of Busselton's Department of Planning has maintained their building approval (although under a draft amendment which hadn't been adopted) complies with all aspects of existing R Codes, despite the fact we are now left with a permanent loss of amenity. We have since requested additional fixed screening to a legitimate 1.6m height on the western side of the balcony, but the COB has not been able to enforce this condition after the event.</p> <p>6. The allowing of a reduced setback at the front of this particular property is not in keeping with the streetscape.</p> <p>7. As a result of this erroneous approval (we were not consulted prior to approval being granted) we are now in a permanently conflicted situation with our neighbours at 946B. A situation that cannot be changed. City of Busselton staff and Councilors are invited to personally inspect our predicament to witness the flawed implications of this policy proposal.</p>	
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## SCHEDULE OF SUBMISSIONS

10.	A	Cohen	West Busselton	No	<p>The property adjoining ours is being built maximally forward (poor planning policy in the first instance, when there are concerns about coastal erosion) - creating a loss/reduction of sun in the winter months, along with views that now are diminished/restricted. Further addition of permanently fixed privacy screening will add to this situation</p>	<p>Refer to Council report on 11 November 2020 (C2011/130 refers) for justification regarding the proposed changes to LPP1.5.</p>
11.	G	Spencer	Geographe	No	<p>We built a 2-storey house at the above address in 2016 and religiously followed the planning policy as stipulated at that time. Changing these rules (as per the draft modified policy) will have a significant potential detrimental impact on our social amenity, mental health and property value. My wife and myself used significant funds, saved over a life-time of toil and endeavour, to purchase the land and pay for the building of our dream home.</p> <p>The attraction for the purchase was the ability to view Geographe bay from the town jetty to Port Geographe which we hold very dear. So to now have a significant portion of this amenity potentially removed in the future is a cause for great concern and stress to both of us in our retirement years. Changing the policy rules now seems highly unjust, unnecessary and inconsiderate to those of us who have developed their land according to the rules of the day. We ask that you please reconsider the proposal and maintain the status quo.</p>	<p>Refer to Council report on 11 November 2020 (C2011/130 refers) for justification regarding the proposed changes to LPP1.5.</p>

# **City of Busselton Dogs Local Law 2023**



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### **SCHEDULE 1 – APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

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### **SCHEDULE 3 – OFFENCES IN RESPECT OF WHICH MODIFIED PENALTIES APPLY**



**LOCAL GOVERNMENT ACT 1995  
DOG ACT 1976**

**City of Busselton**

**Dogs Local Law 2023**

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995*- and under all other powers enabling it, the Council of the City of Busselton resolved on .....to make the following local law.

**PART 1- - PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *City of Busselton Dogs Local Law 2023*.

**1.2 Repeal**

The *City of Busselton Dogs Local Law 2014* published in the *Government Gazette* on 26 November 2014 is repealed.

**1.3 Commencement**

This local law comes into operation on the 14th day after the date of its publication in the *Government Gazette*.

**1.4 Definitions**

In this local law unless the context otherwise requires –

*Act* means the *Dog Act 1976*;

*authorised person* means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

*CEO* means the Chief Executive Officer of the local government;

*dangerous dog* has the meaning given to it in the Act;

*development approval* means an approval issued under the a-local planning scheme;

*district* means the area of the State that has been declared to be the district of the local government under the *Local Government Act 1995* and includes, for certain purposes provided for in the Act, other areas which although not being within the boundaries of the district are regarded for those purposes as being part of the district;

*dog management facility* has the meaning given to it in the Act;

~~*district* means the area of the State that has been declared to be the district of the local government under the *Local Government Act 1995* and includes, for certain purposes provided for in the Act, other areas which although not being within the boundaries of the district are regarded for those purposes as being part of the district;~~

*local government* means the City of Busselton;

*local planning scheme* means a local planning scheme made by the local government under the *Planning and Development Act 2005* which applies throughout the whole or a part of the district;

*owner*, in relation to a dog, has the same meaning as in section 3(1) and (2) of the Act;

*person liable for the control of the dog* has the same meaning as in section 3(1) of the Act;

~~*development approval* means an approval issued under the a local planning scheme;~~

*premises* has the same meaning as in section 3(1) of the Act;

*Regulations* means the *Dog Regulations 2013*;

*Schedule* means a Schedule to this local law; and

*thoroughfare* has the meaning given to it in section 1.4 of the *Local Government Act 1995*.

## 1.5 Application

This local law applies throughout the district.

## PART 2 - IMPOUNDING OF DOGS

### 2.1 Fees, charges and costs

The following fees, charges and costs are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995* –

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

### 2.2 Attendance of authorised person at dog management facility

The authorised person is to be in attendance at the dog management facility for the release of dogs at the times and on the days of the week as are determined by the CEO.

### 2.3 Release of impounded dog

- (1) A claim for the release of an impounded dog is to be made to the authorised person or, in the absence of the authorised person, to the CEO.

- (2) The authorised person is not to release an impounded dog to any person unless that person has produced, to the satisfaction of the authorised person (or in the absence of the authorised person, to the CEO) satisfactory evidence they are –
- (a) the registered owner of the dog; or
  - (b) an agent acting on behalf of the registered owner of the dog; or
  - (c) an authorised representative of a registered animal rescue group collecting the dog for the purpose of rehoming it.

### **PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS**

#### **3.1 Dogs to be confined**

- (1) An occupier of premises on which a dog is kept must –
- (a) cause that portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
  - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
  - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures the dog remains confined) and is fitted with a proper latch or other means of fastening it;
  - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
  - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) An occupier who fails to comply with subclause (1) commits an offence.

(3) Notwithstanding the above, the confinement of dangerous dogs is dealt with in the Act.

(2)

#### **3.2 Limitation on the number of dogs**

- (1) This clause does not apply to premises which have been –
- (a) licensed under Part 4 of this local law as an approved kennel establishment; or
  - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act –

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age; or
- (b) If the premises is situated in an area zoned rural under the local planning scheme, 4 dogs over the age of 3 months and the young of those dogs under that age.

## **PART 4 - APPROVED KENNEL ESTABLISHMENTS**

### **4.1 Interpretation**

In this Part and in Schedule 2 of this local law -

*adjoining* includes land or premises which have a portion of a common boundary with a lot or is separated from that lot by a public reserve, road, right-of-way, pedestrian access way, access leg of a battle-axe lot or the equivalent not more than 6m in width;

*licence* means a licence to keep an approved kennel establishment on premises;

*licensee* means the holder of a licence;

*premises* means, in addition to the meaning given to it in section 3 of the Act, the premises described in the application for a licence; and

*transferee* means a person who applies for the transfer of a licence to her or him under clause 4.13.

### **4.2 Application for licence for approved kennel establishment**

An application for a licence must be made in the form of that in Schedule 1 of this local law, and must be lodged with the local government together with –

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the CEO, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs adopted or nominated by the local government;
- (e) the fee for the application for a licence referred to in clause 4.9(1); and
- (f) a copy of a development approval issued by the local government under a local planning scheme.

### **4.3 Notice of proposed use**

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged –
  - (a) once in a newspaper circulating in the district; and
  - (b) to the owners and occupiers of any premises adjoining the premises.

- (2) The notices in subclause (1) must specify that –
- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
  - (b) the application and plans and specifications may be inspected at the offices of the local government.
- (3) Where –
- (a) the notices given under subclause (1) do not clearly identify the premises; or
  - (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the CEO, would fail to serve the purpose of notifying persons of the proposed use of the premises,
- then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

#### **4.4 Exemption from notice requirements**

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a –

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements;

under a local planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

#### **4.5 When application can be determined**

An application for a licence is not to be determined by the local government until –

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

#### **4.6 Determination of application**

In determining an application for a licence, the local government is to have regard to –

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;

- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

#### **4.7 Where application cannot be approved**

The local government cannot approve an application for a licence where –

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

#### **4.8 Conditions of approval**

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.
- (3) A licensee who fails to comply with the conditions of a licence commits an offence.

#### **4.9 Fees**

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

#### **4.10 Form of licence**

The licence is to be in the form determined by the local government and is to be issued to the licensee.



#### 4.11 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.9(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

#### 4.12 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence –
  - (a) on the request of the licensee;
  - (b) following a breach of the Act, the Regulations or this local law; or
  - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of –
  - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
  - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

#### 4.13 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be –
  - (a) made in the form determined by the local government;
  - (b) made by the transferee;
  - (c) made with the written consent of the licensee; and
  - (d) lodged with the local government together with –
    - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
    - (ii) the fee for the application for the transfer of a licence referred to in clause 4.9(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).

- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.14(b), the transferee becomes the licensee of the licence for the purposes of this local law.

#### **4.14 Notification**

The local government is to give written notice to -

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.12(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.12 (2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.12(2), which notice is to be given in accordance with section 27(6) of the Act.

#### **4.15 Objections and appeals**

- (1) Where the local government makes a decision as to whether it will –
  - (a) grant an application for a licence;
  - (b) vary or cancel a licence; or
  - (c) impose or amend a condition to which a licence is subject,

the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

- (2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the local government.

#### **4.16 Inspection of kennel**

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

## **PART 5 - MISCELLANEOUS**

### **5.1 Offence to excrete**

- (1) A dog must not excrete on –
  - (a) any thoroughfare or other public place; or
  - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) A person liable for the control of a dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

## PART 6 - ENFORCEMENT

### 6.1 ~~6.1~~ Interpretation

In this Part -

*infringement notice* means the notice referred to in clause 6.5; and

*notice of withdrawal* means the notice referred to in clause 6.8.

### 6.2 ~~6.2~~ Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

### 6.3 ~~6.3~~ General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of the day during which the offence has continued.

### 6.4 ~~6.4~~ Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if -
  - (a) the offence does not involve a dangerous dog; or
  - (b) the offence involves a dangerous dog, but an amount does not appear in the fifth column directly opposite that offence.
- (3) The amount appearing in the fifth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the offence involves a dangerous dog.

**6.5 6-5 Issue of infringement notice**

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

**6.6 6-7 Payment of modified penalty**

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgement.

**6.7 Withdrawal of infringement notice**

Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 3 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

**6.8 6-9 Service**

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

**SCHEDULE 1 – APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**  
[clause 4.2]

***City of Busselton Dogs Local Law 2023***

I/we (full name) .....

of (postal address) .....

(telephone number) .....

(E-mail address) .....

Apply for a licence for an approved kennel establishment at (address of premises) .....

.....

For (number and breed of dogs) .....

\* (insert name of person) ..... will be residing at the premises on and from  
(insert date) .....

\* (insert name of person) ..... will be residing (sufficiently close to the premises  
so as to control the dogs and so as to ensure their health and welfare) at .....  
..... (insert address of residence)  
on and from ..... (insert date).

Attached are -

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside -
  - (i) at the premises; or
  - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as ....., in the keeping of dogs at the proposed kennel establishment\*\*.

Signature of applicant .....

Date .....

\* delete where inapplicable.

\*\* see clause 4.2(d).

Note: a licence if issued will have effect for a period of 12 months – section 27.5 of the Dog Act 1976.

---

OFFICE USE ONLY

Application fee paid on [insert date].

**SCHEDULE 2 – CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

[clause 4.8(1)]

An application for a licence for an approved kennel establishment may be approved subject to the following conditions -

- (a) Each kennel, unless it is fully enclosed, must have a yard attached to it.
- (b) Each kennel and each yard must be at a distance of not less than -
  - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
  - (ii) 10m from any dwelling; and
  - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption.
- (c) Each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government.
- (d) The minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder.
- (e) The floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached.
- (f) The upper surface of the kennel floor must be –
  - (i) at least 100mm above the surface of the surrounding ground;
  - (ii) smooth so as to facilitate cleaning;
  - (iii) rigid;
  - (iv) durable;
  - (v) slip resistant;
  - (vi) resistant to corrosion;
  - (vii) non-toxic;
  - (viii) impervious;
  - (ix) free from cracks, crevices and other defects; and
  - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government.
- (g) All kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government.
- (h) The kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor.
- (i) Where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel.

- (j) From the floor, the lowest internal height of a kennel must be, whichever is the lesser of -
  - (i) 2m; or
  - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position.
- (k) The walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government.
- (l) All external surfaces of each kennel must be kept in good condition.
- (m) The roof of each kennel must be constructed of impervious material.
- (n) All kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person.
- (o) All refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage.
- (p) Noise, odours, fleas, flies and other vectors of disease must be effectively controlled.
- (q) Suitable water must be available at the kennel via a properly supported standpipe and tap.
- (r) The licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside -
  - (i) at the premises; or
  - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.



**SCHEDULE 3 – OFFENCES IN RESPECT OF WHICH MODIFIED PENALTIES  
APPLY**  
[clause 6.4]

<b>Item</b>	<b>Clause</b>	<b>Nature of offence</b>	<b>Modified penalty</b>	<b>Dangerous Dog Modified Penalty</b>
1	3.1	Failing to provide means for effectively confining a dog	\$200	<a href="#">As per Regulations\$400</a>
2	4.8	Failing to comply with the conditions of a licence	\$200	
3	6.1(2)	Dog excreting in prohibited place	\$200	

This local law was made at the meeting of the Council of the City of Busselton on.....

The Common Seal of the City of Busselton was affixed by authority of a resolution of the Council in the presence of –

|

\_\_\_\_\_, Mayor

ANTHONY GRAHAM NOTTLE, Chief Executive Officer

\_\_\_\_\_

# **City of Busselton Dogs Local Law 2023**

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### **SCHEDULE 3 – OFFENCES IN RESPECT OF WHICH MODIFIED PENALTIES APPLY**



**LOCAL GOVERNMENT ACT 1995  
DOG ACT 1976**

**City of Busselton**

**Dogs Local Law 2023**

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Busselton resolved on .....to make the following local law.

**PART 1 - PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *City of Busselton Dogs Local Law 2023*.

**1.2 Repeal**

The *City of Busselton Dogs Local Law 2014* published in the *Government Gazette* on 26 November 2014 is repealed.

**1.3 Commencement**

This local law comes into operation on the 14th day after the date of its publication in the *Government Gazette*.

**1.4 Definitions**

In this local law unless the context otherwise requires –

*Act* means the *Dog Act 1976*;

*authorised person* means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

*CEO* means the Chief Executive Officer of the local government;

*dangerous dog* has the meaning given to it in the Act;

*development approval* means an approval issued under the local planning scheme;

*district* means the area of the State that has been declared to be the district of the local government under the *Local Government Act 1995* and includes, for certain purposes provided for in the Act, other areas which although not being within the boundaries of the district are regarded for those purposes as being part of the district;

*dog management facility* has the meaning given to it in the Act;

*local government* means the City of Busselton;

**local planning scheme** means a local planning scheme made by the local government under the *Planning and Development Act 2005* which applies throughout the whole or a part of the district;

**owner**, in relation to a dog, has the same meaning as in section 3(1) and (2) of the Act;

**person liable for the control of the dog** has the same meaning as in section 3(1) of the Act;

**premises** has the same meaning as in section 3(1) of the Act;

**Regulations** means the *Dog Regulations 2013*;

**Schedule** means a Schedule to this local law; and

**thoroughfare** has the meaning given to it in section 1.4 of the *Local Government Act 1995*.

## 1.5 Application

This local law applies throughout the district.

## PART 2 - IMPOUNDING OF DOGS

### 2.1 Fees, charges and costs

The following fees, charges and costs are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995* –

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

### 2.2 Attendance of authorised person at dog management facility

The authorised person is to be in attendance at the dog management facility for the release of dogs at the times and on the days of the week as are determined by the CEO.

### 2.3 Release of impounded dog

- (1) A claim for the release of an impounded dog is to be made to the authorised person or, in the absence of the authorised person, to the CEO.
- (2) The authorised person is not to release an impounded dog to any person unless that person has produced, to the satisfaction of the authorised person (or in the absence of the authorised person, to the CEO) satisfactory evidence they are –
  - (a) the registered owner of the dog; or
  - (b) an agent acting on behalf of the registered owner of the dog; or
  - (c) an authorised representative of a registered animal rescue group collecting the dog for the purpose of rehoming it.



## **PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS**

### **3.1 Dogs to be confined**

- (1) An occupier of premises on which a dog is kept must –
  - (a) cause that portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
  - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
  - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures the dog remains confined) and is fitted with a proper latch or other means of fastening it;
  - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
  - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) An occupier who fails to comply with subclause (1) commits an offence.
- (3) Notwithstanding the above, the confinement of dangerous dogs is dealt with in the Act.

### **3.2 Limitation on the number of dogs**

- (1) This clause does not apply to premises which have been –
  - (a) licensed under Part 4 of this local law as an approved kennel establishment; or
  - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act –
  - (a) 2 dogs over the age of 3 months and the young of those dogs under that age; or
  - (b) if the premises is situated in an area zoned rural under the local planning scheme, 4 dogs over the age of 3 months and the young of those dogs under that age.

## **PART 4 - APPROVED KENNEL ESTABLISHMENTS**

### **4.1 Interpretation**

In this Part and in Schedule 2 of this local law -

*adjoining* includes land or premises which have a portion of a common boundary with a lot or is separated from that lot by a public reserve, road, right-of-way, pedestrian access way, access leg of a battle-axe lot or the equivalent not more than 6m in width;

*licence* means a licence to keep an approved kennel establishment on premises;

*licensee* means the holder of a licence;

*premises* means, in addition to the meaning given to it in section 3 of the Act, the premises described in the application for a licence; and

*transferee* means a person who applies for the transfer of a licence to her or him under clause 4.13.

### **4.2 Application for licence for approved kennel establishment**

An application for a licence must be made in the form of that in Schedule 1 of this local law, and must be lodged with the local government together with –

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the CEO, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs adopted or nominated by the local government;
- (e) the fee for the application for a licence referred to in clause 4.9(1); and
- (f) a copy of a development approval issued by the local government under a local planning scheme.

### **4.3 Notice of proposed use**

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged –
  - (a) once in a newspaper circulating in the district; and
  - (b) to the owners and occupiers of any premises adjoining the premises.

- (2) The notices in subclause (1) must specify that –
- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
  - (b) the application and plans and specifications may be inspected at the offices of the local government.

- (3) Where –
- (a) the notices given under subclause (1) do not clearly identify the premises; or
  - (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the CEO, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

#### **4.4 Exemption from notice requirements**

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a –

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements;

under a local planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

#### **4.5 When application can be determined**

An application for a licence is not to be determined by the local government until –

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

#### **4.6 Determination of application**

In determining an application for a licence, the local government is to have regard to –

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;

- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

#### **4.7 Where application cannot be approved**

The local government cannot approve an application for a licence where –

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

#### **4.8 Conditions of approval**

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.
- (3) A licensee who fails to comply with the conditions of a licence commits an offence.

#### **4.9 Fees**

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

#### **4.10 Form of licence**

The licence is to be in the form determined by the local government and is to be issued to the licensee.

#### 4.11 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.9(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

#### 4.12 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence –
  - (a) on the request of the licensee;
  - (b) following a breach of the Act, the Regulations or this local law; or
  - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of –
  - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
  - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

#### 4.13 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be –
  - (a) made in the form determined by the local government;
  - (b) made by the transferee;
  - (c) made with the written consent of the licensee; and
  - (d) lodged with the local government together with –
    - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
    - (ii) the fee for the application for the transfer of a licence referred to in clause 4.9(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).

- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.14(b), the transferee becomes the licensee of the licence for the purposes of this local law.

#### **4.14 Notification**

The local government is to give written notice to -

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.12(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.12 (2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.12(2), which notice is to be given in accordance with section 27(6) of the Act.

#### **4.15 Objections and appeals**

- (1) Where the local government makes a decision as to whether it will –
  - (a) grant an application for a licence;
  - (b) vary or cancel a licence; or
  - (c) impose or amend a condition to which a licence is subject,

the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

- (2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the local government.

#### **4.16 Inspection of kennel**

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

## PART 5 - MISCELLANEOUS

### 5.1 Offence to excrete

- (1) A dog must not excrete on –
  - (a) any thoroughfare or other public place; or
  - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) A person liable for the control of a dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

## PART 6 - ENFORCEMENT

### 6.1 Interpretation

In this Part -

*infringement notice* means the notice referred to in clause 6.5; and

*notice of withdrawal* means the notice referred to in clause 6.8.

### 6.2 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

### 6.3 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of the day during which the offence has continued.

### 6.4 Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if -
  - (a) the offence does not involve a dangerous dog; or
  - (b) the offence involves a dangerous dog, but an amount does not appear in the fifth column directly opposite that offence.

- (3) The amount appearing in the fifth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the offence involves a dangerous dog.

**6.5 Issue of infringement notice**

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

**6.6 Payment of modified penalty**

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgement.

**6.7 Withdrawal of infringement notice**

Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 3 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

**6.8 Service**

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.



**SCHEDULE 1 – APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**  
[clause 4.2]

***City of Busselton Dogs Local Law 2023***

I/we (full name) .....

of (postal address) .....

(telephone number) .....

(E-mail address) .....

Apply for a licence for an approved kennel establishment at (address of premises) .....

.....

For (number and breed of dogs) .....

\* (insert name of person) ..... will be residing at the premises on and from  
(insert date) .....

\* (insert name of person) ..... will be residing (sufficiently close to the premises  
so as to control the dogs and so as to ensure their health and welfare) at .....  
..... (insert address of residence)  
on and from ..... (insert date).

Attached are -

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside -
  - (i) at the premises; or
  - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as ....., in the keeping of dogs at the proposed kennel establishment\*\*.

Signature of applicant .....

Date .....

\* delete where inapplicable.

\*\* see clause 4.2(d).

Note: a licence if issued will have effect for a period of 12 months – section 27.5 of the Dog Act 1976.

---

OFFICE USE ONLY

Application fee paid on [insert date].

**SCHEDULE 2 – CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

[clause 4.8(1)]

An application for a licence for an approved kennel establishment may be approved subject to the following conditions -

- (a) Each kennel, unless it is fully enclosed, must have a yard attached to it.
- (b) Each kennel and each yard must be at a distance of not less than -
  - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
  - (ii) 10m from any dwelling; and
  - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption.
- (c) Each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government.
- (d) The minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder.
- (e) The floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached.
- (f) The upper surface of the kennel floor must be –
  - (i) at least 100mm above the surface of the surrounding ground;
  - (ii) smooth so as to facilitate cleaning;
  - (iii) rigid;
  - (iv) durable;
  - (v) slip resistant;
  - (vi) resistant to corrosion;
  - (vii) non-toxic;
  - (viii) impervious;
  - (ix) free from cracks, crevices and other defects; and
  - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government.
- (g) All kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government.
- (h) The kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor.
- (i) Where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel.

- (j) From the floor, the lowest internal height of a kennel must be, whichever is the lesser of -
  - (i) 2m; or
  - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position.
- (k) The walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government.
- (l) All external surfaces of each kennel must be kept in good condition.
- (m) The roof of each kennel must be constructed of impervious material.
- (n) All kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person.
- (o) All refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage.
- (p) Noise, odours, fleas, flies and other vectors of disease must be effectively controlled.
- (q) Suitable water must be available at the kennel via a properly supported standpipe and tap.
- (r) The licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside -
  - (i) at the premises; or
  - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

**SCHEDULE 3 – OFFENCES IN RESPECT OF WHICH MODIFIED PENALTIES  
APPLY**  
[clause 6.4]

<b>Item</b>	<b>Clause</b>	<b>Nature of offence</b>	<b>Modified penalty</b>	<b>Dangerous Dog Modified Penalty</b>
1	3.1	Failing to provide means for effectively confining a dog	\$200	As per Regulations
2	4.8	Failing to comply with the conditions of a licence	\$200	
3	5.1(2)	Dog excreting in prohibited place	\$200	

This local law was made at the meeting of the Council of the City of Busselton on.....

The Common Seal of the City of Busselton was affixed by authority of a resolution of the Council in the presence of –

\_\_\_\_\_, Mayor

ANTHONY GRAHAM NOTTLE, Chief Executive Officer

\_\_\_\_\_

Last updated 12/08/2015 (Implementation)

<b>040</b>	<b>Bush Fire Brigade Accounting</b>	<b>V1 Current</b>
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**PURPOSE**

**Objective**

The purpose of this policy is to ensure that the financial affairs of Bush Fire Brigades of the City of Busselton are conducted in a manner that will ensure accountability of community funds.

**SCOPE**

**Policy Statement**

Through the application of this Policy, the City of Busselton seeks to ensure that the financial affairs of volunteer bush fire brigades are managed in a manner that will ensure that brigade and community members can be satisfied that any funds held by the brigade are properly accounted for, and are used for the purposes for which they were raised.

**POLICY CONTENT**

**1. Accounts at Financial Institutions**

- (1) The brigade must disclose where brigade account(s) are to be held for the ensuing Financial Year at each AGM and record this information within the minutes of the AGM.
- (2) The brigade must have three (3) Brigade Executive Committee Members to act as signatories for the brigade accounts each Financial Year.
- (3) A minimum of two (2) signatures is required on any brigade account cheque or bank transaction form.
- (4) All brigade purchases are to be approved by the Brigade Executive Committee.
- (5) All accounts raised, works undertaken or goods to be purchased by the brigade must be authorised in advance by the Brigade Executive Committee.
- (6) All accounts raised, works undertaken or goods to be purchased need to be ratified by the brigade at the next Ordinary Meeting.
- (7) All funds raised by the brigade are to be used for the purpose of improving the profile and operation of the brigade and its members.
- (8) All payments issued must be accompanied by the appropriate documentation (invoice or monthly account).
- (9) All money received by the brigade or by a member on behalf of the brigade must be recorded in the brigade financial records.

**2. Financial Reports**

- (1) The Treasurer must, at each AGM, present a financial report for the previous 12-month period or since the last AGM.
- (2) The financial report must include—

Last updated 12/08/2015 (Implementation)

- (a) a Statement of Receipts and Payments;
  - (b) a Bank Reconciliation Statement;
  - (c) notes detailing any outstanding receipts or payments; and
  - (d) an Inventory of Assets held by the brigade.
- 3) The financial report will be forwarded to the Executive Officer of the Bush Fire Advisory Committee for the information of the local government
- (4) The City shall have the option to re/view the financial statement of any brigade if it considers it is necessary, and may undertake an audit if required by the Chief Executive Officer

### 3. Rules for Deductible Gift Recipient Funds

- (1) If a Volunteer Bush Fire Brigade establishes a Fire and Emergency Public Fund, the fund called the "(insert Brigade name) Volunteer Bush Fire Brigade Public Fund" is to be governed by this policy.
- (2) The object of the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund is to solicit and receive gifts from the public solely for the purpose of supporting the volunteer-based emergency service activities of the (insert Brigade name) Volunteer Bush Fire Brigade.
- (3) The (insert Brigade name) Volunteer Bush Fire Brigade must maintain the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund as a 'gift fund' to receive and record all of the following:
- a) gifts of money or property;
  - b) deductible contributions described in item 7 and 8 of the table in section 30-15 of the *Income Tax Assessment Act 1997* in relation to a fund-raising event held for that purpose;
  - c) money received because of such gifts and contributions.
- (4) The public fund is not to receive any other money or property.
- (5) All receipts for gifts must include all of the following:
- a) be issued in the name of the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund;
  - b) state that the receipt is for a gift;
  - c) state the (insert Brigade name) Volunteer Bush Fire Brigade's ABN.
- (6) The (insert Brigade name) Volunteer Bush Fire Brigade may invite the public to donate to the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund.
- (7) A Brigade Executive Committee of management of no fewer than three persons will be appointed by the (insert Brigade name) Volunteer Bush Fire Brigade to administer the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund. A majority of the members of the Brigade Executive committee of management are required to be persons having a degree of responsibility to the general community by reason of their occupation or standing in the community.
- (8) The (insert Brigade name) Volunteer Bush Fire Brigade Public Fund (Fund) shall operate on a non-profit basis. No portion of the assets or income of the Fund will be distributed directly or indirectly to members of (insert Brigade name) Volunteer Bush Fire Brigade or the Fund's management Brigade Executive committee apart from bona fide compensation for services rendered or expenses incurred on behalf of the Fund.

Last updated 12/08/2015 (Implementation)

- (9) If the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund is wound up or if the endorsement of the (insert Brigade name) Volunteer Bush Fire Brigade as a deductible gift recipient for the operation of the Fund is revoked, any surplus assets of the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund remaining after the payment of liabilities attributable to it, shall be transferred to a fund, authority or institution which has similar objects and to which income tax deductible gifts can be made.
  
- (10) (insert Brigade name) Volunteer Bush Fire Brigade must notify the Australian Taxation Office in writing or email if it is no longer entitled to be endorsed for the operation of the (insert Brigade name) Volunteer Bush Fire Brigade Public Fund, or of any changes that would affect its entitlement to endorsement.

Policy Reference No. – 040

Owner Unit – Ranger & Emergency Services

Originator – Ranger & Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August 2015

Review Frequency - As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History –

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1508/216	12 August, 2015	Date of implementation Version 1



Last updated 12/08/2015 (Implementation)

<b>032</b>	<b>Bush Fire Brigade Grievance Process and Disciplinary Action</b>	<b>V1 Current</b>
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**PURPOSE**

**Objective**

The purpose of this policy is to establish an environment where members of Volunteer Bush Fire brigades of the City of Busselton can expect to be treated equally and with respect.

**SCOPE**

**Policy Statement**

Through the application of this Policy, Volunteer Bush Fire Brigades of the City of Busselton shall operate in a manner that affords respect to all brigade members and provides for a fair process for dealing with grievances within the brigade.

**POLICY CONTENT**

**1. Grievance Process / Disciplinary Action**

- (1) All Brigades, through their management and members shall commit to providing an environment in which all persons can expect to be treated equally and with respect.
- (2) All members upon joining a brigade shall be provided with a copy of this Policy as part of their induction into the brigade.
- (3) A grievance is any serious allegation, dispute or claim, arising during any training or activity involving the brigade, in relation to an act committed by a member. Examples that may be considered a grievance include acts that—
  - (a) constitute a breach of the Rules that may be from time to time be formed by a brigade,
  - (b) contravene the values of the Rules or the *Code of Conduct Policy*,
  - (c) bring the brigade, the City of Busselton Volunteer Bush Fire Service, and or the City of Busselton into disrepute;
  - (d) contravenes any reasonable direction given by the brigade’s Fire Control Officer, Captain or the delegated authority of the committee of the Brigade;
  - (e) shows disregard for brigade regulations, City of Busselton policies or procedures;
  - (f) jeopardises the safety of the member or others; and/or
  - (g) results in the member being convicted of an offence for which an offender may be imprisoned.
- (4) Where a grievance arises, an investigation must be conducted by the Chairman of the Brigade and the CBFCO if necessary, or the CBFCO if the grievance involves the Chairman, or by the Chief Executive Officer or their nominee if the grievance involves the CBFCO.
- (5) During the investigation it may be determined that the member be suspended from all or part of brigade activities, subject to the CBFCO’s approval. If a member is to be suspended during the investigation the CBFCO shall notify the member in writing or email of the terms of the suspension, including the reason for the suspension and the time period. The time period for suspension during an investigation, should not exceed three (3) consecutive months.

When an investigation is completed a report will be provided by the investigating officer to the CBFCO outlining the process of the investigation, the conclusions drawn and any recommended action.

Last updated 12/08/2015 (Implementation)

- (6) Disciplinary action in relation to the member may include—
  - (a) suspension of membership;
  - (b) termination of membership; or
  - (c) any other reasonable disciplinary action as determined by the Brigade Executive Committee in consultation with the CBFCO.
- (7) If a disciplinary suspension is imposed, the CBFCO must notify the member in writing or email that they are suspended, including the suspension period and reason for suspension. Suspension may be from complete or specific brigade duties and activities.
- (8) The period of disciplinary suspension shall be determined by the CBFCO in consultation with the Chairman and the Brigade Executive Committee.
- (9) On completion of the suspension period the member may be required to undertake refresher training before resuming active fire fighting duties which will be supervised and or acknowledged by the Captain.
- (10) If a membership is to be terminated, the Chairman with the approval of the CBFCO will notify the member in writing or email, and provide a reason for termination.
- (11) Where a membership is terminated, all property owned by the local government shall be returned to the local government within fourteen (14) days of giving notice. Failure to meet these conditions may require the local government to seek reimbursement of costs against the member.

## **2. Termination by the Member**

- (1) A member can decide to resign from brigade activities and terminate their membership by providing written notification to the Brigade Executive Committee.
- (2) Where a member resigns, all property owned by the local government shall be returned to the local government within fourteen (14) days of giving notice. Failure to meet these conditions may result in the local government to seeking reimbursement of costs against the member.

## **3. Rights of a Volunteer Member**

- (1) A member shall not be suspended or dismissed from any brigade duty without an opportunity to defend the allegation.
- (2) Any member may lodge a written objection to the CBFCO should they consider they have been unfairly dealt with by the Brigade Executive Committee.
- (3) The CBFCO shall consider the objection and deal with it in consultation with the Brigade Executive Committee. This may include either—
  - (a) dismissing the objection;
  - (b) varying the decision;
  - (c) revoking the original decision;
    - (i) imposing an independent decision; or
    - (ii) referring the matter back to the Brigade Executive Committee to reconsider the decision.

Last updated 12/08/2015 (Implementation)

Policy Reference No. – 032

Owner Unit – Ranger & Emergency Services

Originator - Ranger & Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August 2015

Review Frequency - As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History -

**History**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1508/216	12 August, 2015	Date of implementation Version 1

Last updated 12/08/2015 (Implementation)

<b>041</b>	<b>Code of Conduct, Bush Fire Brigade Objectives and Values</b>	<b>V1 Current</b>
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**PURPOSE**

**Objective**

The purpose of this policy is to establish core values that underpin membership of, and the operations of Volunteer Bush Fire Brigades of the City of Busselton.

**SCOPE**

**Policy Statement**

Through the application of this Policy, Volunteer Bush Fire Brigades of the City of Busselton, and the members of those brigades will conduct themselves in a manner that is worthy of the respect of the community in acknowledgement of their dedication to community values and safety.

**POLICY CONTENT**

**1. Code of Conduct**

The City of Busselton has established Volunteer Bush Fire brigades pursuant to the powers enabling the City contained in Section 41 of the Bush Fires Act 1954.

As members of Volunteer Bush Fire Brigades established under the Act, members of the brigade are officers of the City and as such are expected at all times to conduct themselves in a manner that is

1. consistent with the best interests of the brigade,
2. is in line with the organisational chain of command for both fire fighting and brigade activities, and
3. does not in any way bring discredit to either the brigade, it's members or the City.

To this end, the City of Busselton has adopted the Code of Conduct for Volunteer Bush Fire Fighters. Members of Brigades are required to commit to the standards of the Code and be governed by the Code.

Any person who is a member of a Brigade, when acting in that capacity shall:

- Act with reasonable care and diligence;
- Act with honesty and integrity;
- Act lawfully;
- Avoid damage to the reputation of the local government;
- Be open and accountable;
- Base decisions on relevant and factually correct information;
- Treat others with respect and fairness;
- Not be impaired by mind affecting substances.
- Fulfil their public and professional duties in a manner that is ethical, impartial, objective and responsible;
- Not use or attempt to use their positions for personal benefit or the personal benefit of others, either by influencing others, the improper use of information gained in the performance of their duties, or otherwise;
- Understand and be mindful of their role, responsibilities, empowerment and limitations and act within those parameters
- Refrain from making allegations which are improper or derogatory, unless true, in the public interest and in an appropriate forum;

Last updated 12/08/2015 (Implementation)

- Refrain from any form of conduct in the performance of their official or professional duties which may cause any reasonable person unwarranted offence or embarrassment.

## 2. Brigade Objectives

The Brigade shall undertake the following objectives—

- (a) provide timely, efficient and effective emergency services;
- (b) minimise the impact of emergencies on the community;
- (c) work with the community to increase bush fire awareness and fire prevention;
- (d) ensure that active Members' training requirements are maintained and documented to meet City of Busselton and DFES standards
- (e) ensure all operational equipment is serviceable and available for emergencies;
- (f) provide an environment where every individual is treated with respect, and which is free from discrimination or harassment;
- (g) uphold the City of Busselton's Policy - *Code of Conduct*; Brigade Objective and Values; and
- (h) service the needs of the community and work cohesively with other agencies.

## 3. Brigade Values

- (1) Members are to adopt the Brigade values at all times when representing the Brigade in accordance with the *Code of Conduct as in Clause 3*.
- (2) The Brigade values include—
  - (a) Put the community first;
  - (b) Act with integrity and honesty;
  - (c) Work together as a committed team;
  - (d) Strive to keep ourselves and others safe;
  - (e) Respect and value the contribution of others;
  - (f) Have open and honest two way communication; and
  - (g) Continuously develop our skills to improve our service to the community.

Policy Reference No. – 041

Owner Unit – Ranger and Emergency Services

Originator - Ranger and Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August, 2015

Review Frequency - As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History -

Council Resolution	Date	Information
C1508/216	12 August,2015	Date of implementation Version 1

Last updated 12/08/2015 (Implementation)

<b>033</b>	<b>Meetings of Bush Fire Brigades</b>	<b>V1 Current</b>
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**PURPOSE**

**Objective**

The purpose of this policy is to provide a structure for the conduct of meetings of Volunteer Bush Fire Brigades to assist the operation of the Brigade and any Committee that the brigade may establish.

**SCOPE**

**Policy Statement**

Through the application of this Policy, meetings of Volunteer Bush Fire Brigades of the City of Busselton shall be held in a manner that is open to respected principles of inclusion and accountability.

**POLICY CONTENT**

**Part 1 -Meetings of the Brigade**

**1. Ordinary meetings**

- (1) The brigade may at any time call an Ordinary Meeting of its members.
- (2) The brigade shall hold a minimum of one (1) Ordinary Meeting between 1 July and 30 June each year or as they deem necessary.
- (3) A quorum for an Ordinary Meeting shall comprise not less than 25% of the eligible voting members of the Brigade.

**2. Annual General Meeting (AGM)**

- (1) The brigade shall hold an AGM in the month of May each calendar year.
- (2) A quorum for the AGM shall comprise not less than 25% of the eligible voting members of the Brigade.
- (3) A report may be presented to the membership by a Brigade Executive Committee Office Bearer.
- (4) At this meeting all Brigade Executive Committee and Brigade Officer positions will be declared vacant.
- (5) All equipment and documentation relevant to each position is to be made available for auditing at the AGM.
- (6) The Chairman or proxy will act as returning officer during the election of the new Brigade Executive Committee and brigade officer positions.
- (7) The incoming Brigade Executive Committee will assume the positions at the close of the AGM.
- (8) Any outgoing Brigade Executive Committee Member is to conduct a handover to the new incumbent.

Last updated 12/08/2015 (Implementation)

- (9) All minutes of the AGM including financial statements are to be lodged with Executive Officer of the Bush Fire Advisory Committee for the information of the local government within a period no later than twenty-one (21) days after the AGM.

### **3. Special Meeting**

- (1) The Chairman may at any time convene a special meeting of the brigade.
- (2) The Secretary of the brigade must convene a special meeting when a written request is made by not less than ten (10) or fifty (50) percent (whichever is least) active members of the brigade.
- (3) The names of the members requesting the special meeting are to be recorded in the notice of meeting submitted to members and the minutes of the meeting.
- (4) A quorum for a Special Meeting shall comprise not less than 25% of the eligible voting members of the Brigade.

### **4. Notice of a Meeting**

- (1) Notice of any Special Meeting of the brigade, must be given to all members of the brigade eligible to vote at least seventy two (72) hours before the commencement of the meeting.
- (2) Notice of the AGM of the brigade must be given to all members of the brigade eligible to vote, as well as the CBFCO, at least thirty (30) days before the commencement of the meeting.
- (3) Notice of any Ordinary Meeting of the brigade must be given to all members of the brigade eligible to vote, as well as the CBFCO, at least seven (7) days before the commencement of the meeting.
- (4) Notice of an Ordinary Meeting, Special Meeting or AGM—
  - (a) must be given by the Secretary;
  - (b) may be given by written notice to each member—
    - (i) Personally, by post or electronic email; or
    - (ii) By a notice published in a newspaper circulating in the area of the brigade;
  - (c) must set out the date, time, and venue of the meeting;
  - (d) must be signed by the Secretary or, in the case of a special meeting, by the person convening the meeting; and
  - (e) must set out an agenda for the meeting.

### **5. Quorum**

No formal business is to be transacted at a meeting of the brigade unless a quorum of members is present.

### **6. Voting**

- (1) Each Active and Auxiliary Member shall be entitled to one (1) vote.
- (2) In the event of an equality of votes, the Chairman may exercise the deciding vote.
- (3) Votes may be counted by either—
  - (a) formal secret ballot; or
  - (b) informal show of hands.

Last updated 12/08/2015 (Implementation)

- (4) The form of voting in (3) above shall be determined by a simple majority of members present at the meeting.
- (5) A member is not deemed to be active and is unable to cast a vote at any meeting of the brigade, unless all requirements in regards to brigade training and activities as set out under section 4.7 have been satisfied.

## **7. Procedure at Meetings**

Meeting procedures and protocols are to be in accordance with the brigade's meeting procedures and protocol guidelines.

### **Part 2—Committee**

#### **1. Meetings**

- (1) Each brigade shall have a Brigade Executive Committee. The Brigade Executive Committee shall meet each calendar month or as required.
- (2) Any functions of the brigade may be delegated to the Brigade Executive Committee provided that a motion approving of the delegation has been carried at either an Ordinary Meeting or AGM.
- (3) The Brigade Executive Committee shall consist of the following Office Bearers—
  - (a) Chairman
  - (b) Secretary
  - (c) Treasurer
  - (d) FCO's
  - (e) Captain
  - (f) Other Office Bearers
  - (g) A Bush Fire Ready Coordinator Representative where this organisation exists and the representative is a member of the Brigade.
- (4) The Brigade Executive Committee will be responsible for the management and administration of the brigade. The brigade officers are responsible for all operational requirements of the brigade.
- (5) A motion carried by the vote of a majority of those present at a Brigade Executive Committee meeting shall be accepted as the decision of the Brigade Executive Committee.
- (6) Each Brigade Executive Committee Member present at a meeting of the Brigade Executive Committee shall be entitled to one (1) vote. In the event of an equality of votes the Chairman will be entitled to a second or casting vote.
- (7) The Secretary must keep accurate minutes of the meeting.
- (8) Minutes of these meetings shall be made available to members of the brigade.
- (9) The term of all elected positions on the Brigade Executive Committee shall expire at the completion of the next AGM of the brigade.



Last updated 12/08/2015 (Implementation)

### Part 3—Brigade Elections

#### 1. Nomination of Candidates for Brigade Elections

- (1) Any person accepting a nomination for a Brigade Executive Committee position must be competent and qualified to perform the duties and responsibilities of that position.
- (2) The Secretary shall advise the Chairman of the brigade at the general meeting prior to the AGM that nominations are required to be presented at the AGM.
- (3) A person can only be nominated by an Active Member.
- (4) A nomination must be endorsed by a second Active Member filling out a Nomination Form in the form of Schedule 1 attached.
- (5) Each member is only entitled to nominate one (1) person per position.
- (6) A nomination may be made—
  - (a) in writing or email to be received by the Chairman before the official close of nominations; or
  - (b) verbally at a general meeting prior to the AGM.
- (7) Nominees must sign or indicate acceptance of nomination.
- (8) Nominees for operational Brigade Officer positions must meet the minimum requirements for training as set out under section 3 of these Rules.
- (9) Nominees for Brigade Officer positions must accept all requirements imposed by the Local Government, the brigade or legislation.
- (10) The Brigade Executive Committee will assist and mentor new Brigade Officers in their new roles.
- (11) The CBFCO or a proxy may act in the position as returning officer during the election of office bearers at the AGM if requested by the brigade.

#### 2. Conduct of Elections

- (1) Positions shall be determined by vote in accordance with the following order:

Order	Officer	Term
1	Chairman	1 year
2	Secretary	1 year
3	Treasurer	1 year
4	FCO Nominations	1 year
5	Captain	1 year
6	Lieutenants	1 year
7	Training Officer	1 year
8	Equipment Officer	1 year
9	Other	1 year

- (2) Any additional positions to the Brigade Executive Committee or the Brigade are to be elected in accordance with Brigade standard meeting procedures.

Last updated 12/08/2015 (Implementation)

- (3) Any appointment to the office of Bush Fire Control Officer shall not have effect until the nomination has been considered by the Bush Fire Advisory Committee and the appointment has been approved by the local government.

**3. Absentee Votes**

- (1) Where a member of the Brigade or the Brigade Executive Committee is not able to be present to cast their vote in person, that member may cast an absent vote.
- (2) An absent vote shall be cast by the member in writing or email and be received by the brigade secretary prior to the voting on any matter before the meeting.
- (3) The absent vote shall contain the name of the person casting the vote and some verification of authenticity of the vote (ie signature or email address if voting by email).

**4. Supplementary Elections**

Where a supplementary election must be held due to a vacancy in a position as a result of an early resignation or other reason, the Brigade Executive Committee, by majority vote, will appoint a consenting Active Member for the remaining term of the vacant position.

Policy Reference No. – 033

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August, 2015

Review Frequency - As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History –

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1508/216	12 August, 2015	Date of implementation Version 1

Last updated 12/08/2015 (Implementation)

**Schedule 1**

**NOMINATION FORM**

(Part 3 – Brigade Elections - Clause 1(4))  
(Name of Brigade) Volunteer Bush Fire Brigade

I.....as an active member of the  
.....Volunteer Bush Fire Brigade hereby nominate for the position of (please tick v)–

Fire Control Officers	Lieutenant
Captain	Chairman
Secretary	Treasurer
Training Officer	Equipment/Comms Officer
First Aid Officer	Station/Callout Attendant

*(If nominating for more than one position, separate forms are required)*

I ..... as an active member of  
..... Volunteer Bush Fire Brigade hereby endorse the above nomination.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Full name of Nominee: .....  
Address: .....  
Contact Details—  
Home: .....  
Mobile: .....  
E-mail: .....  
DFES Identification Number: .....

I certify that I have read and understand the duties and responsibilities for the position I have been nominated as specified under the Volunteer Bush Fire Brigade Rules and that I have currency in all the competencies required. I understand that if I do not have currency in all the competencies required I can still be nominated subject to the approval of the CBFCO. Such approval may be conditional on further training or other arrangements as deemed necessary.

\_\_\_\_\_  
Signature Date  
Received by Secretary/Returning Officer—

\_\_\_\_\_  
Signature Date

Last updated 12/08/2015 (Implementation)

<b>034</b>	<b>Membership of Bush Fire Brigades</b>	<b>V1 Current</b>
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**PURPOSE**

**Objective**

The purpose of this policy is to establish the classifications of membership within Bush Fire brigades of the City of Busselton and provide for the integration of new members into the brigade.

**SCOPE**

**Policy Statement**

Through the application of this Policy, persons seeking to become members of Volunteer Bush Fire Brigades of the City of Busselton shall have an understanding of the commitment expected of a brigade member so that they may contribute in a manner that enhances their experience and value as a member of the brigade.

**POLICY CONTENT**

**1. New Membership Application**

- (1) A new member is to complete a DFES volunteer nomination form and accept the conditions for membership.
- (2) A minimum of two (2) Brigade Executive Committee members, including the Captain, should decide whether to recommend the application to the Senior FCO.
- (3) At the meeting of the Committee, the brigade Office Bearers may-
  - (a) Accept Application;
  - (b) Defer the Application for further consideration; or
  - (c) Refer the application to the Senior FCO for consideration.

**2. Dual Membership**

- (1) A member may be a member of another local government brigade.
- (2) A member may not be a member of another brigade within the local government unless they have the written permission of the Senior FCO's of the brigades concerned. This permission may be conditional.

**3. Categories of Membership**

The categories of membership shall be—

- (a) Fire Fighters;
- (b) Management Support;
- (c) Auxiliary Members;
- (d) Cadets, and
- (e) Associates.

**4. Training**

Last updated 12/08/2015 (Implementation)

- (1) A new member is required to complete the necessary Fire Fighter Training Courses as required by the local government prior to commencing active and unsupervised Fire Fighter duties.
- (2) Competency in these Training Courses shall be the minimum acceptable standard required for a Fire Fighter to perform active and unsupervised fire fighting duties. Currently this includes Induction, Introduction to Fire Fighting and Bush Fire Fighting training Courses.
- (3) Members must comply with the legislative requirements of the—
  - (a) *Bush Fires Act 1954 (WA)*;
  - (b) *FESA Act 1998 (WA)*; and
  - (c) *Equal Opportunity Act 1984 (WA)*.
- (4) Members must act within the—
  - (a) Local guidelines;
  - (b) Brigade's local policies;
  - (c) Code of Conduct Policy,
  - (d) Competency and commitment requirements for an active volunteer Fire Fighter or Operation and Management Support roles as required by the CBFCO; and
  - (e) Westplan Bushfire.
- (5) Members must maintain currency of the appropriate licenses to be able to operate brigade vehicles. Any traffic offence that results in a suspension or loss of license must be reported to the Captain, the FCO and CBFCO and the member must comply with the terms of their suspension.

#### **5. Decision on Application Membership**

- (1) The Chairman of the brigade must contact the applicant in writing or email within fourteen (14) days of a final decision by the brigade or the CBFCO.
- (2) The applicant has the right to appeal the decision of the Brigade Executive Committee. The appeal shall be in writing or email addressed to the Senior FCO and Chairman.

#### **6. Induction**

All new members shall be—

- (a) introduced to brigade members and shown all brigade facilities during induction;
- (b) instructed about any safety requirements;
- (c) made aware of brigade duties and responsibilities;
- (d) provided with a mentor/s until such time as they are familiar with Normal Brigade Activities;
- (e) provided with a copy of the Code of Conduct Policy, and
- (f) made aware of City of Busselton and local brigade guidelines and policies if any exist within that brigade.

#### **7. Membership Requirements (Brigade Commitments)**

- (1) Members are required to maintain currency in brigade activities and training to be deemed as an Active Member and or be granted special considerations due to extenuating circumstances.
- (2) Brigade Activities—
  - (a) During the Fire Season members are required to attend a minimum of one (1) brigade ordinary meeting or other brigade activity or incident.

Last updated 12/08/2015 (Implementation)

- (b) During the Non-Fire Season members are required to attend a minimum of one (1) brigade ordinary meeting or other brigade activity or incident.
- (3) Brigade Training—
  - (a) During the Fire Season members are required to attend and participate at a minimum of one (1) brigade training activity or incident.
  - (b) During the Non-Fire Season members are required to attend and participate at a minimum of one (1) brigade training activity or incident.
- (4) If extenuating circumstances apply that a member is unable to meet brigade commitments, it shall be the responsibility of the member to notify the Brigade Executive Committee, in writing or email to advise of the circumstance, and the Brigade Executive Committee will acknowledge in writing or email any special considerations to the member.
- (5) The Training Officer should endeavour to make alternative arrangements for the member to meet the requirements wherever possible.

#### **8. Failure to Comply with Commitments**

- (1) Should an active member of a brigade fail to comply with section 7, correspondence will be forwarded to the member requesting contact be made with the brigade to indicate the intentions of the member's status.
- (2) The Brigade Member may—
  - (a) respond to the correspondence providing a reasonable explanation and request for alternative arrangements to be made for training or meeting obligations.
  - (b) request in writing or email for Leave of Absence from brigade commitments due to personal circumstances.
  - (c) terminate their membership.
- (3) If a member fails to respond to the correspondence Under section 8 within fourteen (14) days a subsequent letter will be forwarded putting the member on final notice. Should a member fail to acknowledge the final notice within fourteen (14) days, the membership shall be terminated, to take effect from the date of the final notice.

#### **9. Change of Members' Details**

The local government and DFES are to be notified of any change of personal details of a member. The brigade will complete a DFES volunteer application form and forward it to the Local Government representative and DFES within fourteen (14) days of the change.

#### **10. Leave of Absence**

- (1) A member may at any time request a Leave of Absence from all brigade commitments for a period not to exceed twelve (12) consecutive months.
- (2) The application should be made in writing or email and addressed to the Captain. Copy to Brigade FCO's.
- (3) On completion of the Leave of Absence period the member must complete a Membership Update Form if deemed necessary providing any change of details and forward to the Captain and FCO's.
- (4) On completion of the Leave of Absence period the member must undertake any refresher training required before resuming active fire fighting duties. If the request for Leave of

Last updated 12/08/2015 (Implementation)

Absence is for a medical condition the member must provide confirmation of fitness to the satisfaction of the CBFCO to be able to resume active duties.

Policy Reference No. – 034

Owner Unit – Ranger & Emergency Services

Originator – Ranger & Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August, 2015

Review Frequency – As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History –

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1508/216	12 August,2015	Date of implementation Version 1

Last updated 12/08/2015 (Implementation)

<b>035</b>	<b>Qualifications of Bush Fire Brigade Officers</b>	<b>V1 Current</b>
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**PURPOSE**

**Objective**

The purpose of this policy is to establish the qualifications required of persons seeking to hold office within Volunteer Bush Fire Brigades of the City of Busselton; either in an operational or administrative capacity.

**SCOPE**

**Policy Statement**

Through the application of this Policy, member of Volunteer Bush Fire Brigades of the City of Busselton shall be informed in advance of required training and qualifications required of Brigade Officers. This will enable members aspiring to become brigade Officers to plan a training pathway to obtain the necessary qualifications.

This Policy will also serve to provide direction to the brigade Training Officer on appropriate training that will support a member’s brigade aspirations.

**POLICY CONTENT**

**Duties and Responsibilities of Brigade Office Bearers**

The Office Bearers of the brigade should be able to demonstrate current competencies for the position of office they are nominated for, or give an undertaking to complete any training requirements prior to accepting the nomination or undertaking the duties and responsibilities of the said position.

Nominations are subject to the approval of the Senior FCO. Such approval may be conditional on the nominee undertaking further training or other necessary arrangements to satisfy the competency requirements.

The following are to be adopted as guidelines and where competencies names may vary from time to time the member may have an alternative appropriate competency.

**1. Captain**

- (1) The Captain of the brigade shall be responsible for the leadership and management of brigade operations in liaison with Fire Control Officers.
- (2) A member wishing to be appointed to the position of Captain of the brigade shall meet the following combination of technical qualification and experience:

<b>Qualifications</b>	<b>Experience</b>	<b>Competency Required</b>
Fire fighting and/or support experience	Minimum 3 years	Competent
Induction		Competent
Introduction to Fire fighting		Competent
Bush Fire Fighting		Competent
Sector Commander		Competent
Structural Fire fighting		Competent
AllIMS Awareness		Competent



Last updated 12/08/2015 (Implementation)

## 2. Fire Control Officer (FCO)

- (1) A FCO is a delegated representative of the local government responsible for the administration of provisions within the Act. The position is required to perform active operational duties in relation to both fire defence and fire prevention strategies within the local community.
- (2) A member wishing to be appointed to the position of Fire Control Office of the brigade shall meet the following combination of technical qualification and experience:

Qualifications	Experience	Competency Required
Fire fighting experience	Minimum 4 years	Competent
Induction		Competent
Introduction to Fire fighting		Competent
Bush Fire Fighting		Competent
Sector Commander		Competent
Structural Fire fighting		Competent
AllIMS Awareness		Competent
Fire Control Officer		Competent

## 3. Lieutenant

- (1) The Lieutenant of a brigade is responsible for the operational management of members during brigade activities. The position is required to provide operational support to the Captain in managing the brigade. The position reports to the Captain on all matters relevant to the functioning of the Brigade and/or personnel they are supervising.
- (2) A member wishing to be appointed to the position of Lieutenant of the brigade shall meet the following combination of technical qualification and experience:

Qualifications	Experience	Competency Required
Fire fighting experience	Minimum 3 years	Competent
Induction		Competent
Introduction to Fire fighting		Competent
Bush Fire Fighting		Competent
Sector Commander		Competent

## 4. Fire Fighter

A Fire Fighter is an active member of the brigade who, when engaging in Brigade operational matters shall act in accordance with the instructions of senior brigade officers.

A member shall be a competent fire fighter before being engaged on wildfire suppression duties.

The minimum qualifications for a person to be considered competent are as follows:

Qualifications	Experience	Competency Required
Induction		Competent
Introduction to Fire fighting		Competent
Bush Fire Fighting		Competent

Last updated 12/08/2015 (Implementation)

## 5. Chairman

The Chairman of the Brigade is elected to preside over all brigade meetings and promote open fair discussion during debate in relation to brigade matters.

The occupant of the position of Chairman is not required to perform active operational duties and may be inclusive to an additional position held within the brigade.

The Chairman must have:

- (a) Sound understanding of meeting procedures; and
- (b) Demonstrated ability to conduct and manage meetings.

## 6. Secretary

The Secretary is to record and manage administrative matters of the brigade. The position is not required to perform active operational duties and may be inclusive to an additional position held within the brigade.

The occupant of the position of Secretary must have:

- (a) Demonstrated ability to take minutes;
- (b) Demonstrated record keeping and filing skills;
- (c) An understanding of meeting procedure; and
- (d) Developing computer skills.

## 7. Treasurer

The role of the Treasurer is to manage and report on all financial matters relevant to the brigade. The position is not required to perform active operational duties and may be inclusive to an additional position held within the brigade.

The occupant of the position of Treasurer must have:

- (a) Knowledge and understanding of accounting principles; and
- (b) Developing computer skills.

## 8. Brigade Training Officer

(1) The Brigade Training Officer is responsible for the management and co-ordination of brigade training in conjunction with the Local Government Training Coordinator, including the documentation of these activities. The position is not required to perform active operational duties and may be inclusive to an operational position held within the brigade.

(2) Duties and Responsibilities of the Brigade Training Officer may include—

- (a) Ensure brigade members maintain necessary skill levels equivalent to the competency standards required by the local government and as recommended by DFES;
- (b) Endeavour to ensure regular training sessions are conducted within the brigade to maintain currency of qualifications and skills;
- (c) Maintain accurate records of training undertaken by members and ensure that qualification and training updates are forwarded to the Local Government Training Coordinator as required;
- (d) Provide mentoring for members who express an interest in training to encourage future facilitators.
- (e) Liaise with Captain and FCO's on training operations

Last updated 12/08/2015 (Implementation)

**9. Brigade Equipment Officer**

The Brigade Equipment Officer is not required to perform active operational duties but needs to be able to demonstrate a degree of knowledge of brigade equipment.

Policy Reference No. – 035

Owner Unit – Ranger and Emergency Services

Originator - Ranger and Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August, 2015

Review Frequency - As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History -

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1508/216	12 August,2015	Date of implementation Version 1

Last updated 12/08/2015 (Implementation)

<b>036</b>	<b>Roles of Bush Fire Brigade Officers</b>	<b>V1 Current</b>
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**PURPOSE**

**Objective**

The purpose of this policy is to establish the roles of persons appointed as officers of Volunteer Bush Fire Brigades of the City of Busselton.

**SCOPE**

**Policy Statement**

Through the application of this Policy, officers of Volunteer Bush Fire Brigades of the City of Busselton, shall have a clear understanding of the extent of their authority and how their role will contribute to the strong management and operations of the brigade.

**POLICY CONTENT**

**Roles and Responsibilities of Brigade Office Bearers**

Office bearers of a brigade shall perform the following roles:

**1. Captain**

- (1) The Captain of the brigade shall be responsible for the leadership and management of brigade operations in liaison with Fire Control Officers.
- (2) As a role model and mentor for members, the Captain should always act with integrity and consider each member equally. All decisions should be in the interest of the Brigade and its members.
- (3) The position reports to the FCO's and the CBFCO on brigade related matters.
- (4) Duties and responsibilities of the Captain include—
  - (a) Demonstrate positive leadership and mentor members;
  - (b) If the Captain is the senior officer at an incident;
    - (i) command, control and confidently manage activities at emergency incidents
    - (ii) to ensure incident control systems and management principles are implemented and maintained during all emergency incidents if required;
    - (iii) maintain some form of personal incident diary with a record of events and decisions that occur at an incident;
    - (iv) conduct Brigade briefings and post incident analysis of any incident involving fire fighting, incident support or management issues;
    - (v) ensure members deployed for operational duties have the competencies to complete the task or duty assigned and hold currency in training to carry out the functions required, in accordance with training recommendations;
    - (vi) to undertake responsibility for the proper management and maintenance of Brigade property and equipment to the best of their ability;
    - (vii) ensure conduct of members is in accordance with the *Code of Conduct*, and
    - (viii) report any injuries of personnel or damage to fire fighting vehicles or equipment immediately to the FCO and the CBFCO.

Last updated 12/08/2015 (Implementation)

- (5) In the absence of the Captain, the next senior officer of the brigade has authority to exercise the powers of the Act delegated to the Captain (Part IV Section 44(1)).

## **2. Fire Control Officer (FCO)**

- (1) A FCO is a delegated representative of the local government responsible for the administration of provisions within the Act. The position is required to perform active operational duties in relation to both fire defence and fire prevention strategies within the local community.
- (2) A member of the Brigade may be nominated for this position at the Brigade AGM.
- (3) Fire Control Officers are nominated by the brigade to the Bush Fire Advisory Committee. The nomination is considered by BFAC and the CBFCO and if appropriate it is forwarded to the local government for its consideration and ratification.
- (4) Duties and responsibilities of the FCO include—
  - (a) authorise permits for hazard reduction burns within the local government in accordance with the Act;
  - (b) identify and conduct risk assessments of fire hazards within the local government;
  - (c) perform duties prescribed by the Act and authorised by the local government;
  - (d) may take overall control of fire suppression activities or operational incidents where the local government is the Controlling Agency;
  - (e) maintain a personal incident diary to include a record of events and decisions during an incident;
  - (f) conduct brigade briefings and post incident analysis of any incident involving fire fighting or management issues.
  - (g) provide advice and guidance and assist in Brigade management to effect improvements to fire management in the area.
  - (h) carry out normal brigade activities
  - (i) ensure conduct of members is in accordance with the Code of Conduct.

## **3. Lieutenant**

- (1) The Lieutenant of a brigade is responsible for the operational management of members during brigade activities. The position is required to provide operational support to the Captain in managing the brigade. The position reports to the Captain on all matters relevant to the functioning of the Brigade and/or personnel they are supervising.
- (2) The Brigade should appoint a minimum of two (2) Lieutenants. Additional Lieutenants may be appointed according to the needs of the Brigade. If operational circumstances require the number of Lieutenants for a brigade to be more than four (4), as decided by the Brigade Executive Committee, a request is to be submitted in writing or email to the CBFCO for endorsement.
- (3) The brigade must rank all Lieutenants numerically according to seniority including length of service and relevant skills.
- (4) Duties and responsibilities of a Lieutenant include—
  - (a) provide support to the Captain and assist with the operational management of the brigade;
  - (b) in the absence of the Captain administer all powers and responsibilities of the Act (Part IV Section 44(1));
  - (c) command and manage members during emergencies and other brigade related incidents and activities;

Last updated 12/08/2015 (Implementation)

- (d) maintain a personal incident diary with a record of events that occur during all incidents if assuming the role of the most Senior Officer;
- (e) in the absence of a more Senior Officer, conduct brigade briefings and post incident analysis of any incident involving fire fighting or management issues;
- (f) encourage positive interaction and teamwork between members;
- (g) ensure Bush Fire Operating Procedures are adhered to at brigade activities;
- (h) to endeavour to ensure active members engaged in brigade activities are allocated tasks relevant to their competencies;
- (i) work cohesively with the Brigade Training Officer to conduct training activities for active members;
- (j) to ensure the behaviour of members is in accordance with the Code of Conduct.

#### **4. Chairman**

- (1) The Chairman of the Brigade shall be elected at the Annual General Meeting of the Brigade, or a Special Meeting of the Brigade held for that purpose.
- (2) The Chairman shall be elected by a majority of the members present at the meeting, subject to sufficient members of the meeting being present to constitute a quorum.
- (3) The occupant of the position of Chairman is not required to perform active operational duties and may be inclusive to an additional position held within the brigade.
- (4) The position reports to the Captain and FCO's on administrative matters pertinent to the brigade. In the absence of the Chairman, the members of the Brigade present shall elect one of the members present to deputise as Chairman for the duration of that meeting.
- (5) The Chairman shall perform the following functions—
  - (a) preside over all brigade meetings;
  - (b) ensure meeting procedure and protocol is maintained;
  - (c) promote the aims and objectives of the brigade where possible;
  - (d) advise the brigade on administrative matters;
  - (e) report brigade matters to the Captain and FCO's;
  - (f) promote open fair discussion during debate in relation to brigade matters; and
  - (g) ensure minutes of meetings are signed and dated by the Chairman.

#### **5. Secretary**

- (1) The Secretary is to record and manage administrative matters of the brigade. The position is not required to perform active operational duties and may be inclusive to an additional position held within the brigade.
- (2) The position reports to the Chairman on administration matters relevant to the brigade. This position may be held in conjunction with the Treasurer position.
- (3) The Secretary shall perform the following functions—
  - (a) Ensure members receive notification of brigade meetings in accordance with Council Policy – Meetings of Brigades,
  - (b) Where deemed appropriate, prepare an agenda for brigade meetings and distribute to members prior to meetings;
  - (c) Ensure minutes of brigade meetings are recorded and where ever possible, distributed to all members prior to next meeting;
  - (d) Document and record all brigade correspondence;
  - (e) Ensure brigade information is disseminated to all listed members;
  - (f) Make available circulars and other information to members;

Last updated 12/08/2015 (Implementation)

- (g) Work cohesively with local government management and administration staff on matters relevant to brigade administration.
- (h) Maintain a register of Brigade Members

**6. Treasurer**

- (1) The role of the Treasurer is to manage and report on all financial matters relevant to the brigade. The position is not required to perform active operational duties and may be inclusive to an operational position held within the brigade.
- (2) The position reports to the Chairman on financial matters relevant to the brigade. This position may be held in conjunction with the Secretary position.
- (3) The Treasurer shall perform the following functions—
  - (a) Manage financial affairs including budgets of the brigade;
  - (b) Maintain brigade financial records and provide detailed reports of income and expenditure at meetings;
  - (c) Work cohesively with the City of Busselton on matters pertinent to brigade financial matters, including providing copies of financial statements when requested.

**7. Brigade Training Officer**

- (1) The Brigade Training Officer is responsible for the management and co-ordination of brigade training in conjunction with the Local Government Training Coordinator, including the documentation of these activities. The position is not required to perform active operational duties and may be inclusive to an operational position held within the brigade. The Office is expected to maintain a sound knowledge of the Competencies required by members.
- (2) Duties and Responsibilities of the Brigade Training Officer may include—
  - (a) Ensure brigade members maintain necessary skill levels equivalent to the competency standards required by the local government and as recommended by DFES;
  - (b) Endeavour to ensure regular training sessions are conducted within the brigade to maintain currency of qualifications and skills;
  - (c) Maintain accurate records of training undertaken by members and ensure that qualification and training updates are forwarded to the Local Government Training Coordinator as required;
  - (d) Provide mentoring for members who express an interest in training to encourage future facilitators.
  - (e) Liaise with Captain and FCO's on training operations.

**8. Brigade Equipment Officer**

- (1) The role of the Brigade Equipment Officer is to manage brigade property, fleet vehicles, general equipment and stock levels of personal protective equipment. The position is not required to perform active operational duties but may be able to demonstrate a degree of knowledge of brigade equipment. The position may be inclusive to an operational position held within the brigade.
- (2) The equipment officer shall perform the following functions—
  - (a) Manage brigade equipment and maintain a register of all assets;
  - (b) Coordinate and record maintenance of brigade equipment;
  - (c) Report all damage of brigade equipment or property to the FCO's and Captain immediately;
  - (d) Manage brigade requests for replacement items and equipment; and

Last updated 12/08/2015 (Implementation)

- (e) Compile documentation of replacement items and submit to the Captain and FCO's and CBFCO.

Policy Reference No. – 036

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy approved by – Council

Date Approved – 12 August, 2015

Review Frequency - As required

Related Documents - Acts, Regulations and Local Laws administered by the City

Background/History -

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1508/216	12 August,2015	Date of implementation Version 1





## Council Policy

Council Policy Name: Bush Fire Brigade Management

Responsible Directorate: Community Planning      Version: Draft

### 1. PURPOSE

1.1. The purpose of this Policy is to outline the City’s approach to management of the City of Busselton Volunteer Bush Fire Brigades.

### 2. SCOPE

2.1. This Policy is applicable to all City Bush Fire Brigades (Brigades) and their members pursuant to section 41 of the *Bush Fires Act 1954*.

### 3. DEFINITIONS

Term	Meaning
Brigade/s	Bush Fire Brigades as defined in section 7 of the <i>Bush Fires Act 1954</i>
Brigade Committee	Persons appointed to a Brigade under 2.2(1)(c) of the Bush Fire Brigades Local Law
Bush Fire Advisory Committee (BFAC)	An advisory committee established under section 67 of the <i>Bush Fires Act 1954</i>
Bush Fire Control Officer	A person appointed by the Local Government under section 38 of the <i>Bush Fires Act 1954</i> under and for the purposes of this Act.
Bush Fire Brigades Local Law	The City of Busselton Bush Fire Brigades Local Law 2023
Chief Bush Fire Control Officer	A person appointed by the Local Government under section 38 of the <i>Bush Fires Act 1954</i> under and for the purposes of this Act who shall be first in seniority of appointed Bush Fire Control Officers.
Deputy Chief Bush Fire Control Officer	A person appointed by the Local Government under section 38 of the <i>Bush Fires Act 1954</i> under and for the purposes of this Act who shall be second in seniority of appointed Fire Control Officers.
Fire Fighting Member	Means a registered operational member of a Brigade who is at least 16 years of age who undertake all normal Brigade activities and have completed the required training qualifications as determined by the Local Government.
Member	Has the same meaning as ‘volunteer fire fighter’, as defined in section 35A of the <i>Bush Fires Act 1954</i> .
Membership Conditions	The conditions of membership of Brigades as defined in part 2.3 of the Bush Fire Brigades Local Law
Policy	This City of Busselton Council policy titled “Bush Fire Brigade Management”
Prescribed Form	The application for membership of Brigades form as defined in part 2.4 of the Bush Fire Brigades Local Law

#### 4. STRATEGIC CONTEXT

- 4.1. This Policy links to the following themes and strategic priorities of the City's Strategic Community Plan June 2021:

Strategic Theme	Strategic Priority
Key Theme 2 LIFESTYLE	2.2 Work with key partners to facilitate a safe, healthy and capable community
Key Theme 4 LEADERSHIP	4.2: Deliver governance systems that facilitate open, ethical and transparent decision making

#### 5. POLICY STATEMENT

- 5.1. The City acknowledges the important role Brigades play in fire response and community safety and is committed to the establishment of a governance structure that supports the effective function of Brigades.

##### Appointment of Fire Control Officers

- 5.2. The City may appoint, as necessary, persons to be its Bush Fire Control Officers.
- 5.3. Brigades may nominate members as Bush Fire Control Officers for their fire control area. These nominations are subject to the consideration of BFAC, and subsequent to BFAC support, consideration and appointment by the Chief Executive Officer. Appointments will generally be for 12 month terms.
- 5.4. The Council will appoint from these officers a Chief Bush Fire Control Officer and a Deputy Chief Bush Fire Control Officer.
- 5.5. On a rolling 4 yearly cycle, commencing at a time to be determined by the CEO, the City will request nominations from appointed Bush Fire Control Officers for the position of Chief Bush Fire Control Officer and Deputy Chief Bushfire Control Officer. If multiple nominations are received, BFAC will vote and put forward a recommendation for the City's consideration on whom to appoint to these positions.

##### Minimum training standards

- 5.6. Fire Fighting Members of Brigades must have completed the following qualifications:
- a. Bush Firefighting Skills
  - b. AIIMS Awareness
  - c. Bushfire Safety Awareness
  - d. Annual Skills refresher.

##### Application for memberships

- 5.7. Applications for membership are to be considered by Brigade committees.
- 5.8. Approved applications must be provided to the City within 14 days of Brigade committee approval in the prescribed form.
- 5.9. Prescribed form requires approval of membership application by the City.
- 5.10. If the Brigade committee or Local Government refuse a membership application, the applicant is to be provided in writing the reasons for refusal. The applicant has a right of objection to the Local Government should membership be refused.

**Suspension or termination of memberships**

- 5.11. Brigade committees can suspend or terminate the membership of a member in accordance with rules 2.7 and 2.8 of Schedule 1 of the Bush Fire Brigades Local Law.
- 5.12. Should the City become aware of a breach of membership conditions by a member, it will advise the relevant Brigade committee in writing of this breach and provide a recommendation for consideration to suspend or terminate the membership of a member in accordance with rules 2.7 and 2.8 of Schedule 1 of the Bush Fire Brigades Local Law.
- 5.13. A member has a right of objection to the Local Government should membership be suspended or terminated.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1. The relevant documentation and legislation associated with this Policy includes, but is not limited to, the following:
  - a. *Bush Fires Act 1954*
  - b. *Bush Fires Regulations 1954*
  - c. *Emergency Management Act 2005*
  - d. *Equal Opportunities Act 1984*
  - e. *Fire Brigades Act 1942*
  - f. *Local Government Act 1995 and associated regulations*
  - g. *Work Health and Safety Act 2020*
  - h. City of Busselton Code of Conduct
  - i. DFES Operational Doctrine
  - j. DFES Standard Operating Procedures
  - k. City of Busselton Bush Fire Brigade Operating Procedures
  - l. City of Busselton Bush Fire Brigade Local Law 2023

**7. REVIEW DETAILS**

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE		Resolution #	



## Council Policy

**Council Policy Name:** Media and Public Statements

**Responsible Directorate:** Chief Executive Office

**Version:** Adopted

### 1. PURPOSE

- 1.1. The purpose of this Policy is to establish protocols for the release of public statements issued by the City of Busselton (including to the media and on Social Media) to ensure the City is professionally and accurately represented and to maximise a positive public perception of the City.
- 1.2. This Policy also provides clarity on the roles and responsibilities of the Mayor, the Deputy Mayor, Councillors and the Chief Executive Officer when speaking publicly/issuing public statements.

### 2. SCOPE

- 2.1. This Policy is applicable to public statements initiated by Council Members and the CEO (or delegated Officers) which pertain to the business of the City of Busselton; made orally, in writing, or electronically, in either their City role or in a personal capacity.

### 3. DEFINITIONS

Term	Meaning
Act	<i>Local Government Act 1995</i>
Social Media	web-based technology which facilitates the communication and sharing of text, photos, audio, video and information in general
Policy	this City of Busselton Council policy titled "Media and Public Statements"

### 4. STRATEGIC CONTEXT

- 4.1. This Policy links to the following theme and strategic priorities of the City's Strategic Community Plan 2021:

Strategic Theme	Strategic Priority
KEY THEME 4 LEADERSHIP	4.1: Provide opportunities for the community to engage with Council and contribute to decision making.
KEY THEME 4 LEADERSHIP	4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.
KEY THEME 4 LEADERSHIP	4.4: Govern a professional organisation that is healthy, capable and engaged.

### 5. POLICY STATEMENT

- 5.1 Media and public statements will be issued by the City for the purposes of:
  - a. sharing information that is of interest and benefit to the Community;
  - b. promoting City of Busselton events and services, initiatives and events;
  - c. promoting public notices and community consultation / engagement opportunities;
  - d. answering questions and responding to requests for information relevant to the functions of the City;
  - and
  - e. receiving and responding to community feedback, ideas, comments, compliments and complaints.

- 5.2. Official statements will be consistent with policies, standards and the positions adopted by the Council.
- 5.3. The City uses a combination of different communication modes to relay public statements including:
  - a. City websites;
  - b. advertising and promotional materials;
  - c. media releases and media statements promoting specific City positions prepared for or provided by the Mayor, the CEO (or delegated Officer);
  - d. Social Media platforms; and
  - e. community newsletters and communiques.

#### **Speaking on behalf of the City of Busselton**

- 5.4. Section 2.8 (1) (d) of the Act provides that the Mayor is the official spokesperson for the City of Busselton and may represent the City in official communications, including; speeches, commentary, print, electronic mediums and Social Media.
- 5.5. Section 5.34 of the Act provides that the Deputy Mayor may perform the functions of the Mayor if:
  - a. the office of Mayor is vacant; or
  - b. the Mayor is not available, or is unable or unwilling to perform the functions of Mayor.
- 5.6. Section 2.10 of the Act sets out the role of a Council member and the role does not include speaking on behalf of the local government.
- 5.7. The Mayor may include commentary from other Council members in media and public statements where:
  - a. a Council member has specific expertise or knowledge of a specific area of Council business;
  - b. a comment from a Council member other than or as well as the Mayor would generally be expected by the community;
  - c. a comment from a Council member other than or as well as the Mayor maximises the positive perception of the City of Busselton Council.
- 5.8. The CEO or a CEO approved officer may speak to the media or otherwise publicly in relation to City business in performance of the CEO's functions under S.5.41 of the Act, including that of managing the day-to-day operations of the City. The CEO only requires the approval of the Mayor when making statements of the kind which would ordinarily fall within the role of the Mayor as official spokesperson of the City.

#### **Statements on City Matters**

- 5.9. Statements made by Council Members and City employees whether undertaken in an authorised official capacity or as a personal communication, must not:
  - a. bring the City of Busselton into disrepute or damage the City's reputation;
  - b. compromise the person's effectiveness in their role with the City of Busselton;
  - c. imply the City's endorsement of personal views;
  - d. imply the Council Member or employee is speaking on behalf of the City, unless authorised to do so;
  - e. disclose, without authorisation, confidential information;
  - f. reflect adversely on a decision of the Council; or
  - g. reflect adversely on the character or actions of another Council Member or Employee;
  - h. breach the City's Code of Conduct.
- 5.10. A Council Member who is approached by the media for a statement may request the assistance of the City via a request to the CEO or relevant Director/Manager.

#### **Media Enquiries**

- 5.11. The Council will openly discuss matters of interest with the media unless disclosure of information contravenes the City's duty of care, contractual obligations, a legal issue or could infringe laws or regulations that govern its operations, or the privacy of any individual.

- 5.12. Media enquiries will be dealt with promptly, honestly and within the media representative's deadline wherever possible.
- 5.13. All media enquiries must be directed to the City's Stakeholder Relations team in the first instance where information will be coordinated to support the release of an official response on behalf of the City. The media may, however, approach the Mayor directly for comment in his/her capacity as official spokesperson for the City.

#### **Social Media**

- 5.14. The City uses Social Media and maintains Social Media accounts to facilitate information sharing and to provide feedback to the community. Social Media will not be used by the City to communicate or respond to matters that are complex or that relate to a person's or entity's private affairs.
- 5.15. The City may post and contribute to Social Media hosted by others to ensure that the City's strategic objectives are appropriately represented and promoted.
- 5.16. The City will, at its discretion, moderate its Social Media accounts to address, and where necessary delete, content considered to be:
  - a. offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
  - b. soliciting or commercial in nature;
  - c. unlawful or which may incite others to break the law;
  - d. information which may compromise individual or community safety or security;
  - e. repetitive material copied and pasted or duplicated;
  - f. electioneering for Council, appointment to official Office, or any ballot;
  - g. in violation of intellectual property rights or the legal ownership of interests or another party; and
  - h. inappropriate in any other way.
- 5.17. Where a third party contributor to a City's Social Media account is identified as posting content which is deleted in accordance with the above, the City may, at its discretion, hide that contributor's comment and / or block that contributor permanently or for a specific period of time .
- 5.18. The City of Busselton will, in conjunction with other communication modes, use Social Media to communicate and advise the community regarding Emergency Management.

## **6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1. City of Busselton Code of Conduct
- 6.2. Local Government (Rules of Conduct) Regulations 2007
- 6.3. Elected Members Guide

**7. REVIEW DETAILS**

<b>Review Frequency</b>		<b>3 yearly</b>		
<b>Council Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	
<b>Previous Adoption</b>	<b>DATE</b>	12 February 2020	<b>Resolution #</b>	C2002/037



## Council Policy

**Council Policy Name:** Media and Public Statements

**Responsible Directorate:** Finance and Corporate Services

**Version:** **AdoptedDraft**

### 1. PURPOSE

- 1.1. The purpose of this Policy is to establish protocols for the release of public statements issued by the City of Busselton (including to the media and on Social Media) to ensure the City is professionally and accurately represented and to maximise a positive public perception of the City.
- 1.2. This Policy also provides clarity on the roles and responsibilities of the Mayor, the Deputy Mayor, Councillors and the Chief Executive Officer when speaking publicly/issuing public statements.

### 2. SCOPE

- 2.1. This Policy is applicable to public statements initiated by Council Members and the CEO (or delegated Officers) which pertain to the business of the City of Busselton; made orally, in writing, or electronically, in either their City role or in a personal capacity.

### 3. DEFINITIONS

Term	Meaning
Act	<i>Local Government Act 1995</i>
Social Media	web-based technology which facilitates the communication and sharing of text, photos, audio, video and information in general
Policy	this City of Busselton Council policy titled "Media and Public Statements"

### 4. STRATEGIC CONTEXT

4.1. This Policy links to [the following theme and strategic priorities of the City's Strategic Community Plan 2021:](#)

Strategic Theme	Strategic Priority
KEY THEME 4 LEADERSHIP	4.1: Provide opportunities for the community to engage with Council and contribute to decision making.
KEY THEME 4 LEADERSHIP	4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.
KEY THEME 4 LEADERSHIP	4.4: Govern a professional organisation that is healthy, capable and engaged.

### 5. POLICY STATEMENT

5.1 Media and public statements will be issued by the City for the purposes of:

- ~~a.~~ sharing information required by law to be publicly available;
- ~~b.~~ sharing information that is of interest and benefit to the Community;
- ~~c.~~ promoting City of Busselton events and services, [initiatives and events](#);
- ~~d.~~ promoting public notices and community consultation / engagement opportunities;



e.d. answering questions and responding to requests for information relevant to the ~~role-functions~~ of the City; and  
f.e. receiving and responding to community feedback, ideas, comments, compliments and complaints.

- 5.2. Official statements will be consistent with policies, standards and the positions adopted by the Council.
- 5.3. The City uses a combination of different communication modes to relay public statements including:
- a. City websites;
  - b. advertising and promotional materials;
  - c. media releases and media statements promoting specific City positions prepared for or provided by the Mayor, the CEO (or delegated Officer);
  - d. Social Media platforms; and
  - e. community newsletters and communiques.

#### Speaking on behalf of the City of Busselton

- 5.4. Section 2.8 (1) (d) of the Act provides that the Mayor is the official spokesperson for the City of Busselton and may represent the City in official communications, including; speeches, commentary, print, electronic mediums and Social Media.
- 5.5. Section 5.34 of the Act provides that the Deputy Mayor may perform the functions of the Mayor if:
- a. the office of Mayor is vacant; or
  - b. the Mayor is not available, or is unable or unwilling to perform the functions of Mayor.
- 5.6. Section 2.10 of the Act sets out the role of a Council member and the role does not include speaking on behalf of the local government.
- 5.7. The Mayor may include commentary from other Council members in media and public statements where:
- a. a Council member has specific expertise or knowledge of a specific area of Council business;
  - b. a comment from a Council member other than or as well as the Mayor would generally be expected by the community;
  - c. a comment from a Council member other than or as well as the Mayor maximises the positive perception of the City of Busselton Council.
- 5.8. The CEO or a CEO approved officer may speak to the media or otherwise ~~in public as to the City's affairs~~ publicly in relation to City business in performance of the CEO's functions under S.5.41 of the Act, including that of managing the day-to-day operations of the City. The CEO only requires the approval of the Mayor when making statements of the kind which would ordinarily fall within the role of the Mayor as official spokesperson of the City.

#### Statements on City Matters

- 5.9. Statements made by Council Members and City employees whether undertaken in an authorised official capacity or as a personal communication, must not:
- a. bring the City of Busselton into disrepute or damage the City's reputation;
  - b. compromise the person's effectiveness in their role with the City of Busselton;
  - c. imply the City's endorsement of personal views;
  - d. imply the Council Member or employee is speaking on behalf of the City, unless authorised to do so;
- ~~or~~
- e. disclose, without authorisation, confidential information;
  - f. reflect adversely on a decision of the Council; or
  - g. reflect adversely on the character or actions of another Council Member or Employee;
  - e.h. breach the City's Code of Conduct.

### Council Member Statements on City Matters

~~5.10. Council members may speak in public to the extent that doing so does not conflict with roles or obligations outlined in the City's Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007.~~

~~5.11. Any public statement made by a Council Member, whether made in a personal capacity or in their capacity as a Councillor, should:~~

- ~~a. clearly state that the comment or content is a personal view only which does not necessarily represent the views of the City of Busselton;~~
- ~~b. be made with reasonable care and diligence;~~
- ~~c. be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;~~
- ~~d. be factually correct;~~
- ~~e. avoid damage to the reputation of the local government;~~
- ~~f. not reflect adversely on a decision of the Council;~~
- ~~g. not reflect adversely on the character or actions of another Council Member or Employee; and~~
- ~~h. maintain a respectful tone and not use offensive or objectionable expressions in reference to any Council Member, Employee or community member.~~

~~5.12.5.10.~~ A Council Member who is approached by the media for a statement may request the assistance of the City via a request to the CEO or relevant Director/Manager.

### Media Enquiries

~~5.13.5.11.~~ The Council will openly discuss matters of interest with the media unless disclosure of information contravenes the City's duty of care, contractual obligations, a legal issue or could infringe laws or regulations that govern its operations, or the privacy of any individual.

~~5.14.5.12.~~ Media enquiries will be dealt with promptly, honestly and within the media representative's deadline wherever possible.

~~5.15.5.13.~~ All media enquiries must be directed to the City's Public-Stakeholder Relations team in the first instance where ~~by~~ information will be coordinated to support the release of an official response on behalf of the City. The media may, however, approach the Mayor directly for comment in his/her capacity as official spokesperson for the City.

### Social Media

~~5.16.5.14.~~ The City uses Social Media and maintains Social Media accounts to facilitate information sharing and to provide feedback to ~~our~~ the community. Social Media will not be used by the City to communicate or respond to matters that are complex or that relate to a person's or entity's private affairs.

~~5.17.5.15.~~ The City may post and contribute to Social Media hosted by others to ensure that the City's strategic objectives are appropriately represented and promoted.

~~5.18.5.16.~~ The City will, at its discretion, moderate its Social Media accounts to address, and where necessary delete, content ~~deemed-considered~~ to be:

- a. offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- b. soliciting or commercial in nature;
- c. unlawful or which may incite others to break the law;
- d. information which may compromise individual or community safety or security;
- e. repetitive material copied and pasted or duplicated;
- f. electioneering for Council, appointment to official Office, or any ballot;
- g. in violation of intellectual property rights or the legal ownership of interests or another party; and
- h. inappropriate in any other way.

~~5.19-5.17.~~ Where a third party contributor to a City's Social Media account is identified as posting content which is deleted in accordance with the above, the City may, at its discretion, hide that contributor's comment and / or block that contributor permanently or for a specific period of time ~~or permanently~~.

~~5.20-5.18.~~ The City of Busselton will, in conjunction with other communication modes, use Social Media to communicate and advise the community regarding Emergency Management.

## 6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton Code of Conduct
- 6.2. Local Government (Rules of Conduct) Regulations 2007
- 6.3. Elected Members Guide

**7. REVIEW DETAILS**

Review Frequency		3 yearly		
Council Adoption	DATE	<del>12 February 2020</del>	Resolution #	<del>C2002/037</del>
Previous Adoption	DATE	<del>N/A 12 February 2020</del>	Resolution #	<del>N/AC2002/037</del>



## Council Policy

**Council Policy Name:** Elected Member Training and Professional Development  
**Responsible Directorate:** Corporate Strategy & Performance **Version:** ADOPTED

### 1. PURPOSE

- 1.1. The purpose of this Policy is to provide a framework within which elected members will be provided ongoing training and professional development opportunities that assist them to undertake their role through the development of relevant skills and competencies.
- 1.2. This Policy fulfils the City’s requirements under section 5.128 of the *Local Government Act 1995*.

### 2. SCOPE

- 2.1. This Policy is applicable to all elected members for their term of office.
- 2.2. It is usual for the Mayor, the Deputy Mayor and the CEO, or their delegates, to attend WALGA’s Annual General Meeting (normally held in Local Government week). Where attendance is solely for the purposes of attending the Annual General Meeting the associated costs will not be covered under this Policy.

### 3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy titled “Elected Member Training and Professional Development”

### 4. STRATEGIC CONTEXT

- 4.1. This Policy links to the following themes and strategic priorities of the City’s Strategic Community Plan June 2021.

Strategic Theme	Strategic Priority
Key Theme 1 LEADERSHIP	4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

- 4.2.

### 5. POLICY STATEMENT

- 5.1. Elected members are encouraged to attend relevant training and development opportunities with the aim of:
  - a. assisting elected members to understand their role and obligations;
  - b. assisting elected members to meet the demands of their role by developing the necessary skills and knowledge;
  - c. assisting elected members to achieve excellence in performance; and

- d. ensuring elected members work professionally in a team environment for the betterment of the community.
- 5.2. Each elected member will be allocated an allowance of \$3,000 per annum to be used for attendance at training and professional development programs and courses.
- 5.3. Any unspent portion of the allowance in each financial year will be held in reserve, and may be budgeted for use in the following financial year. No more than the total value of 2 years of the allowance can be accrued.
- 5.4. Allowances under this Policy may be used for:
  - a. attendance at training conducted by the Western Australian Local Government Association (WALGA) or other appropriate Registered Training Organisations;
  - b. attendance at WALGA Annual General Convention and AGM, subject to paragraph 2.2; and
  - c. other training and development opportunities where:
    - i. the course or development opportunity is relevant to the functions of an elected member; or
    - ii. the course or development opportunity is relevant to an elected member's role or their role as an elected representative on a Council Committee or external body; and
    - iii. there is scope for the elected member to acquire skills relevant and beneficial to their role.
- 5.5. Elected members are required under the *Local Government Act 1995* (or any replacement legislation) to complete mandatory training. Allowances provided under this Policy will be used in the first instance for completion of mandatory training.

#### **Approvals and Restrictions on Training**

- 5.6. Elected members who wish to attend training and professional development programs or courses may make an application by providing the following details to the CEO in writing:
  - a. course or event title, provider or organiser name, location and date;
  - b. copy of, or link to program, course outline or other summary of content;
  - c. an outline of the anticipated benefits of attendance, with reference to the eligibility criteria in this Policy; and
  - d. total estimated costs including accommodation, travel and sundry expenses.
- 5.7. Applications must be submitted by elected members in a reasonable time to allow for registration.
- 5.8. Applications from elected members to attend training or professional development opportunities will be considered and approved by the CEO (in consultation with the Mayor) if:
  - a. the application complies with the requirements of this Policy;
  - b. the training or professional development is to be held within Australia; and
  - c. the elected member has sufficient funds available in their training and professional development allowance (including for registration fees, travel, accommodation and other expenses, subject to Council Policy: Fees Allowances and Expenses for Elected Members).
- 5.9. Where an application to attend training and professional development has either not been approved by the CEO or cannot be approved the CEO under paragraph 5.8 that application may only be approved by a resolution of Council.
- 5.10. No more than two elected members may attend the same intrastate training and development opportunity at the same time unless the training is mandatory or universal to the functions of an elected member, or it is training being held within the City of Busselton or adjoining districts.

- 5.11. No more than two elected members may attend the same interstate training and development opportunity at the same time.
- 5.12. Attendance at any overseas training and development opportunity requires a resolution of Council.
- 5.13. Nothing in this Policy prevents the Council from approving applications where the costs exceed the available allowance.
- 5.14. Approval will not be granted for training and professional development that is scheduled to occur in the last three months of an elected member’s term of office, during the period after an elected member has provided the CEO with notice of resignation or during a period of suspension under Part 8 of the *Local Government Act 1995*.

**Reporting Requirements**

- 5.15. On return from attending an interstate training and development opportunity elected members shall within 21 days provide either a written report to the CEO or a verbal presentation to a Councillor briefing session; the purpose being to facilitate knowledge sharing. The report or presentation should detail knowledge and skills gained, benefits of attendance for the City, Council and community, and relevant recommendations.
- 5.16. 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. The Mayor may approve an extension in circumstances deemed appropriate.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1. Council Policy - Fees Allowances and Expenses for Elected Members

**7. REVIEW DETAILS**

Review Frequency		After each Ordinary Election		
<b>Council Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	
<b>Previous Adoption</b>	<b>DATE</b>	25 January 2022	<b>Resolution #</b>	C2201/009



## Council Policy

**Council Policy Name:** Elected Member Training and Professional Development  
**Responsible Directorate:** ~~Finance and Corporate Services~~ Corporate Strategy & Performance **Version:** ADOPTED

### 1. PURPOSE

- 1.1. The purpose of this Policy is to provide a framework within which elected members will be provided ongoing training and professional development opportunities that assist them to undertake their role through the development of relevant skills and competencies.
- 1.2. This Policy fulfils the City’s requirements under ~~Section section~~ 5.128 of the *Local Government Act 1995*.

### 2. SCOPE

- 2.1. This Policy is applicable to all elected members for their term of office.
- 2.2. It is usual for the Mayor, the Deputy Mayor and the CEO, or their delegates, to attend WALGA’s Annual General Meeting (normally held in Local Government week). Where attendance is solely for the purposes of attending the Annual General Meeting the associated costs will not be covered under this Policy.

### 3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy titled “Elected Member Training and Professional Development”

### 4. STRATEGIC CONTEXT

~~4.1.~~ This Policy links to the following themes and strategic priorities Strategic Theme 4. LEADERSHIP of the City’s Strategic Community Plan June 2021, ~~and~~

Strategic Theme	Strategic Priority
<u>Key Theme 1 LEADERSHIP</u>	<u>4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.</u>

- ~~4.1.~~—specifically the following Strategic Priority:
- ~~4.2. 4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.~~

### 5. POLICY STATEMENT

- 5.1. Elected members are encouraged to attend relevant training and development opportunities with the aim of:
  - a. assisting elected members to understand their role and obligations;
  - b. assisting elected members to meet the demands of their role by developing the necessary skills and knowledge;



- c. assisting elected members to achieve excellence in performance; and
  - d. ensuring elected members work professionally in a team environment for the betterment of the community.
- 5.2. Each elected member will be allocated an allowance of \$3,000 per annum to be used for attendance at training and professional development programs and courses.
- 5.3. Any unspent portion of the allowance in each financial year will be held in reserve, and may be budgeted for use in the following financial year. No more than the total value of 2 years of the allowance can be accrued.
- 5.4. Allowances under this Policy may be used for:
- a. attendance at training conducted by the Western Australian Local Government Association (WALGA) or other appropriate Registered Training Organisations;
  - b. attendance at WALGA Annual General Convention and AGM, subject to paragraph 2.2; and
  - c. other training and development opportunities where:
    - i. the course or development opportunity is relevant to the functions of an elected member; or
    - ii. the course or development opportunity is relevant to an elected member's role or their role as an elected representative on a Council Committee or external body; and
    - iii. there is scope for the elected member to acquire skills relevant and beneficial to their role.
- 5.5. Elected members are required under the *Local Government Act 1995* (or any replacement legislation) to complete mandatory training. Allowances provided under this Policy will be used in the first instance for completion of mandatory training.

#### Approvals and Restrictions on Training

- ~~5.6. No more than two elected members may attend the same intrastate training and development opportunity at the same time unless the training is mandatory or universal to the functions of an elected member, or it is training being held within the City of Busselton or adjoining districts.~~
- ~~5.7. No more than two elected members may attend the same interstate training and development opportunity at the same time.~~
- ~~5.8. Attendance at an interstate training and development opportunity is not permitted within three months of the date of expiry of an elected member's current term of office.~~
- ~~5.9. Attendance at any overseas training and development opportunity requires a resolution of Council.~~
6. 5.6. Elected members who wish to attend training and professional development programs or courses may make an application by providing the following details to the CEO in writing:
- a. course or event title, provider or organiser name, location and date;
  - b. copy of, or link to program, course outline or other summary of content;
  - c. an outline of the anticipated benefits of attendance, with reference to the eligibility criteria in this Policy; and
  - d. total estimated costs including accommodation, travel and sundry expenses.
- 5.7. Applications must be submitted by elected members in a reasonable time to allow for registration.
- 5.8. Applications from elected members to attend training and professional development opportunities will be considered and approved by the CEO by the (in consultation with the Mayor) and Deputy Mayor in consultation with the CEO if:

- a. the application complies with the requirements of this Policy;
- b. the training or professional development is to be held within Australia; and
- c. the elected member has sufficient funds available in their training and professional development allowance (including for registration fees, travel, accommodation and other expenses, subject to Council Policy: Fees Allowances and Expenses for Elected Members, with regard to be given to applicability of the training and development as it relates to the City of Busselton and to the individual elected member's functions (e.g. committee membership).

5.9. Where an application to attend training and professional development has either not been approved by the CEO or cannot be approved the CEO under paragraph 5.8 that application may only be approved by a resolution of Council.

5.10. No more than two elected members may attend the same intrastate training and development opportunity at the same time unless the training is mandatory or universal to the functions of an elected member, or it is training being held within the City of Busselton or adjoining districts.

5.11. No more than two elected members may attend the same interstate training and development opportunity at the same time.

~~6.1. The application may only be approved where the costs including registration fees, travel, accommodation and an estimation of other expenses, (subject to Council Policy Fees Allowances and Expenses for Elected Members), can be accommodated within the Allowance.~~

5.12. Attendance at any overseas training and development opportunity requires a resolution of Council.

5.13. Nothing in this Policy prevents the Council from approving applications where the costs exceed the available allowance.

~~6.2.5.14.~~ Approval will not be granted for training and professional development that is scheduled to occur in the last three months of an elected member's term of office, during the period after an elected member has provided the CEO with notice of resignation or during a period of suspension under Part 8 of the *Local Government Act 1995*.

### **Reporting Requirements**

~~6.3.5.15.~~ On return from attending an interstate training and development opportunity elected members shall within 21 days provide either a written report to the ~~City CEO~~ or a verbal presentation to a Councillor briefing session; the purpose being to facilitate knowledge sharing. The report ~~or/~~ presentation should detail knowledge and skills gained, benefits of attendance for the City, Council and community, and relevant recommendations.

~~6.4.5.16.~~ 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. The Mayor may approve an extension in circumstances deemed appropriate.

## **7.6. RELATED DOCUMENTATION / LEGISLATION**

7.1.6.1. Council Policy - Fees Allowances and Expenses for Elected Members

## **8.7. REVIEW DETAILS**

Review Frequency		After each Ordinary Election		
<b>Council Adoption</b>	<b>DATE</b>	<del>25 January 2022</del>	<b>Resolution #</b>	<del>C2201/009</del>
<b>Previous Adoption</b>	<b>DATE</b>	<del>25 January 2022</del> <del>12 August 2020</del>	<b>Resolution #</b>	<del>C2201/009</del> <del>C2008/079</del>



## Council Policy

**Council Policy Name:** Waste Management Facility and Plant Reserve  
**Responsible Directorate:** Corporate Strategy and Performance **Version:** Draft

### 1. PURPOSE

- 1.1. The purpose of this Policy is to outline Council’s policy position with respect to the long term funding of waste management activities for the district to ensure that current and future generations share the costs of waste management.

### 2. SCOPE

- 2.1. This Policy is applicable to the funding of all facets of waste management which includes the development and rehabilitation of waste disposal sites both within the district and regionally, acquisition of waste plant and equipment, contaminated sites and any other waste management activities.

### 3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy titled “Waste Management Facility and Plant Reserve”

### 4. STRATEGIC CONTEXT

- 4.1. This Policy links to the following themes and strategic priorities of the City’s Strategic Community Plan 2021:

Strategic Theme	Strategic Priority
Key Theme 1 ENVIRONMENT	1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.
Key Theme 1 ENVIRONMENT	1.5: Implement best practice waste management strategies with a focus on waste avoidance, reduction, reuse and recycling.
Key Theme 2 LIFESTYLE	2.12: Provide well maintained community assets through robust asset management practices

### 5. POLICY STATEMENT

- 5.1. Council recognises the significance of waste management to the district and the importance of effective long term financial planning.
- 5.2. Revenues derived from waste management fees and charges will be retained in the Waste Management Facility and Plant Reserve (WMFPR) for the purpose of funding all facets of waste management including development and rehabilitation of waste disposal sites both within the district and regionally, acquisition of waste plant and equipment, and any waste management activities that may include (but is not limited to) contaminated sites within the district.
- 5.3. At the end of each financial year the consolidated position of the City’s waste management activities will be calculated and:

- a. where total revenue exceeds total expenditure any surplus is to be transferred to the WMFPR; or
- b. where total expenditure exceeds total revenue any deficit is to be transferred from the WMFPR.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1. *Local Government Act 1995*, section 6.11. “Reserve accounts”
- 6.2. *Waste Avoidance and Resource Recovery Act 2007*

**7. REVIEW DETAILS**

Review Frequency		3 yearly		
<b>Council Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	
<b>Previous Adoption</b>	<b>DATE</b>	12 September 2018	<b>Resolution #</b>	C1809/179



## Council Policy

**Council Policy Name:** Waste Management Facility and Plant Reserve

**Responsible Directorate:** ~~Finance and Corporate Services~~ Corporate Strategy and Performance **Version:** ~~Adopted~~ Draft

### 1. PURPOSE

1.1. The purpose of this Policy is to outline ~~Council's~~ policy position with respect to the long term funding of waste management activities for the district to ensure that ~~both~~ current and future generations share the costs of waste management ~~across the City~~.

### 2. SCOPE

2.1. This Policy is applicable to the funding of all facets of waste management which includes the development and rehabilitation of waste disposal sites both within the district and regionally, acquisition of waste plant and equipment, contaminated sites and any other waste management activities.

### 3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy titled "Waste Management Facility and Plant Reserve"

### 4. STRATEGIC CONTEXT

4.1. This Policy links to the following themes and strategic priorities of the City's Strategic Community Plan 2021:

Strategic Theme	Strategic Priority
<u>Key Theme 1 ENVIRONMENT</u>	<u>1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.</u>
<u>Key Theme 1 ENVIRONMENT</u>	<u>1.5: Implement best practice waste management strategies with a focus on waste avoidance, reduction, reuse and recycling.</u>
<u>Key Theme 2 LIFESTYLE</u>	<u>2.12: Provide well maintained community assets through robust asset management practices</u>

4.1. ~~This Policy links to Strategic Theme 1. ENVIRONMENT – An environment that is valued, conserved and able to be enjoyed by current and future generations, of the City's Strategic Community Plan June 2021 and specifically the following Strategic Priorities:~~

- ~~a. 1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning; and~~
- ~~b. 1.5: Implement best practice waste management strategies with a focus on waste avoidance, reduction, reuse and recycling.~~

4.2. ~~This Policy links to Strategic Theme 2. – LIFESTYLE – A place that is relaxed, safe and friendly with services and facilities that support healthy lifestyles and wellbeing, of the City's Strategic Community Plan June 2021 and specifically the following Strategic Priority:~~

~~2.12: Provide well maintained community assets through robust asset management practices.~~

**5. POLICY STATEMENT**

- 5.1. Council recognises the significance of waste management to the district and the importance of **ensuring** effective long term financial planning.
- 5.2. ~~It is the position of the Council that r~~Revenues derived from waste management fees and charges **will** be retained in the Waste Management Facility and Plant Reserve (WMFPR) for the purpose of **funding** all facets of waste management including development and rehabilitation of waste disposal sites both within the district and regionally, acquisition of waste plant and equipment, and any waste management activities that may include (but **is** not ~~be~~-limited to) contaminated sites within the district.
- 5.3. At the end of each financial year the consolidated position of the City’s waste management activities will be calculated and:
  - a. where total revenues **exceeds** total expenditure any surplus is to be transferred to the WMFPR;  
or
  - b. where total expenditure exceeds total revenues any deficit is to be transferred from the WMFPR.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1. *Local Government Act 1995*, section 6.11. “Reserve accounts”
- 6.2. *Waste Avoidance and Resource Recovery Act 2007*

**7. REVIEW DETAILS**

Review Frequency		3 yearly		
<b>Council Adoption</b>	<b>DATE</b>	<del>12 September 2018</del>	<b>Resolution #</b>	<del>C1809/179</del>
<b>Previous Adoption</b>	<b>DATE</b>	<del>12 September 2018</del> <del>25 March 2015</del>	<b>Resolution #</b>	<del>C1809/179</del> <del>C1503/069</del>



## Council Policy

**Council Policy Name:** Early Clearance of Subdivisions  
**Responsible Directorate:** Infrastructure and Environment  
**Version:** Adopted

### 1. PURPOSE

- 1.1. The purpose of this Policy is to provide guidelines for developers for the provision of the early clearance of a subdivision.

### 2. SCOPE

- 2.1. This Policy applies to new subdivision developments where the developer seeks Early Clearance of a subdivision.

### 3. DEFINITIONS

Term	Meaning
Early Clearance	the sign off by the City of subdivision conditions <i>prior</i> to completion of all subdivisional works
Outstanding Works Bond	a bond held in trust by the City that is applied to the value of the subdivision works that have not been completed by the developer, at the time of the application for an Early Clearance of subdivision
Policy	this City of Busselton Council policy titled "Early Clearance of Subdivisions"

### 4. STRATEGIC CONTEXT

- 4.1. This Policy links to the following themes and strategic priorities of the City's Strategic Community Plan 2021:

Strategic Theme	Strategic Priority
Key Theme 1 ENVIRONMENT	1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.
Key Theme 2 LIFESTYLE	2.8: Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.

### 5. POLICY STATEMENT

- 5.1. In general, the City will not consider the Early Clearance of a subdivision.
- 5.2. The City may, at its discretion, approve an application from a developer for Early Clearance of a subdivision where a minimum of 65 percent of the value of subdivisional works have been completed and, as a minimum, all of the following works have been completed:
- all stormwater drainage works,
  - all trafficable roads completed to primer seal standard, and
  - all underground road crossings for irrigation and utility services are installed.
- 5.3. An application for Early Clearance of a subdivision from a developer shall include the 'Information Required' as detailed in the City's Engineering Technical Standards and Specifications Section 1, subsection 4.2.



- 5.4. The City requires the following conditions to be met prior to approving an Early Clearance of subdivision:
  - a. a legal agreement is to be entered into with the landowners, developers and all persons with legal interest in the land;
  - b. receipt of payment of an Outstanding Works Bond (see below for calculation);
  - c. receipt of payment of the following fees and charges as set out in the City's adopted schedule of fees and charges:
    - i. an outstanding works supervision fee;
    - ii. Early Clearance fee;
  - d. receipt of payment of other bonds, fees and charges that are otherwise payable for the clearance of subdivisions, such as defect liability bonds and supervision fees; and
  - e. other conditions as may be determined by the City.
- 5.5. The Outstanding Works Bond is to be calculated as the value of all outstanding works and conditions, plus 100 percent contingency to the value of the outstanding works.
- 5.6. The Chief Executive Officer may, at their discretion, alter the contingency percentage of the Outstanding Works Bond.
- 5.7. The defects liability period for the subdivision will commence after practical completion of *all* outstanding works (see Council Policy 'Defects Liability Bonds for Subdivisions').

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1. City of Busselton 'Engineering Technical Standards and Specifications'.
- 6.2. City of Busselton Council Policy – 'Defects Liability Bonds for Subdivisions'.
- 6.3. City of Busselton Schedule of Fees and Charges

**7. REVIEW DETAILS**

Review Frequency		3 yearly		
<b>Council Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	
<b>Previous Adoption</b>	<b>DATE</b>	27 February 2019	<b>Resolution #</b>	C1902/031



## Council Policy

**Council Policy Name:** Reinstatement Works in Road Reserves  
**Responsible Directorate:** Engineering and Works Services **Version:** Adopted

**1. PURPOSE**

1.1. The purpose of this Policy is to ensure that where works are carried out in a City of Busselton (City) Road Reserve, any impact or damage caused to City infrastructure is reinstated to the satisfaction and specifications of the City.

**2. SCOPE**

2.1. This Policy is applicable to construction activities undertaken by public utilities or private developers (and their agents) within a City Road Reserve.

**3. DEFINITIONS**

Term	Meaning
Policy	this City of Busselton Council policy titled “Reinstatement Works in Road Reserves”
Reinstatement Works	works undertaken which are necessary to repair, reinstate or replace assets to their original, or as close to, their original state
Road Reserve	an area of land set aside for potential road construction, on which building is not allowed

**4. STRATEGIC CONTEXT**

4.1. This Policy links to the following themes and strategic priorities of the City’s Strategic Community Plan 2021:

Strategic Theme	Strategic Priority
Key Theme 1 ENVIRONMENT	1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.

**5. POLICY STATEMENT**

- 5.1. All Reinstatement Works within a Road Reserve are to be completed to the minimum requirements as set out in the City’s Engineering Technical Standards and Specifications, the IPWEA Specifications for “Restoration and Reinstatements for Local Governments” and the Utility Providers Code of Practice for Western Australia.
- 5.2. Prior to commencement of Reinstatement Works within a Road Reserve, a traffic management plan is to be submitted to the City for review and endorsement.
- 5.3. All costs of Reinstatement Works are to be borne by the public utility, private developer or their agent.

- 5.4. Reinstatement works are to be carried out as soon as is practicable. Temporary Reinstatement Works must be maintained to ensure serviceability and safety of infrastructure.
- 5.5. Wherever practical, underground boring construction methods are to be used to avoid damage to City infrastructure and the removal of vegetation.
- 5.6. Where underground boring is not possible and no alternative route for the service is available, the City will consider the removal of vegetation.
- 5.7. No removal of vegetation may be undertaken without the City's explicit approval and no removal of native species may occur without appropriate environmental or regulatory approvals.
- 5.8. Damaged or removed vegetation will generally be replaced with equivalent species and at the cost of the public utility, private developer or their agent.
- 5.9. A pre-work inspection of proposed service alignments is to be carried out by the contractor and the City to identify infrastructure damaged prior to commencement of works.
- 5.10. Maintenance bonds will apply for Reinstatement Works by a private developer, based on rates in the City's Schedule of Fees and Charges. Maintenance bonds will not apply for Reinstatement Works by a public utility.
- 5.11. After a 12 month post-work maintenance period, the City will inspect the Reinstatement Works. Where the works are to the satisfaction of the City, the City will process the return of applicable maintenance bonds.

## 6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton Engineering Technical Standards and Specifications.
- 6.2. IPWEA (WA) "Restoration and Reinstatements Specification for Local Governments".
- 6.3. Utility Providers Services Committee "Utility Providers Code of Practice for Western Australia".

## 7. REVIEW DETAILS

Review Frequency		3 yearly		
<b>Council Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	
<b>Previous Adoption</b>	<b>DATE</b>	13 February 2019	<b>Resolution #</b>	C1902/019



## Council Policy

**Council Policy Name:** Crossovers  
**Responsible Directorate:** Engineering and Works Services  
**Version:** Draft

### 1. PURPOSE

1.1. The purpose of this Policy is to ensure that the construction of Crossovers within the City of Busselton (the City) align to legislative requirements and meet the City's Engineering Technical Standards and Specifications. The Policy also provides guidance on the requirements for eligibility to receive a Crossover Contribution from the City.

### 2. SCOPE

2.1. This Policy is applicable to construction of all approved Crossovers.

### 3. DEFINITIONS

Term	Meaning
Crossover	has the same meaning as "crossing" within regulations 12, 13, 14 and 15 of the ULP and the <i>City of Busselton Activities in Thoroughfares and Public Places and Trading Local Law 2015</i> ; and is the portion of a driveway that extends from the property boundary to the edge of the public road
Crossover Contribution	the City of Busselton's contribution towards the construction of a Standard Crossover
Policy	this City of Busselton Council policy titled "Crossovers"
Standard Crossover	means a "standard crossing" as defined within the regulation 15 of the ULP, and that meets the requirements set out in this Policy and within the City's Engineering Technical Standards and Specifications as they relate to Vehicle Crossovers
ULP	<i>the Local Government (Uniform Local Provisions) Regulations 1996</i>

### 4. STRATEGIC CONTEXT

4.1. This Policy links to the following themes and strategic priorities of the City's Strategic Community Plan 2021:

Strategic Theme	Strategic Priority
Key Theme 2 LIFESTYLE	2.12: Provide well maintained community assets through robust asset management practices.

### 5. POLICY STATEMENT

5.1. This Policy provides guidelines for the construction of Crossovers such as they are constructed to appropriate standards and specifications, and outlines what the City of Busselton's Crossover Contribution will be.

**Standard Crossover**

- 5.2. Full requirements for meeting the Standard Crossover are detailed in the City’s Engineering Technical Standards and Specifications as they relate to Vehicle Crossovers. In general applicants should seek advice from the City to ensure proposed works comply with the requirements for a Standard Crossover.
- 5.3. A Standard Crossover does not include the value of the culverts or any required alteration to services/infrastructure or vegetation removal.
- 5.4. Applicants in rural and special rural areas are required to seek advice from the City regarding the need for and the size of pipes for drainage purposes.

**Crossover Contribution**

- 5.5. A Crossover Contribution will only be paid to the current owner of the property.
- 5.6. The City of Busselton will contribute half the estimated cost of construction of a Standard Crossover as is required by Regulation 15 of the ULP, at the rate set by Council.
- 5.7. The Crossover Contribution amount will be determined by the material type and length of the Crossover, based on the dimensions of a Standard Crossover, and will not include the cost of drainage, alteration to services/infrastructure or the removal of vegetation.
- 5.8. Crossovers which do not meet the minimum requirements for a Standard Crossover are not eligible for a Crossover Contribution.
- 5.9. Crossovers which exceed the dimension requirements of a Standard Crossover will receive a Crossover Contribution based on the dimensions of a Standard Crossover.
- 5.10. The Crossover Contribution applies to the first Crossover to a lot for industrial, commercial and all residential properties. In the case of strata titles, a Crossover Contribution will apply for each individual title which has a Standard Crossover.
- 5.11. Crossover Contributions should be applied for in the financial year when construction is completed to receive the full Crossover Contribution. Crossovers in excess of one year old will have a reduced Crossover Contribution based on a straight line depreciation for age and type, as per the following:

<b>Crossover Type</b>	<b>Maximum Crossover Life</b>
2 Coat Seal	10 years
Asphalt	15 years
Brick pavers/blocks	20 years
Concrete	25 years
Crossovers in excess of this life are not eligible for a Crossover Contribution	

**Construction**

- 5.12. All costs for the construction of a Crossover and related works will be borne by the owner or agent of the owner.
- 5.13. Consideration must be given to relevant vehicle turning movements for ingress/egress to/from the property.
- 5.14. Where construction works will impact on public roads, a traffic management plan must be submitted by the contractor to the City for review and approval prior to commencement of construction of the Crossover.

**Maintenance**

- 5.15. The City of Busselton is not responsible for and will not contribute towards the cost of maintenance or replacement of Crossovers.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1. *Local Government Act 1995*, Schedule 9.1 (7)
- 6.2. *Local Government (Uniform Local Provisions) Regulations 1996*, Regulations 12 to 15.
- 6.3. City of Busselton Engineering Technical Standards and Specifications

**7. REVIEW DETAILS**

Review Frequency		3 yearly		
<b>Council Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	
<b>Previous Adoption</b>	<b>DATE</b>	13 February 2019	<b>Resolution #</b>	C1902/019



# Council Policy

**Council Policy Name:** Defects Liability Bonds for Subdivisions  
**Responsible Directorate:** Engineering and Works Services **Version:** Adopted

## 1. PURPOSE

1.1. The purpose of this Policy is outline Council’s requirement that a bond be taken with respect to a developer’s liability for the repair of all defects of subdivision works.

## 2. SCOPE

2.1. This Policy is applicable to works for new subdivision developments relating to roads, drainage, paths, and associated earthworks; and all other associated incidental works.

2.2. The Policy does not apply to landscaping where a landscape maintenance agreement is in place between the City and a developer.

## 3. DEFINITIONS

Term	Meaning
Defects Liability Bond	a bond that is applied to the value of roads, drainage, paths and associated earthworks, and all other associated incidental works
Defects Liability Period	the period of time after Practical Completion of the works wherein the contractor or developer remains responsible for the maintenance and repair of defects of subdivision works
Policy	this City of Busselton Council policy titled “Defects Liability Bonds for Subdivisions”
Practical Completion	an inspection of the completed works by the City to confirm that all relevant construction has been completed as per approved drawings, and that it meets the minimum construction requirements set out in the City’s Engineering Technical Specifications and Standards, and related conditions of subdivision approval

## 4. STRATEGIC CONTEXT

4.1. This Policy links to the following themes and strategic priorities of the City’s Strategic Community Plan 2021:

Strategic Theme	Strategic Priority
Key Theme 1 ENVIRONMENT	1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.
Key Theme 2 LIFESTYLE	2.8: Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.

## 5. POLICY STATEMENT

5.1. A Defects Liability Bond will apply to subdivision works and will be held for a minimum Defects Liability Period of 12 months.

5.2. The CEO, or an officer authorised by the CEO, may extend the Defects Liability Period for an additional

12 months.

- 5.3. The Defects Liability Bond will be calculated on the basis of 5% of the value of the subdivision works.
- 5.4. The Defects Liability Bond may be in the form of cash to be held in trust by the City, or an unconditional bank guarantee from a financial institution approved by the City.
- 5.5. Refund of the Defects Liability Bond is subject to repair, maintenance correction, adjustment, re-alignment or clean-up of works determined to be the responsibility of the developer or their contractor.
- 5.6. Where identified defects have not been remedied by the developer or their contractor within a reasonable timeframe, the City may draw on the Defects Liability Bond to complete required works, and if the end of the Defects Liability Period has not been reached, the developer will be required to top up the bond to the original value.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1. City of Busselton Engineering Technical Specifications and Standards.
- 6.2. Institute of Public Works Engineers Australia (WA) 'Local Government Guidelines for Subdivisional Development', October 2017.

**7. REVIEW DETAILS**

Review Frequency		3 yearly		
<b>Council Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	
<b>Previous Adoption</b>	<b>DATE</b>	27 February 2019	<b>Resolution #</b>	C1902/030





## Council Policy

**Council Policy Name:** Management and Removal of Asbestos  
**Responsible Directorate:** Engineering and Works Services **Version:** Adopted

### 1. PURPOSE

1.1. The purpose of this Policy is to articulate the City’s commitment to the long term removal of Asbestos Containing Materials (ACM) from buildings on City owned or managed land and the identification, risk assessment, monitoring and management of ACM.

### 2. SCOPE

2.1. This Policy is applicable to all buildings on City owned or managed land.

### 3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy titled “Management and Removal of Asbestos”

### 4. STRATEGIC CONTEXT

4.1. This Policy links to the following themes and strategic priorities of the City’s Strategic Community Plan 2021:

Strategic Theme	Strategic Priority
Key Theme 2 LIFESTYLE	2.12: Provide well maintained community assets through robust asset management practices.

### 5. POLICY STATEMENT

5.1. The City is committed over the long-term to ensuring that all buildings on City owned or managed land are free of ACM.

5.2. In the interim, the City is committed to ensuring that ACM in all buildings on City owned or managed land is managed and controlled to protect the health and well-being of employees, contractors, and the community.

5.3. It is recognised that ACM in sound condition, left undisturbed and when managed appropriately, presents little risk to the general community.

5.4. The City will manage the risks from ACM in the following ways:

- a. increase awareness of the presence of ACM;
- b. prevent airborne asbestos fibre exposure;
- c. prevent the spread of asbestos fibres;
- d. increase competency and experience in managing ACM;
- e. provide adequate control of works likely to disturb ACM.

- 5.5. If the opportunity arises, the removal of ACM (regardless of risk level) should be undertaken in conjunction with major works or alterations.
- 5.6. The removal of ACM should be included in any funding submissions for works on buildings owned or managed by the City. This includes works to be undertaken by the City as well as lessees, licensees, and user groups.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1. *Work Health and Safety Act 2020*
- 6.2. *Work Health and Safety (General) Regulations 2022*
- 6.3. Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:208 (2005)]

**7. REVIEW DETAILS**

Review Frequency		3 yearly		
<b>Council Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	
<b>Previous Adoption</b>	<b>DATE</b>	27 November 2019	<b>Resolution #</b>	C1911/236



## Council Policy

**Council Policy Name:** Early Clearance of Subdivisions  
**Responsible Directorate:** Infrastructure and Environment  
Engineering and Works Services **Version:** AdoptedDraft

### 1. PURPOSE

1.1. The purpose of this Policy is to provide guidelines for developers for the provision of the early clearance of a subdivision.

### 2. SCOPE

2.1. This Policy applies to new subdivision developments where the developer seeks Early Clearance of a subdivision ~~prior to the practical completion of subdivisional works.~~

### 3. DEFINITIONS

Term	Meaning
Early Clearance	the sign off by the City of subdivision conditions <i>prior</i> to completion of all subdivisional works
Outstanding Works Bond	a bond held in trust by the City that is applied to the value of the subdivision works that have not been completed by the developer, at the time of the application for an Early Clearance of subdivision
Policy	this City of Busselton Council policy titled “Early Clearance of Subdivisions”

### 4. STRATEGIC CONTEXT

4.1. This Policy links to the following themes and strategic priorities of the City’s Strategic Community Plan 2021:

<u>Strategic Theme</u>	<u>Strategic Priority</u>
<u>Key Theme 1 ENVIRONMENT</u>	<u>1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.</u>
<u>Key Theme 2 LIFESTYLE</u>	<u>2.8: Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.</u>

4.1. ~~This Policy links to Strategic Theme 1. ENVIRONMENT – An environment that is valued, conserved and able to be enjoyed by current and future generations, of the City’s Strategic Community Plan June 2021 and specifically the following Strategic Priority:~~

a. ~~1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.~~

4.2. ~~This Policy links to Strategic Theme 2. LIFESTYLE – A place that is relaxed, safe and friendly with services and facilities that support healthy lifestyles and wellbeing, of the City’s Strategic Community Plan June 2021 and specifically the following Strategic Priority:~~

a. ~~2.8: Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.~~

## 5. POLICY STATEMENT

- 5.1. In general, the City will not consider the Early Clearance of a subdivision.
- 5.2. The City may, at its discretion, approve an application from a developer for Early Clearance of a subdivision where a minimum of 65 percent of the value of subdivisional works have been completed; and, as a minimum, all of the following works have been completed:
- a. all stormwater drainage works,
  - b. all trafficable roads completed to primer seal standard, and
  - c. all underground road crossings for irrigation and utility services are installed.
- 5.3. An application for Early Clearance of a subdivision from a developer shall include the 'Information Required' as detailed in the City's Engineering Technical Standards and Specifications Section 1, subsection 4.2.

~~5.4. An Early Subdivision Clearance application fee is payable with the application, as set out in the City's adopted schedule of fees and charges.~~

~~5.5.5.4.~~ The City requires the following conditions to be met prior to approving an Early Clearance of subdivision:

- a. a legal agreement is to be entered into with the landowners, developers and all persons with legal interest in the land;
- b. receipt of payment of an Outstanding Works Bond (see below for calculation);
- c. receipt of payment ~~for of~~ the following fees and charges as set out in the City's adopted schedule of fees and charges:
  - i. an outstanding works supervision fee;
  - ii. Early Clearance fee;
- d. receipt of payment of other bonds, fees and charges that are otherwise payable for the clearance of subdivisions, such as defect liability bonds and supervision fees; and
- e. other conditions as may be determined by the City.

~~5.6.5.5.~~ The Outstanding Works Bond is to be calculated as the value of all outstanding works and conditions, plus 100 percent contingency to the value of the outstanding works.

~~5.7.5.6.~~ The Chief Executive Officer may, at their discretion, alter the contingency percentage of the Outstanding Works Bond.

~~5.8.5.7.~~ The defects liability period for the subdivision will commence after practical completion of *all* outstanding works (see Council Policy 'Defects Liability Bonds for Subdivisions').

## 6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton 'Engineering Technical Standards and Specifications'.
- 6.2. City of Busselton Council Policy – 'Defects Liability Bonds for Subdivisions'.
- 6.3. City of Busselton Schedule of Fees and Charges

## 7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	27 February 2019	Resolution #	C1902/031
Previous Adoption	DATE	27 February 2019 10 March 2017	Resolution #	C1902/031C1705/102



# Council Policy

Council Policy Name: Reinstatement Works in Road Reserves

Responsible Directorate: Engineering and Works Services

Version: **Draft**

**1. PURPOSE**

1.1. The purpose of this Policy is to ensure that where works are carried out in a City of Busselton (City) Road Reserve, any impact or damage caused to ~~City of Busselton~~ infrastructure is reinstated to the satisfaction and specifications of the City.

**2. SCOPE**

2.1. This Policy is applicable to construction activities undertaken by public utilities or private developers (and their agents) within a ~~City of Busselton~~ Road Reserve.

**3. DEFINITIONS**

Term	Meaning
Policy	this City of Busselton Council policy titled “Reinstatement Works in Road Reserves”
Reinstatement Works	works undertaken which are necessary to repair, reinstate or replace assets to their original, or as close to, their original state
Road Reserve	an area of land set aside for potential road construction, on which building is not allowed

**4. STRATEGIC CONTEXT**

4.1. This Policy links to the following themes and strategic priorities of the City’s Strategic Community Plan 2021:

Strategic Theme	Strategic Priority
<u>Key Theme 1 ENVIRONMENT</u>	<u>1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.</u>

~~4.1. This Policy links to Strategic Theme 1. ENVIRONMENT – An environment that is valued, conserved and able to be enjoyed by current and future generations, of the City’s Strategic Community Plan June 2021 and specifically the following Strategic Priority:~~

~~a. 1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.~~

**5. POLICY STATEMENT**

5.1. All Reinstatement Works within a Road Reserve are to be completed to the minimum requirements as set out in the ~~City of Busselton’s~~ Engineering Technical Standards and Specifications, the IPWEA Specifications for “Restoration and Reinstatements for Local Governments” and the Utility Providers Code of Practice for Western Australia.

- 5.2. Prior to commencement of Reinstatement Works within a Road Reserve, a traffic management plan is to be submitted to the City for review and endorsement.
- 5.3. All costs of Reinstatement Works are to be borne by the public utility, private developer or their agent.
- 5.4. Reinstatement works are to be carried out as soon as is practicable. Temporary Reinstatement Works must be maintained to ensure serviceability and safety of infrastructure.
- 5.5. Wherever practical, underground boring construction methods are to be used to avoid damage to City infrastructure and the removal of vegetation.
- 5.6. Where underground boring is not possible and no alternative route for the service is available, the City will consider the removal of vegetation.
- 5.7. No removal of vegetation may be undertaken without the City's explicit approval and no removal of native species may occur without appropriate environmental or regulatory approvals.
- 5.8. Damaged or removed vegetation will generally be replaced with equivalent species and at the cost of the public utility, private developer or their agent.
- 5.9. A pre-work inspection of proposed service alignments is to be carried out by the contractor and the City to identify infrastructure damaged prior to commencement of works.
- 5.10. Maintenance bonds will apply for Reinstatement Works by a private developer, based on rates in the City's Schedule of Fees and Charges. Maintenance bonds will not apply for Reinstatement Works by a public utility.
- 5.11. After a 12 month post-work maintenance period, the City will inspect the Reinstatement Works. Where the works are to the satisfaction of the City, the City will process the return of applicable maintenance bonds.

## 6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton Engineering Technical Standards and Specifications.
- 6.2. IPWEA (WA) "Restoration and Reinstatements Specification for Local Governments".
- 6.3. Utility Providers Services Committee "Utility Providers Code of Practice for Western Australia".

## 7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	13 February 2019	Resolution #	C1902/019
Previous Adoption	DATE	13 February 2019 13 April 2016	Resolution #	C1902/019 C1604/081



## Council Policy

**Council Policy Name:** Crossovers

**Responsible Directorate:** Engineering and Works Services

**Version:** **Adopted**~~Draft~~

### 1. PURPOSE

1.1. The purpose of this Policy is to ensure that the construction of Crossovers within the City of Busselton ([the City](#)) align to [legislative requirements the Local Government \(Uniform Local Provisions\) Regulations 1996](#) and meets the City's Engineering Technical Standards and Specifications. [The Policy also](#) ~~it~~ provides guidance on the requirements for eligibility to receive a Crossover Contribution from the City.

### 2. SCOPE

2.1. This Policy is applicable to construction of all approved Crossovers.

### 3. DEFINITIONS

Term	Meaning
Crossovers	<del>has the same meaning as "crossing" within regulations 12, 13, 14 and 15 of the ULP and the City of Busselton Activities in Thoroughfares and Public Places and Trading Local Law 2015; and is the section-portion of a driveway that extends from the property boundary to the edge of the public road between the road and the property boundary</del>
Crossover Contribution	the City of Busselton's contribution towards the construction of a <del>"Standard Crossover"</del> <del>over, as per Regulation 15 of the ULP Local Government (Uniform Local Provisions) Regulations 1996 and this Policy</del>
Policy	this City of Busselton Council policy titled "Crossovers"
Standard Crossover	<del>means a "standard Crossover" over</del> as defined within the <a href="#">regulation 15 of the ULP Local Government (Uniform Local Provisions) Regulations 1996</a> , and that meets the requirements set out in this Policy and <del>contained</del> within the City's Engineering Technical Standards and Specifications <a href="#">as they relate to Vehicle Crossovers</a>
ULP	<a href="#">the Local Government (Uniform Local Provisions) Regulations 1996</a>

### 4. STRATEGIC CONTEXT

4.1. This Policy links to the following themes and strategic priorities of the City's Strategic Community Plan 2021:

Strategic Theme	Strategic Priority
<a href="#">Key Theme 2 LIFESTYLE</a>	<a href="#">2.12: Provide well maintained community assets through robust asset management practices.</a>

4.1. This Policy links to Strategic Theme 2. – LIFESTYLE – A place that is relaxed, safe and friendly with services and facilities that support healthy lifestyles and wellbeing, of the City's Strategic Community Plan June 2021 and specifically the following Strategic Priority:

- a. ~~2.12: Provide well maintained community assets through robust asset management practices.~~

## 5. POLICY STATEMENT

5.1. This Policy provides guidelines for the construction of Crossovers such as they are constructed to appropriate standards and specifications, and outlines what the City of Busselton's Crossover Contribution will be.

### Standard Crossover

~~5.2. Full requirements for meeting the Standard Crossover are detailed in the City's Engineering Technical Standards and Specifications as they relate to Vehicle Crossovers. In general applicants should seek advice from the City to ensure proposed works comply with the requirements for a Standard Crossover.~~

~~5.2. The width of a Standard Crossover at the property line is to be a minimum of 2.75 metres and splay to 4.5 metres wide at the road edge, with 1.0 metre radii or 1.0 metre truncation at the road edge. The total minimum width of opening at the road edge is 6.5 metres. The length is variable, with extra width being allowed on approval from the Chief Executive Officer, but with no additional Crossover Contribution being applicable.~~

5.3. A Standard Crossover does not include the value of the culverts or any required alteration to services/infrastructure or vegetation removal.

5.4. Applicants in rural and special rural areas are required to seek advice from the City regarding the need for and the size of pipes for drainage purposes.

~~5.5. Full requirements for meeting the Standard Crossover are detailed in the City's Engineering Technical Standards and Specifications. In general applicants should seek advice from the City to ensure proposed works comply with the requirements for a Standard Crossover.~~

### Crossover Contribution

5.6. A Crossover Contribution will only be paid to the current owner of the property.

5.7. The City of Busselton will contribute half the estimated cost of construction of a Standard Crossover as is required by Regulation 15 of the ULP Local Government (Uniform Local Provisions) Regulations 1996, at the rate set by Council.

~~5.8. The Crossover Contribution amount will be determined by the material type and length of the Crossover, based on the dimensions of a Standard Crossover, and:~~

~~5.9.5.8. The Crossover Contribution value will not include the cost of drainage, alteration to services/infrastructure or the removal of vegetation.~~

~~5.10.5.9. Crossovers which do not meet the minimum requirements for a Standard Crossover are not eligible for a Crossover Contribution.~~

~~5.11.5.10. Crossovers which exceed the dimension requirements of a Standard Crossover will receive a Crossover Contribution based on the dimensions of a Standard Crossover.~~

~~5.12.5.11. The Crossover Contribution applies to the first Crossover to a lot for industrial, commercial and all residential properties. In the case of strata titles, a Crossover Contribution will apply for each individual title which has a Standard Crossover.~~

~~5.13.5.12. Crossover Contributions should be applied for in the financial year when construction is completed to receive the full Crossover Contribution. Crossovers in excess of one year old will have a reduced Crossover Contribution based on a straight line depreciation for age and type, as per the following:~~

Crossover Type	Maximum Crossover Life
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2 Coat Seal	10 years
Asphalt	15 years
Brick pavers/blocks	20 years
Concrete	25 years
Crossovers in excess of this life are not eligible for a Crossover Contribution	

**Construction**

5-14-5.13. All costs for the construction of a Crossover and related works will be borne by the owner or agent of the owner.

5-15-5.14. Consideration must be given to relevant vehicle turning movements for ingress/egress to/from the property.

5-16-5.15. Where construction works will impact on public roads, a traffic management plan must be submitted by the contractor to the City for review and approval prior to commencement of construction of the Crossover.

**Maintenance**

5-17-5.16. The City of Busselton is not responsible for and will not contribute towards the cost of maintenance or replacement of Crossovers.

**6. RELATED DOCUMENTATION / LEGISLATION**

- 6.1. *Local Government Act 1995*, Schedule 9.1 (7)
- 6.2. *Local Government (Uniform Local Provisions) Regulations 1996*, Regulations 12 ~~to~~ 156.
- 6.3. City of Busselton Engineering Technical Standards and Specifications

**7. REVIEW DETAILS**

Review Frequency		3 yearly		
Council Adoption	DATE	<a href="#">13 February 2019</a>	Resolution #	<a href="#">C1902/019</a>
Previous Adoption	DATE	<a href="#">13 February 2019</a> <a href="#">13 April 2016</a>	Resolution #	<a href="#">C1902/019</a> <a href="#">C1604/079</a>



# Council Policy

**Council Policy Name:** Defects Liability Bonds for Subdivisions  
**Responsible Directorate:** Engineering and Works Services **Version:** ~~Adopted~~Draft

## 1. PURPOSE

1.1. The purpose of this Policy is ~~to set out~~outline Council’s requirement that a bond be taken with respect to ~~the~~the developer’s liability for the repair of all defects of subdivision works.

## 2. SCOPE

2.1. This Policy is applicable to works for new subdivision developments relating to roads, drainage, paths, and associated earthworks; and all other associated incidental works.

2.2. The Policy does not apply to landscaping, where a landscape maintenance agreement is in place between the City and ~~the~~the developer.

## 3. DEFINITIONS

Term	Meaning
Defects Liability Bond	a bond <del>held in trust by the City</del> that is applied to the value of roads, drainage, paths and associated earthworks, and all other associated incidental works
Defects Liability Period	the period of time after Practical Completion of the works wherein the contractor or developer remains responsible for the maintenance and repair of defects of subdivision works
Policy	this City of Busselton Council policy titled “Defects Liability Bonds for Subdivisions”
Practical Completion	an inspection of the completed works by the City to confirm that all <del>the</del> <u>the</u> relevant construction has been completed as per <del>the</del> <u>the</u> approved drawings, <del>and that it</del> <u>and</u> meets the minimum construction requirements <del>as set out in the City’s Engineering Technical Specifications and Standards,</del> <u>as set out in the City’s Engineering Technical Specifications and Standards,</u> and <del>meets</del> <u>meets</u> related conditions of subdivision approval

## 4. STRATEGIC CONTEXT

4.1. This Policy links to the following themes and strategic priorities of the City’s Strategic Community Plan 2021:

Strategic Theme	Strategic Priority
<u>Key Theme 1 ENVIRONMENT</u>	<u>1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.</u>
<u>Key Theme 2 LIFESTYLE</u>	<u>2.8: Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.</u>

4.1. ~~This Policy links to Strategic Theme 1: ENVIRONMENT – An environment that is valued, conserved and able to be enjoyed by current and future generations, of the City’s Strategic Community Plan June 2021 and specifically the following Strategic Priority:~~

~~a. 1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.~~

- 4.2. This Policy links to Strategic Theme 2- LIFESTYLE—A place that is relaxed, safe and friendly with services and facilities that support healthy lifestyles and wellbeing, of the City’s Strategic Community Plan June 2021 and specifically the following Strategic Priority:
- 4.3. 2.8: Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.

## 5. POLICY STATEMENT

5.1. A Defects Liability Bond ~~will is to be~~ applied to subdivision works and will be held for a minimum Defects Liability Period of 12 months.

5.2. The CEO, ~~or their delegate~~ an officer authorised by the CEO, may extend the Defects Liability Period for an additional 12 months ~~at the City’s discretion~~.

### 5.2.5.3.

5.3. The Defects Liability Bond will be calculated ~~on the basis of using 5% of the value of the subdivision works~~. ~~the rates as set out in the following table:~~

5.4. —

Value of Works	Rate
\$0 to \$100,000	5.0%
\$100,001 to \$200,000	4.0%
\$200,001 to \$400,000	3.5%
\$400,001 to \$600,000	3.0%
\$600,001 and over	2.5%

5.5.5.4. The Defects Liability Bond may be in the form of cash to be held in trust by the City, or an unconditional bank guarantee from a financial institution approved by the City.

5.6.5.5. Refund of the Defects Liability Bond is subject to repair, maintenance correction, adjustment, realignment or clean-up of works ~~de~~ term ~~in~~ ed to be the responsibility of the developer or their contractor ~~or the developer~~.

5.7.5.6. Where identified defects have not been remedied ~~completed~~ by the contractor ~~or developer~~ or their contractor within a reasonable timeframe, the City may draw on the Defects Liability Bond to complete required works, and ~~if~~ the end of the Defects Liability Period has not been reached, the contractor ~~or developer~~ will be required to top up the bond to the original value.

## 6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton Engineering Technical Specifications and Standards.
- 6.2. Institute of Public Works Engineers Australia (WA) ‘Local Government Guidelines for Subdivisional Development’, October 2017.
- 6.3. ~~City of Busselton Schedule of Fees and Charges.~~

## 7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	<u>27 February 2019</u>	Resolution #	<u>C1902/030</u>
Previous Adoption	DATE	<u>27 February 2019</u> <u>13 April 2016</u>	Resolution #	<u>C1902/030</u> <u>C1604/077</u>





## Council Policy

**Council Policy Name:** Management and Removal of Asbestos  
**Responsible Directorate:** Engineering and Works Services **Version:** Adopted

### 1. PURPOSE

1.1. The purpose of this Policy is to articulate the City’s commitment to the long term removal of Asbestos Containing Materials (ACM) from buildings on City owned or managed land; and ~~in the interim to~~ the identification, risk assessment, monitoring and management of ACM.

### 2. SCOPE

2.1. This Policy is applicable to ~~the management and removal of ACM by City employees and contractors in~~ all buildings on City-owned or managed land.

### 3. DEFINITIONS

Term	Meaning
ACM	<del>Asbestos Containing Materials; any material, object, product or debris containing asbestos</del>
Policy	this City of Busselton Council policy titled “Management and Removal of Asbestos”

### 4. STRATEGIC CONTEXT

4.1. ~~This Policy links to the following themes and strategic priorities of the City’s Strategic Community Plan 2021:~~

Strategic Theme	Strategic Priority
<u>Key Theme 2 LIFESTYLE</u>	<u>2.12: Provide well maintained community assets through robust asset management practices.</u>

4.1. ~~This Policy links to Strategic Theme 2. LIFESTYLE – A place that is relaxed, safe and friendly with services and facilities that support healthy lifestyles and wellbeing, of the City’s Strategic Community Plan June 2021 and specifically the following Strategic Priority:~~

~~2.2 Work with key partners to facilitate a safe, healthy and capable community.~~

### 5. POLICY STATEMENT

5.1. The City is committed over the long-term to ensuring that all buildings on City owned or managed land are free of ACM.

5.2. In the interim, the City is committed to ensuring that ACM in all buildings on City owned or managed land is managed and controlled to protect the health and well-being of employees, contractors, and the community.

5.3. It is recognised that ACM in sound condition, left undisturbed and when managed appropriately, presents little risk to the general community.

5.4. The City will manage the risks from ACM in ~~accordance with~~ the following ~~objectives~~ways:

- a. increase awareness of the presence of ACM;
  - b. ~~prevention of~~ airborne asbestos fibre exposure;
  - c. ~~prevention of~~ the spread of asbestos fibres;
  - d. increase competency and experience in managing ACM;
  - e. provide adequate control of works likely to disturb ACM.
- 5.5. If the opportunity arises, the removal of ACM (regardless of risk level) should be undertaken in conjunction with major works or alterations.
- 5.6. The removal of ACM should be included in any funding submissions for works on buildings owned or managed by the City. This includes works to be undertaken by the City as well as lessees, licensees, and user groups.

## 6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. ~~Work Health and Safety Act 2020~~  
~~Occupational Safety and Health Act 1984~~
- 6.2. ~~Work Health and Safety (General) Regulations 2022~~  
~~Occupational Safety and Health Regulations 1996~~
- 6.1.6.3. Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:208 (2005)]

## 7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	<del>27 November 2019</del>	Resolution #	<del>C1911/236</del>
Previous Adoption	DATE	<del>27 November 2019</del> <del>13 April 2016</del>	Resolution #	<del>C1911/236</del> <del>C1604/077</del>