



Policy and Legislation Committee

Agenda

Wednesday 15 May 2024



Our Vision

Where environment, lifestyle and opportunity meet

Community Aspirations



KEY THEME 1

Environment

An environment that is valued, conserved and enjoyed by current and future generations.



KEY THEME 2

Lifestyle

A place that is relaxed, safe and friendly, with services and facilities that support positive lifestyles and wellbeing.



KEY THEME 3

Opportunity

A vibrant City with diverse opportunities and a prosperous economy.



KEY THEME 4

Leadership

A Council that connects with the community and is accountable in its decision making.

NOTICE OF MEETING

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Policy and Legislation Committee will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Wednesday 15 May 2024, commencing at 10:00am.

Your attendance is respectfully requested.

DISCLAIMER

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.



TONY NOTTLE

CHIEF EXECUTIVE OFFICER

10 May 2024

BEHAVIOUR PROTOCOLS

The City of Busselton values are:

- Listening
- Considered Decision Making
- Appreciation
- Respect
- Teamwork

In accordance with these values, the following outlines the behaviour expectations while attending a Council meeting, Committee meeting, Community Access Session, or Public Agenda Presentation:

- Listen respectfully through the meeting or presentation
- Respect the Council process and comply with directions from the Presiding Member
- Use respectful language when addressing Council, staff, and other members of the public
- Behave in a manner that is respectful and non-confrontational
- Do not use offensive language or derogatory language towards others

The City values the diverse input of the community and seeks to ensure that all members of the community can attend a meeting and have their say.

Elected Members, Committee members and Candidates are bound by the City's Code of Conduct and agree to uphold the values of the City of Busselton and principles of good behaviour, maintaining and contributing to a harmonious, safe, and productive environment.

Anyone who does not behave in accordance with the above values and behaviours may be asked by the Presiding Member to leave the gallery.

CITY OF BUSSELTON

Agenda for the Policy and Legislation Committee to be held on Wednesday 15 May 2024

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1 OFFICIAL OPENING

The City of Busselton welcomes Elected Members, staff, guests and members of the public to the Policy and Legislation Committee meeting of 15 May 2024.

The City of Busselton acknowledges the Wadandi and Bibbulmun people as the traditional custodians of this region and pay respects to Elders past and present.

Please note this meeting will be audio recorded for minute taking purposes.

2 ATTENDANCE

PRESIDING MEMBER	MEMBERS
Cr Kate Cox	Mayor Phill Cronin
	Cr Jodie Richards
	Cr Mikayla Love
	Cr Jarrod Kennedy

OFFICERS
Chief Executive Officer
Director Corporate Strategy and Performance
Director Economic and Business Development
Director Infrastructure and Environment
Director Community Planning
Governance and Risk Coordinator
Governance Officer

APOLOGIES
Nil at time of publishing

3 DISCLOSURES OF INTEREST

DISCLOSURES OF FINANCIAL INTEREST

A declaration under section 5.65 of the *Local Government Act 1995* requires that the nature of the interest must be disclosed. An elected member or employee who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter on which the subject of the declaration without the approval of the Council in accordance with the Act.

DISCLOSURES OF IMPARTIALITY INTEREST

Elected members and employees are required, in addition to declaring any financial interest, to declare an interest that might cause or perceive to cause a conflict. If the elected member or employee declares that their impartiality will not be affected then they may participate in the decision-making process.

4 PUBLIC QUESTION TIME

4.1 RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.2 QUESTION TIME FOR PUBLIC

Public question time procedures and guidance

Public question time allows members of the public to participate in local government by asking questions of the Council in relation to issues affecting the City. It also assists the City in identifying issues of importance to the community and assists the public to be better informed about how the City is governed.

- The City will allocate a minimum of 15 minutes and a maximum of 30 minutes per Council meeting for public question time.
- Members of the public should register their intent to ask a question at a Council meeting by completing and submitting the [Public Question Time form](#) before 4pm the day prior to the relevant meeting.
- Members of the public will be invited to ask their question in order of registration.
- Questions will be limited to three per person. Additional questions may be permitted by the Presiding Member where time permits.
- Where a person is not present to ask their submitted question it will be responded to administratively as general correspondence.
- Questions may be taken on notice, to be responded to at a later time by the CEO in accordance with clause 6.7 of the Standing Orders.
- Public question time is for the tabling of questions, not for members of the community to make statements. For context, the Presiding Member may allow a short preamble.
- Questions containing defamatory remarks or offensive language, or that question the competency or personal affairs of Elected Members or employees may be ruled inappropriate by the Presiding Member subject to the Presiding Member taking reasonable steps to assist the member of the public to rephrase the question.
- There will be no debate or discussion on the response provided.

For further information, please see the [Meetings, Information Sessions and Decision Making Processes Policy](#).

5 CONFIRMATION AND RECEIPT OF MINUTES

5.1 Policy and Legislation Committee meeting 20 March 2024

RECOMMENDATION

That the minutes of the Policy and Legislation Committee meeting 20 March 2024 be confirmed as a true and correct record (as published at 10 May 2024 on the [City of Busselton's website](#), inclusive of any confidential material published on the restricted internal Docs on Tap application)

6 REPORTS

6.1 New Council Policy: Model Litigant

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Manager Legal and Governance - Ben Whitehill
Authorised By:	Director Corporate Strategy and Performance - Sarah Pierson
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Model Litigant Policy [6.1.1 - 2 pages]

OFFICER RECOMMENDATION

That the Council adopt the Model Litigant Policy (Attachment 1).

EXECUTIVE SUMMARY

This report presents a Model Litigant Policy in response to a Council resolution at the 20 March 2024 ordinary Council meeting.

STRATEGIC CONTEXT

The adoption of a Model Litigant Policy is consistent with the strategic goal of delivering governance systems that facilitate open, ethical and transparent decision making.

BACKGROUND

At the ordinary Council meeting on 20 March 2024 the Council resolved (in part):

1. *That the CEO draft a Council "Model Litigant Policy".*
2. *The "Model Litigant Policy" be referred to the subsequent Policy & Legislation Committee meeting in May 2024.*

When a government body is a party to litigation, there is an expectation that it will behave as a model litigant. This means that it must uphold the highest ethical and professional standards by acting honestly and fairly and seeking to resolve the dispute as quickly as possible.

Government bodies are recognised as having greater power than individuals and businesses and therefore must not be seen to be abusing the power that comes with their greater experience, resources and authority.

OFFICER COMMENT

Officers have prepared a Model Litigant Policy in response to the Council resolution at the 20 March 2024 ordinary meeting.

The policy incorporates the general principles that relate to being a model litigant, which include:

- dealing with claims promptly;
- minimising delay in proceedings;
- not taking advantage of a claimant who lacks the resources to litigate a legitimate claim;
- paying legitimate claims;
- avoiding litigation; and
- keeping costs to a minimum.

Officers recommend that the Council adopt the Model Litigant Policy.

Statutory Environment

Not Applicable.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

Not applicable.

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Committee could not adopt the Model Litigant Policy or amend the proposed policy.

CONCLUSION

Officers have presented a Model Litigant Policy for adoption by the Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Adopted policy published on the City's website	Late June 2024



Council Policy

Council Policy Name: Model Litigant
Responsible Directorate: Corporate Strategy and Performance
Version: DRAFT

1. PURPOSE

1.1. The purpose of this Policy is to ensure the City acts honestly and fairly in the conduct of litigation.

2. SCOPE

2.1. This Policy applies to litigation where the City is a party to the proceedings, including litigation before courts, tribunals, panel hearings, other legal proceedings and includes alternative dispute resolution related to such litigation.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy titled “Model Litigant Policy”
City	City of Busselton

4. STRATEGIC CONTEXT

Strategic Theme	Strategic Priority
Key Theme 4: LEADERSHIP	4.2: Deliver governance systems that facilitate open, ethical and transparent decision making.

5. POLICY STATEMENT

- 5.1. The City must act as a model litigant in the conduct of litigation.
- 5.2. The obligation to act as a model litigant requires more than merely acting honestly and in accordance with the law and court rules.
- 5.3. The obligation requires that the City act honestly and fairly in handling claims and litigation by:
 - a. dealing with claims promptly and not causing unnecessary delay;
 - b. paying legitimate claims without litigation, including making partial settlements of claims or interim payments, where it is clear that liability is at least as much as the amount to be paid;
 - c. acting consistently in the handling of claims and litigation;
 - d. endeavouring to avoid litigation, wherever possible;
 - e. where it is not possible to avoid litigation, keeping the costs of litigation to a minimum, including by:
 - i. not requiring the other party to prove a matter which the City knows to be true; and
 - ii. not contesting liability if the City knows that the dispute is really about quantum;
 - f. when settling civil claims, the City should consider the use of confidentiality clauses in relation to settlements on a case by case basis;
 - g. not taking advantage of a claimant who lacks the resources to litigate a legitimate claim;
 - h. not relying on technical defences unless the interests of the City would be prejudiced by the failure to comply with a particular requirement;

- i. only undertaking and pursuing appeals where the City believes that it has reasonable prospects for success or the appeal is otherwise justified in the public interest.
- 5.4. The obligation does not require that the City be prevented from acting firmly and properly to protect its interests. It does not prevent all legitimate steps being taken in pursuing litigation, or from testing or defending claims made.
- 5.5. In particular, the obligation does not prevent the City from:
- a. enforcing costs orders or seeking to recover costs;
 - b. relying on claims of legal professional privilege or other forms of privilege and claims for public interest immunity;
 - c. pleading limitation periods;
 - d. seeking security for costs;
 - e. opposing unreasonable or oppressive claims or processes;
 - f. requiring opposing litigants to comply with procedural obligations; or
 - g. moving to strike out untenable claims or proceedings.

6. RELATED DOCUMENTATION / LEGISLATION

6.1. *Local Government Act 1995*

7. REVIEW DETAILS

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

6.2 **Council Policy Review: Private works on City land including private coastal protection works**

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Corporate Strategy and Performance
Reporting Officer:	Director Corporate Strategy and Performance - Sarah Pierson
Authorised By:	Director Community Planning - Gary Barbour
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Council Policy Private works on City Land [6.2.1 - 2 pages] 2. Council Policy Private works on City Land track changes [6.2.2 - 2 pages]

OFFICER RECOMMENDATION

That the Council adopts the Council Policy ‘Private works on City land including private coastal protection works’ as per attachment 1 to replace the current policy.

EXECUTIVE SUMMARY

This report presents for the Council’s readoption Council Policy ‘Private works on City land including private coastal protection works (the Policy), with the current policy having been reviewed as part of the City’s ongoing policy review process. No substantive changes are recommended.

STRATEGIC CONTEXT

The Policy sets out the City’s position with respect to private works on City land and forms part of the City’s overall governance system, facilitating open, ethical and transparent decision making.

BACKGROUND

The current policy was first adopted in February 2019 to replace two previous Council policies:

- Policy 134 - Works and Development on Foreshore and Landscape Protection Reserves and
- Policy 240 - Reserves Vegetation Protection.

Having regard to the Governance System Review (GSR) carried out in 2017, those existing policies were rescinded, as they either set out things which are already established in law or other Council policies, or created some impression that works for private benefit may be supported, and replaced with a new, much more targeted policy.

The Policy retains a broader scope / policy statement reflecting that private works on City land will not generally be supported except where provided for in a plan, policy or legislation (such as a vehicle crossover, or portable signage) and then identifies the only circumstance in which the City

may contemplate private works or actions on City land, which is for private coastal protection works, or in some circumstances the removal of vegetation on City land for the purposes of private works.

OFFICER COMMENT

Officers identified value in the Council adopting a policy that would guide the consideration of proposals for private works on City land for private coastal protection works; being in situations where properties directly adjoin foreshore reserves, but other adjoining or nearby properties may be 'high water mark' titles, or be surveyed titles that extend beyond the high water mark, and where physically, it does not make sense to limit coastal protection works to private property only (in simple terms, private seawalls all need to 'line up with each other').

The Policy sets out under what circumstances such works might be supported, and that approval be time limited, to a maximum of ten years, to avoid the incorrect assumption that such works can or should provide 'long-term' protection, and allow for a timely change of strategic direction, should that be necessary.

Having reviewed the Policy, no substantive changes are recommended with the Policy considered to be of continuing relevance. A minor amendment to the title is recommended to streamline it, and one grammatical edit.

Statutory Environment

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

Controls relating to the undertaking of private actions or works on City land are set out in a broad range of legislation, most particularly –

1. *Planning and Development Act 2005* and City of Busselton Local Planning Scheme No. 21;
2. *Building Act 2012*; and
3. *Local Government Act 1995, Local Government (Uniform Local Provisions) 1996* and City of Busselton Property and Thoroughfares Local Laws.

The above set out that, with some very limited exceptions, no works can occur on City land without at least one form of approval having first been granted by the City.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

The City also has a Policy Framework which sets out the purpose of a Council Policy as opposed to an Operational Practice, with a Council Policy to provide strategic direction to the Council and the CEO.

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could require further amendments to the Policy.

CONCLUSION

A review of the Policy has been undertaken, with no substantive changes proposed. The Policy is recommended for re-adoption by the Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Policy updated on the City's website	Within one week of adoption



Council Policy

Council Policy Name: Private Works on City Land, Including Private Coastal Protection Works

Responsible Directorate: Community Planning

Version: Draft

1. PURPOSE

1.1. The purpose of this Policy is to set out guidance relating to private works on City Land, where existing laws or other policies do not already provide sufficient guidance, such that City Land is appropriately managed.

2. SCOPE

2.1. This Policy is applicable to any proposal for private works on City Land, including private coastal protection works on City Land, and has applicability to any other proposals for private works on City land where existing laws or other policies do not already provide sufficient guidance.

3. DEFINITIONS

Term	Meaning
City Land	land that belongs to, or is vested in, or under the care, control or management of, the City (including land that may be seasonally or permanently inundated), or other Crown land on which the City has infrastructure
Policy	this City of Busselton Council policy titled "Private works on City Land, Including Private Coastal Protection Works"

4. STRATEGIC CONTEXT

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	1.2: Work with the community to manage and enhance natural areas and reserves and their biodiversity; and
Key Theme 1: ENVIRONMENT	1.4: Respond to the impacts of climate change on the City's coastlines through informed, long term planning and action.
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. City land shall be managed in a manner that is considered by the City to be in the best long-term interests of residents and ratepayers as a whole, and proposals to undertake works or other actions on City land for the benefit, or at the initiative, of particular private interests will generally not be supported, other than where specifically provided for in a plan or policy of the City, provided for in legislation, or where it is clearly necessary for the provision of services to private property, with no significant impact on amenity or the environment.

5.2. The City may consider approval of private coastal protection works on City land where property directly adjoins City foreshore reserve and adjoining or nearby properties extend to or beyond the high water mark, if the following applies:

- a. there are, or it is considered likely that there will be, similar structures developed on other nearby land;
- b. the protection is to consist of an engineered geotextile seawall, capable of being connected with similar structures on adjoining properties (or on City land, but associated with an adjoining property);
- c. all costs of approvals, construction and maintenance are met by the proponents;
- d. no other unauthorised works have or will be undertaken within the foreshore reserve, and if there are any existing unauthorised works, they are removed and the land rehabilitated by the proponents;
- e. no actions or works are undertaken to limit public access to the beach or foreshore;
- f. the proponents obtain and maintain the currency of insurance associated with the structure;
- g. the works shall be subject of a time limited approval, of no more than ten years duration; and
- h. a licence agreement has been entered into with the City or the State as required.

5.3. Removal of vegetation on City Land for the purposes of private works (which in law must always be approved the City) may be supported in the following circumstances:

- a. where the vegetation is identified as a cause or likely cause of damage to infrastructure and where there are no other ways of managing the damage or risk of damage; or
- b. where the works are considered necessary and there are no other reasonable alternatives to removal of the vegetation in order for the works to proceed.

5.4. The costs of any required environmental or other regulatory approvals (including the cost of any environmental offsets) will be met by the proponent.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Planning and Development Act 2005 and City of Busselton Local Planning Scheme No. 21;*
- 6.2. *Building Act 2012*
- 6.3. *Local Government Act 1995, Local Government (Uniform Local Provisions) 1996 and City of Busselton Property and Thoroughfares Local Laws*
- 6.4. Environment Strategy
- 6.5. Adopted foreshore and reserve management plans
- 6.6. Compliance Policy
- 6.7. Environment Policy

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	13 February 2019	Resolution #	C1902/020



Council Policy

Council Policy Name: Private Works on City Land, Including Private Coastal Protection Works **on City Land**
Responsible Directorate: Community Planning and Development Services **Version:** Adopted~~Draft~~

1. PURPOSE

1.1. The purpose of this Policy is to set out guidance relating to private works on City Land, where existing laws or other policies do not already provide sufficient guidance, such that City Land is appropriately managed.

2. SCOPE

2.1. This Policy is applicable to any proposal for private works on City Land, including private coastal protection works on City Land, and has applicability to any other proposals for private works on City land where existing laws or other policies do not already provide sufficient guidance.

3. DEFINITIONS

Term	Meaning
City Land	land that belongs to, or is vested in, or under the care, control or management of, the City (including land that may be seasonally or permanently inundated), or other Crown land on which the City has infrastructure
Policy	this City of Busselton Council policy titled “Private works on City Land, Including Private Coastal Protection Works on City Land ”

4. STRATEGIC CONTEXT

Strategic Theme	Strategic Priority
KEY THEME 1 <u>Key Theme 1:</u> ENVIRONMENT	1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.
KEY THEME 1 <u>Key Theme 1:</u> ENVIRONMENT	1.2: Work with the community to manage and enhance natural areas and reserves and their biodiversity; and
KEY THEME 1 <u>Key Theme 1:</u> ENVIRONMENT	1.4: Respond to the impacts of climate change on the City’s coastlines through informed, long term planning and action.
KEY THEME 2 <u>Key Theme 2:</u> 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. City land shall be managed in a manner that is considered by the City to be in the best long-term interests of residents and ratepayers as a whole, and proposals to undertake works or other actions on City land for the benefit, or at the initiative, of particular private interests will generally not be supported, other than where specifically provided for in a plan or policy of the City, or provided for in legislation, or where it is clearly necessary for the provision of services to private property, with no significant impact on amenity or the environment.

- 5.2. The City may consider approval of private coastal protection works on City land where property directly adjoins City foreshore reserve and adjoining or nearby properties extend to or beyond the high water mark, if the following applies:
- a. there are, or it is considered likely that there will be, similar structures developed on other nearby land;
 - b. the protection is to consist of an engineered geotextile seawall, capable of being connected with similar structures on adjoining properties (or on City land, but associated with an adjoining property);
 - c. all costs of approvals, construction and maintenance are met by the proponents;
 - d. no other unauthorised works have or will be undertaken within the foreshore reserve, and if there are any existing unauthorised works, they are removed and the land rehabilitated by the proponents;
 - e. no actions or works are undertaken to limit public access to the beach or foreshore;
 - f. the proponents obtain and maintain the currency of insurance associated with the structure;
 - g. the works shall be subject of a time limited approval, of no more than ten years duration; and
 - h. a licence agreement has been entered into with the City or the State as required.
- 5.3. Removal of vegetation on City Land for the purposes of private works (which in law must always be approved the City) may be supported in the following circumstances:
- a. where the vegetation is identified as a cause or likely cause of damage to infrastructure and where there are no other ways of managing the damage or risk of damage; or
 - b. where the works are considered ~~to be~~ necessary and there are no other reasonable alternatives to removal of the vegetation in order for the works to proceed.
- 5.4. The costs of any required environmental or other regulatory approvals (including the cost of any environmental offsets) will be met by the proponent.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Planning and Development Act 2005* and *City of Busselton Local Planning Scheme No. 21*;
- 6.2. *Building Act 2012*
- 6.3. *Local Government Act 1995, Local Government (Uniform Local Provisions) 1996* and *City of Busselton Property and Thoroughfares Local Laws*
- 6.4. Environment Strategy
- 6.5. Adopted foreshore and reserve management plans
- 6.6. Compliance Policy
- 6.7. Environment Policy

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	<u>13 February 2019</u>	Resolution #	<u>-C1902/020</u>
Previous Adoption	DATE	<u>N/A 13 February 2019</u>	Resolution #	<u>N/A C1902/020</u>

6.3 Council Policy Review: Waste Collection Services

Strategic Theme:	Key Theme 4: Leadership 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
Directorate:	Infrastructure and Environment
Reporting Officer:	Manager Waste and Fleet Services - Mark Wong
Authorised By:	Director Infrastructure and Environment - Oliver Darby
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	<ol style="list-style-type: none"> 1. Proposed Council Policy - Waste Collection Service [6.3.1 - 3 pages] 2. Council Policy - Waste Collection Service track changes [6.3.2 - 3 pages]

OFFICER RECOMMENDATION

That the Council adopts the Council Policy – Waste Collection Services as per attachment 1 to replace the current policy.

EXECUTIVE SUMMARY

This report presents for the Council’s consideration a revised Council Policy for Waste Collection Services (the Policy), with the current Policy amended as part of the City’s ongoing policy review process and following a decision of the Council at its April ordinary meeting (C2404/88) to refer the Policy to the Policy and Legislation Committee for further review.

STRATEGIC CONTEXT

The Policy supports the delivery of Strategic Priority 1.5 in Key Theme 1 of the City’s Strategic Community Plan: Environment which is to implement best practice waste management strategies (with a focus on waste avoidance, reduction, reuse and recycling). The collection of waste is a core service supporting this priority.

BACKGROUND

The current Policy was first adopted in 2012 (C2002/033), to replace a previous Refuse Collection Service Policy. It was last reviewed in 2019 (C1910/212) having regard to the Governance System Review outcomes which recommended that policies be strategic in nature.

As part of the City’s regular review of Council policies the current Policy was reviewed and presented to the Policy and Legislation Committee (the Committee), and subsequently recommended for readoption to the Council by the Committee, with only minor amendments (to remove reference to the “Organic Waste Mobile Garage Bin (MGB) as the City is not currently providing this service).

The Council requested that the Policy be further reviewed by officers and considered by the Committee with specific reference to the criteria and mechanism used by the Authorised Officer

(specified within the Policy) to amend the Prescribed Area, that is the area within which kerbside general waste and recycling collection services are provided.

The current Policy outlines that the Authorised Officer may amend the Prescribed Area (for example in response to requests for a service outside of the area) based on consideration of the following criteria:

- Suitability in terms of distances, roads, access and safety
- Demand for the service; and
- Cost of providing the service.

Councillor Macnish at the Council's ordinary Council meeting in April presented an alternative motion:

That the Council adopts:

.....

2. its Waste Collection Service Policy (Attachment 2) with an amendment to point 5.8 to include the calculation used by the Authorised Officer to determine the viability of providing a service.

In response officers noted that the areas within which the City provides waste collection services are assessed based on the criteria outlined in the policy and that this assessment is undertaken by the Authorised Officer (authorised within the Policy), however is not a mathematical calculation; instead requiring a considered assessment of each factor as it relates to the requested service. Accordingly, officers instead proposed that the outcomes of an assessment for a new service could instead, if the Council wished, be presented to the Council for the service endorsement.

As a result, the Council resolved (C 2404/88):

That the Waste Collection Service Policy (Attachment 2) be referred to the Policy and Legislation Committee at its next meeting of 15 May 2024.

OFFICER COMMENT

Officers have further reviewed the current Policy, with the following amendments recommended:

- Simplification of definitions;
- Simplification of policy wording throughout for readability;
- Clarification at point 5.1 and 5.2 as to the scope of service provision within the Prescribed Area; specifically noting that the service will apply to residential premises whether occupied or vacant (and as per point 5.8 will be charged) and that the City does not provide services to premises on unsealed roads. This is consistent with current practices;
- Limitation of the Authorised Officers discretion to determine the provision of new services; limited to services in areas adjacent to the Prescribed Area. Amendments which are not adjacent will be assessed by the Authorised Officer and presented to the Council by the CEO. The criteria for assessment remain as per the current Policy.

Officers consider that the Policy provides sufficient strategic guidance in relation to waste collection services, and while the Policy removes some discretion from the Authorised Officer, officers are

comfortable that this is reasonable and will not impose an unreasonable administrative burden, noting that the Authorised Officer retains the discretion to amend the Prescribed Area where services are to be added adjacently.

Statutory Environment

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

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:
Not applicable.

Policy:
[Waste Collection Services](#)

The City also has a Policy Framework which sets out the purpose of a Council Policy as opposed to an Operational Practice, with a Council Policy to provide strategic direction to the Council and the CEO.

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could require further amendments to the Policy.

CONCLUSION

A review of the Policy has been undertaken in response to the Council's decision to refer the Policy for further review to the Committee. Officers feel the Policy as reviewed is of continuing relevance and recommends it for adoption.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Policy updated on the City's website	Within one week of adoption



Council Policy

Council Policy Name: Waste Collection Services

Responsible Directorate: Infrastructure and Environment

Version: Draft

1. PURPOSE

- 1.1. The purpose of this Policy is to outline parameters for the provision of effective, safe and consistent kerbside waste and recycling collection services within the City of Busselton.

2. SCOPE

- 2.1. This Policy is applicable to the provision of all kerbside waste and recycling collection services in the City of Busselton district, including the provision of any agreed commercial waste collection services.

3. DEFINITIONS

Term	Meaning
Authorised Officer	Manager, Waste and Fleet Services or delegate
General Waste Mobile Garbage Bin	an Australian Standards 4123 compliant, polyethylene, dark green or black coloured body, of a maximum 240 litre capacity and capable of containing 70 to a maximum of 90 kilograms of general waste, fitted with wheels, a handle and a red or dark green lid
Policy	this City of Busselton Council policy titled "Waste Collection Services"
Prescribed Area	various areas within the district, that are listed in the local government's geographic information system as a layer, and amended accordingly from time to time
Recycling Waste Mobile Garbage Bin	an Australian Standards 4123 compliant, polyethylene, nature green, dark green or black coloured body, of a maximum 240 litre capacity and capable of containing 70 to a maximum of 90 kilograms of recycling waste, fitted with wheels, a handle and a yellow lid
Waste Receptacle	a Mobile Garbage Bin or container which has otherwise been approved by the City for the deposit and collection of collectable waste

4. STRATEGIC CONTEXT

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

5. POLICY STATEMENT

- 5.1. Subject to point 5.2, all residential premises (whether occupied or vacant) within the Prescribed Area are entitled to receive a kerbside general waste, and a recycling collection service.
- 5.2. The City does not provide kerbside general waste or recycling collection services to premises on an unsealed roads.

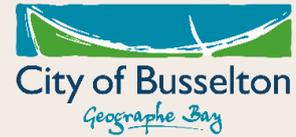
- 5.3. The owner or occupier of a residential premise within the Prescribed Area must buy and keep in good condition a General Waste Mobile Garage Bin, for the use of the premises.
- 5.4. All residential premises within the Prescribed Area will be provided by the City with a Recycling Waste Mobile Garage Bin, which will remain the property of the City. Additional Waste Receptacles can be supplied at the cost of the owner or occupier.
- 5.5. Premises utilised for commercial purposes within the Prescribed Area may request kerbside, waste and recycling collection services by submitting a Commercial Waste Collection Application Form to the Authorised Officer. Upon approval, the premises will receive a sticker, to be placed on the front of the Waste Receptacle, indicating collection approval and the collection day. The Waste Receptacle is to be bought and maintained by the owner or occupier of the premise.
- 5.6. The Prescribed Area may be amended by the CEO or the Authorised Officer to service any new area adjacent to the Prescribed Area.
- 5.7. Amendments to the Prescribed Area that are not adjacent to the Prescribed Area may be approved by the Council on recommendation from the CEO, with the following criteria to be considered:
 - a. suitability in terms of distances, roads, access and safety;
 - b. demand for the service; and
 - c. cost of providing the service.
- 5.8. Where the Prescribed Area is amended to include a new area, a service fee will apply to all residential premises (whether occupied or vacant) within that area. The service fee applies irrespective of whether the owner or occupier of the premise uses the service.
- 5.9. Waste collection services will generally only be carried out along the verge of public roads. The Authorised Officer may, at their discretion approve waste collection services along private roads:
 - a. where safety to persons is not compromised;
 - b. where there is minimal prospect of damage to vehicles and property;
 - c. where there is no suitable space on the public verge to place the Waste Receptacles for collection; and
 - d. where it represents a major inconvenience for the owners or occupiers of a premise to wheel their Waste Receptacles to the public verge.
- 5.10. Where waste collection services are offered along private roads, an appropriate agreement must be entered into between the City and the owner or occupier of the premise, prior to commencement.
- 5.11. Waste Receptacles must be placed on the verge for collection by 0600hrs on collection day, at least 0.5m apart, in a position which is clear of obstacles and enables safe collection.
- 5.12. In accordance with Clause 2.6 (1) and (2) of the *City of Busselton Waste Local Law 2016* the Authorised Officer may direct the owner or occupier of a premise, in writing, to place their Waste Receptacle for collection in a specific location.
- 5.13. The City is unable to assist the owner or occupier of a premises to wheel their Waste Receptacles to or from the place of collection.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *City of Busselton Waste Local Law 2016*
- 6.2. *Local Government Act 1995*;
- 6.3. *Waste Avoidance and Resource Recovery Act 2007*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	30/10/2019	Resolution #	C1910/212



Council Policy

Council Policy Name: Waste Collection Services
Responsible Directorate: ~~Engineering and Works~~ **Version:** Draft
Services/Infrastructure and Environment

1. PURPOSE

1.1. The purpose of this Policy is to outline ~~the~~ parameters for the provision of effective, safe and consistent kerbside waste and recycling collection services within the City of Busselton.

2. SCOPE

2.1. This Policy is applicable to the provision of all kerbside ~~Waste Receptacle~~ **waste and recycling** collection services in the City of Busselton district, including ~~recycling and to~~ the provision of any agreed commercial waste collection services.

3. DEFINITIONS

Term	Meaning
Authorised Officer	Manager, Waste and Fleet Services or representative business unit officer delegate
General Waste Mobile Garage Garbage Bin	an Australian Standards 4123 compliant, polyethylene, dark green or black coloured body, of a maximum 240 litre capacity and capable of containing 70 to a maximum of 90 kilograms of general waste, fitted with wheels, a handle and a red or dark green lid
MGB	Mobile Garbage Bin
Policy	this City of Busselton Council policy titled “Waste Collection Services”
Prescribed Area	various areas within the district, that are listed in the local government’s geographic information system as a layer, and amended accordingly from time to time
Recycling Waste Mobile Garage Garbage Bin	an Australian Standards 4123 compliant, polyethylene, nature green, dark green or black coloured body, of a maximum 240 litre capacity and capable of containing 70 to a maximum of 90 kilograms of recycling waste, fitted with wheels, a handle and a yellow lid
Waste Receptacle	a Mobile Garage Bin MGB or a container which has otherwise been approved by the City for the deposit and collection of collectable waste

4. STRATEGIC CONTEXT

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

5. POLICY STATEMENT

5.1. ~~Subject to point 5.2, a~~ **All residential** premises ~~(whether occupied or vacant) that are, or are capable of being, occupied or used for residential purposes~~ within the Prescribed Area ~~are may be~~ entitled to receive a kerbside general waste, and a recycling ~~waste~~ collection service.

~~5.2. The City does not provide kerbside general waste or recycling collection services to premises on an unsealed roads.~~

~~5.1. The Authorised Officer determines which service or combination of services is capable of being offered and may amend the Prescribed Area from time to time.~~

~~5.2.5.3. The owner or occupier of a All residential premises that are, or are capable of being, occupied or used for residential purposes within the Prescribed Area must buy and keep in good condition a General Waste Mobile Garage Bin, for the use of the premises.~~

~~5.3.5.4. All residential premises within the Prescribed Area will be provided by the City with a Recycling Waste Mobile Garage Bin, which will remain the property of the City. Premises are required to pay for the use of Additional Waste Receptacles supplied for kerbside recycling services can be supplied at the cost of the owner or occupier.~~

~~5.4.5.5. Premises utilised for commercial purposes within the Prescribed Area may request to receive a kerbside, general waste, and recycling waste collection services by submitting a completed Commercial Waste Collection Application Form to the Authorised Officer. The premises are obliged to buy and maintain their own Waste Receptacle. Upon approval, the premises will receive a sticker, to be placed on the front of the Waste Receptacle, indicating collection approval and their collection day. The Waste Receptacle is to be bought and maintained by the owner or occupier of the premise.~~

~~5.5. The Authorised Officer determines if the commercial waste collection service is capable of being offered to the premises, the frequency of the collection and the method used. Upon approval, the premises will receive a sticker, to be placed on the front of the Waste Receptacle, indicating their collection day. Only Waste Receptacles' with a sticker will be emptied.~~

~~5.6. Collection Services may, at the Authorised Officer's discretion, be provided outside of the The Prescribed Area may be amended by the CEO or the Authorised Officer to service any new areas adjacent to the Prescribed Area.~~

~~5.6. Amendments to the Prescribed Area that are not adjacent to the Prescribed Area may be approved by the Council, on recommendation from the CEO, with the -~~

~~5.7. -~~

~~5.8.5.7. The following criteria will be considered in determining whether it is viable to provide a service:~~

- ~~a. suitability in terms of distances, roads, access and safety;~~
- ~~b. demand for the service; and~~
- ~~c. cost of providing the service.~~

~~5.9.5.8. Where the Prescribed Area is amended to include a service is introduced into a new area or part of a new area, a service fee will apply to all residential premises (whether occupied or vacant) within that area or part area. The service fee applies irrespective of whether the owner or occupier of the premise actually uses the service.~~

~~5.10. Unless clause 5.11 applies, wWaste collection services will generally only be carried out along the verges of public roads (whether in a Prescribed Area or non Prescribed Area).~~

~~5.11. -~~

~~5.12.5.9. The Authorised Officer may, at their discretion and considering the associated service costs, approve provide waste collection services along private roads:~~

- ~~a. where safety to all persons is not compromised;~~
 - ~~b. where there is minimal prospect of damage to vehicles and property;~~
 - ~~c. where there is no suitable space on the public verge to place the Waste Receptacles for collection;~~
- ~~and~~

- d. where it represents a major inconvenience for the owners or occupiers of a premise to wheel their Waste Receptacles to the public verge.

~~5-13-5.10.~~ ~~W~~
 here waste collection services are offered along private roads, an appropriate agreement must be entered into between the City and the owners or occupiers of the premise, prior to commencement.

~~5.14. The Authorised Officer reserves the right to review the suitability of collection service(s) routes on public and private roads, along with the level of service to customers, and may amend them to suit current conditions following these reviews.~~

~~5-15-5.11.~~ ~~W~~
~~aste Receptacles~~MGBs must be placed ~~on the verge for collection~~ out by 0600hrs on ~~the morning of the~~ collection day, at least 0.5m apart, in a position which is clear of obstacles and enables safe collection.

~~5-16-5.12.~~ ~~In~~
 accordance with Clause 2.6 (1) and (2) of the *City of Busselton Waste Local Law 2016* the Authorised Officer may direct the owner or occupier of a premise, in writing, to place their Waste Receptacle for collection in a specific location.

~~5-17-5.13.~~ ~~Th~~
 e City is unable to assist ~~the~~ owners or occupiers of ~~a~~ premises to wheel their Waste Receptacles to or from the place of collection.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *City of Busselton Waste Local Law 2016*
- 6.2. *Local Government Act 1995;*
- 6.3. *Waste Avoidance and Resource Recovery Act 2007*

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	30/10/2019	Resolution #	C1910/212

6.4 Council Policy Review: Public Artwork and Urban Art

Strategic Theme:	Key Theme 3: Opportunity 3.1 Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice.
Directorate:	Economic and Business Development
Reporting Officer:	Manager Events and Culture - Peta Pulford
Authorised By:	Director Economic and Business Development - Maxine Palmer
Nature of Decision:	Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations.
Voting Requirements:	Simple Majority
Disclosures of Interest:	No officers preparing this item have an interest to declare.
Attachments:	1. Council Policy: Public Art [6.4.1 - 2 pages] 2. Council Policy: Public Art (Marked Up) [6.4.2 - 3 pages]

OFFICER RECOMMENDATION

That the Council:

1. **Adopts the amended Council Policy ‘Public Art’ as per Attachment 1 to replace the current Council Policy ‘Public Artwork’; and**
2. **Rescind the Council Policy ‘Urban Art’.**

EXECUTIVE SUMMARY

This report presents for the Council’s consideration a revised Council Policy for ‘Public Art’ which incorporates key elements of the Council Policy for ‘Urban Art’ as part of the City’s ongoing policy review process. It recommends that the amended ‘Public Art’ policy be adopted, and that the ‘Urban Art’ policy be rescinded.

STRATEGIC CONTEXT

The Public Art Policy sets out the City’s position with respect to public art and supports the activation of public spaces, events and cultural experiences that provide social connection. The establishment and review of Council policies form part of the City’s overall governance system, facilitating open, ethical and transparent decision making.

BACKGROUND

The City currently has a Public Artwork Policy and an Urban Art Policy.

The Public Artwork Policy recognises and articulates the significant role that public artwork has in the development of cultural, economic, social and artistic vitality of a City, adding a sense of community, belonging and place. It deals with public artwork installed on City owned or managed land. It was last adopted by the Council in February 2020 (C2002/036).

The Urban Art Policy deals with a type of public art, namely paint or similar medium applied on City owned or managed buildings or infrastructure. The purpose of the Policy is to engage, encourage and guide the community in the creation of urban art which reflects the cultures and lifestyles of the people who live within the City. It was last adopted by the Council in October 2019 (C1910/211).

Both policies are being reviewed in line with the City's regular review of Council policies.

OFFICER COMMENT

Officers recommend minor amendments to the Council Policy 'Public Artwork' to incorporate elements of the Council Policy 'Urban Art' so that the 'Urban Art' policy can be rescinded. Urban art is a subset of public art and therefore officers believe it is unnecessary to have two policies. Other minor typographical changes have also been made to the 'Public Art' policy. The Public Artwork Policy is considered of continuing relevance and is therefore recommended for re-adoption.

Statutory Environment

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

Relevant Plans and Policies

The officer recommendation aligns to the following adopted plan or policy:

Plan:

Not applicable.

Policy:

[Public Artwork](#)

[Urban Art](#)

Financial Implications

Not Applicable

External Stakeholder Consultation

Not Applicable

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. require further amendments to the Public Art Council Policy; or

2. choose not to rescind the Urban Art Council Policy.

CONCLUSION

A review of the Council Policies 'Public Artwork' and 'Urban Art' has been undertaken as part of the City's ongoing review of its Council policies, with a recommendation that the 'Urban Art' Council Policy be rescinded after being incorporated into and amended 'Public Art' Council Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be implemented in full, or in stages as per the following table:

Milestone	Completion Date
Policies updated on the City's website	Within one week of adoption and rescission



Council Policy

Council Policy Name: Public Art
Responsible Directorate: Economic and Business Development
Version: DRAFT

1. PURPOSE

- 1.1. The purpose of this Policy is:
- a. to recognise and articulate the significant role that Public Art has in the development of cultural, economic, social and artistic vitality of a City, adding a sense of community, belonging and place; and
 - b. to engage, encourage and guide the community in the creation of Public Art which reflects the cultures and lifestyles of the people who live within the City of Busselton.

2. SCOPE

- 2.1. This Policy is applicable to Public Art installed on City owned or managed buildings or land, where the Public Art is the property of City.
- 2.2. This Policy does not apply to artworks on State or Federal Government buildings or privately owned property or infrastructure. Specific agreements can be put in place for such buildings by arrangement.

3. DEFINITIONS

Term	Meaning
Artist	Professional artists, experienced community artists or arts groups eligible to carry out artwork projects. This may be in conjunction with community organisations
Public Art	A permanent, temporary or ephemeral work of art located in an exterior environment created by an Artist or developed under the guidance of an Artist. This includes 2D or 3D objects
City	City of Busselton
Policy	This City of Busselton Council policy titled "Public Art"

4. STRATEGIC CONTEXT

Strategic Theme	Strategic Priority
Key Theme 2: LIFESTYLE	2.5: Facilitate events and cultural experiences that provide social connection
Key Theme 3: OPPORTUNITY	3.1: Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice

5. POLICY STATEMENT

- 5.1. Public Art is intended to:
- a. reflect and promote the lifestyles, heritage and culture of the community;
 - b. encourage community connection, reflection, inspiration, celebration and well-being as an expression of creativity;
 - c. invigorate and create vibrancy in places and spaces; and
 - d. support and promote regional creative and arts industries.

- 5.2. City approval is required for the placement of Public Art.
- 5.3. The acquisition and decommissioning of Public Art by the City will be in accordance with the Public Artwork and Urban Art Guidelines and, where relevant, the City of Busselton Development Contributions Policy.
- 5.4. Consultation about the acquisition and installation of Public Art will occur with impacted or key stakeholders.
- 5.5. Artists will be required to provide a maintenance manual for the Public Art.
- 5.6. The maintenance of Public Art will be the responsibility of the City.
- 5.7. Public Art will only be decommissioned where there is justification and with consideration to the potential impacts on stakeholders.
- 5.8. Public Art that is not able to be appropriately maintained will be removed by the City.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. Public Artwork Guidelines
- 6.2. Urban Art Guidelines
- 6.3. Urban Art Application
- 6.4. City of Busselton Development Contributions Policy (6B Percent for Art Provisions)
- 6.5. Percent for Art Step by Step Guidelines

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	12 February 2020	Resolution #	C2002/036



Council Policy

Council Policy Name: **Public ~~Artwork~~Art**
Responsible Directorate: **CommunityEconomic and Commercial ServicesBusiness Development** **Version:** **AdoptedDRAFT**

1. PURPOSE

- 1.1. The purpose of this Policy is:-
 1.1.a. ~~to recognise and articulate the significant role that Public ~~Artwork~~Art has in the development of cultural, economic, social and artistic vitality of a City, adding a sense of community, belonging and place;~~ and
 b. to engage, encourage and guide the community in the creation of Public Art which reflects the cultures and lifestyles of the people who live within the City of Busselton.

2. SCOPE

- 2.1. This Policy is applicable to Public ~~Artwork~~Art installed on City owned or managed buildings, ~~reserves, and locations or land,~~ where the Public ~~Artwork~~Art is the property of the City ~~by special arrangement.~~
- 2.2. This Policy does not apply to ~~artwork covered by the provisions of Council Policy 'Urban Art' - artworks on State or Federal Government buildings or privately owned property or infrastructure. Specific agreements can be put in place for such buildings by arrangement.~~

3. DEFINITIONS

Term	Meaning
Acquisition	the obtaining of ownership of a Public Artwork through commissions, developer contributions, donations, prizes and community art projects
Artist	professional Professional artists, experienced community artists or arts groups eligible to carry out Public Artwork artwork projects. <u>This may be in conjunction with community organisations</u>
Decommission	the removal or relocation of a Public Artwork
Policy	this City of Busselton Council policy titled "Public Artwork"
Public Artwork Art	a A permanent, temporary or ephemeral work of artwork art located in an exterior environment created by an Artist or developed under the guidance of an Artist. <u>This includes 2D or 3D objects</u>
City	<u>City of Busselton</u>
Policy	<u>This City of Busselton Council policy titled "Public Art"</u>

4. STRATEGIC CONTEXT

- 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. ~~2.5: Facilitate events and cultural experiences that provide social connection.~~

Strategic Theme	Strategic Priority
<u>Key Theme 2: LIFESTYLE</u>	<u>2.5: Facilitate events and cultural experiences that provide social connection</u>

<u>Key Theme 3: OPPORTUNITY</u>	<u>3.1: Work with key partners to facilitate the activation of our town centres, creating vibrant destinations and consumer choice</u>
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5. POLICY STATEMENT

- 5.1. Public ~~Artwork~~Art is intended to:
 - a. reflect and promote the lifestyles, heritage and culture of the community;
 - b. encourage community connection, reflection, inspiration, celebration and well-being as an expression of creativity;
 - c. invigorate and create vibrancy in places and spaces; and
 - d. support and promote regional creative and arts industries.

- ~~5.2. Consultation in relation to the Acquisition of Public Artwork will occur with impacted stakeholders where required.~~

- ~~5.3. Public Artwork will only be Decommissioned where there is a clear justification and with consideration of the potential impacts on stakeholders.~~

- ~~5.2. City approval is required for the placement of Public Art.~~

- ~~5.4.5.3. The Acquisitionacquisition and Decommissioningdecommissioning of Public ArtworkArt by the City will be in accordance with the Public Artwork and Urban Art Guidelines and, where relevant, the City of Busselton Developer Contributions Policy.~~

- ~~5.4. Consultation about the acquisition and installation of Public Art will occur with impacted or key stakeholders.~~

- ~~5.5. Artists will be required to provide a maintenance manual for the Public Art.~~

- ~~5.6. The maintenance of Public Art will be the responsibility of the City.~~

- ~~5.7. Public Art will only be decommissioned where there is justification and with consideration to the potential impacts on stakeholders.~~

- ~~5.8. Public Art that is not able to be appropriately maintained will be removed by the City.~~

6. RELATED DOCUMENTATION / LEGISLATION

- ~~6.1. Public Artwork Guidelines~~
- ~~6.2. Urban Art Guidelines~~
- ~~6.1.6.3. Urban Art Application~~
- ~~6.2.6.4. City of Busselton Development Contributions Policy (6B Percent for Art Provisions)~~
- ~~6.3.6.5. Percent for Art Step by Step Guidelines~~

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	12 February 2020	Resolution #	C2002/036
Previous Adoption	DATE	12 February 2020 14 March 2018	Resolution #	C2002/036 C1803/039

7 CONFIDENTIAL MATTERS

Nil

8 NEXT MEETING DATE

Wednesday 31 July 2024

9 CLOSURE