

# Policy and Legislation Committee Agenda

29 July 2020

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

city@busselton.wa.gov.au

# **CITY OF BUSSELTON**

# **MEETING NOTICE AND AGENDA – 29 JULY 2020**

# TO: THE MAYOR AND COUNCILLORS

**NOTICE** is given that a meeting of the Policy and Legislation Committee will be held in the Committee Room, Administration Building, Southern Drive, Busselton on Wednesday, 29 July 2020, commencing at 10.00am.

The attendance of Committee Members 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.

MIKE ARCHER

**CHIEF EXECUTIVE OFFICER** 

22 July 2020

# **CITY OF BUSSELTON**

# AGENDA FOR THE POLICY AND LEGISLATION COMMITTEE MEETING TO BE HELD ON 29 JULY 2020

# **TABLE OF CONTENTS**

ITEM	NO.	SUBJECT	PAGE NO.
1.	DECLARA	TION OF OPENING AND ANNOUNCEMENT OF VISITORS	4
2.	ATTENDA	ANCE	4
3.	PUBLIC O	QUESTION TIME	4
4.	DISCLOS	URE OF INTERESTS	4
5.	CONFIRM	MATION AND RECEIPT OF MINUTES	4
	5.1	Minutes of the Policy and Legislation Committee Meeting held 27 May 2020	4
6.	REPORTS		5
	6.1	REVIEW OF COUNCIL POLICY EVENTS AND RESCISSION OF COUNCIL POLICY 074: MARKETS	
	6.2	REVIEW OF COUNCIL POLICY: LOANS	21
	6.3	REVIEW OF COUNCIL POLICY: COMPLAINTS HANDLING	28
	6.4	REVIEW OF COUNCIL POLICY: ELECTED MEMBER TRAINING AND PROFESSIONAL DEVELOPMENT	
	6.5	PARKING LOCAL LAW 2020	45
	6.6	RECISSION OF COUNCIL POLICY: SHELTERS AND STRUCTURES ON LOCAL GOVERNMENT PROPERTY	
	6.7	PROPOSED CLIMATE CHANGE POLICY AND REVIEW OF ENVIRONMENT POLICY	112
	6.8	LOCAL PLANNING POLICY REVIEW - REVOCATION OF LPP 1.4, LPP 6.2 AND LPP 6.3; INITIATION OF REVISIONS TO LPP 1.3 AND LPP 6.1; AND INITIATION OF NEW	
		LPP ** : ADVERTISING SIGNS	137
7.	GENERAL	DISCUSSION ITEMS	200
	7.1	LOCAL PLANNING POLICY REVIEW - REVIEW OF LPP 1.5 COASTAL SETBACKS	
	7.2	COUNCILLOR CODE OF CONDUCT REVIEW	
8.	NEXT ME	ETING DATE	205
0	CLOSUBE		20E

# 1. <u>DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS</u>

2. ATTENDANCE

**Apologies** 

- 3. PUBLIC QUESTION TIME
- 4. <u>DISCLOSURE OF INTERESTS</u>
- 5. <u>CONFIRMATION AND RECEIPT OF MINUTES</u>
- 5.1 <u>Minutes of the Policy and Legislation Committee Meeting held 27 May 2020</u>

# **RECOMMENDATION**

That the Minutes of the Policy and Legislation Committee Meeting held 27 May 2020 be confirmed as a true and correct record.

# 6. REPORTS

# 6.1 REVIEW OF COUNCIL POLICY EVENTS AND RESCISSION OF COUNCIL POLICY 074: MARKETS

**STRATEGIC GOAL** 4. ECONOMY Diverse, resilient, prosperous

**STRATEGIC OBJECTIVE** 4.2 A community where local business is supported and in turn drives

our economy

SUBJECT INDEX Council Policies

**BUSINESS UNIT** Community and Commercial Services

**REPORTING OFFICER** Director, Community and Commercial Services - Naomi Searle Director, Community and Commercial Services - Naomi Searle

**NATURE OF DECISION** Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

**VOTING REQUIREMENT** Simple Majority

ATTACHMENTS Attachment A Markets Policy

Attachment B Events Policy ... ...

Attachment C Events Policy - Tracked Changes

# **OFFICER RECOMMENDATION**

# That the Council:

- 1. Adopts the Events Policy as per Attachment B; and
- 2. Rescinds Council Policy 074: Markets (Attachment A), effective immediately

# **EXECUTIVE SUMMARY**

This report recommends the rescission of Council policy 074: Markets (Markets Policy) (Attachment A), with the policy objectives and conditions having been incorporated into the City's 'Events' Council Policy (Events Policy) (Attachment B).

# **BACKGROUND**

The objective of the Markets Policy is to ensure that markets held on City owned or managed land (City Land) do not adversely impact on local business and are successful, sustainable and appropriately accessible to the public. The Markets Policy outlines market locations and frequencies and sets out the requirement for markets to be approved under the City's Events Policy and event approval process.

The Markets Policy was reviewed in 2013, in response to an increase in the number of requests to hold new markets in various locations across the district. It was again reviewed in November 2014 with minor amendments made to market locations in the district and to provide for alternative venues for markets in Busselton.

At the May 2020 Policy and Legislation Committee meeting, officers recommended that the Markets Policy be rescinded to allow the City to respond more readily to the changes in market locations or to requests for new markets. The Committee felt that Council should retain strategic oversight in relation to markets and instead requested, as per an option presented, that officers incorporate the objectives of the Markets Policy into the Events Policy.

#### **OFFICER COMMENT**

The Events Policy was reviewed, amended and endorsed by Council at its meeting on 12 February 2020 (C2002/034). While markets have always been processed as an 'event', as part of the review of the Events Policy, the definition of 'Event' was expanded to expressly include Markets.

6

Further to this, and as per the request of the Policy and Legislation Committee, it is recommended that the objectives and conditions of the Markets policy are incorporated into the Events Policy. A track changes version is provided as Attachment C.

Markets are well established and function successfully within the City of Busselton, with the Markets Policy setting out maximum frequencies and locations for markets across the district. To provide for increased flexibility, while still maintaining appropriate oversight and control, it is recommended that the following changes are made as part of incorporating the conditions into the Events Policy:

- the <u>maximum</u> number of markets to be held in Busselton at the Busselton Community Garden be increased from one per fortnight to one a week (on a Saturday);
- the <u>maximum</u> number of markets to be held in Dunsborough be increased from one per fortnight to one per week (on a Saturday), to be held at either Lions Park or at the Dunsborough Playing Fields;
- the <u>maximum</u> number of markets to be held in Vasse be increased from one per fortnight to one per week (on a Saturday).

Additionally, it is recommended that the CEO have the ability to consider and approve applications for markets to be held at other locations.

#### **Statutory Environment**

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

# **Relevant Plans and Policies**

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the Governance Services Review carried out in 2017. The framework sets out the intent of Council policies, as opposed to operational documents such as staff management practices and operational practices.

# **Financial Implications**

There are no financial implications associated with the officer recommendation.

# **Stakeholder Consultation**

No external stakeholder consultation was required or undertaken in relation to this matter.

#### **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. Choose to retain the current maximum frequency and locations for markets.
- 2. Make other changes to the Events Policy.

# **CONCLUSION**

The contents and objectives of the Markets Policy are proposed to be contained in the Events Policy. It is recommended that the Events Policy is adopted as proposed and that the Markets Policy be rescinded.

# TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Events Policy will be updated and the Markets Policy rescinded and removed from the website within one week of Council's endorsement.

# 6.1 Attachment A Markets Policy

Last updated 12/11/2014

074	Markets	V4 Current
074	Wildirects	V + Cull Cit

#### 1. PREAMBLE / POLICY STATEMENT

The Policy will be used to guide applicants of the general approval process for all types of markets conducted on public land under the management of the City of Busselton. The City of Busselton will assess applications for the conduct of markets in accordance with legislative requirements under the City's Events Policy.

#### 2. OBJECTIVE

The aim of the Policy is to ensure that markets that are held on City owned or managed land, do not adversely impact on local businesses, but are successful, sustainable, and appropriately accessible to the public. The City of Busselton is therefore committed to ensuring that the conduct of markets on such land is managed and controlled to protect and enhance the wellbeing of the community.

#### 3. POLICY CONTENT

- (a) All market organisers must be licensed under the Trading in Public Places Local Law.
- (b) All market organisers must be approved to conduct a market under the City of Busselton's Events Policy.
- (c) All stall holders wishing to operate at a market must be registered with the market license holders.
- (d) Council authorises a maximum of:
  - i) one (1) market on each Sunday only in Busselton, to be held at Signal Park, Busselton Foreshore:
  - ii) one (1) market each week only, to be held at the Busselton Cultural Precinct;
  - one (1) market each fortnight on the second and fourth Saturday only of every month, to be held at the Busselton Community Garden, Roe Terrace Busselton, for local produce and artisan goods only, with a maximum of 20 market stalls;
  - one (1) market each fortnight on the first, third and fifth Saturday only of every month in Vasse, to be held at Vasse Hall/Oval;
  - one (1) market each fortnight on the second and fourth Saturday of every month only, to be held at Lions Park Dunsborough for local produce and artisan goods only, subject to the development and implementation of a traffic management plan approved by the City of Busselton:
- (e) Community and charitable organisations will be given preference to conduct markets at the above listed venues. Additional markets and other activities may be permitted with Council approval.
- Prior to the completion of the Busselton Foreshore 'active core' redevelopment, earmarks the following alternate venues for markets in Busselton;
  - a. Churchill Park, subject to scheduled local sporting arrangements; and
- b. Carpark on the corner of Kent and Cammilleri Streets.

# History

Council Resolution	Date	Information
C1411/282	12 November, 2014	Version 4
C1306/169	26 June, 2013	Version 3



# 1. PURPOSE

1.1. The purpose of this Policy is to articulate the strategic importance of Events to the City of Busselton and to set out a framework for the attraction and promotion of Events. This Policy also sets out the City's position with respect to the attendance of Councillors and the CEO at Events in accordance with Section 5.90A of the Act.

# 2. SCOPE

2.1. This Policy is applicable to Events within the City of Busselton District and more broadly to Events across the South West region of WA.

# 3. **DEFINITIONS**

Term	Meaning	
Act	Local Government Act 1995	
District	City of Busselton local government area	
Event	An organised occurrence hosted by a person or organisation on public or private land where people assemble at a given time for a given purpose and which generally involves one or more of the following:  Preparation or sale of food; Sale or consumption of alcohol; Erection of infrastructure and / or signage; Generation of additional noise; Use / installation of electrical equipment; Changes / interruptions to traffic flow; Additional parking requirements; Crowd control measures Includes: Concerts and music festivals; Sporting events; Conferences; Exhibitions, expos and fairs; Functions (e.g. community or business events); Markets; and Any other activity in accordance with 5.90A(1)(e)	
Partner	Spouse, de-facto or other partner as approved	
Policy	This City of Busselton Council policy entitled "Events"	

#### 6.1 Attachment B **Events Policy**

# 4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 4 Economy and Key Goal Area 6 Leadership of the City's Strategic Community Plan 2017 and specifically the following Community Objectives
  - a. 4.3: Events and unique tourism experiences that attract visitors and investment.
  - b. 6.1: Governance systems, processes and practices are responsible, ethical and transparent.

#### 5. POLICY STATEMENT

- 5.1. The City has adopted the brand 'Events Capital WA', with the attraction, development and promotion of Events recognised by Council as a key strategic and competitive advantage for the development of a robust and prosperous economy and tourism industry, and an important contributor to the creation of vibrant places and an inclusive community
- 5.2. The City will actively engage with and assist Event organisers to support the development of a diverse year round calendar of Events, across the District.
- 5.3. The attraction, development, and approval of Events will be in accordance with the following objectives:
  - a. generation of direct and indirect economic benefits to the community;
  - b. generation of social benefit, vibrancy, and promotion of cultural diversity and inclusion;
  - c. creation of a calendar of Events which brings visitors to the District year round and provides broad activation across the District: and
  - d. positive promotion of the District and the South West region of WA.
- 5.4. Events are categorised for their strategic importance as follows:
  - a. Hallmark an international or nationally recognised Event that creates significant economic benefit and typically attracts 5,000 plus participants / visitors;
  - b. Major an Event which attracts visitors nationally and from outside of the region, showcases regional facilities and attractions, creates economic benefit and typically has between 2,000 and 5,000 participants / visitors:
  - c. Regional an Event that attracts visitors to the region from within the State and from within the region, helps to build the City's Events Capital WA brand and has the potential to become a future Major or Hallmark Event;
  - d. Community an Event which celebrates aspects of community life, has strong social / community benefit; more limited economic benefit, and is generally run by the community.
- 5.5. While Events are considered a positive contributor, the potential for Events to impact adversely on community safety, amenity and the environment is recognised. In order to manage risk, environmental and amenity impacts, Events held within the District must, subject to paragraph 5.6, be approved by the City prior to taking place. The event application process is outlined in the Events Application Operational
- 5.6. An Event approval is not required at venues which have an appropriate development approval under the City's town planning scheme and / or an approval in accordance with environmental health legislation.
- 5.7. Event applications will be assessed against the objectives outlined in paragraph 5.3 and the following criteria (or criteria similar):
  - a. the nature, size and suitability of the Event;
  - b. the location of the Event, its suitability and whether it meets the City's objectives of broad activation;
  - c. the period of time the Event will operate;

# 6.1 Attachment B Events Policy

- d. the amenity of the Event and the likely impacts on residents;
- e. any conflicts with other Events or community use at or around the location;
- f. the relevant experience of the operator and their capacity to manage key risks such as fire safety;
- g. for markets specifically, the organiser's ability to demonstrate that the market is being run for a charitable or community purpose.
- 5.8. The following location criteria will also be applied to assist in protection of sensitive areas, and to ensure the equitable use of the location by Event organisers and the general community:
  - a. Meelup Regional Park:
    - Maximum of four trail based Events per calendar year, that is an Event that involves participants walking, running or cycling on trails or roads within the park; and
    - ii. Maximum of four site based Events per calendar year, that is an Event that involves use of a beach and / or adjacent picnic and car park area; and
    - iii. Maximum of one trail based and one site based Event per month.
  - b. Yallingup and Smith Beach:
    - i. Maximum of one international or national Event per year;
    - ii. Maximum of four other major Events per year, of up to four days each;
    - iii. Maximum of one minor Event per year, of up to four days;
    - iv. Maximum of eight club Events (run by local board riding clubs) per year.
  - c. Markets:
    - i. Maximum of one market each Sunday in Busselton, to be held at Signal Park;
    - ii. Maximum of one market each week, to be held at the Busselton Cultural Precinct;
    - Maximum of one market each Saturday in Busselton, to be held at the Busselton Community Garden, for local produce and artisan goods only with a maximum of 20 stalls;
    - iv. Maximum of one market each Saturday in Dunsborough, to be held at Lions Park or Dunsborough Playing Fields for local produce and artisan goods only;
    - v. Maximum of one market each Saturday in Vasse, to be held at the Vasse Hall / Oval;
    - vi. Applications for other locations may be considered and approved by the CEO.
- 5.9. Fees upon application are payable as per the City of Busselton's Schedule of Fees and Charges.

# **Events Sponsorship**

- 5.10. The City has an events sponsorship programme that is funded through a combination of municipal funds and funds derived from the industrial / commercial differential rate. The Marketing and Events Reference Group (MERG) makes recommendations to Council with respect to the allocation of funds towards Events.
- 5.11. Event sponsorship can be provided as cash or in-kind contributions, with sponsorship agreements entered into with Event organisers on either a single or multi-year basis.
- 5.12. Event sponsorship requests will be assessed against the objectives outlined in paragraph 5.3.
- 5.13. Events sponsored by the City will be evaluated to determine future funding levels.

# **Event Attendance**

5.14. Councillor and CEO representation at Events is valued as a means of reinforcing the City's strategic positioning as the 'Events Capital WA', and to ensure Events are properly assessed for their benefit and ongoing relevance.

#### 6.1 Attachment B **Events Policy**

- 5.15. Invitations / tickets to Events may be provided to the City by Event organisers. Where attendance at these Events is approved in accordance with this Policy, the requirement to disclose a financial interest under the Act will not apply.
- 5.16. An invitation provided or addressed personally to a Councillor or to the CEO (for instance via a personal email account) will not be captured by this Policy, and the requirement to disclose a financial interest where the amount exceeds the amount prescribed under the Local Government (Administration) Regulation 20A will apply.
- 5.17. In addition to invitations / tickets provided by Event organisers, the CEO, in consultation with the Mayor, may purchase tickets for the purposes of City representation at an Event. The City will generally only purchase tickets for Hallmark and Major Events where attendance is demonstrated, through reference to the criteria in paragraph 5.18, as being in the City's interest.
- 5.18. In determining approval for attendance at Events under Section 5.90A(2)(c), Council (or the CEO under delegation) will consider criteria such as the following:
  - a. who is providing the ticket to the Event;
  - b. the location of the Event;
  - c. whether the Event is sponsored by the City;
  - d. the relevance of the Event to the City's adopted policy objectives under paragraph 5.3;
  - e. the role of the Council member or CEO when attending the Event (participant, presenter, observer) and the value of their contribution;
  - f. the cost to attend the Event and / or the public value of attendance if the ticket is being provided at no cost to the Local Government;
  - g. the number of invitations / tickets received; and
  - h. the benefits or importance of Council and / or CEO representation at the event.
- 5.19. A list of established pre-authorised Events and attendees is provided at Attachment A. The attendees are authorised in order of priority, subject to the number of available invitations / tickets. Where there are insufficient invitations / tickets available for all pre-authorised attendees to attend, the CEO (in liaison with the Mayor) will determine final attendance.
- 5.20. It is considered appropriate for a Councillor or CEO's Partner to accompany them to an Event held outside of normal business hours. While the City will not generally pay for such attendance, invitations / tickets received by the City may be provided for this purpose where they are available.
- 5.21. The Mayor can delegate any approved attendance to an Event to the Deputy Mayor or another Council member.
- 5.22. This policy does not apply where a Councillor or the CEO attends an Event at their own cost and in a personal capacity.

#### RELATED DOCUMENTATION / LEGISLATION

- 6.1. Local Government Act 1995
- 6.2. Events Strategy
- 6.3. Events Application Operational Practice

6.1 Attachment B **Events Policy** 

# 7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	12 February 2020	Resolution #	C2002/034

6.1 Attachment B **Events Policy** 

# Attachment A – Pre-authorised Events

Event	Event Organiser OR DATE	Attendee
Hallmark Events		
Ironman WA	Ironman Oceania	Mayor
		CEO
		Deputy Mayor
		All Councillors
Cinefest Oz	Geographe French Australian	Mayor
	Festivals Inc.	CEO
		Deputy Mayor
		All Councillors
Busselton Festival of Triathlon	Triathlon Western Australia	Mayor
(Ironman 70.3)		CEO
		Deputy Mayor
		All Councillors
Gourmet Escape	IMG Culinary	Mayor
•	,	CEO
		Deputy Mayor
		All Councillors
Busselton Jetty Swim	Busselton Allsports Inc.	Mayor
·		CEO
		Deputy Mayor
		All Councillors
Jazz by the Bay	Jazz by the Bay Association	Mayor
	, ,	CEO
		Deputy Mayor
		All Councillors
Forest Rally	West Australian Car Club (Inc)	Mayor
•	. ,	CEO
		Deputy Mayor
		All Councillors
Major Events		
Cabin Fever	Creative Corner	Mayor
		CEO
		Deputy Mayor
		All Councillors
X-Adventure Dunsborough	Rapid Ascent Pty Ltd	Mayor
J	, ,	CEO
		Deputy Mayor
		All Councillors

6.1 Attachment C

# **Events Policy - Tracked Changes**



# 1. PURPOSE

1.1. The purpose of this Policy is to articulate the strategic importance of Events to the City of Busselton and to set out a framework for the attraction and promotion of Events. This Policy also sets out the City's position with respect to the attendance of Councillors and the CEO at Events in accordance with Section 5.90A of the Act.

# 2. SCOPE

2.1. This Policy is applicable to Events within the City of Busselton District and more broadly to Events across the South West region of WA.

# 3. **DEFINITIONS**

Term	Meaning	
Act	Local Government Act 1995	
District	City of Busselton local government area	
Event	An organised occurrence hosted by a person or organisation on public or private land where people assemble at a given time for a given purpose and which generally involves one or more of the following:  Preparation or sale of food; Sale or consumption of alcohol; Erection of infrastructure and / or signage; Generation of additional noise; Use / installation of electrical equipment; Changes / interruptions to traffic flow; Additional parking requirements; Crowd control measures Includes: Concerts and music festivals; Sporting events; Conferences; Exhibitions, expos and fairs; Functions (e.g. community or business events); Markets; and Any other activity in accordance with 5.90A(1)(e)	
Partner	Spouse, de-facto or other partner as approved	
Policy	This City of Busselton Council policy entitled "Events"	

#### 6.1 Attachment C

# **Events Policy - Tracked Changes**

# 4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 4 Economy and Key Goal Area 6 Leadership of the City's Strategic Community Plan 2017 and specifically the following Community Objectives
  - a. 4.3: Events and unique tourism experiences that attract visitors and investment.
  - b. 6.1: Governance systems, processes and practices are responsible, ethical and transparent.

#### 5. POLICY STATEMENT

- 5.1. The City has adopted the brand 'Events Capital WA', with the attraction, development and promotion of Events recognised by Council as a key strategic and competitive advantage for the development of a robust and prosperous economy and tourism industry, and an important contributor to the creation of vibrant places and an inclusive community
- 5.2. The City will actively engage with and assist Event organisers to support the development of a diverse year round calendar of Events, across the District.
- 5.3. The attraction, development, and approval of Events will be in accordance with the following objectives:
  - a. generation of direct and indirect economic benefits to the community;
  - b. generation of social benefit, vibrancy, and promotion of cultural diversity and inclusion;
  - c. creation of a calendar of Events which brings visitors to the District year round and provides broad activation across the District: and
  - d. positive promotion of the District and the South West region of WA.
- 5.4. Events are categorised for their strategic importance as follows:
  - a. Hallmark an international or nationally recognised Event that creates significant economic benefit and typically attracts 5,000 plus participants / visitors;
  - b. Major an Event which attracts visitors nationally and from outside of the region, showcases regional facilities and attractions, creates economic benefit and typically has between 2,000 and 5,000 participants / visitors:
  - c. Regional an Event that attracts visitors to the region from within the State and from within the region, helps to build the City's Events Capital WA brand and has the potential to become a future Major or Hallmark Event;
  - d. Community an Event which celebrates aspects of community life, has strong social / community benefit; more limited economic benefit, and is generally run by the community.
- 5.5. While Events are considered a positive contributor, the potential for Events to impact adversely on community safety, amenity and the environment is recognised. In order to manage risk, environmental and amenity impacts, Events held within the District must, subject to paragraph 5.6, be approved by the City prior to taking place. The event application process is outlined in the Events Application Operational
- 5.6. An Event approval is not required at venues which have an appropriate development approval under the City's town planning scheme and / or an approval in accordance with environmental health legislation.
- 5.7. Event applications will be assessed against the objectives outlined in paragraph 5.3 and the following criteria (or criteria similar):
  - a. the nature, size and suitability of the Event;
  - b. the location of the Event, its suitability and whether it meets the City's objectives of broad activation;
  - c. the period of time the Event will operate;

#### 6.1 Attachment C

# **Events Policy - Tracked Changes**

- d. the amenity of the Event and the likely impacts on residents;
- e. any conflicts with other Events or community use at or around the location;
- f. the relevant experience of the operator and their capacity to manage key risks such as fire safety;
- g. for markets specifically, the organiser's ability to demonstrate that the market is being run for a charitable or community purpose.
- 5.8. The following specific Event location criteria will also be applied to assist in protection of sensitive areas, and to ensure the equitable use of the location by Event organisers and the general community:
  - a. Meelup Regional Park:
    - i. Maximum of four trail based Events per calendar year, that is an Event that involves participants walking, running or cycling on trails or roads within the park; and
    - ii. Maximum of four site based Events per calendar year, that is an Event that involves use of a beach and / or adjacent picnic and car park area; and
    - iii. Maximum of one trail based and one site based Event per month.
  - b. Yallingup and Smith Beach:
    - i. Maximum of one international or national Event per year;
    - ii. Maximum of four other major Events per year, of up to four days each;
    - iii. Maximum of one minor Event per year, of up to four days;
    - iv. Maximum of eight club Events (run by local board riding clubs) per year.

#### c. Markets:

- i. Maximum of one market each Sunday in Busselton, to be held at Signal Park;
- ii. Maximum of one market each week, to be held at the Busselton Cultural Precinct;
- iii. Maximum of one market each Saturday in Busselton, to be held at the Busselton Community Garden, for local produce and artisan goods only with a maximum of 20 stalls;
- iv. Maximum of one market each Saturday in Dunsborough, to be held at Lions Park or Dunsborough Playing Fields for local produce and artisan goods only;
- v. Maximum of one market each Saturday in Vasse, to be held at the Vasse Hall / Oval;
- iv.vi. Applications for other locations may be considered and approved by the CEO.
- 5.9. Fees upon application are payable as per the City of Busselton's Schedule of Fees and Charges.

# **Events Sponsorship**

- 5.10. The City has an events sponsorship programme that is funded through a combination of municipal funds and funds derived from the industrial / commercial differential rate. The Marketing and Events Reference Group (MERG) makes recommendations to Council with respect to the allocation of funds towards Events.
- 5.11. Event sponsorship can be provided as cash or in-kind contributions, with sponsorship agreements entered into with Event organisers on either a single or multi-year basis.
- 5.12. Event sponsorship requests will be assessed against the objectives outlined in paragraph 5.3.
- 5.13. Events sponsored by the City will be evaluated to determine future funding levels.

# **Event Attendance**

5.14. Councillor and CEO representation at Events is valued as a means of reinforcing the City's strategic positioning as the 'Events Capital WA', and to ensure Events are properly assessed for their benefit and ongoing relevance.

#### 6.1 Attachment C **Events Policy - Tracked Changes**

- 5.15. Invitations / tickets to Events may be provided to the City by Event organisers. Where attendance at these Events is approved in accordance with this Policy, the requirement to disclose a financial interest under the Act will not apply.
- 5.16. An invitation provided or addressed personally to a Councillor or to the CEO (for instance via a personal email account) will not be captured by this Policy, and the requirement to disclose a financial interest where the amount exceeds the amount prescribed under the Local Government (Administration) Regulation 20A will apply.
- 5.17. In addition to invitations / tickets provided by Event organisers, the CEO, in consultation with the Mayor, may purchase tickets for the purposes of City representation at an Event. The City will generally only purchase tickets for Hallmark and Major Events where attendance is demonstrated, through reference to the criteria in paragraph 5.18, as being in the City's interest.
- 5.18. In determining approval for attendance at Events under Section 5.90A(2)(c), Council (or the CEO under delegation) will consider criteria such as the following:
  - a. who is providing the ticket to the Event;
  - b. the location of the Event;
  - c. whether the Event is sponsored by the City;
  - d. the relevance of the Event to the City's adopted policy objectives under paragraph 5.3;
  - e. the role of the Council member or CEO when attending the Event (participant, presenter, observer) and the value of their contribution;
  - f. the cost to attend the Event and / or the public value of attendance if the ticket is being provided at no cost to the Local Government;
  - g. the number of invitations / tickets received; and
  - h. the benefits or importance of Council and / or CEO representation at the event.
- 5.19. A list of established pre-authorised Events and attendees is provided at Attachment A. The attendees are authorised in order of priority, subject to the number of available invitations / tickets. Where there are insufficient invitations / tickets available for all pre-authorised attendees to attend, the CEO (in liaison with the Mayor) will determine final attendance.
- 5.20. It is considered appropriate for a Councillor or CEO's Partner to accompany them to an Event held outside of normal business hours. While the City will not generally pay for such attendance, invitations / tickets received by the City may be provided for this purpose where they are available.
- 5.21. The Mayor can delegate any approved attendance to an Event to the Deputy Mayor or another Council member.
- 5.22. This policy does not apply where a Councillor or the CEO attends an Event at their own cost and in a personal capacity.

#### RELATED DOCUMENTATION / LEGISLATION

- 6.1. Local Government Act 1995
- 6.2. Events Strategy
- 6.3. Events Application Operational Practice

6.1

Attachment C Events Policy - Tracked Changes

# 7. REVIEW DETAILS

Review Frequency		3 yearly		
Council	DATE	12 February 2020	Resolution #	C2002/034
Adoption				
Previous	DATE	<del>14/09/2016</del> <u>12</u>	Resolution #	C1609/232 C2002/034
Adoption		February 2020		

6.1 Attachment C

# **Events Policy - Tracked Changes**

# Attachment A – Pre-authorised Events

Event	Event Organiser OR DATE	Attendee
Hallmark Events		
Ironman WA	Ironman Oceania	Mayor
		CEO
		Deputy Mayor
		All Councillors
Cinefest Oz	Geographe French Australian	Mayor
	Festivals Inc.	CEO
		Deputy Mayor
		All Councillors
Busselton Festival of Triathlon	Triathlon Western Australia	Mayor
(Ironman 70.3)		CEO
. ,		Deputy Mayor
		All Councillors
Gourmet Escape	IMG Culinary	Mayor
		CEO
		Deputy Mayor
		All Councillors
Busselton Jetty Swim	Busselton Allsports Inc.	Mayor
·		CEO
		Deputy Mayor
		All Councillors
Jazz by the Bay	Jazz by the Bay Association	Mayor
	, ,	CEO
		Deputy Mayor
		All Councillors
Forest Rally	West Australian Car Club (Inc)	Mayor
•	, ,	CEO
		Deputy Mayor
		All Councillors
Major Events		
Cabin Fever	Creative Corner	Mayor
		CEO
		Deputy Mayor
		All Councillors
X-Adventure Dunsborough	Rapid Ascent Pty Ltd	Mayor
	·	CEO
		Deputy Mayor
		All Councillors

# 6.2 REVIEW OF COUNCIL POLICY: LOANS

**STRATEGIC GOAL** 6. LEADERSHIP Visionary, collaborative, accountable

**STRATEGIC OBJECTIVE** 6.1 Governance systems, process and practices are responsible,

ethical and transparent.

SUBJECT INDEX Policy
BUSINESS UNIT Finance

**REPORTING OFFICER** Manager Financial Services - Paul Sheridan

**AUTHORISING OFFICER** Director Finance and Corporate Services - Tony Nottle

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

**VOTING REQUIREMENT** Simple Majority

ATTACHMENTS Attachment A Council Policy 048 - Loans 1

Attachment B Council Policy: Loan Facilities (Proposed) 1

# **OFFICER RECOMMENDATION**

That the Council adopts the revised Council policy 'Loan Facilities' (Attachment B) (the Policy) to replace the existing Council policy 048: Loans at Attachment A.

#### **EXECUTIVE SUMMARY**

A review of Council Policy 048 – Loans has been undertaken, and having been updated to the new Council policy format and with minor amendments made for readability and clarity, a revised Council policy: Loan Facilities (the Policy) (Attachment B) is now presented to Council for endorsement.

#### **BACKGROUND**

Council Policy 048: Loans was last reviewed in January 2018 with changes made relating to the criteria for Self Supporting Loan applications. Other minor changes made included acknowledgment of the Long Term Financial Planning process and changes in respect to Financial Ratios.

The City has developed and implemented a Policy Framework, which sets out the intent of Council policies, as opposed to operational documents such as Operational Practices and Guidelines. Council Policy 048: Loans has been reviewed by officers in this context and having been revised to ensure its ongoing relevance to the City's strategic objectives, has been transferred into the new Council policy template and minor amendments made for readability, is now presented for endorsement.

# **OFFICER COMMENT**

Officers have completed a review of the Policy with changes being made to acknowledge the relevance of this Policy in regard to the Integrated Planning Framework and also to ensure no loan facility should cause the City to be outside of the recommended financial ratios pertaining to debt.

# Self-Supporting Loans

Council policy 048: Loans stated that it did not apply to self-supporting loan facilities, then went on to outline what would be considered in a self-supporting loan application, creating confusion. For clarity, officers have amended this and more clearly outlined the criteria in which an application for a self-supporting loan may be considered.

# **Purpose and Scope**

Amendments have been made to streamline the Policy purpose as well as provide a clearer scope to guide the reader. Reference to intergenerational funding and equity when considering loans has also been included.

# Financial Ratios Guideline

Reference has been made to give due regard to the Department of Local Government Sport and Cultural Industries (DLGSC) Operational Guideline 18 – Financial Ratios. This Guideline sets out basic and advanced standards for local governments in relation to a variety of key ratios.

In particular, the Debt Service Cover Ratio (Debt Ratio) is arrived at by calculating the annual operating surplus before interest and deprecation divided by principal and interest. A basic standard as recommended by DLGSC is 2.0.

These proposed changes to the Policy provide a more contemporary and prudent policy to ensure financial responsibility in relation to loan funding.

# **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 City has a policy framework which was developed and endorsed by Council in response to the recommendations of the 2017 Governance Service Review. The framework sets out the intent of Council policies, as opposed to operational documents such as Operational Practices.

# **Financial Implications**

There are no financial implications associated with the officer recommendation.

# **Stakeholder Consultation**

No external stakeholder consultation was required or undertaken in relation to this matter.

#### **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. Recommend that the Policy remain unchanged;
- 2. Recommend alternative amendments; or
- 3. Recommend that the Policy be withdrawn.

#### **CONCLUSION**

The Policy is presented for Council endorsement, and has been updated to the new Council policy format, with minor amendments made for readability and clarity. Amendments made include acknowledging the relationship to the integrated planning framework and financial ratios pertaining to debt.

# TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be placed on the City's website within one week of Council adoption.

# 6.2 Attachment A

# Council Policy 048 - Loans

Last updated 31 January

048	Loans	V3 Current

#### **STATEMENT**

The Council is committed to demonstrating financial responsibility in its utilisation of loan facilities to fund specific capital projects. It is also acknowledged that the funding of identified projects via loan facilities can actually assist in addressing intergenerational equity issues.

Additionally any proposal to utilise loan facilities as a funding source should always be considered against a number of predetermined criteria. This policy provides an overview of the associated criteria to be considered as part of any decision making process to utilise loan facilities.

The policy content does not apply to self-supporting loan facilities; as the purpose of such facilities is distinct from the City's own funding requirements. Each request for a Self-Supporting loan is to be considered on its individual merits and any application is to include a minimum of the following information:

- Request for Self-Supporting Loan in the amount of \$ for a term of xx years.
- · Demonstrate capacity to meet loan repayments,
- Project scope,
- Total Cost of Project (project Budget) including all funding sources,
- · The Total number of registered Members,
- · Benefits the project will bring to members and the community, and
- Acknowledgement that the applicant is responsible for reimbursement to the City of Busselton of full costs associated with the loan and that the club will enter into a "LOAN REPAYMENT AGREEMENT" with the City of Busselton

#### **PURPOSE**

This policy provides guidelines in respect of the utilisation of loan facilities to fund the acquisition, construction or renewal of assets. Recognition of this policy will ensure that a consistent methodology is adopted when considering loans as a potential funding source.

#### SCOPE

As part of its strategic planning and Long Term Financial Planning processes, the Council will consider how significant projects are to be funded.

The use of loan facilities may be an appropriate, or even a preferred option, in respect of specific capital projects. However, in order to ensure that financial prudence is demonstrated when deliberating the utilisation of loan facilities in preference to other funding options, consideration of the guidelines as detailed in this policy must form part of any associated decision making process.

#### **POLICY CONTENT**

The following guidelines are to be considered as part of any proposal to utilise loan facilities:

- Loans are not to be utilised to fund operating expenditure
- Loans are not to be utilised to fund capital expenditure of a recurrent nature (e.g. road resurfacing and associated works or plant replacement unless funding becomes available via Federal / State or other additional grants that enables the City to bridge gaps in Asset Management Plans that could maximise leveraging opportunities.

Document Set ID: 3212617 Version: 1, Version Date: 20/02/2018

#### 6.2 Attachment A

# Council Policy 048 - Loans

Last updated 31 January

- A demonstrable economic benefit must be evident to support the use of loan facilities, as opposed to saving for the asset acquisition, construction or renewal. Priority for loan funding will be given to projects that will deliver greater community benefit and secondly generate revenue to offset associated loan repayments or can be funded from contributing revenue streams other than General Rates. These revenue streams may include specified area rates, service charges and fees and charges.
- The term of any loan facility is not to exceed the economic life of theasset.
- The repayment method for a loan facility will be via principal and interest repayments. Interest only payments or capitalisation can be considered where a financial benefit can be demonstrated; and the nature of the asset being funded is consistent with this methodology. As an example, a property acquisition / subdivision where the impact on the rate base is lesser during the initial phases and the full debt can be acquitted from the disposal of the land under development.
- In considering the utilisation of loan facilities, the City's capacity to repay must be assessed, with regard given to associated debt service coverage ratio which is to result in the City having a ratio above 4.0.

# **Policy Background**

Policy Reference No. - 048
Owner Unit – Finance
Originator – Manager, Financial Services
Policy approved by – Council
Date Approved – 31 Jan, 2018
Review Frequency – As required
Related Documents –
Background/History -

# History

<b>Council Resolution</b>	Date	Information
C1801/005	31 January, 2018	Reviewed
C1505/125	27 May, 2015	Changes made after Ron Back review
		Version 3
C1109/280	14 September, 2011	Debt-free status no longer a priority Version 2

Council Policy: Loan Facilities (Proposed)

6.2 Attachment B



#### 1. PURPOSE

- 1.1. This Policy provides guidance in the utilisation of loan facilities which may be used to fund the acquisition, construction or renewal of assets
- 1.2. Application of this Policy will ensure that a consistent methodology is adopted when considering loan facilities as a potential funding source.

#### 2. SCOPE

2.1. This Policy applies to all loan facilities taken out by the City, including Self-Supporting Loans.

#### 3. DEFINITIONS

Term	Meaning
Debt Service Cover	Annual operating surplus before interest and deprecation divided by principal and
Ratio	interest.
Economic Life	The estimated period during which an asset is expected to be economically usable by
	one or more users, with normal repairs and maintenance.
Financial Ratios	Local Government Operational Guideline #18 – Financial Ratios published by the
Guideline	Department of Local Government Sport and Cultural Industries.
Policy	this City of Busselton Council policy titled "Loan Facilities"
Self-Supporting Loans	Loans taken out by City where the repayments are made by a third party e.g. club,
	organisation or ratepayers through a Special Area Rate/Service Charge.

#### 4. STRATEGIC CONTEXT

4.1. This Policy links to Key Goal Area 6 - LEADERSHIP Visionary, collaborative, accountable, of the City's Strategic Community Plan 2017 and specifically the Community Objective 6.1 Governance systems, process and practices are responsible, ethical and transparent.

# 5. POLICY STATEMENT

- 5.1. As part of its long term financial planning processes, the Council will consider how significant projects are to be funded.
- 5.2. The City will utilise loan facilities to fund projects in a responsible manner. It is also acknowledged that the funding of projects via loan facilities can assist in addressing intergenerational equity issues.
- 5.3. Loans are not to be utilised to fund operating expenditure.

#### 6.2 Attachment B

# Council Policy: Loan Facilities (Proposed)

- 5.4. Loans are not to be utilised to fund capital expenditure of a recurrent nature unless funding becomes available via Federal / State or other additional grants that enables the City to fund the shortfall in asset management plans that could maximise leveraging opportunities.
- 5.5. Priority for loan funding will be given to projects that will deliver community and economic benefit, or generate revenue to offset associated loan repayments or can be funded from contributing revenue streams other than General Rates. These revenue streams may include specified area rates, service charges and fees and charges.
- 5.6. The term of any loan facility is not to exceed the Economic Life of the asset.
- 5.7. Loan facilities are not to be used to save for future asset acquisition, construction or renewal.
- 5.8. The repayment method for a loan facility will typically be via principal and interest repayments. Interest only payments or capitalisation can be considered where a financial benefit can be demonstrated, for example for a property acquisition / subdivision where the impact on the rate base is lesser during the initial phases and the full debt can be acquitted from the disposal of the land under development.
- 5.9. The City will not borrow funds if the Debt Service Cover Ratio is outside of the basic standard prescribed by the Department of Local Government Sport & Cultural Industries in their Financial Ratios Guideline.

#### Self-Supporting Loans

- 5.10. A Self-Supporting Loan will be considered on its individual merits with any application to include the following information:
  - a. the requested amount and over what term;
  - b. project scope;
  - c. total Cost of Project (project Budget) including all funding sources;
  - d. demonstrated capacity to meet loan repayments;
  - e. total number of registered members;
  - f. benefits the project will bring to the association's members and the broader community; and
  - g. acknowledgement that the applicant is responsible for reimbursement to the City of Busselton of full costs associated with the loan and that the third party will enter into a loan repayment agreement"\ with the City of Busselton.

#### 6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. Local Government (Financial Management) Regulations 1996, part 2, section 50
- 6.2. Local Government Operational Guideline #18 Financial Ratios

# 7. REVIEW DETAILS

Review Frequency		Every 3 years		
Council	DATE		Resolution #	
Adoption				
Previous	DATE	31 January 2018	Resolution #	C1801/005
Adoption				

# 6.3 <u>REVIEW OF COUNCIL POLICY: COMPLAINTS HANDLING</u>

**STRATEGIC GOAL** 6. LEADERSHIP Visionary, collaborative, accountable

**STRATEGIC OBJECTIVE** 6.1 Governance systems, process and practices are responsible,

ethical and transparent.

SUBJECT INDEX Policy

**BUSINESS UNIT** Information Services

**REPORTING OFFICER** Manager Information Services - Kris Davis

**AUTHORISING OFFICER** Director Finance and Corporate Services - Tony Nottle

NATURE OF DECISION Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

**VOTING REQUIREMENT** Simple Majority

ATTACHMENTS Attachment A Council Policy: Complaints Management (Proposed)

Adebe

Attachment B Council Policy 012: Complaints Handling (Current)

# **OFFICER RECOMMENDATION**

That the Council adopts the revised policy Complaints Management at Attachment A to replace the existing Council policy '012: Complaints Handling' at Attachment B.

# **EXECUTIVE SUMMARY**

This report presents a revised Council policy: Complaints Management (Attachment A) (the Policy), with officers recommending it replace the existing Council policy 012: Complaints Handling (Attachment B).

# **BACKGROUND**

Council policy 012: Complaints Handling was implemented on 24 April 2012 (C1204/104) as a guide for Council and the City to manage complaints. The policy underwent a review on 12 October 2016 (C1610/095) at which time a reference to dealing with vexatious and/or malicious complainants was removed. The reason for this change was officers considered that the complaint investigation process will determine whether or not a complaint is substantiated. Identifying a complaint as vexatious or malicious was considered to be unnecessary and would not add to the process or assist to uphold the objectives of the Policy.

An operational practice and procedure (CUS 100 Complaints Handling Practice and Procedure) (the OPP) was developed by officers in 2012, and was the basis for a training program for City staff. A complaint register and a reporting mechanism was also established to improve complaints handling.

In 2017, as part of the regular practice of reviewing Council policies, a review was carried out on Council policy 018: Customer Service. It was established that the contents of this Customer Service policy would be more appropriately contained as a separate charter. At its Ordinary Meeting on 28 June 2017, Council resolved (C1706/154) to cancel Council policy 018: Customer Service and adopt the Customer Service Charter (the Charter) in its place. The Charter, in conjunction with Council policy 012: Complaints Handling and the OPP, provide overarching guidance for customer service provision across the City, including in the management of complaints.

#### **OFFICER COMMENT**

The Policy has been transferred into the new Council policy template and reviewed by officers with the intent of refining the policy statement in accordance with the recommendations of the 2017 Governance Service Review (GSR). The Policy has been retitled "Complaints Management", which is considered a more appropriate description of the purpose and scope of the Policy.

# **Purpose and Scope**

The Policy's purpose and scope remains substantially the same, with the wording having been refined to provide greater clarity.

The Policy reflects the City's strategic intent and approach to customer service and the management of complaints. The addition of the words "timely, impartial and equitable" emphasises the importance of complaint resolution as being "crucial to ensuring the delivery of quality services".

Additionally, the statement "Council and the CEO will support and promote a culture where complaints are seen as opportunities to learn and improve service delivery" is intended to focus the Policy, and directs Councillors and officers to act in accordance with a culture that values continuous improvement and quality service provision.

# **Operational Detail**

Council policy 012 Complaints Handling contains a significant amount of detail which is already contained in, or is better suited to, operational practices and procedures, or other relevant documentation, including the Customer Service Charter, or the Elected Members and Employees Codes of Conducts. This operational detail has been removed from the Policy, maintaining the separation between the City's policy and operational documents.

# **Statutory Environment**

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

# **Relevant Plans and Policies**

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the GSR. The framework sets out the intent of Council policies, as opposed to operational documents such as operational practices and work procedures.

# **Financial Implications**

There are no financial implications associated with the officer recommendation.

# **Stakeholder Consultation**

No external stakeholder consultation was required or undertaken in relation to this matter.

# **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 Policy.
- 2. Retain the Policy in its current form.

# **CONCLUSION**

The Policy has been transferred into the new Council policy template and reviewed by officers with the intent of refining the Policy and is presented for Council's consideration and endorsement.

# TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be placed on the City's website within one week of adoption.

6.3

31

#### 1. PURPOSE

- 1.1. Council recognises the importance of receiving, acknowledging and resolving Complaints from its community, to improve service provision.
- 1.2. The purpose of this Policy is to provide guidance and set out expectations in relation to the City's Complaints management approach.

#### 2. SCOPE

- ${\bf 2.1.} \quad \hbox{This Policy is applicable to the receipt and management of all Complaints as defined.}$
- 2.2. This Policy does not include those complaints dealt with under the Local Government Act, specifically being Part 4 Division 9 Electoral Process, Part 4 Division 10 Validity of Elections, Part 4 Division 11 Electoral Offences, Part 5 Division 6 Disclosure of Financial Interests and Gifts, and Part 5 Division 9 Conduct of Certain Officials.

# 3. DEFINITIONS

Term	Meaning		
Policy	this City of Busselton Council policy titled "Complaints Management"		
Complaint	An expression of dissatisfaction with a level of service, repeated lack of promised service or response, or the conduct of any person employed by the City of Busselton, which is not anonymous, made to the City of Busselton through its Councillors, the Chief Executive Officer or any of its employees in writing or verbally, where a response or resolution is explicitly or implicitly expected.  A Complaint is not:		
	<ul> <li>a. A request for service;</li> <li>b. A request for information;</li> <li>c. The lodging of an appeal in accordance with a standard procedure or policy;</li> <li>d. A freedom of information enquiry;</li> <li>e. An allegation of a breach of the law by a third party; or</li> <li>f. An expression of dissatisfaction with a decision.</li> </ul>		

6.3 Attachment A Cou

# Council Policy: Complaints Management (Proposed)

#### 4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 6 Leadership of the City's Strategic Community Plan 2017 and specifically the following Community Objectives:
  - a. 6:1: Governance systems are responsible, ethical and transparent; and
  - b. 6.3: Accountable leadership that is supported by a skilled and professional workforce.

#### 5. POLICY STATEMENT

- 5.1. The City of Busselton regards the provision of timely, impartial and equitable complaint resolution as a core strategic responsibility, and crucial to ensuring the delivery of quality services.
- 5.2. The City's Code of Conduct and its Customer Service Charter details expectations in relation to employee behaviour and levels of service.
- 5.3. Council and the CEO will support and promote a culture where complaints are seen as opportunities to learn and improve service delivery.
- 5.4. The City will manage all Complaints in a manner that is:
  - a. Focused on the customer with visible and accessible contact points provided for Complaints;
  - Responsive and empathetic to people who have cultural and language differences, disabilities, literacy issues and requirements relating to remote access;
  - c. Objective, fair and neutral;
  - d. Confidential wherever possible and respectful of a person's privacy;
  - e. Accountable and transparent, with appropriate and efficient record-keeping and decision-making;
  - f. Outcome focused and ensures the customer is involved in the entire process until resolution of the Complaint:
  - g. Free of reprisals against any person involved in the Complaint management process; and
  - h. Accessible and accountable for the continued improvement of the management of Complaints.
- 5.5. The CEO will establish operational practices and mechanisms to facilitate the objectives of this Policy and ensure they are available to the community.

# 6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton Customer Service Charter
- 6.2. City of Busselton Code of Conduct
- 6.3. State Records Act 2000 (WA)
- 6.4. CUS 100 (OPP) Complaints Handling Practice and Procedure

# 7. REVIEW DETAILS

Review Frequency		Every 3 years		
Council	DATE		Resolution #	
Adoption				
Previous	DATE	24 April 2012	Resolution #	C1204/104
Adoption				

6.3 Attachment B

Council Policy 012: Complaints Handling (Current)

Last updated 12/10/2016

012	Complaints Handling	V2 Current

#### **STATEMENT**

Council recognises and acknowledges the importance of providing impartial, equitable and timely complaint resolution to the community, its residents and stakeholders.

# **PURPOSE**

The intent of the Policy is to provide the guiding document for Council and the City with regards to complaints management in order to most effectively meet their service provision obligations to the community, its residents and stakeholders.

#### **SCOPE**

This policy applies to all Employees of the City of Busselton.

# **POLICY CONTENT**

The City of Busselton regards the provision of excellent complaint resolution services as a core strategic responsibility. In development of this policy, the Council has considered community feedback and expectations, relevant internal and external processes, organisational risks and officer recommendations. In addition, this policy takes into consideration the existing City of Busselton Code of Conduct and Customer Service Policy, which broadly outlines responsible behaviour for all City Officers.

This policy applies directly to the delivery of services as documented in the City of Busselton Customer Service Charter. This policy is to ensure that everyone within the organisation understands the duties and responsibilities applicable at all levels.

The City of Busselton Complaint Handling Policy is our commitment to the community to address their complaints in a manner that is:

- Customer focused;
- Responsive and empathetic;
- Objective and fair;
- Confidential;
- · Accountable and transparent;
- Outcome focused;
- Free of reprisals
- Accessible for review and improvement.

# **Complaint Definition**

The City of Busselton recognises a complaint to be:

Any expression of dissatisfaction with a level of service, repeated lack of promised service or response, or the conduct and/or behaviour of any person employed by the City of Busselton, which is not anonymous, made to the City of Busselton through its Councillor, Chief Executive Officer or any of its employees in writing or verbally, where a response or resolution is explicitly or implicitly expected.

A complaint is therefore not:

- A request for service;
- A request for information;
- A request for an explanation of a policy or procedure;
- The lodging of an appeal in accordance with a standard procedure or policy;
- A freedom of information enquiry;

#### 6.3 Attachment B

Council Policy 012: Complaints Handling (Current)

Last updated 12/10/2016

- An allegation of a breach of the law by a third party;
- An expression of dissatisfaction with a decision.

# Responsibilities:

#### Councillors will:

- Ensure guidelines for complaint handling service delivery as stated in this policy and the Customer Service Charter are current and relevant and that these guidelines continue to be customer and outcome focused;
- Review this policy on a periodic basis as required by changing community needs;
- Identify performance indicators for expected complaint resolutions, including expected levels of compliance and reporting requirements;
- Support the CEO and Executives in the provision of excellent complaint resolution services;

#### CEO and Executives will:

- Endorse and support all standards documented in this policy;
- Promote a positive attitude complaint and complainant handling;
- Endorse and support an organisational complaint handling procedure which includes, but is not limited to:
  - Processes to capture complaints;
  - Investigation methods and results;
  - Guidelines for resolution decisions;
  - Training requirements;
- Contribute to the regular periodic review of this policy by:
  - Engaging in regular community consultation to ensure current and future customer needs adequately addressed;
  - Identifying opportunities for improvements to complaint handling procedures;
- Support Managers and other staff in the provision of customer-focused complaint resolution;
- Establish mechanisms to monitor compliance with this policy;
- Establish processes to deal with failure to meet endorsed standards;
- Report to Council on performance indicators for Complaint resolution.

#### Managers will:

- Optimize and support complaint handling and resolution mechanisms in place to comply with this policy;
- Ensure officers under direct and indirect supervision are aware of and are following guidelines detailed in this policy and related procedures.
- Ensure new employees are made aware of the complaint policy and procedure and their requirements.

6.3

Last updated 12/10/2016

 Ensure ongoing training to foster and develop conflict resolution and other customer service related skills;

35

- Implement endorsed procedures to deal with failure to meet the standards of this policy;
- Report to the CEO and Executives on performance indicators for complaint resolution.

#### All Employees will:

- Comply with this policy and associated procedures;
- Actively support others in compliance with this policy and associated procedures;
- Undertake training and performance management as required to maintain an appropriate level of skill in conflict resolution and other customer service related skills;
- Report to Managers as required on performance indicators for complaint handling responsibilities.
- Support complainants through the complaints process as required:
- Seek and report on customer feedback, positive and negative, during the course of customer interaction.

#### Procedures:

Procedures developed for complaint handling will:

- Provide for various methods by which complaints can be lodged, taking into account complainants with disabilities, language issues and literacy issues.
- Include links to the Customer Service Charter agreed levels of service provision that incorporate appropriate timeframes and communication requirements.
- Be customer and outcome focused.
- Adhere to the standardised definition of 'complaint' as stated in the Policy.
- Give means to ensure as many true complaints are captured as is reasonably practical, including relevant documentation, investigation outcomes and resolutions.
- Outline a centralised complaint register format.
- Develop clear responsibilities for all officers across all levels within the organisation as set out in the Policy.
- Develop clear and accessible guidelines for appropriate complaint resolution.
- Comply with the State Records Act 2000.
- Provide clear guidelines for staff training requirements including:
  - New staff inductions;
  - Complaint handling training;
  - Conflict Resolution.
  - Periodic refresher courses;

# 6.3 Attachment B

Council Policy 012: Complaints Handling (Current)

Last updated 12/10/2016

 Provide guidelines to senior officers delegated to review all complaints, investigations and their resolutions on a regular basis with the goal of identifying trends and issues and providing guidance for service delivery.

# **Policy Background**

Policy Reference No. – 012

Owner Unit – Corporate Services

Originator – Customer Service Coordinator

Policy Approved by – Council

Date Approved – 24 April 2012

Review Frequency – As required

Related documents – Customer Service Policy and Customer Service Charter

# **History**

Council Resolution	Date	Information
C1610/095	12 October 2016	Adjustment made to remove the line item relating to dealing with vexations and/or malicious complainants. Version 2
C1204/104	24 April, 2012	Date of Implementation Version 1

# 6.4 REVIEW OF COUNCIL POLICY: ELECTED MEMBER TRAINING AND PROFESSIONAL DEVELOPMENT

**STRATEGIC GOAL** 6. LEADERSHIP Visionary, collaborative, accountable

**STRATEGIC OBJECTIVE** 6.1 Governance systems, process and practices are responsible,

ethical and transparent.

SUBJECT INDEX Council Policy

**BUSINESS UNIT** Governance Services

**REPORTING OFFICER** Executive Assistant to Council - Lisa Haste

Governance Coordinator - Emma Heys

**AUTHORISING OFFICER** Director Finance and Corporate Services - Tony Nottle

**NATURE OF DECISION** Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

**VOTING REQUIREMENT** Simple Majority

ATTACHMENTS Attachment A Elected Member Training and Professional

Development Policy 🖫

Attachment B Elected Member Training and Professional

Development Policy - marked up version U

#### **OFFICER RECOMMENDATION**

That the Council adopts the revised Council Policy: Elected Member Training and Professional Development, as per Attachment A.

#### **EXECUTIVE SUMMARY**

This report presents a revised 'Elected Member Training and Professional Development' Council Policy (Attachment A) (the Policy) for Council approval. The Policy inclusive of tracked changes is included at Attachment B to highlight the recommended amendments.

With a number of training and development opportunities spanning over multiple years, or costing more than the shared annual allowance, changes have been made to the Policy to allow for the allowance to be rolled over into the next financial year, allowing Elected Members the opportunity to undertake a broader range of professional development opportunities.

#### **BACKGROUND**

The Policy was last reviewed on 24 April 2019 as a result of the Governance Service Review. Changes included the removal of the ability for unused funds to be carried forward into the next financial year. Since then, however, professional development opportunities have been recognised which exceed the specified annual allowance and are carried out over a number of years. In response, officers have informally discussed with Council the ability to isolate unspent funds from a financial year, for use in the next one, and are now formally proposing a change to the Policy to allow for this.

#### **OFFICER COMMENT**

The Policy has been amended to allow for unspent funds from one year to be held in the reserve and used in the following financial year, with no more than two financial years' worth of the allowance to accrue. To assist in managing this, the Policy has also been amended to provide for a fixed allowance of \$3,000 per Elected Member per financial year. This was discussed as an option when the Policy was last reviewed and rejected due to the unknown costs of mandatory training that needs to be undertaken by new or re-elected members.

Six Elected Members are currently completing the mandatory training, at a total cost to date of \$6,262.35. This has been through a combination of face to face and online delivery. Four of the five modules are now available online and the fifth one will be available shortly. Each online module has a cost of \$195, with future costs not expected to exceed \$975 per Elected Member, on the basis of WALGA continuing with this mode of delivery.

An amount of \$3,000 per annum, with the ability to roll over unspent funds to the next financial year, is recommended as adequate to provide for both mandatory and ongoing professional development needs. In order to facilitate this change, officers have expanded the purpose of the Professional Development Reserve to include Elected Members. The Elected Members' Funds will be partitioned off from City Officer's funds in the Reserve.

# **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 recommendation of a committee it has established in accordance with section 5.8 of the Act.

#### **Relevant Plans and Policies**

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the Governance Services Review carried out in 2017. The framework sets out the intent of Council policies, as opposed to operational documents such as staff management practices and operational practices.

#### **Financial Implications**

Adoption of the Policy has no immediate budget implications, with the City's annual budget containing an amount to meet the Policy requirements. The cost of mandatory training is now known and, with the ability to use the unspent allocation of funds in the next financial year, the opportunity to participate in a greater range of training and development is enhanced.

# **Stakeholder Consultation**

No external stakeholder consultation was required or undertaken in relation to this matter.

#### 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 choose not to specify a monetary figure for the allowance per financial year and instead continue to define allowance as an equal share of the total budget.

#### **CONCLUSION**

The proposed amendments to the Policy provide greater flexibility to Elected Members in accessing a greater range of professional development and training opportunities.

#### TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be place on the City's website within one week of Council adoption.

Attachment A

Committee

6.4

#### 1. PURPOSE

- 1.1. The purpose of this Policy is to provide a framework within which elected members may access an allowance to fund continual training and professional development opportunities that will 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.

#### 3. DEFINITIONS

Term	Meaning			
Allowance	\$3000 per Councillor per financial year			
Policy	This City of Busselton Council policy entitled "Elected Members Training and			
	Professional Development"			

#### 4. STRATEGIC CONTEXT

4.1. This Policy links to Key Goal Area 6 - Leadership of the City's Strategic Community Plan 2017 and specifically Community Objective 6.1: Governance systems, processes and practices are responsible, ethical and transparent.

#### 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;
  - 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 their constituents.
- 5.2. Each elected member will be allocated an Allowance to be used for attendance at training and development programs and courses.

# **Elected Member Training and Professional Development Policy**

5.3. Any unspent portion of the Allowance will be held in reserve, and may be used in the following financial year. No more than the total value of 2 years of the Allowance can be accrued.

40

- 5.4. The Allowance may be used for:
  - a. Attendance at training run by the Western Australian Local Government Association (WALGA);
  - b. Attendance at Local Government Week run by WALGA, subject to paragraph 5.4; 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. It is usual for the Mayor and the Deputy Mayor, along with the CEO or his delegate, 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 taken from the Allowance.
- 5.6. Elected members may also be required under the Local Government Act 1995 (or any replacement legislation) to complete mandatory training. The Allowance will be used in the first instance for completion of mandatory training.

#### Approvals and restrictions on training

- 5.7. 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.
- 5.8. No more than two elected members may attend the same interstate training and development opportunity at the same time.
- 5.9. 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.
- 5.10. Attendance at any overseas training and development opportunity requires the specific approval of Council.
- 5.11. Applications from elected members to attend training and development opportunities will be considered by the Mayor and Deputy Mayor in consultation with the CEO, 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).
- 5.12. 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.
- 5.13. Nothing in this Policy prevents the Council from approving over and above the allowance.

#### **Reporting Requirements**

5.14. On return from attending an interstate training and development opportunity elected members shall within 21 days provide either a written report to the City or a verbal presentation to a Councillor briefing session; the purpose being to facilitate knowledge sharing. The report / presentation should detail

#### 6.4 Attachment A

# Elected Member Training and Professional Development Policy

knowledge and skills gained, benefits of attendance for the City, Council and community, and relevant recommendations.

5.15. 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		3 yearly		
Council	DATE	24 April 2019	Resolution #	C1904/076
Adoption				
Previous	DATE	10 May 2017	Resolution #	C1705/103
Adoption				

6.4 Attachment B

Elected Member Training and Professional Development Policy - marked up version



#### 1. PURPOSE

1.1. The purpose of this Policy is to provide a framework within which elected members may access an annual allowance to fund continual training and professional development opportunities that will assist them to undertake their role through the development of relevant skills and competencies.

1.1.1.2. This Policy fulfils the City's requirements under in 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.

# 3. DEFINITIONS

Term	Meaning				
Annual Allowance	An amount which is an equal share of the allocation of \$3000 for each individual per				
	Councillor per financial year in the budget allocation for Councillor training and				
	development_, allocated on a pro-rata basis for each elected member's term of				
	office				
Policy	This City of Busselton Council policy entitled "Elected Members Training and				
	Professional Development"				

#### 4. STRATEGIC CONTEXT

4.1. This Policy links to Key Goal Area 6 - Leadership of the City's Strategic Community Plan 2017 and specifically Community Objective 6.1: Governance systems, processes and practices are responsible, ethical and transparent.

#### 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;
  - 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 their constituents.

#### 6.4 Attachment B

# Elected Member Training and Professional Development Policy - marked up version

- <u>5.2.</u> Each elected member will be allocated an <u>Annual Allowance</u> to be used for attendance at training and development programs and courses.
- 5.2.5.3. Where not used in any financial year Any unspent portion of the Allowance, the balance will carry over in reserve be held in reserve, and may be used in the following financial year. No more than the total value of 2 years of the Annual Allowance can be accrued.
- 5.3.5.4. The Annual Allowance may be used for:
  - a. Attendance at training run by the Western Australian Local Government Association (WALGA);
  - b. Attendance at Local Government Week run by WALGA, subject to paragraph 5.4; 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.
- 5.4.5.5. It is usual for the Mayor and the Deputy Mayor, along with the CEO or his delegate, 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 taken from the Annual Allowance.
- 5.5.6. Elected members may also be required under the Local Government Act 1995 (or any replacement legislation) to complete mandatory training. The Annual Allowance will be used in the first instance for completion of mandatory training.

#### Approvals and restrictions on training

- 5.6.5.7. 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.
- 5.7.5.8. No more than two elected members may attend the same interstate training and development opportunity at the same time.
- 5.8.5.9. 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.
- 5.9.5.10. Attendance at any overseas training and development opportunity requires the specific approval of Council.
- 5.10.5.11. Applications from elected members to attend training and development opportunities will be considered by the Mayor and Deputy Mayor in consultation with the CEO, 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).
- 5.11.5.12. 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 Annual Allowance.

#### 6.4 Attachment B

Elected Member Training and Professional Development Policy - marked up version

5.12.5.13. Nothing in this Policy prevents the Council from approving additional funding for elected member training and professional development or a specific application to be funded outside of the Annual Allowance.over and above the allowance.

#### **Reporting Requirements**

- 5.13.5.14. On return from attending an interstate training and development opportunity elected members shall within 21 days provide either a written report to the City or a verbal presentation to a Councillor briefing session; the purpose being to facilitate knowledge sharing. The report / presentation should detail knowledge and skills gained, benefits of attendance for the City, Council and community, and relevant recommendations.
- 5.14.5.15. 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		3 yearly		
Council	DATE	24 April 2019	Resolution #	C1904/076
Adoption Previous	DATE	10 May 2017	Resolution #	C1705/103
Adoption		,		

# 6.5 PARKING LOCAL LAW 2020

**STRATEGIC GOAL** 6. LEADERSHIP Visionary, collaborative, accountable

**STRATEGIC OBJECTIVE** 6.1 Governance systems, process and practices are responsible,

ethical and transparent.

SUBJECT INDEX Local Laws

**BUSINESS UNIT** Corporate Services

**REPORTING OFFICER** Legal Officer - Briony McGinty

**AUTHORISING OFFICER** Director Finance and Corporate Services - Tony Nottle

NATURE OF DECISION Legislative: to adopt legislative documents e.g. local laws, local

planning schemes, local planning policies

**VOTING REQUIREMENT** Simple Majority

ATTACHMENTS Attachment A Current Local Law with Mark-ups !!

Attachment B Proposed Local Law U

# **OFFICER RECOMMENDATION**

#### That the Council:

1) Commences the law-making process for the *City of Busselton Parking Local Law 2020,* the purpose and effect of the local law being as follows:

Purpose: To regulate and control the movement and parking of vehicles throughout the district.

Effect: To provide a well-regulated parking environment for all persons in the district.

- 2) Authorises the CEO to carry out the law-making procedure under section 3.12(3) of the Local Government Act 1995, by:
  - (a) Giving Statewide public notice and local public notice of the Parking Local Law; and
  - (b) Giving a copy of the Parking Local Law and public notice to the Minister for Local Government.
- 3) Directs the CEO, after the close of the public consultation period, to submit a report to the Council on any submissions received on the Parking Local Law to enable the Council to consider the submissions made and to determine whether to make the local law in accordance with section 3.12(4) of the *Local Government Act 1995*.

# **EXECUTIVE SUMMARY**

The Local Government Act 1995 (the Act) requires that local laws be reviewed every 8 years. The City's Shire of Busselton Parking Local Law (Current Local Law) was gazetted in 2011 and is due for review. The City has prepared an updated version which incorporates recent legislative changes impacting on the local law as well as updating infringement penalties which have not been amended for nearly 9 years.

It is recommended that the Council initiate the law-making process and authorise the CEO to commence advertising the proposed *City of Busselton Parking Local Law 2020* (Parking Local Law), which would repeal the Current Local Law and replace it with the Parking Local Law.

#### **BACKGROUND**

Section 3.16 of the Act requires that local laws be reviewed every 8 years. The Current Local Law was gazetted on 30 November 2011 and came into effect shortly thereafter. Since that time, there have been some minor changes to state legislation relating to the regulation of motor vehicles, which impact on the Current Local Law.

Both the Current Local Law and the Parking Local Law are based on the relevant WALGA model that, among other things, ensures these local laws are consistent with WA road traffic laws, including the *Road Traffic Code 2000*.

The Parking Local Law seeks to provide the City with the ability to effectively regulate and control the movement and parking of vehicles throughout the district in order to provide a well-regulated parking environment for all persons in the district.

#### **OFFICER COMMENT**

The Current Local Law has operated effectively since its gazettal. The Current Local Law is based on the WALGA model but was modified to accommodate the particular circumstances of the locality. WALGA have not amended their model local law during this time. However, during its internal review, City officers have identified five instances where amendments to the local law should be made.

- (1) The Local Government (Parking for People with Disabilities) Regulations 2014 (the Regulations) governs parking for people with disabilities. The terminology in the Regulations applying to disability parking permits has been amended necessitating minor amendments to the local law. Further, the Regulations provide for infringements for people who contravene disabled parking provisions. Therefore, the equivalent offence provisions contained within the Current Local Law are redundant and can be removed.
- (2) Similarly, the definition of "taxi" has been moved to the Road Traffic Code 2000.
- (3) Clause 3.1(5) of the Current Local Law, which creates the offence of parking a motorcycle or bicycle in a parking stall, has been removed. This clause is not currently enforced by rangers and, in relation to bicycles, presents obvious difficulties in the identification of offenders.
- (4) The modified penalties for offences have not been updated since the Current Local Law's inception in 2011. Some modified penalties in the Parking Local Law have not seen an increase, there have been minor increases in some modified penalties (which is still below a CPI increase over the relevant period), and some offences have seen a moderate increase due to their potentially more significant impact on safety or amenity.
- (5) References to "Shire" should be updated to "City".

City officers also considered introducing clauses to provide for residential parking permits. Currently, there are only two known properties within the district with no off-street parking. There is on-street parking available to these two properties, however, it is timed parking. The residents of the two properties have provided their vehicle registration numbers to the City and rangers manage this issue administratively. If the City were to introduce a residential parking permit system, this would require significant amendments to the local law and would need to be accompanied by a policy to guide decision-making under those provisions of the local law. It would also create a right of review for those people who are aggrieved by a decision to refuse a residential parking permit. Given the small number of properties affected, and the ease with which rangers can manage the situation, the introduction of residential parking permits is not recommended at this stage.

Given the small number of proposed changes to the Current Local Law, the City considered whether the changes should be made via an amendment local law or creating a new local law. Largely for administrative ease, it is considered that a new local law is preferable.

It is simpler to draft (thus avoiding referencing errors in the amendments) and circumvents future challenges regarding the preparation of consolidated local laws.

Attachment 1 is the Current Local Law showing the suggested changes as mark-ups. Attachment 2 is the Parking Local Law which would be advertised for comment if the officer recommendation is accepted.

#### **Statutory Environment**

#### **Local Government Act 1195**

Section 3.5 of the Act provides Council with the head of power for making local laws, which stipulates:

A local government may make Local Laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

The procedure for making local laws is set out in sections 3.12 to 3.17 of the Act and regulation 3 of the *Local Government (Functions and General) Regulations 1996* (WA). The person presiding at a Council meeting is to give notice of the purpose and effect of a proposed local law by ensuring that:

- the purpose and effect of the proposed local law is included in the agenda for that meeting;
   and
- the minutes of that Council meeting include the purpose and effect of the proposed local law.

The purpose and effect of the Parking Local Law is as follows:

#### **Purpose**

To repeal *Shire of Busselton Parking Local Law* and to extend to the Council the ability to regulate and control the movement and parking of vehicles throughout the district.

# **Effect**

To provide a well-regulated parking environment for all persons in the district.

Statewide and local public notice is to be given by advertising the Parking Local Law in accordance with the requirements of sections 3.12(3) and (3)(a) of the Act. The submission period must run for a minimum period of six weeks after which Council, having considered any submissions received, may resolve to make the local law as proposed or make a local law that is not significantly different from what was proposed.

The Local Government Act Review has led to amendments to the requirements and particulars for public notice under sections 1.7 and 1.8 of the Act. The changes are awaiting proclamation pending finalisation of regulations covering public notice requirements. Should the amendments be proclaimed during this period, appropriate modifications to the process will be adopted.

#### **Parliamentary Scrutiny**

Section 42 of the *Interpretation Act 1984* allows the WA State Parliament to disallow a local law, which is a mechanism to guard against the making of subsidiary legislation that is not authorised or contemplated by the empowering enactment, has an adverse effect on existing rights or ousts or modifies the rules of fairness. Parliament has appointed the Joint Standing Committee on Delegated Legislation (JSC) which is a committee of State politicians from both houses of the Western Australian Parliament, to undertake an overseeing role on its behalf, which includes the power to scrutinise and recommend the disallowance of local laws to the Parliament. After gazettal, a copy of the Parking

Local Law will be sent to the JSC who will examine the local law and determine whether or not it complies with abovementioned criteria.

#### **Relevant Plans and Policies**

The City of Busselton Consolidated Parking Scheme determines parking stalls, parking stations and parking areas created under the Current Local Law. Where a sign has been erected to give effect to a determination under the Current Local Law, it is deemed to have been erected by the local government under the Parking Local Law and will continue to have effect.

#### **Financial Implications**

Costs associated with the advertising and gazettal of the Parking Local Law will come from the legal budget. These costs are unlikely to exceed \$2,000 and there are sufficient funds in the legal budget for this purpose.

In terms of the increase in modified penalties, the City is unlikely to see any significant increase in income, given the City's approach to its regulatory functions. Proposed increases are minor and based on a review of the City's existing amounts and a comparison of other southwest local governments.

Making and implementing the Parking Local Law should not have any other financial implications for the City.

# **Stakeholder Consultation**

Should Council resolve to commence the process of making the Parking Local Law, public submissions will be invited as part of the statutory consultation process prescribed under sections 3.12(3) and (3a) of the Act.

The submission period must run for a minimum period of 6 weeks after which, the Council having considered any submissions received, may resolve to adopt the proposed local law or a law which is not significantly different.

# 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 choose to vary the provision of the Parking Local Law in any number of ways. However, for the reasons outlined in this report, the Parking Local Law is the form of local law recommended at this stage.

There will be further opportunity for considering and making changes to the Parking Local Law following the public consultation process outlined above, provided the changes are not significantly different from what is currently proposed. If any changes are of a significant nature the Parking Local Law would need to be re-advertised.

#### **CONCLUSION**

The Current Local Law requires review. It is outdated and should be repealed and replaced by an updated local law in line with current needs, expectations and operational requirements. The Parking Local Law will provide the City with adequate and effective controls for the purpose of managing and regulating parking throughout the district.

# TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Within two weeks of the Council decision to commence the law-making process, the Parking Local Law will be advertised for public comment. The statutory consultation period is a minimum of six weeks and following the close of the advertising period a report will be submitted to the Council for further consideration which, depending on the number and nature of submissions received, could be within three months.

50

ShireCity of Busselton

PARKING LOCAL LAW 202011

**ShireCity** of Busselton

Parking Local Law 202011

**ARRANGEMENT**CONTENTS

# Part 1 - Definitions and operation

- 1.1 Title
- 1.2 Commencement
- 1.3 Repeal
- 1.4 Definitions
- 1.5 Application of particular definitions
- 1.6 Application
- 1.7 Pre-existing signs
- 1.8 Classes of vehicles
- 1.9 Part of thoroughfare to which sign applies
- 1.10 Powers of the Council

# Part 2 - Parking stalls, parking stations and parking areas

- 2.1 Determination of parking stalls, parking stations and parking areas
- 2.2 Vehicles to be within parking stall on thoroughfare
- 2.3 Parking prohibitions and restrictions

# Part 3 - Parking generally

- 3.1 Restrictions on parking in particular areas
- 3.2 Parking vehicle on a carriageway
- 3.3 When parallel and right-angled parking apply
- 3.4 When angle parking applies
- 3.5 General prohibitions on parking
- 3.6 Authorised person may order vehicle on thoroughfare to be moved
- 3.7 Authorised person may mark tyres
- 3.8 No movement of vehicles to avoid time limitation
- 3.9 No parking of vehicles exposed for sale and in other circumstances

# Current Local Law with Mark-ups

- 3.10 Parking on private land
- 3.11 Parking on reserves
- 3.12 Suspension of parking limitations for urgent, essential or official duties

# Part 4 - Parking and stopping generally

4.1 No stopping and no parking signs, and yellow edge lines

# Part 5 - Stopping in zones for particular vehicles

- 5.1 Stopping in a loading zone
- 5.2 Stopping in a taxi zone or a bus zone
- 5.3 Stopping in a mail zone
- 5.4 Other limitations in zones

# Part 6 - Other places where stopping is restricted

- 6.1 Stopping in a shared zone
- 6.2 Double parking
- 6.3 Stopping near an obstruction
- 6.4 Stopping on a bridge or in a tunnel, etc.
- 6.5 Stopping on crests, curves, etc.
- 6.6 Stopping near a fire hydrant etc
- 6.7 Stopping at or near a bus stop
- 6.8 Stopping on a path, median strip, or traffic island
- 6.9 Stopping on verge
- 6.10 Obstructing access to and from a path, driveway, etc.
- 6.11 Stopping near a letter box
- 6.12 Stopping on a carriageway heavy and long vehicles
- 6.13 Stopping on a carriageway with a bicycle parking sign
- 6.14 Stopping on a carriageway with motor cycle parking sign
- 6.15 Stopping in a parking area for people with disabilities

# **Part 7 - MISCELLANEOUS**

- 7.1 Removal of notices on vehicle
- 7.2 Unauthorised signs and defacing of signs
- 7.3 Signs must be complied with
- 7.4 General provisions about signs
- 7.5 Special purpose and emergency vehicles
- 7.6 Vehicles not to obstruct a public place

# Current Local Law with Mark-ups

# Part 8 - Enforcement

- 8.1 Legal proceedings
- 8.2 Offences and penalties

# **SCHEDULE 1 - PARKING REGION**

# SCHEDULE 2 - PRESCRIBED OFFENCES

#### Local Government Act 1995

#### ShireCity of Busselton

# Parking Local Law 202011

Under the powers conferred by the *Local Government Act 1995* and under all powers enabling it, the Council of the ShireCity of Busselton resolved on 9 November 2011[add date] to make the following local law.

# Part 1 - Definitions and operation Preliminary

#### 1.1 Title

This local law is the ShireCity of Busselton Parking Local Law 202011.

#### 1.2 Commencement

This local law comes into operation on the 14<sup>th</sup> day 14 days after the day on which it is published in the *Government Gazette*.

#### 1.3 Repeal

The Shire City of Busselton Parking Facilities By-LawsLocal Law 2011, published in the Government Gazette on 24 June 199430 November 2011, is repealed.

# 1.4 Definitions Terms used

In this local law, unless the contrary intention appears -

ACROD sticker has the meaning given in the Local Government (Parking for Disabled Persons) Regulations 1988;

Act means the Local Government Act 1995;

authorised person means a person appointed by the Council or the CEO, under section 9.10 of the Act, to perform any of the functions of an authorised person under this local law:

authorised vehicle means a vehicle authorised by the CEO or an authorised person, or under any written law, to be parked on a thoroughfare or parking facility;

bicycle has the meaning given to it by in the Code;

bicycle path has the meaning given to it byin the Code;

bus has the meaning given to it byin the Code;

bus embayment has the meaning given to it byin the Code;

bus stop has the meaning given to it byin the Code;

bus zone has the meaning given to it byin the Code;

caravan has the meaning given by in the Caravans Parks and Camping Grounds Act 1995;

#### carriageway means -

- a portion of thoroughfare that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and
- (b) where a thoroughfare has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately;

centre in relation to a carriageway, means a line or a series of lines, marks or other indications -

- (a) for a 2-way carriageway placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications the middle of the main, travelled portion of the carriageway;

children's crossing has the meaning given to it byin the Code;

CEO means the Chief Executive Officer of the local government;

#### City means the City of Busselton;

Code means the Road Traffic Code 2000;

# commercial vehicle –

- (a) means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers; and
- (b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

Council means the Council of the local government;

disability parking permit has the meaning given to it in the Local Government (Parking for People with Disabilities) Regulations 2014;

district means the district of the local government;

driver means any person driving or in control of a vehicle;

edge line for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;

emergency vehicle has the meaning given to it by in the Code;

footpath has the meaning given to it byin the Code;

GVM (which stands for 'gross vehicle mass'), in relation to a vehicle, has the meaning given in the Road Traffic (Vehicles) Act 2012; has the meaning given to it by the Code;

*loading zone* means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked 'loading zone';

local government means the ShireCity of Busselton;

mail zone has the meaning given to it byin the Code;

median strip has the meaning given to it byin the Code;

motor cycle has the meaning given to it by in the Code;

*motor vehicle* means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

no parking area has the meaning given to it byin the Code;

no parking sign means a sign with -

- (a) the words 'no parking' in red letters on a white background; or
- (b) the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given to it byin the Code;

no stopping sign means a sign with -

- (a) the words 'no stopping' or 'no standing' in red letters on a white background; or
- the letter 'S' within a red annulus and a red diagonal line across it on a white background;

occupier has the meaning given to it byin the Act;

# owner -

- (a) where used in relation to a vehicle licensed under the *Road Traffic (Vehicles)*Act 2012, means the person in whose name the vehicle has been registered under that Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

park has the meaning given to it byin the Code;

parking area has the meaning given to it byin the Code;

#### parking facilities -

- (a) means land, buildings, shelters, parking stations, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge; and
- (b) includes signs, notices and facilities used in connection with the parking of vehicles;

parking region means the area described in Schedule 1;

*parking stall* means a section or part of a thoroughfare or parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking station means any land, or structure provided for the purpose of accommodating vehicles with or without charge;

pedestrian crossing has the meaning given to it byin the Code;

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land -

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the Land Administration Act 1997; or
- (c) which is an 'otherwise unvested facility' within the meaning of section 3.53 of the Act;

Road Traffic Act means the Road Traffic Act 1974;

Schedule means a Schedule to this local law;

shared zone has the meaning given to it byin the Code;

#### Shire means the Shire of Busselton;

sign includes a traffic sign, inscription, road marking, mark, structure or device, on which may be shown words, numbers, expressions or symbols, that is -

- (a) approved by the CEO or an authorised person; and
- (b) placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking and stopping of vehicles;

special purpose vehicle has the meaning given to it byin the Code;

stop, in relation to a vehicle, has the meaning given to it byin the Code;

**symbol** includes any symbol specified by Australian Standard 1742.11-1999 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law also is to be deemedtaken to include a reference to the corresponding symbol;

taxi has the meaning given to it byin the Code; means a taxi within the meaning of the Taxi Act 1994 or a taxi car in section 47Z of the Transport Co-ordination Act 1966;

taxi zone has the meaning given to it byin the Code;

thoroughfare has the meaning given to it byin the Act;

traffic island has the meaning given to it byin the Code;

trailer has the meaning given to it byin the Code;

vehicle has the meaning given to it byin the Road Traffic (Administration) Act 2008; and

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line, but does not include a footpath.

#### 1.5 Application of particular definitions terms

- (1) For the purposes of the application of the definitions ofterms 'no parking area' and 'parking area', an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed taken to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act, the Road Traffic (Administration) Act 2008, the Road Traffic (Vehicles) Act 2012 or in the Code, then the term is to have the meaning given to it in that one of those Acts or the Code.

#### 1.6 Application

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

## 1.7 Pre-existing signs

- (1) A sign that -
  - (a) was erected by the local government or the Commissioner of Main Roads before the commencement of this local law; and

# Attachment A Current Local Law with Mark-ups

(b) relates to the parking of vehicles within the parking region,

is deemed taken to have been erected by the local government under this local law

- (2) An inscription, word, number, expression or symbol on a sign referred to in subclause (1) operates and has effect according to its tenor.
- (3) Where an inscription, word, number, expression or symbol relates to the stopping of vehicles, it is <u>deemed taken</u> to operate and have effect as if it related to the parking of vehicles.
- (4) Parts 2, 3, 4 and 5 of this local law do not apply to a bicycle parked at a bicycle rail or bicycle rack.

#### 1.8 Classes of vehicles

For the purposes of this local law, vehicles are divided into classes as follows -

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

#### 1.9 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign is to be read as applying to that part of the thoroughfare which -

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

#### 1.10 Powers of the Council

The Council may, prohibit or regulate, by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

# Part 2 - Parking stalls, parking stations and parking areas

#### 2.1 Determination of parking stalls, parking stations and parking areas

- (1) The Council may, constitute, determine or vary -
  - (a) parking stalls;

# Current Local Law with Mark-ups

- (b) parking stations;
- (c) parking areas;
- (d) no parking areas;
- (e) no stopping areas;
- (f) permitted time and conditions of parking in parking stalls, parking stations and parking areas which may vary with the locality;
- (g) permitted classes of vehicles which may park in parking stalls, parking areas and parking stations;
- (h) permitted classes of persons who may park in specified parking stalls, parking stations and parking areas; and
- the manner of parking in parking stalls, parking stations and parking areas.
- (2) Where the Council makes a determination under subclause (1), the CEO must give local public notice of, and erect signs to give effect to, the determination.

#### 2.2 Vehicles to be within parking stall

- Subject to subclauses (2), (3) and (4), a person must not park a vehicle in a parking stall otherwise than -
  - (a) parallel to and as close to the kerb as is practicable;
  - (b) wholly within the stall; and
  - (c) if in a thoroughfare, headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3), where a parking stall is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle must do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person must not park a vehicle partly within and partly outside a parking area.

# 2.3 Parking prohibitions and restrictions

- (1) A person must not -
  - park a vehicle so as to obstruct an entrance to or an exit from a parking station, or an access way within a parking station;

# Current Local Law with Mark-ups

- except with the permission of the CEO or an authorised person, park a
  vehicle on any part of a parking station contrary to a sign referable to
  that part;
- (c) permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or
- (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked, but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked 'M/C', if the bicycle is parked in accordance with subclause (2).
- (2) A person must not park a bicycle in a parking stall unless -
  - (a) the stall is marked 'M/C'; and
  - (b) the bicycle is parked against the kerb.
- (3) Despite subclause (1)(b), a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that -
  - the driver's vehicle displays a current <u>disability parking</u> <u>permitACROD sticker</u>; and
  - (b) a disabled person to which that <u>disability parking permitACROD</u> <u>sticker\_relates</u> is either the driver<u>of the vehicle</u> or a passenger in the vehicle.

# Part 3 - Parking generally

#### 3.1 Restrictions on parking in particular areas

- (1) Subject to subclause (3), a person must not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station -
  - (a) if by a sign it is set apart for the parking of vehicles of a different class;
  - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
  - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) Subclause (3) applies to a driver if -
  - the driver's vehicle displays a current <u>disability parking</u> permitACROD sticker; and

# Current Local Law with Mark-ups

- (b) a person with a disability to which the <u>disability parking permit</u> ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.
- (3) The driver may park a vehicle in a thoroughfare, part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period indicated on the sign.
- (4) A person must not park a vehicle -
  - (a) in a no parking area;
  - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law; or
  - (c) in a stall marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (5) A person must not park a bicycle, or a motorcycle without a sidecar or a trailer, in a parking stall unless the stall is marked 'M/C'.
- (6)(5) A person must not, without the prior permission of the the CEO or an authorised person, park a vehicle in an area designated by a sign stating 'authorised vehicles only'.

# 3.2 Parking vehicle on a carriageway

- A person parking a vehicle on a carriageway other than in a parking stall must park it -
  - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
  - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a bicycle, or a motorcycle without a trailer, parked in accordance with this local law; and
  - (e) so that it does not obstruct any vehicle on the carriageway,

unless otherwise indicated on a sign or by marks on the carriageway.

# Current Local Law with Mark-ups

- (2) In this clause, 'continuous dividing line' means
  - (a) a single continuous dividing line only;
  - a single continuous dividing line to the left or right of a broken dividing line; or
  - (c) 2 parallel continuous dividing lines.

# 3.3 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is -

- adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area must park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area must park it at approximately right angles to the centre of the carriageway.

# 3.4 When angle parking applies

- (1) This clause does not apply to -
  - (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
  - (b) a person parking either a motor cycle without a trailer, or a bicycle.
- (2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area must park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

#### 3.5 General prohibitions on parking

- (1) This clause does not apply to a vehicle that is permitted to be parked in a parking stall or to a bicycle in a bicycle rack.
- (2) Subclauses (3)(c), (e) and (g) do not apply to a vehicle that is permitted to be parked in a bus embayment.
- (3) Subject to any law relating to intersections with traffic control signals, a person must not park a vehicle so that any portion of the vehicle is -
  - between any other stationary vehicles and the centre of the carriageway;
  - (b) on or adjacent to a median strip;

# Current Local Law with Mark-ups

- obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath or pedestrian crossing;
- (g) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
- (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
- within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box;
   or
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked,

unless a sign or markings on the carriageway indicate otherwise.

- (4) A person must not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of -
  - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
  - (b) a children's crossing or pedestrian crossing.
- (5) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of -
  - a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
  - (b) a children's crossing or pedestrian crossing.

(6) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

#### 3.6 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle must not park, or continue to park, that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.

#### 3.7 Authorised person may mark tyres

- (1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person must not remove a mark made by an authorised person so that the purpose of the affixing of the mark is defeated or likely to be defeated.

#### 3.8 No movement of vehicles to avoid time limitation

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person must not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least 2 hours.

#### 3.9 No parking of vehicles exposed for sale and in other circumstances

A person must not park a vehicle on any portion of a thoroughfare -

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the *Road Traffic* (Vehicles) Act 2012;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle;
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

# 3.10 Parking on private land

- (1) In this clause a reference to 'land' does not include land -
  - (a) which belongs to the local government;
  - (b) of which the local government is the management body under the Land Administration Act 1997;

- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act; or
- (d) which is the subject of an agreement referred to in clause 1.6(2).
- (2) A person must not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person must not park a vehicle on the land otherwise than in accordance with the consent.

#### 3.11 Parking on reserves

A person, other than an employee of the local government in the course of his or her duties or a person authorised by the local government, must not drive or park a vehicle on or over any portion of a reserve other than on an area specifically set aside for that purpose.

#### 3.12 Suspension of parking limitations for urgent, essential or official duties

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time to enable the person to carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1) the CEO or an authorised person may, for the duration of that permission, prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates.

# Part 4 - Stopping generally

# 4.1 No stopping and no parking signs, and yellow edge lines

- (1) In this clause, 'unattended', in relation to a vehicle, means that the driver of the vehicle has left the vehicle and the driver is more than 3 metres from the closest point to the vehicle.
- (2) A driver must not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.
- (3) A driver must not stop on a length of carriageway, or in an area, to which a 'no parking' sign applies, unless the driver is-
  - (a) dropping off, or picking up, passengers or goods;
  - (b) does not leave the vehicle unattended; and
  - (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

(4) A driver must not stop at the side of a carriageway marked with a continuous yellow edge line.

# Part 5 - Stopping in zones for particular vehicles

# 5.1 Stopping in a loading zone

A person must not stop a vehicle in a loading zone unless it is -

- a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers,

but, in any event, must not remain in that loading zone -

- (c) for longer than a time indicated on the 'loading zone' sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

#### 5.2 Stopping in a taxi zone or a bus zone

- (1) A driver must not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver must not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

# 5.3 Stopping in a mail zone

A person must not stop a vehicle in a mail zone.

#### 5.4 Other limitations in zones

A person must not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to the sign, including any limitation on the sign in respect of classes of persons or vehicles, or specific activities allowed.

# Part 6 - Other places where stopping is restricted

#### 6.1 Stopping in a shared zone

A driver must not stop in a shared zone unless -

- (a) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law;
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
- (c) the driver is dropping off, or picking up, passengers or goods; or

(d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

#### 6.2 Double parking

- (1) A driver must not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to -
  - (a) a driver stopped in traffic; or
  - (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

#### 6.3 Stopping near an obstruction

A driver must not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

#### 6.4 Stopping on a bridge or in a tunnel, etc.

- A driver must not stop a vehicle on a bridge, causeway, ramp or similar structure unless -
  - the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
  - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) A driver must not stop a vehicle in a tunnel or underpass unless -
  - the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
  - (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

#### 6.5 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver must not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law.

69

#### 6.6 Stopping near a fire hydrant etc

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless -
  - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
  - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

#### 6.7 Stopping at or near a bus stop

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless -
  - (a) the vehicle is a public bus stopped to take up or set down passengers; or
  - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) In this clause -
  - (a) distances are measured in the direction in which the driver is driving;
  - (b) a trailer attached to a public bus is taken to be a part of the public bus.

#### 6.8 Stopping on a path, median strip, or traffic island

The driver of a vehicle (other than a bicycle or an animal) must not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver –

- (a) stops in an area to which a sign applies; and
- (b) the driver is permitted to stop at that place under this local law.

# 6.9 Stopping on verge

- (1) A person must not -
  - (a) stop a vehicle (other than a bicycle);
  - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
  - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

- (2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

# 6.10 Obstructing access to and from a path, driveway, etc.

- (1) A driver must not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless -
  - (a) the driver is dropping off, or picking up, passengers; or
  - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.
- (2) A driver must not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless -
  - (a) the driver is dropping off, or picking up, passengers; or
  - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

# 6.11 Stopping near a letter box

A driver must not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver -

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law.

# 6.12 Stopping on a carriageway – heavy and long vehicles

- (1) A person must not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes -
  - (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or

- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.
- (2) Nothing in this clause affects the limitations or condition imposed by any other clause or by any local law or sign relating to the parking or stopping of vehicles.

#### 6.13 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) must not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

# 6.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle must not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'M/C' unless -

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

# **Part 7 - MISCELLANEOUS**

#### 7.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an authorised person.

# 7.2 Unauthorised signs and defacing of signs

A person must not without the authority of the CEO or an authorised person -

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write on any part of a sign set up or exhibited by the local government under this local law.

#### 7.3 Signs must be complied with

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

# 7.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary, presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first 3 letters of any day of the week when used on a sign indicate that day of the week.

#### 7.5 Special purpose and emergency vehicles

Despite anything to the contrary in this local law -

- (a) the driver of a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop or park the vehicle in any place at any time; and
- (b) the driver of an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop or park the vehicle at any place at any time.

#### 7.6 Vehicles not to obstruct a public place

- (1) A person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the CEO or an authorised person, or unless authorised under any written law.
- (2) A person does not contravene subclause (1) if the vehicle is left for a period not exceeding 24 hours.

# Part 8 - Enforcement

#### 8.1 Legal proceedings

Evidentiary provisions relating to offences involving vehicles are contained in Division 2 of Part 9 of the Act.

#### 8.2 Offences and penalties

- (1) A person who breaches a provision of this local law commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is to be 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 \$500 for each day or part of a day during which the offence has continued.

Attachment A Current Local Law with Mark-ups

(4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

#### Current Local Law with Mark-ups

#### **SCHEDULE 1 - PARKING REGION**

[Clause 1.6]

The parking region is the whole of the district, but excludes the following portions of the district -

- 1. the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- 2. prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- 3. any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.

#### SCHEDULE 2 - PRESCRIBED OFFENCES PARKING LOCAL LAW [Clause 8.2]

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2	Failure to park wholly within parking stall	<u>6</u> 50
2	2.2(4)	Failure to park wholly within parking area	<u>6</u> 50
3	2.3(1)(a)	Causing obstruction in parking station	60
4	2.3(1)(b)	Parking contrary to sign in parking station	60
5	2.3(1)(c)	Parking contrary to directions of authorised person	60
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	<u>6</u> 50
7	3.1(1)(a)	Parking wrong class of vehicle	<u>6</u> 50
8	3.1(1)(b)	Parking by persons of a different class	<u>60</u> 55
9	3.1(1)(c)	Parking during prohibited period	<u>60</u> 55
10	3.1(4)(a)	Parking in no parking area	60
11	3.1(4)(b)	Parking contrary to signs or limitations	<u>6</u> 50
12	3.1(4)(c)	Parking vehicle in motor cycle only area	<u>6</u> 50
13	3.1(5)	Parking motor cycle in stall not marked 'M/C'	50
1 <u>3</u> 4	3.1(6)	Parking without permission in an area designated for 'Authorised Vehicles Only'	<u>60</u> 55
1 <u>4</u> 5	3.2(1)(a)	Failure to park on the left of two-way carriageway	<u>10</u> 50
1 <u>5</u> 6	3.2(1)(b)	Failure to park on boundary of one-way carriageway	<u>6</u> 50
1 <u>6</u> 7	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	<u>60</u> 55
1 <u>7</u> 8	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	<u>60</u> 55

# Current Local Law with Mark-ups

1 <u>8</u> 9	3.2(1)(d)	Parking closer than 1 metre from another vehicle	<u>6</u> 50
<del>20</del> 19	3.2(1)(e)	Causing obstruction	<u>10</u> 60
2 <u>0</u> 4	3.3(b)	Failure to park at approximate right angle	<u>6</u> 50
2 <u>1</u> 2	3.4(2)	Failure to park at an appropriate angle	<u>56</u> 0
2 <u>2</u> 3	3.5(3)(a) and 6.2	Double parking	5 <u>100</u> 5
2 <u>3</u> 4	3.5(3)(b)	Parking on or adjacent to a median strip	<u>6</u> 50
2 <u>4</u> 5	3.5(3)(c)	Denying access to private drive or right of way	<u>100</u> 55
2 <u>5</u> 6	3.5(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	<u>10</u> 60
2 <u>6</u> 7	3.5(3)(e)	Parking within 10 metres of traffic island	<u>60</u> 55
2 <u>7</u> 8	3.5(3)(f)	Parking on footpath/pedestrian crossing	<u>100</u> 60
2 <u>8</u> 9	3.5(3)(g)	Parking contrary to continuous line markings	<u>6</u> 5 <u>0</u> 5
<del>30</del> 29	3.5(3)(h)	Parking on intersection	<u>100</u> 55
3 <u>0</u> 4	3.5(3)(i)	Parking within 1 metre of fire hydrant or fire plug	<u>10</u> 60
312	3.5(3)(j)	Parking within 3 metres of public letter box	<u>60</u> 55
3 <u>2</u> 3	3.5(3)(k)	Parking within 10 metres of intersection	<u>100</u> 55
3 <u>3</u> 4	3.5(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	<u>10</u> 60
3 <u>4</u> 5	3.5(5)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	<u>10</u> 60
3 <u>5</u> 6	3.5(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	<u>10</u> 60
3 <u>6</u> 7	3.6	Parking contrary to direction of authorised person	6 <u>10</u> 0
3 <u>7</u> 8	3.7(2)	Removing mark of authorised person	10065
3 <u>8</u> 9	3.8	Moving vehicle to avoid time limitation	<u>6</u> 50
	1		

# Current Local Law with Mark-ups

40 <u>39</u>	3.9(a)	Parking in thoroughfare for purpose of sale	<u>6</u> 50
4 <u>0</u> 1	3.9(b)	Parking unlicensed vehicle in thoroughfare	<u>10</u> 50
4 <u>1</u> 2	3.9(c)	Parking a trailer/caravan on a thoroughfare	<u>6</u> 50
4 <u>2</u> 3	3.9(d)	Parking in thoroughfare for purpose of repairs	<u>10</u> 50
4 <u>3</u> 4	3.10 (2)	Parking on land that is not a parking facility without consent	10065
4 <u>4</u> 5	3.10(3)	Parking on land not in accordance with consent	<u>10</u> 50
4 <u>5</u> 6	3.11	Driving or parking on reserve	<u>10</u> 50
4 <u>6</u> 7	4.1(2)	Stopping contrary to a 'no stopping' sign	<u>6</u> 50
4 <u>7</u> 8	4.1(3)	Parking contrary to a 'no parking' sign	<u>6</u> 50
4 <u>8</u> 9	4.1(4)	Stopping within continuous yellow lines	<u>6</u> 50
<del>50</del> 49	5.1	Stopping unlawfully in a loading zone	5 <u>10</u> 0
5 <u>0</u> 4	5.2	Stopping unlawfully in a taxi zone or bus zone	<u>10</u> 50
5 <u>1</u> 2	5.3	Stopping unlawfully in a mail zone	<u>6</u> 50
5 <u>2</u> 3	5.4	Stopping in a zone contrary to a sign	<u>6</u> 50
5 <u>3</u> 4	6.1	Stopping in a shared zone	<u>10</u> 50
5 <u>4</u> 5	6.3	Stopping near an obstruction	<u>100</u> 55
5 <u>5</u> 6	6.4	Stopping on a bridge or tunnel	<u>10</u> 50
5 <u>6</u> 7	6.5	Stopping on crests/curves etc	10065
5 <u>7</u> 8	6.6	Stopping near fire hydrant	<u>100</u> 65
5 <u>8</u> 9	6.7	Stopping near bus stop	<u>100</u> 55
<del>60</del> <u>59</u>	6.8	Stopping on path, median strip or traffic island	<u>100</u> 50
6 <u>0</u> 4	6.9	Stopping on verge	<u>6</u> 50
6 <u>1</u> 2	6.10	Obstructing path, a driveway etc	<u>10</u> 50

#### 6.5 Attachment A

## Current Local Law with Mark-ups

6 <u>2</u> 3	6.11	Stopping near letter box	<u>6</u> 50
6 <u>3</u> 4	6.12	Stopping heavy or long vehicles on carriageway	<u>100</u> 55
6 <u>4</u> 5	6.13	Stopping in bicycle parking area	<u>6</u> 50
6 <u>5</u> 6	6.14	Stopping in motorcycle parking area	<u>6</u> 50
67	6.15	Stopping in disabled parking area	120
6 <u>6</u> 8	7.6	Leaving vehicle so as to obstruct a public place	<u>10</u> 60
6 <u>7</u> 9	8.2(1)	All other offences not specified	<u>60</u> 4 <del>5</del>

Dated \_\_\_10 November\_\_\_\_ 202011

The Common Seal of the ShireCity of Busselton was affixed by authority of a resolution of the Council in the presence of -

Chief Executive Officer Michael Stephen Lee Archer MayorPresident
Grant Daugles HenleyJon Wil

Grant Douglas Henley Ian William Stubbs

# City of Busselton

# **PARKING LOCAL LAW 2020**

#### Local Government Act 1995

#### City of Busselton

## Parking Local Law 2020

#### CONTENTS

#### Part 1 - Definitions and operation

- 1.1 Title
- 1.2 Commencement
- 1.3 Repeal
- 1.4 Definitions
- 1.5 Application of particular definitions
- 1.6 Application
- 1.7 Pre-existing signs
- 1.8 Classes of vehicles
- 1.9 Part of thoroughfare to which sign applies
- 1.10 Powers of the Council

#### Part 2 - Parking stalls, parking stations and parking areas

- 2.1 Determination of parking stalls, parking stations and parking areas
- 2.2 Vehicles to be within parking stall on thoroughfare
- 2.3 Parking prohibitions and restrictions

#### Part 3 - Parking generally

- 3.1 Restrictions on parking in particular areas
- 3.2 Parking vehicle on a carriageway
- 3.3 When parallel and right-angled parking apply
- 3.4 When angle parking applies
- 3.5 General prohibitions on parking
- 3.6 Authorised person may order vehicle on thoroughfare to be moved
- 3.7 Authorised person may mark tyres
- 3.8 No movement of vehicles to avoid time limitation
- 3.9 No parking of vehicles exposed for sale and in other circumstances

#### 6.5 Attachment B Proposed Local Law

- 3.10 Parking on private land
- 3.11 Parking on reserves
- 3.12 Suspension of parking limitations for urgent, essential or official duties

#### Part 4 - Parking and stopping generally

4.1 No stopping and no parking signs, and yellow edge lines

#### Part 5 - Stopping in zones for particular vehicles

- 5.1 Stopping in a loading zone
- 5.2 Stopping in a taxi zone or a bus zone
- 5.3 Stopping in a mail zone
- 5.4 Other limitations in zones

#### Part 6 - Other places where stopping is restricted

- 6.1 Stopping in a shared zone
- 6.2 Double parking
- 6.3 Stopping near an obstruction
- 6.4 Stopping on a bridge or in a tunnel, etc.
- 6.5 Stopping on crests, curves, etc.
- 6.6 Stopping near a fire hydrant etc
- 6.7 Stopping at or near a bus stop
- 6.8 Stopping on a path, median strip, or traffic island
- 6.9 Stopping on verge
- 6.10 Obstructing access to and from a path, driveway, etc.
- 6.11 Stopping near a letter box
- 6.12 Stopping on a carriageway heavy and long vehicles
- 6.13 Stopping on a carriageway with a bicycle parking sign
- 6.14 Stopping on a carriageway with motor cycle parking sign

#### **Part 7 - MISCELLANEOUS**

- 7.1 Removal of notices on vehicle
- 7.2 Unauthorised signs and defacing of signs
- 7.3 Signs must be complied with
- 7.4 General provisions about signs
- 7.5 Special purpose and emergency vehicles
- 7.6 Vehicles not to obstruct a public place

#### Part 8 - Enforcement

- 8.1 Legal proceedings
- 8.2 Offences and penalties

#### SCHEDULE 1 - PARKING REGION

## **SCHEDULE 2 - PRESCRIBED OFFENCES**

#### Local Government Act 1995

#### City of Busselton

#### Parking Local Law 2020

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

#### Part 1 - Preliminary

#### 1.1 Title

This is the City of Busselton Parking Local Law 2020.

#### 1.2 Commencement

This local law comes into operation 14 days after it is published in the *Government Gazette*.

#### 1.3 Repeal

The Shire of Busselton Parking Local Law 2011, published in the Government Gazette on 30 November 2011, is repealed.

#### 1.4 Terms used

In this local law, unless the contrary intention appears -

Act means the Local Government Act 1995;

*authorised person* means a person appointed by the Council or the CEO, under section 9.10 of the Act, to perform any of the functions of an authorised person under this local law;

authorised vehicle means a vehicle authorised by the CEO or an authorised person, or under any written law, to be parked on a thoroughfare or parking facility;

bicycle has the meaning given in the Code;

bicycle path has the meaning given in the Code;

bus has the meaning given in the Code;

bus embayment has the meaning given in the Code;

bus stop has the meaning given in the Code;

bus zone has the meaning given in the Code;

caravan has the meaning given in the Caravans Parks and Camping Grounds Act 1995;

#### carriageway means -

- a portion of thoroughfare that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and
- (b) where a thoroughfare has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately;

centre in relation to a carriageway, means a line or a series of lines, marks or other indications -

- for a 2-way carriageway placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications the middle of the main, travelled portion of the carriageway;

children's crossing has the meaning given in the Code;

CEO means the Chief Executive Officer of the local government;

City means the City of Busselton;

Code means the Road Traffic Code 2000;

#### commercial vehicle -

- (a) means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers; and
- (b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

Council means the Council of the local government;

disability parking permit has the meaning given in the Local Government (Parking for People with Disabilities) Regulations 2014;

district means the district of the local government;

driver means any person driving or in control of a vehicle;

edge line for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;

emergency vehicle has the meaning given in the Code;

footpath has the meaning given in the Code;

GVM (which stands for 'gross vehicle mass'), in relation to a vehicle, has the meaning given in the Road Traffic (Vehicles) Act 2012;

*loading zone* means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked 'loading zone';

local government means the City of Busselton;

mail zone has the meaning given in the Code;

median strip has the meaning given in the Code;

motor cycle has the meaning given in the Code;

**motor vehicle** means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

no parking area has the meaning given in the Code;

no parking sign means a sign with -

- (a) the words 'no parking' in red letters on a white background; or
- (b) the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given in the Code;

no stopping sign means a sign with -

- (a) the words 'no stopping' or 'no standing' in red letters on a white background; or
- (b) the letter 'S' within a red annulus and a red diagonal line across it on a white background;

occupier has the meaning given in the Act;

#### owner -

- (a) where used in relation to a vehicle licensed under the Road Traffic (Vehicles) Act 2012, means the person in whose name the vehicle has been registered under that Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of, that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

park has the meaning given in the Code;

parking area has the meaning given in the Code;

parking facilities -

- (a) means land, buildings, shelters, parking stations, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge; and
- (b) includes signs, notices and facilities used in connection with the parking of vehicles;

parking region means the area described in Schedule 1;

*parking stall* means a section or part of a thoroughfare or parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking station means any land or structure provided for the purpose of accommodating vehicles with or without charge;

pedestrian crossing has the meaning given in the Code;

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land -

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the Land Administration Act 1997; or
- (c) which is an 'otherwise unvested facility' within the meaning of section 3.53 of the Act:

Road Traffic Act means the Road Traffic Act 1974;

Schedule means a Schedule to this local law;

shared zone has the meaning given in the Code;

sign includes a traffic sign, inscription, road marking, mark, structure or device, on which may be shown words, numbers, expressions or symbols, that is -

- (a) approved by the CEO or an authorised person; and
- (b) placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking and stopping of vehicles;

special purpose vehicle has the meaning given in the Code;

stop, in relation to a vehicle, has the meaning given in the Code;

**symbol** includes any symbol specified by Australian Standard 1742.11-1999 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law is taken to include a reference to the corresponding symbol;

taxi has the meaning given in the Code;

taxi zone has the meaning given in the Code;

thoroughfare has the meaning given in the Act;

traffic island has the meaning given in the Code;

trailer has the meaning given in the Code;

vehicle has the meaning given in the Road Traffic (Administration) Act 2008; and

*verge* means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line, but does not include a footpath.

#### 1.5 Application of particular terms

- (1) For the purposes of the application of the terms 'no parking area' and 'parking area', an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is taken to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act, the Road Traffic (Administration) Act 2008, the Road Traffic (Vehicles) Act 2012 or in the Code, then the term is to have the meaning given in one of those Acts or the Code.

#### 1.6 Application

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

#### 1.7 Pre-existing signs

- (1) A sign that -
  - (a) was erected by the local government or the Commissioner of Main Roads before the commencement of this local law; and
  - (b) relates to the parking of vehicles within the parking region,

is taken to have been erected by the local government under this local law.

(2) An inscription, word, number, expression or symbol on a sign referred to in subclause (1) operates and has effect according to its tenor.

- (3) Where an inscription, word, number, expression or symbol relates to the stopping of vehicles, it is taken to operate and have effect as if it related to the parking of vehicles.
- (4) Parts 2, 3, 4 and 5 of this local law do not apply to a bicycle parked at a bicycle rail or bicycle rack.

#### 1.8 Classes of vehicles

For the purposes of this local law, vehicles are divided into classes as follows -

- (a) buses;
- commercial vehicles; (b)
- (c) motorcycles and bicycles;
- (d) taxis; and
- all other vehicles. (e)

#### 1.9 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign is to be read as applying to that part of the thoroughfare which -

- lies beyond the sign; (a)
- lies between the sign and the next sign beyond that sign; and (b)
- is on that side of the thoroughfare nearest to the sign. (c)

#### 1.10 **Powers of the Council**

The Council may prohibit or regulate, by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with this local law.

#### Part 2 - Parking stalls, parking stations and parking areas

#### 2.1 Determination of parking stalls, parking stations and parking areas

- The Council may constitute, determine or vary -(1)
  - (a) parking stalls;
  - (b) parking stations;
  - (c) parking areas;
  - (d) no parking areas;
  - no stopping areas; (e)

- (f) permitted time and conditions of parking in parking stalls, parking stations and parking areas which may vary with the locality;
- (g) permitted classes of vehicles which may park in parking stalls, parking areas and parking stations;
- (h) permitted classes of persons who may park in specified parking stalls, parking stations and parking areas; and
- (i) the manner of parking in parking stalls, parking stations and parking
- (2) Where the Council makes a determination under subclause (1), the CEO must give local public notice of, and erect signs to give effect to, the determination.

#### 2.2 Vehicles to be within parking stall

- Subject to subclauses (2), (3) and (4), a person must not park a vehicle in a parking stall otherwise than -
  - (a) parallel to and as close to the kerb as is practicable;
  - (b) wholly within the stall; and
  - (c) if in a thoroughfare, headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3), where a parking stall is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle must do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person must not park a vehicle partly within and partly outside a parking area.

#### 2.3 Parking prohibitions and restrictions

- (1) A person must not -
  - park a vehicle so as to obstruct an entrance to or an exit from a parking station, or an access way within a parking station;
  - (b) except with the permission of the CEO or an authorised person, park a vehicle on any part of a parking station contrary to a sign referable to that part;
  - permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or

- (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked, but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked 'M/C', if the bicycle is parked in accordance with subclause (2).
- (2) A person must not park a bicycle in a parking stall unless -
  - (a) the stall is marked 'M/C'; and
  - (b) the bicycle is parked against the kerb.
- (3) Despite subclause (1)(b), a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that -
  - (a) the driver's vehicle displays a current disability parking permit; and
  - (b) a disabled person to which that disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.

#### Part 3 - Parking generally

#### 3.1 Restrictions on parking in particular areas

- (1) Subject to subclause (3), a person must not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station -
  - (a) if by a sign it is set apart for the parking of vehicles of a different class;
  - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
  - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) Subclause (3) applies to a driver if -
  - (a) the driver's vehicle displays a current disability parking permit; and
  - (b) a person with a disability to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.
- (3) The driver may park a vehicle in a thoroughfare, part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period indicated on the sign.
- (4) A person must not park a vehicle -
  - (a) in a no parking area;

- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law; or
- (c) in a stall marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (5) A person must not, without the permission of the CEO or an authorised person, park a vehicle in an area designated by a sign stating 'authorised vehicles only'.

#### 3.2 Parking vehicle on a carriageway

- A person parking a vehicle on a carriageway other than in a parking stall must park it -
  - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
  - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a bicycle, or a motorcycle without a trailer, parked in accordance with this local law; and
  - (e) so that it does not obstruct any vehicle on the carriageway,

unless otherwise indicated on a sign or by marks on the carriageway.

- (2) In this clause, 'continuous dividing line' means
  - (a) a single continuous dividing line only;
  - a single continuous dividing line to the left or right of a broken dividing line; or
  - (c) 2 parallel continuous dividing lines.

#### 3.3 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is -

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area must park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area must park it at approximately right angles to the centre of the carriageway.

#### 3.4 When angle parking applies

- (1) This clause does not apply to -
  - a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or
  - (b) a person parking either a motor cycle without a trailer, or a bicycle.
- Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area must park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

#### 3.5 General prohibitions on parking

- (1) This clause does not apply to a vehicle that is permitted to be parked in a parking stall or to a bicycle in a bicycle rack.
- (2) Subclauses (3)(c), (e) and (g) do not apply to a vehicle that is permitted to be parked in a bus embayment.
- (3) Subject to any law relating to intersections with traffic control signals, a person must not park a vehicle so that any portion of the vehicle is -
  - between any other stationary vehicles and the centre of the carriageway;
  - (b) on or adjacent to a median strip;
  - obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
  - (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
  - (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
  - (f) on any footpath or pedestrian crossing;
  - (g) between the boundaries of a carriageway and any double longitudinal line consisting of 2 continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the

boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;

- (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
- (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box;
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked,

unless a sign or markings on the carriageway indicate otherwise.

- (4) A person must not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of -
  - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
  - (b) a children's crossing or pedestrian crossing.
- (5) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of -
  - a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
  - (b) a children's crossing or pedestrian crossing.
- (6) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

#### 3.6 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle must not park, or continue to park, that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.

#### 3.7 Authorised person may mark tyres

(1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers. (2) A person must not remove a mark made by an authorised person so that the purpose of the affixing of the mark is defeated or likely to be defeated.

#### 3.8 No movement of vehicles to avoid time limitation

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person must not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person must not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least 2 hours.

#### 3.9 No parking of vehicles exposed for sale and in other circumstances

A person must not park a vehicle on any portion of a thoroughfare -

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the *Road Traffic (Vehicles) Act* 2012:
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle;
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

#### 3.10 Parking on private land

- (1) In this clause a reference to 'land' does not include land -
  - (a) which belongs to the local government;
  - (b) of which the local government is the management body under the Land Administration Act 1997;
  - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act; or
  - (d) which is the subject of an agreement referred to in clause 1.6(2).
- (2) A person must not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person must not park a vehicle on the land otherwise than in accordance with the consent.

#### 3.11 Parking on reserves

A person, other than an employee of the local government in the course of his or her duties or a person authorised by the local government, must not drive or park a vehicle on or over any portion of a reserve other than on an area specifically set aside for that purpose.

#### 3.12 Suspension of parking limitations for urgent, essential or official duties

- Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time to enable the person to carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1) the CEO or an authorised person may, for the duration of that permission, prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates.

#### Part 4 - Stopping generally

#### 4.1 No stopping and no parking signs, and yellow edge lines

- (1) In this clause, 'unattended', in relation to a vehicle, means that the driver of the vehicle has left the vehicle and the driver is more than 3 metres from the closest point to the vehicle.
- (2) A driver must not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.
- (3) A driver must not stop on a length of carriageway, or in an area, to which a 'no parking' sign applies, unless the driver is-
  - (a) dropping off, or picking up, passengers or goods;
  - (b) does not leave the vehicle unattended; and
  - (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.
- (4) A driver must not stop at the side of a carriageway marked with a continuous yellow edge line.

#### Part 5 - Stopping in zones for particular vehicles

#### 5.1 Stopping in a loading zone

A person must not stop a vehicle in a loading zone unless it is -

- a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers,

but, in any event, must not remain in that loading zone -

- (c) for longer than a time indicated on the 'loading zone' sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

#### 5.2 Stopping in a taxi zone or a bus zone

- (1) A driver must not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver must not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

#### 5.3 Stopping in a mail zone

A person must not stop a vehicle in a mail zone.

#### 5.4 Other limitations in zones

A person must not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to the sign, including any limitation on the sign in respect of classes of persons or vehicles, or specific activities allowed.

#### Part 6 - Other places where stopping is restricted

#### 6.1 Stopping in a shared zone

A driver must not stop in a shared zone unless -

- (a) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law;
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
- (c) the driver is dropping off, or picking up, passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

## 6.2 Double parking

- (1) A driver must not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to -

- (a) a driver stopped in traffic; or
- (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

#### 6.3 Stopping near an obstruction

A driver must not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

#### 6.4 Stopping on a bridge or in a tunnel, etc.

- A driver must not stop a vehicle on a bridge, causeway, ramp or similar structure unless -
  - the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
  - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) A driver must not stop a vehicle in a tunnel or underpass unless -
  - the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
  - (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

### 6.5 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver must not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law.

#### 6.6 Stopping near a fire hydrant etc

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless -
  - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or

- (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

#### 6.7 Stopping at or near a bus stop

- (1) A driver must not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless -
  - the vehicle is a public bus stopped to take up or set down passengers;
     or
  - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) In this clause -
  - distances are measured in the direction in which the driver is driving;
     and
  - (b) a trailer attached to a public bus is taken to be a part of the public bus.

#### 6.8 Stopping on a path, median strip, or traffic island

The driver of a vehicle (other than a bicycle or an animal) must not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver –

- (a) stops in an area to which a sign applies; and
- (b) the driver is permitted to stop at that place under this local law.

#### 6.9 Stopping on verge

- (1) A person must not -
  - (a) stop a vehicle (other than a bicycle);
  - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
  - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.

(3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

#### 6.10 Obstructing access to and from a path, driveway, etc.

- (1) A driver must not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless -
  - (a) the driver is dropping off, or picking up, passengers; or
  - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.
- (2) A driver must not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless -
  - (a) the driver is dropping off, or picking up, passengers; or
  - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

#### 6.11 Stopping near a letter box

A driver must not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver -

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law.

#### 6.12 Stopping on a carriageway - heavy and long vehicles

- (1) A person must not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes -
  - (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
  - (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.
- (2) Nothing in this clause affects the limitations or condition imposed by any other clause or by any local law or sign relating to the parking or stopping of vehicles.

#### 6.13 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) must not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

#### 6.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle must not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'M/C' unless -

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

#### Part 7 - MISCELLANEOUS

#### 7.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, must not remove from the vehicle any notice put on the vehicle by an authorised person.

#### 7.2 Unauthorised signs and defacing of signs

A person must not without the authority of the CEO or an authorised person -

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write on any part of a sign set up or exhibited by the local government under this local law.

#### 7.3 Signs must be complied with

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

#### 7.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary, presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first 3 letters of any day of the week when used on a sign indicate that day of the week.

#### 7.5 Special purpose and emergency vehicles

Despite anything to the contrary in this local law -

- (a) the driver of a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop or park the vehicle in any place at any time; and
- (b) the driver of an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop or park the vehicle at any place at any time.

#### 7.6 Vehicles not to obstruct a public place

- (1) A person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the CEO or an authorised person, or unless authorised under any written law.
- (2) A person does not contravene subclause (1) if the vehicle is left for a period not exceeding 24 hours.

#### Part 8 - Enforcement

#### 8.1 Legal proceedings

Evidentiary provisions relating to offences involving vehicles are contained in Division 2 of Part 9 of the Act.

#### 8.2 Offences and penalties

- (1) A person who breaches a provision of this local law commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is to be 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 \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

#### **SCHEDULE 1 - PARKING REGION**

[Clause 1.6]

The parking region is the whole of the district, but excludes the following portions of the district -

- 1. the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- any road which comes under the control of the Commissioner of Main Roads unless the
  control of parking and parking facilities on that road is carried out subject to the control
  and direction of the Commissioner of Main Roads or has been delegated by the
  Commissioner to the local government.

6.5 Attachment B

Proposed Local Law

#### SCHEDULE 2 - PRESCRIBED OFFENCES PARKING LOCAL LAW [Clause 8.2]

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2	Failure to park wholly within parking stall	60
2	2.2(4)	Failure to park wholly within parking area	60
3	2.3(1)(a)	Causing obstruction in parking station	60
4	2.3(1)(b)	Parking contrary to sign in parking station	60
5	2.3(1)(c)	Parking contrary to directions of authorised person	60
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	60
7	3.1(1)(a)	Parking wrong class of vehicle	60
8	3.1(1)(b)	Parking by persons of a different class	60
9	3.1(1)(c)	Parking during prohibited period	60
10	3.1(4)(a)	Parking in no parking area	60
11	3.1(4)(b)	Parking contrary to signs or limitations	60
12	3.1(4)(c)	Parking vehicle in motor cycle only area	60
13	3.1(6)	Parking without permission in an area designated for 'Authorised Vehicles Only'	60
14	3.2(1)(a)	Failure to park on the left of two-way carriageway	100
15	3.2(1)(b)	Failure to park on boundary of one-way carriageway	60
16	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	60
17	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	60

6.5 Attachment B

# Proposed Local Law

104

18	3.2(1)(d)	Parking closer than 1 metre from another vehicle	60
19	3.2(1)(e)	Causing obstruction	100
20	3.3(b)	Failure to park at approximate right angle	60
21	3.4(2)	Failure to park at an appropriate angle	60
22	3.5(3)(a) and 6.2	Double parking	100
23	3.5(3)(b)	Parking on or adjacent to a median strip	60
24	3.5(3)(c)	Denying access to private drive or right of way	100
25	3.5(3)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
26	3.5(3)(e)	Parking within 10 metres of traffic island	60
27	3.5(3)(f)	Parking on footpath/pedestrian crossing	100
28	3.5(3)(g)	Parking contrary to continuous line markings	60
29	3.5(3)(h)	Parking on intersection	100
30	3.5(3)(i)	Parking within 1 metre of fire hydrant or fire plug	100
31	3.5(3)(j)	Parking within 3 metres of public letter box	60
32	3.5(3)(k)	Parking within 10 metres of intersection	100
33	3.5(4)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
34	3.5(5)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
35	3.5(6)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
36	3.6	Parking contrary to direction of authorised person	100
37	3.7(2)	Removing mark of authorised person	100
38	3.8	Moving vehicle to avoid time limitation	60

6.5 Attachment B Propo

Proposed Local Law

39	3.9(a)	Parking in thoroughfare for purpose of sale	60
40	3.9(b)	Parking unlicensed vehicle in thoroughfare	100
41	3.9(c)	Parking a trailer/caravan on a thoroughfare	60
42	3.9(d)	Parking in thoroughfare for purpose of repairs	100
43	3.10 (2)	Parking on land that is not a parking facility without consent	100
44	3.10(3)	Parking on land not in accordance with consent	100
45	3.11	Driving or parking on reserve	100
46	4.1(2)	Stopping contrary to a 'no stopping' sign	60
47	4.1(3)	Parking contrary to a 'no parking' sign	60
48	4.1(4)	Stopping within continuous yellow lines	60
49	5.1	Stopping unlawfully in a loading zone	100
50	5.2	Stopping unlawfully in a taxi zone or bus zone	100
51	5.3	Stopping unlawfully in a mail zone	60
52	5.4	Stopping in a zone contrary to a sign	60
53	6.1	Stopping in a shared zone	100
54	6.3	Stopping near an obstruction	100
55	6.4	Stopping on a bridge or tunnel	100
56	6.5	Stopping on crests/curves etc	100
57	6.6	Stopping near fire hydrant	100
58	6.7	Stopping near bus stop	100
59	6.8	Stopping on path, median strip or traffic island	100
60	6.9	Stopping on verge	60
61	6.10	Obstructing path, a driveway etc	100

6.5 Attachment B

## Proposed Local Law

62	6.11	Stopping near letter box	60
63	6.12	Stopping heavy or long vehicles on carriageway	100
64	6.13	Stopping in bicycle parking area	60
65	6.14	Stopping in motorcycle parking area	60
66	7.6	Leaving vehicle so as to obstruct a public place	100
67	8.2(1)	All other offences not specified	60

Dated	2020

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

Chief Executive Officer Michael Stephen Lee Archer

Mayor

Grant Douglas Henley

# 6.6 RECISSION OF COUNCIL POLICY: SHELTERS AND STRUCTURES ON LOCAL GOVERNMENT PROPERTY

**STRATEGIC GOAL** 6. LEADERSHIP Visionary, collaborative, accountable

**STRATEGIC OBJECTIVE** 6.1 Governance systems, process and practices are responsible,

ethical and transparent.

SUBJECT INDEX Council Policies

**BUSINESS UNIT** Environmental Services

**REPORTING OFFICER** Ranger & Emergency Services Coordinator - Ian McDowell Director, Planning and Development Services - Paul Needham

**NATURE OF DECISION** Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

**VOTING REQUIREMENT** Simple Majority

**ATTACHMENTS** Attachment A CP246: Shelters and Structures on Local Government

Property !!

#### OFFICER RECOMMENDATION

That the Council rescinds Council Policy 246: Shelters and Structures on Local Government Property (Attachment A), effective immediately.

#### **EXECUTIVE SUMMARY**

This report recommends the rescission of Council policy 246: Shelters and Structures on Local Government Property (the Policy) (Attachment A), with the Policy having been reviewed as part of the City's overall review of its Council policies. It is recommended the Policy be rescinded as it has been determined by officers that the Policy is not strategic in nature and, as such, should be administered by the City as an Operational Practice.

#### **BACKGROUND**

In 2015, Council received a petition in relation to the semi-permanent placement of shelters on beaches for the duration of the summer period. Council did not support the placement of shelters for private use on beaches overnight. A policy that supported Council's position was developed and endorsed in March 2016.

The objective of the Policy was to provide consistent enforcement of the Council's position in relation to structures on beaches. The Policy sought to keep beaches a part of the natural environment, whilst still facilitating the use of structures which were required as part of other authorised events.

The Policy was reviewed in April 2017, with the main changes being to provide greater clarity in the management of structures erected on local government property. Definitions were amended and information relating to the removal of unauthorised structures was included. The reviewed Policy continued to support Council's position on the management of structures.

Officers have again reviewed the Policy in accordance with the City's policy review schedule and have found its contents to be more aligned to the functions already undertaken by officers in their administrative capacities.

The City has implemented a Policy Framework document, the purpose of which is to provide a structure for the development and maintenance of documents intended to guide the City's approach to decision making, namely Council Policies, Operational Practices, Work Processes and Guidelines.

#### **OFFICER COMMENT**

The Policy, underpinned by the City of Busselton Local Government Property Local Law 2010, prohibits the retention of structures (including beach shades and windbreaks) on beaches overnight without the owner first obtaining a permit from the City.

Clause 3.14 of the City of Busselton Property Local Law 2010 states:

(3) A person must not without a permit –

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

The Policy refers to the use of structures which are required as part of other authorised activities, such as events, by stating:

...applications for the retention of other structures on local government property overnight will form part of the event application process...

The management of structures on local government property is embedded in existing administrative practices and procedures, including the evaluation and approvals process of permit applications and the evaluation and approvals process of event applications. In addition, an internal guideline that sits within the Ranger and Emergency Services Activity Unit deals with the removal of structures.

Under the City's policy framework structure, a Council policy should provide a strategic statement of the Council's direction. Following a review of the Policy, it has been determined by officers that its content provides information more aligned to the administrative function of issuing permits, and the operational function of dealing with unauthorised/abandoned structures on local government property and particularly the beach, rather than a strategic statement or direction of the Council.

#### **Statutory Environment**

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

#### **Relevant Plans and Policies**

There are no relevant plans or policies to consider in relation to this matter.

#### **Financial Implications**

There are no financial implications associated with the Officer Recommendation.

#### **Stakeholder Consultation**

No external stakeholder consultation was required or undertaken in relation to this matter.

#### **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. Retain Council Policy 246: Shelters and Structures on Local Government Property; and
- 2. Ask that officers present a revised policy for the Council's consideration at a later point in time.

# **CONCLUSION**

Following a review of the Policy, it has been determined by officers that the Policy is not strategic in nature, and is already being administered by the City through existing processes and procedures. This report recommends the Policy be rescinded.

### TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If the Officer Recommendation is endorsed by the Council, the Policy will be immediately rescinded.

246 Shelters and Structures on Local Government Property V2 Current	Shelters and St	roperty V2 Current
---	-----------------	--------------------

### **PURPOSE**

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

### SCOPE

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

### **DEFINITIONS**

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

Event: as defined in Council Policy 231 - Events.

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

### **POLICY CONTENT**

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

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

### **Beach Shelters**

Under the provisions of the Local Law beach shelters may only be erected for use during the hours of daylight and must be dismantled during those hours on the same day. The Local Law does not allow the City to issue permits for beach shelters to remain in place on local government property overnight.

# Other Structures

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

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

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

### **Unauthorised Structures**

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

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

6.6 Attachment A

CP246: Shelters and Structures on Local Government Property

# **Policy Background**

Policy Reference No – 246

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy Approved by – Council

Date Approved –

Review Frequency – as required

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

# History

Council Resolution	Date	Information
C1604/076	13 April 2016	Date of Implementation
		Version 1
C1705/098	10 May 2017	Policy revised to provide clarity regarding beach shelters, and to expand the scope of the policy to include all local government property.  Version 2

### 6.7 PROPOSED CLIMATE CHANGE POLICY AND REVIEW OF ENVIRONMENT POLICY

**STRATEGIC GOAL** 3. ENVIRONMENT Valued, conserved and enjoyed

STRATEGIC OBJECTIVE 3.4 Climate change risks and impacts are understood, acknowledged

and responded to through appropriate planning and community

education.

SUBJECT INDEX Policy

**BUSINESS UNIT** Environmental Services

**REPORTING OFFICER** Senior Sustainability/Environment Officer - Mathilde Breton **AUTHORISING OFFICER** Director, Planning and Development Services - Paul Needham

NATURE OF DECISION Executive: substantial direction setting, including adopting strategies,

plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships,

reviewing committee recommendations

**VOTING REQUIREMENT** Simple Majority

ATTACHMENTS Attachment A Draft Climate Change Policy 🖫

Attachment B WALGA Climate Change Policy Statement Attachment C Environment Policy (Draft Tracked Changes)

# **OFFICER RECOMMENDATION**

### That the Council:

- 1. Adopt the Climate Change Policy as shown at Attachment A; and
- 2. Adopt the (Revised) Environment Policy as shown at Attachment C.

### **EXECUTIVE SUMMARY**

This reports presents a draft Council Climate Change Policy (Policy) (Attachment A) for consideration, in response to a made at Council's 22 April 2020 meeting. The Policy is consistent with the Western Australian Local Government Association (WALGA) *Policy Statement on Climate Change* (WALGA Statement) (Attachment B), adapted to the City's policy template, governance framework and context in terms of the climate change related challenges facing the City. Consequential changes to the Council's Environment Policy are also recommended (see Attachment C).

### **BACKGROUND**

At its 22 April 2020 meeting, Council resolved (C2004/001):

That the Council:

- 1. Signs the Western Australian Local Government Association Climate Change Declaration (Attachment A);
- 2. Continues to support the community in reducing the impacts of climate change and their greenhouse gas emissions; and
- 3. Request that Officers draft a City of Busselton Council Policy, 'Climate Change', which is to be consistent with the Western Australian Local Government Association Policy Statement on Climate Change (Attachment B) and present to Council for endorsement by 31 July 2020, subject to public accessibility to the meeting being possible.

With regard to Resolution 1 above, it is expected that the City will sign the WALGA Climate Change Declaration by July 2020. Due to COVID-19 restrictions, there had been difficulties obtaining the hard copy Climate Change Declaration signed by WALGA (for subsequent signing by the Mayor, on behalf of the City).

With respect to Resolution 2 above, work continues on a number of fronts, including through encouragement of active transport and coastal adaptation work.

With regard to Resolution 3 above, the WALGA Statement, which the Policy reflects, was endorsed by WALGA State Council on 4 July 2018, following consultation with member local governments. It represents the consolidated view of the local government sector and forms the basis of WALGA's climate change advocacy.

### The WALGA Statement sets out that:

- Local Government acknowledges:
  - The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.
  - Climate change threatens human societies and the Earth's ecosystems.
  - Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.
  - A failure to adequately address this climate change emergency places an unacceptable burden on future generations.
- Local Government is committed to addressing climate change.
- Local Government is calling for:
  - Strong climate change action, leadership and coordination at all levels of government.
  - Effective and adequately funded Commonwealth and State Government climate change policies and programs.

The current WALGA Statement was updated from an earlier 2009 version to take account of developments in the scientific understanding of climate change, international and national political developments, and the perception of an increasing urgency for effective climate change adaptation and mitigation action.

Prior to the adoption of the WALGA Statement, the City had expressed its support through the South-West WALGA Zone, as well as through the 2016 adoption of the *Environment Strategy* (see 'Relevant Plans and Policies'). The City has also been and remains pro-active in both the climate change mitigation and adaptation spaces. Mitigation effort includes continued roof-top solar roll-out, reflected in the *Energy Strategy*. Adaptation effort includes the development of the City's 'Coastal Adaptation Strategy', recognising that the City is highly vulnerable to coastal processes and sea level rise.

### **OFFICER COMMENT**

The report considered by Council in April contains further background and rationale for developing a Climate Change Policy. Given that, and given that the Council Resolution explicitly asks for presentation of a draft policy, consistent with the WALGA Statement, there is not seen to be a further need to set out a rationale for such a policy in this report. The focus here, therefore, is on explaining how officers have sought to reflect the WALGA Statement in a policy consistent with the City's policy template, governance framework and context.

The operative part of the Policy (i.e. the 'Policy Statement') consists of three parts, each briefly described below:

- 1. The WALGA Climate Change Declaration (which forms part 1.0 of the WALGA Statement) is replicated in 5.1-5.3, with the word 'City' replacing the words 'Local Government'. The Declaration was carefully worded to represent the views of the local government sector in WA, and the 'acknowledgement' component is also reflective of the stated policy positions of both government and opposition parties at both State and Federal level over a considerable period of time. 5.1 is a broad statement of intent, and inclusion in the Policy to reflect the WALGA Statement is seen as important.
- 5.4 seeks to identify and recognize the climate change related risks that are or may have a significant impact on the City, its residents and ratepayers. The aim is to make the Policy a little more 'real', rather than simply talking about climate change in the abstract. It should be noted that most, if not all, of the identified risks, are risks that exist even in the absence of climate change, but which would be made more acute by climate change. The risks identified, are as follows (and which have been identified through numerous studies in the past):
  - a. Coastal erosion and inundation;
  - b. Bushfire;
  - c. Extreme weather events (storm, cyclone, heatwave, drought, flood);
  - d. Water availability, for both human and environmental use;
  - e. Changes to wetlands and waterways;
  - f. Loss of biodiversity;
  - g. Human health impacts (due to, amongst other things, an increase in vector-borne diseases and heatwaves); and
  - h. Increased transport and energy costs (due to efforts to mitigate climate change).
- 3. 5.5 indicates the City's support for the WALGA Statement more broadly, including the important advocacy role that local governments and WALGA can play on behalf of local communities but without directly including that content in the City's own policy.

The City has developed and implemented a policy framework, which sets out the intent of Council policies, as opposed to operational documents such as Operational Practices and Guidelines. Given the City's policy framework and context, it was not considered appropriate to include further detail within a policy document.

# **Statutory Environment**

The Officer Recommendation supports the general function of a local government under the *Local Government Act 1995* to provide for the good government of persons in its district.

### **Relevant Plans and Policies**

The Officer Recommendation aligns to the following adopted plans or policies:

- Environment Policy (2018), sets out that, inter alia:
  - 5.2 The City will maintain an Environment Strategy to provide direction on how the City will meet the environmental aspirations of the community, as set out in the Strategic Community Plan, and to guide the City's activities.
- City of Busselton Environment Strategy (2016) includes:

Strategic Action 4.6 "Develop a climate change declaration for the City.

- City of Busselton Energy Strategy (2019) sets out that, inter alia:

Vision: "Minimise energy costs and greenhouse gas emissions, through using energy as efficiently as possible and optimising our approach to generation and use of renewable energy, and to maximise returns to ratepayers through becoming a net energy generator".

# Targets:

- To generate 100% of the City of Busselton electricity needs from renewable sources by 2030.
- To reduce City of Busselton corporate carbon emissions per capita to 50% on 2017/18 levels by 2030.
- Develop efficiency targets for fleet and plant by 2025.

The City has a policy framework which was developed and endorsed by Council in response to the recommendations of the 2017 Governance Services Review. The framework sets out the intent of Council policies, as opposed to operational documents such as Operational Practices.

### **Financial Implications**

There are no financial implications associated with the Officer Recommendation. Implementation of climate change mitigation and adaptation measures can, however, have financial implications, both positive and negative. For instance, should the Council choose to move to an ongoing and more widespread FOGO bin service, there would be costs associated with doing so. Or, in another context, if the City failed to protect infrastructure from coastal processes and sea level rise (i.e. coastal erosion and inundation, salinisation of groundwater), there would be associated costs (and also costs associated with protection, if the Council had chosen to do that).

### **Stakeholder Consultation**

No external stakeholder consultation was required or undertaken in relation to this matter. Council Resolution C2004/001, which requested officers prepare a Climate Change Policy, was in response to a petition received by the Council in February 2020. The resolution of the Council set a timeframe for presentation of this report, which was to allow the Policy to be presented to Council once public accessibility to meetings becomes possible due to COVID-19 restrictions being lifted, as is now the case. That was in acknowledgment of the public interest in the matter of climate change.

### **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 such risks have been identified.

# **Options**

As an alternative to the proposed recommendation the Council could:

- 1. Amend the wording of the Policy.
- 2. Decide not to endorse a Climate Change Policy, but this would be contrary to Council Resolution C2004/001.

### **CONCLUSION**

Having a Climate Change Policy will signal even more clearly than is currently the case that the City takes the issue of climate change seriously and is committed to reducing and managing the impacts it is having on its operations and community. It also provides a clearer framework to support the extensive climate change mitigation and adaptation work already underway.

### TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If adopted by the Council, the final Policy will be uploaded onto the City's website within 14 days of Council resolution.

### **Draft Climate Change Policy**



### 1. PURPOSE

The purpose of this policy is to set out the Council's position –

- 1.1. On climate change generally and  $-\Theta F$  key climate change issues affecting the City;
- 1.2. Recognise the significant work done by the City in relation to both climate change mitigation and
- 1.2.1.3. Strive to promote this Policy Statement and to act consistently with its contents; and 1.3.1.4. Set out the Council's support for the Western Australian Local Government Association's Policy Statement on Climate Change.

### 2. SCOPE

2.1. This policy is applicable to all Council staff, Council Members, contractors and consultants acting on behalf of or employed by the Council. It applies to all aspects of the City's operations and responsibilities..  $[who, what, when does this policy apply. \ If relevant articulate what decision making it is intended to guide.] \\$ 

### 3. DEFINITIONS

Term	Meaning			
Policy	this City of Busselton Council policy entitled "Climate Change Policy"			
WALGA Statement	Western Australian Local Government Association Policy Statement on Climate			
	Change			
Climate Change	To be added			
Mitigation	Reducing greenhouse gas emissions through reducing the amount of greenhouse			
	gases that are released, or by enhancing the sinks that sequester (absorb or contain)			
	emissions. (Source: IPCC - Intergovernmental Panel on Climate Change)			
Adaptation	The adjustment in natural or human systems in response to actual or anticipated			
	changes that reduces the harm, or takes advantage of the opportunities presented by			
	climate change. (Source: IPCC - Intergovernmental Panel on Climate Change)			
Greenhouse Gas	The release of greenhouse gases (as determined under the Kyoto Protocol as being			
Emissions	carbon dioxide, methane, nitrous oxide, sulphur hexafluoride, hydro fluorocarbons			
	and per fluorocarbons) into the atmosphere which are widely recognised to cause			
	global warming and climate disruptions.			

### 4. STRATEGIC CONTEXT

- 4.1. This policy links to Key Goal Area 3 of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:
  - a. 3.4 Climate change risks and impacts are understood, acknowledged and responded to through appropriate planning and community education.

Formatted: Highlight

Formatted: Font: (Default) Calibri, Font color: Auto

6.7 Attachment A

### **Draft Climate Change Policy**

4.2.

Commented [AD1]: Do we insert strategies in here? Formatted: Indent: Left: 1.75 cm, No bullets or numbering

### 5. POLICY STATEMENT

5.1. The City -.

a. As per 1.0 of WALGA Statement –

### The City of Busselton acknowledges:

- The science is clear: climate change is occurring and greenhouse gas emissions from human activities are
  - the dominant cause.
- Climate change threatens human societies and the Earth's ecosystems.
- Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.
- A failure to adequately address this climate change emergency places an unacceptable burden on future generations.

The City of Busselton is committed to addressing climate change.

### The City of Busselton is calling for:

- Strong climate change action, leadership and coordination at all levels of government,
   Effective and adequately funded Commonwealth and State Government climate change policies and programs.
- 5.2. The City recognises that the following are Climate change related that are or may have a significant impact on the City, residents and ratepayers and the environment now and in coming decades
  - a. Increased Coastal erosion and inundation
  - b. Increase in frequency and severity of Boushfire
  - b.c. Increase in frequency and severity of extreme weather events
  - $\underline{\text{d. }} \underline{\text{Reduced }} \underline{\text{potable-w}} \underline{\text{Water }} \underline{\text{supplies}} \underline{\text{availability}}, \text{ for both human and environmental use}$
  - e.e. Changes to wetlands and waterways
  - Energy and transport costs
  - f. Loss of biodiversity
  - g. Human health impacts (due to, amongst other things, an increase in vector-borne diseases and heatwaves)
  - d.h. Increased transport and energy costs (due to efforts to mitigate climate change this may need some more explanation)
- $5.3. \quad \text{The City support} \underline{s} \text{ the WALGA Statement}$

# RELATED DOCUMENTATION / LEGISLATION

- 6.1. Environment Policy
- 6.2. Energy Strategy
- 6.3. City of Busselton Climate Change Declaration
- 6.4. WALGA Climate Change Policy Statement

6.7 Attachment A

# **Draft Climate Change Policy**

6.5. State Planning Policy 2.6: State Coastal Planning Policy 6.6. Local Government Act 1995

Formatted: Font: (Default) +Body (Calibri)

6.2.6.7.

### 7. REVIEW DETAILS

Review Frequency		3 yearly {adjust if earlier review is appropriate}		
Council	DATE		Resolution #	
Adoption				
Previous	DATE		Resolution #	
Adoption				

Attachment B

6.7

WALGA Climate Change Policy Statement

WALGA
WORKING FOR LOCAL GOVERNMENT

# Climate Change Policy Statement

**July 2018** 

Attachment B

# WALGA Climate Change Policy Statement



# Version tracking

Version number	Date	Author	Comments / Modifications
1	February 2018	Laura Simes	Major revision of 2009 Climate Change Policy Statement, taking into account sector responses to the WALGA Climate Change Position Statement Review Discussion Paper (November 2017).
2	May 2018	Laura Simes	Revisions taking into account sector comments on the Draft Climate Change Policy Statement (March 2018). Reviewed by Nicole Matthews and Mark Batty.
3	July 2018	Laura Simes	Addition to include support for communities impacted, as recommended by State Council (July 2018).

ONE70 LV1, 170 Railway Parade West Leederville WA 6007 (08) 9213 2000

### WALGA Climate Change Policy Statement



Attachment B

# 1.0 Policy Statement

### Local Government acknowledges:

- The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.
- II. Climate change threatens human societies and the Earth's ecosystems.
- III. Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.
- IV. A failure to adequately address this climate change emergency places an unacceptable burden on future generations.

Local Government is committed to addressing climate change.

### Local Government is calling for:

- Strong climate change action, leadership and coordination at all levels of government.
- II. Effective and adequately funded Commonwealth and State Government climate change policies and programs.



### 2.0 Rationale

Attachment B

# 2.1 Purpose and intent of this document

Climate change is a key issue for Local Governments that impacts almost all aspects of their operations and responsibilities.

This Policy Statement represents the consolidated position of Western Australian Local Governments regarding this important issue.

WALGA will promote the Climate Change Policy Statement and act consistently with its content. The Policy Statement will form the basis for WALGA's climate change advocacy on behalf of the WA Local Government sector.

Individual Local Governments are encouraged to support and utilise this Policy Statement in developing and implementing their own climate change strategies and programs, but are not bound by the Policy.

### 2.2 The science is clear

International scientific consensus is that climate change is occurring, and human activities are the dominant cause.

The Fifth Assessment Report, the latest report of the scientific consensus-based Intergovernmental Panel on Climate Change (IPCC), found:

Warming of the climate system is unequivocal, and since the 1950s, many of the observed changes are unprecedented over decades to millennia. The atmosphere and ocean have warmed, the amounts of snow and ice have diminished, sea level has risen, and the concentrations of greenhouse gases have increased<sup>1</sup>.

Most aspects of climate change will persist for many centuries even if emissions of CO₂ are stopped².

Surface temperatures will remain approximately constant at elevated levels for many centuries after a complete cessation of net anthropogenic CO<sub>2</sub> emissions. Due to the long time scales of heat transfer from the ocean surface to depth, ocean warming will continue for centuries. Depending on the scenario, about 15 to 40% of emitted CO<sub>2</sub> will remain in the atmosphere longer than 1,000 years. It is virtually certain that global mean sea level rise will continue beyond 2100, with sea level rise due to thermal expansion to continue for many centuries<sup>3</sup>.

Further, the IPCC has also found:

It is extremely likely [95–100%] that human influence has been the dominant cause of the observed warming since the mid-20th century.<sup>4</sup>

### WALGA Climate Change Policy Statement



Attachment B

# 2.3 Climate change is a global threat, and Australia has committed to being part of the solution

As a signatory to the Paris Agreement under the United Nations Framework Convention on Climate Change and the United Nations Sustainable Development Goals (SDGs), Australia has committed to taking action on climate change and to ensuring that mitigation and adaptation action is equitable and consistent with the aims of the SDGs.

Local Government is committed to meeting international obligations through Australia's participation in protocols and agreements established under the UNFCCC, including but not limited to the Paris Agreement and successive international treaties.

The Paris Agreement expressly recognises the importance of engagement at all levels of government<sup>5</sup>. **Local Government is committed** to contributing to national and international emissions reduction targets to achieve the Paris Agreement goal of limiting global temperature rise to well below 2° Celsius and to pursue efforts to limit the temperature increase even further to 1.5° Celsius.

**Local Government acknowledges** that current worldwide commitments under the Paris Agreement are insufficient to achieve even the 2° Celsius goal<sup>6</sup>. Australia is a developed country with among the highest per capita greenhouse gas (GHG) emissions in the world<sup>7</sup>. Recognising this, **Local Government calls on the Commonwealth Government show international leadership, by committing to a more ambitious Paris target.** 

**Local Government recognises** that both the impacts of climate change and the policy responses required to contribute to the avoidance of dangerous climate change have significant equity implications<sup>8</sup>. These equity considerations have domestic and international dimensions, for both present and future generations and for the survival of other species. Climate change disproportionately affects disadvantaged and marginalised groups<sup>9</sup> including the poor and rural and regional communities.

### Local Government supports an equitable transition to a carbon constrained world:

- globally, the right of developing countries to increase their share of global wealthin ways that remain within the ecological capacities of the planet;
- domestically, the need to equitably share the cost of climate change adaptation and mitigation and ensure disadvantaged and marginalised groups receive adequate support. This includes provision of support and incentives for communities impacted by the transition (eg, by fostering innovation, and supporting workforce adjustment packages and new employment opportunities).

Local Government supports the United Nations Sustainable Development Goals, and supports climate change action as part of a broader sustainable development agenda.



Attachment B

# 2.4 Local Government is already acting on climate change, but all levels of Government must act

For Australia to meet its international obligations, all levels of government must act. The Western Australian and Commonwealth Governments have an obligation to address climate change in partnership with Local Government, and in consultation with the community.

Local Government calls on the Western Australian and Commonwealth Governments to develop a formalised coordinated approach, such as in the form of a Commonwealth/State/Local Government partnership agreement or Intergovernmental Agreement, establishing consistent and coordinated principles, objectives and actions across Australia that provides for long-term planning to address climate change.

The strategic, long-term planning that Local Government seeks from the Western Australian and Commonwealth Governments includes:

- adequate ongoing funding for essential research, science and innovation to underpin climate change policy initiatives and program design<sup>10</sup>
- taking direct responsibility for the delivery of mitigation actions, adaptation and resilience planning in areas that lend themselves to centralised coordination at Western Australian or Commonwealth Government level;
- embedding climate change mitigation and adaptation considerations in Government projects and policies (government procurement, land management, development, investment strategies that move away from fossil fuels etc.);
- partnering with and resourcing Local Government to deliver community emissions reduction programs that are most effectively implemented at the Local Government level:
- removing existing barriers to climate mitigation and adaptation actions byLocal Government; and
- > ensuring all decisions are guided by the precautionary principle.

Local Government calls on the Commonwealth Government to develop and implement a national plan for action to:

- · meet Australia's international obligations;
- ensure Australia is prepared to adapt to the impacts of climate change; and
- navigate the pathway to a low carbon economy, fostering innovation, new employment opportunities and economic growth.

**Local Government calls on the Western Australian Government** for a major revision and update of the 2012 climate change strategy<sup>11</sup>.

### WALGA Climate Change Policy Statement



Attachment B

# 2.5 Local Government urges effective mitigation action

Local Government recognises that there is a global climate emergency which requires urgent action.

**Local Government is committed** to reducing operational GHG emissions and supporting the reduction of GHG emissions in the community.

**Local Government recognises** that Australia has the capacity to contribute to global climate change mitigation, by reducing emissions now, in a way that creates positive opportunities for communities, business and the economy.

Local Government acknowledges a successful response to the challenge of climate change requires cross-sectoral action by government, business and the community.

However, there are insufficient long-term Western Australian and Commonwealth Government plans or resources directed to climate change action. There is a particularly significant policy vacuum within the Western Australian Government, with negligible demonstrated or coordinated leadership or long-term planning. Australia and the world is seeing a shift away from fossil fuels towards energy efficient and renewable technologies that includes widespread uptake of rooftop solar<sup>12</sup>, battery storage<sup>13</sup>, energy trading<sup>14</sup>, virtual power plants<sup>15</sup>, electric vehicles<sup>16</sup>, energy efficiency and energy productivity<sup>17</sup>. The market, business, insurers, many Local Governments, communities and (other) State Governments are moving in this direction. Local Governments are calling on the Western Australian and Commonwealth Governments to accelerate action and remove barriers to transition to a low carbon, energy efficient economy.

**Local Government considers** a wide range of policy measures - from regulatory intervention and market-based mechanisms (such as an emissions trading scheme) through to voluntary schemes, education and behaviour change programs - are required to successfully achieve emissions reduction targets.

As part of the required national plan for action, **Local Government calls on the Commonwealth Government to** put in place efficient, effective and equitable measures to drive national emissions reductions.

Local Government is in a unique position to drive and implement mitigation programs, foster innovation and support sustainability at the community level, and has had successful collaborations and partnerships to implement such programs in the past<sup>18</sup>.

**Local Government calls on the Commonwealth Government to** partner with Local Government in its efforts to further reduce GHG emissions, including through:

- renewable energy projects (small scale and large scale);
- energy efficiency projects (eg, mass LED public lighting retrofits);
- waste management;
- > enabling take-up of new renewable and sustainable technologies; and

### WALGA Climate Change Policy Statement



Attachment B

accelerating the take up of low or zero emissions vehicles (eg, Local Government electric vehicle fleets, installation of electric vehicle charging stations).

### Local Government calls on the Western Australian Government to:

- follow the lead of the other States and Territories and introduce a State-level renewable energy and/or emissions reduction target;
- ensure that statutory planning policies are consistent with climate change mitigation priorities (eg, maintaining and increasing urban forest to reduce heat island effect, best practice building energy efficiency etc.); and
- drive mass LED public lighting retrofits, by addressing the regulatory hurdles and unaligned incentives that act as a disincentive to the uptake of low cost, energy efficient public lighting.

**Local Government calls on the Environmental Protection Authority** to take a stronger regulatory role in assessing and recommending conditions to mitigate the GHG emissions associated with major projects within the Environment Impact Assessment process<sup>19</sup>.

# 2.6 Local Government urges effective adaptation and resilience planning

**Local Government is committed** to the common goal of ensuring that Western Australia's human communities and natural ecosystems have the resources and assistance to enable them to build maximum resilience and adapt to climate change impacts that are now understood to be unavoidable.

Local Government asserts that it is the responsibility of all spheres of Australian Government to ensure that their decisions, policies and programs take into consideration the likely impact of climate change on current and future human settlements, natural resources and ecosystems and facilitate adaptation to these. These include but are not limited to disaster relief, national security, environment, energy, infrastructure and land use planning, water, housing, health and transport.

**Local Government notes** there are some policies, programs and limited funding for *coastal* adaptation in Western Australia, and a body of work completed in relation to bushfire planning and management. While this action is welcome, it is insufficient, and there is currently only *minimal* capacity and resourcing available to adapt to other effects of climate change, such as changes in temperature and rainfall, extreme weather events such as heatwaves and floods, flow-on effects such as the health and social impacts of climate change.

In many cases, Local Governments do not have the financial resources to shoulder the cost of implementing adaptation measures alone. This must be a shared responsibility.

6.7 Attachment B

### WALGA Climate Change Policy Statement



# Effective adaptation and resilience planning by Western Australian and Commonwealth Governments includes:

- a strategic approach to progressing and funding action for climate change adaptation and building resilience;
- adequate assistance, including funding, for Local Governments and Commonwealth and State agencies engaged in adaptation action;
- recognising and planning for the impacts of climate change on biodiversity and agricultural productivity, particularly in relation to biosecurity;
- sustainable management of water resources;
- providing greater certainty for Local Governments managing their risk and liability flowing from adaptation planning decisions;
- a State-Wide Coastal Hazard Map;
- coastal management legislation in Western Australia to define and establish principles, objects, actions, roles and responsibilities for integrated coastal zone management, with specific reference to planned and managed retreat;
- ensuring the Western Australian planning system adequately incorporates consideration of climate change effects and adaptation issues; and
- hazard identification and planning beyond coastal planning, into current and expected effects of changes on extreme weather events, bushfires, biodiversity, invasive flora and fauna, health, social impacts etc.

Local Government is also calling for national and state emergency management and disaster relief policies that adequately incorporate climate change in their planning and implementation. Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) financial measures need to provide funding to reinstate a damaged or destroyed asset to a more disaster resilient standard, where this is an appropriate and cost effective response based on likely recurrence of the disaster event.

<sup>&</sup>lt;sup>1</sup> IPCC (2013). "Summary for Policymakers" in *Climate Change 2013: The Physical Science Basis.* Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA at 4. Available at: <a href="https://www.ipcc.ch/report/ar5/wg1/">https://www.ipcc.ch/report/ar5/wg1/</a>.

<sup>&</sup>lt;sup>2</sup> As above, at 27

<sup>3</sup> As above, at 28.

<sup>&</sup>lt;sup>4</sup> As above, at 17. The term "extremely likely" is defined by the IPCC as having an assessed likelihood of 95-100%: See "Chapter 1: Introduction" in *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change.* Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA at 121 (footnote 2).

<sup>&</sup>lt;sup>5</sup> United Nations Framework Convention on Climate Change (2015) *Adoption of the Paris Agreement*, 21<sup>st</sup> Conference of the Parties, Paris: United Nations at 2. Available at: http://unfccc.int/files/home/application/pdf/paris\_agreement.pdf.

6.7 Attachment B

### WALGA Climate Change Policy Statement



<sup>6</sup> The Climate Action Tracker (Climate Analytics, Ecofys & NewClimate Institute) calculates the gap in current policies. Paris Commitments and the emissions reductions required to keep the world at a 1.5°C and a 2.0 °C increase. Available here: https://climateactiontracker.org/global/cat-emissions-

<sup>7</sup>Australia has the highest per capita emissions of the OECD countries, and the seventh highest per capita in the world after Kuwait, Brunei, Qatar, Belize, Oman and Bahrain: CAIT Climate Data Explorer (World Resources Institute) (2018). GHG Emissions Totals Excluding Land Use Change and Forestry Per Capita 2014. Available at: http://cait.wri.org/historical

<sup>8</sup> Althor, G. et al. Global mismatch between greenhouse gas emissions and the burden of climate change. Sci. Rep. 6, 20281; doi: 10.1038/srep20281 (2016). Available at: https://www.nature.com/articles/srep20281

<sup>9</sup> "People who are socially, economically, culturally, politically, institutionally or otherwise marginalised are especially vulnerable to climate change" IPCC (2014). Summary for Policymakers" in Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A: Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, at 6. Available at: http://www.ipcc.ch/report/ar5/wg2/. See also CSIRO (2015). Climate Change Adaptation for Health and Social Services, edited by Rae Walker and Wendy Mason. CSIRO Publishing, and L Rickards et al. (2016). On the Frontline: Climate Change & Rural Communities. Climate Commission. Available at <a href="https://www.climatecouncil.org.au/ruralreport">https://www.climatecouncil.org.au/ruralreport</a>.

<sup>10</sup> For example, BOM and CSIRO's Climate Change in Australia:

https://www.climatechangeinaustralia.gov.au/, Western Australian Marine Science Institution: https://www.wamsi.org.au/, National Climate Change Adaptation Research Facility: https://www.nccarf.edu.au/ and CoastAdapt: https://coastadapt.com.au/.

11 Western Australian Government (2012). Adapting to our Changing Climate. Available at:

https://www.der.wa.gov.au/your-environment/climate-change/254-adapting-to-climate-change.

12 See for example: A Bruce & I MacGill. "FactCheck Q&A: is Australia the world leader in household solar power?" The Conversation, 28 March 2016, Available at: https://theconversation.com/factcheckganda-is-australia-the-world-leader-in-household-solar-power-56670.

13 See for example: N Harmsen. "Elon Musk's giant lithium ion battery completed by Tesla in SA's Mid

North". ABC News. 24 November 2017. Available at: <a href="http://www.abc.net.au/news/2017-11-23/worlds-2017-11-23/world most-powerful-lithium-ion-battery-finished-in-sa/9183868; Climate Council. Fully Charged: Renewables and Storage Powering Australia. 2018. Available at: https://www.climatecouncil.org.au/resources/battery-storage-2018/.

<sup>14</sup> See for example: K Diss, "Blockchain technology fuels peer-to-peer solar energy trading in Perth start-up". ABC News. 11 October 2017. Available at: http://www.abc.net.au/news/2017-10-

11/blockchain-technology-fuels-peer-to-peer-energy-trading-start-up/9035616.

15 See for example: C Chang. "South Australian government strikes deal with Tesla to install free batteries to 50,000 homes". News.com.au. 5 February 2018. Available at: http://www.news.com.au/technology/innovation/south-australian-government-strikes-deal-with-teslato-install-free-batteries-to-50000-homes/news-story/fd04731350da176c374383f3fb25e947/

<sup>16</sup>A Gray. "Countries are announcing plans to phase out petrol and diesel cars. Is yours on the list?" World Economic Forum, 26 September 2017, Available at: https://www.weforum.org/agenda/2017/09/countries-are-announcing-plans-to-phase-out-petrol-and-

diesel-cars-is-yours-on-the-list/.

17 Energy productivity is an indicator of the amount of economic output that is derived from each unit

of energy consumed. See, for example, the Australian Alliance for Energy Productivity project to double productivity by 2030: https://www.2xep.org.au/

18 For example as delivery agents of the Commonwealth Government's Community Energy Efficiency Program (CEEP) and Local Government Energy Efficiency Program (LGEEP) and the Cities for Climate Protection.

<sup>19</sup> See commentary on State climate change in the EPA's Annual Report 2016-2017 at 38-40. Available at: http://www.epa.wa.gov.au/annual-reports/epa-annual-report-2016-2017

WALGA Climate Change Policy Statement

6.7 Attachment B



# Appendix A

# Acronyms

ВОМ	Bureau of Meteorology
CAIT	Climate Access Indicators Tool
CEEP	Community Energy Efficiency Program
CO <sub>2</sub>	Carbon dioxide
CPP	Cities for Climate Protection
CSIRO	Commonwealth Scientific and Industrial Research Organisation
GHG	Greenhouse Gas
ICLEI	International Council for Local Environmental Initiatives  – Local Governments for Sustainability
IPCC	Intergovernmental Panel on Climate Change
LED	Light Emitting Diode
LGEEP	Local Government Energy Efficiency Program
NCCARF	National Climate Change Adaptation Research Facility
SDGs	Sustainable Development Goals
UNFCCC	United National Framework Convention on Climate Change
WALGA	Western Australian Local Government Association
WAMSI	Western Australian Marine Science Institution
WANDRRA	Western Australia Natural Disaster Relief and Recovery Arrangements
WRI	World Resources Institute



Attachment B

# Appendix B

# **Background Information**

### Climate change in Australia1:

- Australia's climate has warmed in both surface air temperature and surroundingsea surface temperature by around 1°C since 1910.
- By late this century, Australia's average temperature is projected to increase by 3–5°C compared to a 1986–2005 baseline under the current global trajectory of greenhouse gas emissions, 1.5–2.5 °C for a medium emissions scenario or 0.5–1.5 °C for a low emissions scenario.
- There has been, and will continue to be, an increase in the number of days with weather conducive to fire in southern and eastern Australia. The number of days is projected to double by the end of the century under a high emissions scenario.
- May-July rainfall has reduced by around 19 per cent since 1970 in the southwest.
- Winter rainfall is projected to decrease across southern Australia, by a median of 17 per cent with a range of 2–32 per cent under a high emissions scenario by the end of the century, relative to 1986–2005, with more time spent in drought.
- Past and ongoing emissions commit us to further sea-level rise around Australia of around 6–19 cm by 2030, relative to the 1986–2005 baseline. By 2100, sea level rise could exceed two metres<sup>2</sup>.
- The rise in mean sea level will amplify the effects of high tides and storm surges.

Intergovernmental Panel on Climate Change (IPCC): This is the international body for assessing the science related to climate change. IPCC assessments provide a scientific basis for governments at all levels to develop climate related policies, and they underlie negotiations at the UN Climate Conferences. IPCC reports undergo multiple rounds of drafting and review to ensure they are comprehensive and objective and produced in an open and transparent way. Thousands of other experts contribute to the reports by acting as reviewers, ensuring the reports reflect the full range of views in the scientific community.

Paris Agreement: The first-ever universal, legally binding global climate deal, adopted by 195 countries at the UNFCCC Conference of Parties in Paris, December 2015. It aims to respond to the global climate change threat by keeping a global temperature rise this century well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5°C. It aims for global greenhouse gases to peak as soon as possible, and seeks to foster resilience and climate adaptation. Full text of the Paris Agreement is available <a href="here">here</a>. As of November 2017, all 195 countries have signed on to the Paris Agreement. The United States of America has indicated an intention to withdraw (it is unable to withdraw until November 2020). Further information tracking country ratifications and targets is available <a href="here">here</a>.

Sustainable Development Goals (SDGs): In September 2015, 193 countries (including Australia) agreed to the United Nations 17 Sustainable Development Goals (SDGs) and 169 targets. The SDGs are a successor to the Millennium Development Goals, but unlike the Millennium Development Goals, relate to all developed and emerging countries, as well as

# WALGA Climate Change Policy Statement



Attachment B

developing countries. They aim to end poverty, hunger and inequality, take action on climate change and the environment, improve access to health and education, build strong institutions and partnerships, and more. Aims include climate action (Goal 13), affordable and clean energy (Goal 7), responsible consumption and production (Goal 12) and sustainable cities and communities (Goal 11). For further information on how the SDGs are relevant to Local Governments, see the Global Network of Cities, Local and Regional Government (UCLG) publication "The Sustainable Development Goals: What Local governments need to know", available <a href="here">here</a>.

**United Nations Framework Convention on Climate Change (UNFCCC)**: an international environmental treaty adopted on 9 May 1992. The UNFCCC objective is to "stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system".

Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA): provides a range of financial relief measures to assist communities to recover from an eligible natural disaster event, jointly funded by the Western Australian and Australian Governments, which reimburses Local Governments for the restoration and replacement of essential public assets owned by a local government to the extent necessary to restore the asset to the equivalent of its pre-disaster standard.

Western Australian Local Government action on climate change: WA Local Governments have, for a number of years, been actively engaged in a range of climate change mitigation and adaptation activity, together with education and encouraging awareness and behaviour change amongst residents. Many Local Governments have made voluntary commitments or pledges in relation to climate change, including the following:

Pledge	Description	Number of Local Government Participants
Local Government Climate Change Declaration	Developed by WALGA. A voluntary opportunity for Local Governments to demonstrate their political commitment to locally appropriate climate change adaptation and mitigation action. <sup>3</sup>	(representing 65% of the WA population)
Divesting from fossil fuels	Commitment to shift money out of banks that fund fossil fuels. <sup>4</sup>	(representing 30% of the WA population)
Compact of Mayors	A coalition of city leaders around the world committed to addressing climate change. <sup>5</sup>	4
Cities Power Partnership	Launched July 2017 by the Climate Council, aims to celebrate and accelerate emission reductions and clean energy in Australian towns and cities. <sup>6</sup>	10

Attachment B

### WALGA Climate Change Policy Statement



In the past, Western Australian Local Governments have been key delivery agents of Commonwealth Government climate change mitigation programs, such as the Community Energy Efficiency Program (CEEP), the Local Government Energy Efficiency Program (LGEEP) and the Cities for Climate Protection (CCP) Program that was delivered by ICLEI with Commonwealth Government support. The LGEEP and CEEP grants assisted Local Governments in undertaking a wide range of building energy efficiency, LED public lighting and geothermal projects.

Program	Program dates	WA Local Government participants
Cities for Climate Protection	1999-2006	30
Local Government Energy Efficiency Program (LGEEP)	2011-2014	50 (includes 1 WALGA grant)
Community Energy Efficiency Program (CEEP)	2011-2016	15 (includes 1 WALGA grant)
Emissions Reduction Fund (ERF)	2014-present	2 (both transitioned from the Carbon Farming Initiative)

Adaptation is a current issue for Local Government, particularly as the effects of climate change are now unequivocally being felt, and Local Governments are in a position where they need to be planning for further effects of climate change in the future.

The Western Australian State Government provides around \$1.3 million funding per year under the CoastWest, Coastal Management Plan Assistance Program and Coastal Adaptation and Protection programs. In contrast, the New South Wales State Government (with a coastline one sixth the length of Western Australia), is providing \$63 million over five years. The Queensland State Government (with a coastline a little over half the length of Western Australia) provides \$12 million dollars over three years.

The Western Australian state planning system has encompassed coastal adaptation planning, but this has not yet been expanded to deal with other current and expected issues such as changes in temperature, rainfall and extreme weather events (including floods), heatwayes and bushfires.

<sup>3</sup> For further information see here: <a href="http://walga.asn.au/Policy-Advice-and-Advocacy/Environment/Climate-Change.aspx">http://walga.asn.au/Policy-Advice-and-Advocacy/Environment/Climate-Change.aspx</a>.

<sup>&</sup>lt;sup>1</sup> CSIRO 2016 State of the Climate. https://www.csiro.au/en/Showcase/state-of-the-climate.

<sup>&</sup>lt;sup>2</sup>B Dennis and C Mooney. 2016. 'Scientists nearly double sea level rise projections for 2100, because of Antarctica'. *The Washington Post*. 30 March 2016. Available at: <a href="https://www.washingtonpost.com/news/energy-environment/wp/2016/03/30/antarctic-loss-could-double-expected-sea-level-rise-by-2100-scientists-say/?noredirect=on&utm\_term=.574c448f582f.</a>

# WALGA Climate Change Policy Statement



Attachment B

<sup>4</sup> For a list of Australian Local Governments that have committed to divest see here: <a href="http://gofossilfree.org.au/fossil-free-councils/">http://gofossilfree.org.au/fossil-free-councils/</a>. Not listed are City of Bayswater, City of Subiaco and the Shire of Mundaring, which have also recently committed to divest.
 <sup>5</sup> Cities of Joondalup, Perth, Melville and Mandurah. Further information about the Compact of Mayors

available here: <a href="https://www.compactofmayors.org/">https://www.compactofmayors.org/</a>.

<sup>6</sup> Local Governments participating in the Cities Power Partnership are shown on the map here: http://citiespowerpartnership.org.au/power-partners/.

### **Environment Policy (Draft Tracked Changes)**



### 1. PURPOSE

1.1. The purpose of this Policy is to outline Council's commitment towards continuous improvement in environmental management practices and the long-term protection of environmental values within the District.

#### 2. SCOPE

2.1. This Policy applies to all land managed by the City and to all operations of the City.

### 3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy entitled "Environment Policy"

### 4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 3 Environment of the City's Strategic Community Plan 2017 and specifically the following Community Objective/s:

  - a. 3.1: Development is managed sustainably and our environment valued;
     b. 3.2: Natural areas and habitats are cared for and enhanced for the enjoyment of current and future
  - c. 3.3: The health and attractiveness of our waterways and wetlands is improved to enhance community amenity

### 5. POLICY STATEMENT

- 5.1. The City will ensure:
  - a. the proactive management of City land to protect and enhance environmental values;
  - b. the establishment and maintenance of effective working relationships and partnerships with the community and other stakeholders to undertake environmental management;
  - c. decision making by the City gives due regard to environmental values alongside economic and social considerations
- 5.2. The City will maintain an Environment Strategy to provide direction on how the City will meet the environmental aspirations of the community, as set out in the Strategic Community Plan, and to guide
- 5.3. The City will ensure its decision making considers potential impacts on the environment by integrating environmental protection, social advancement and economic prosperity principles within sound

Formatted: Add space between paragraphs of the same

Formatted: Font: (Default) +Body (Calibri), Bold

#### 6.7 Attachment C

# **Environment Policy (Draft Tracked Changes)**

- 5.4. The City will implement best practice in its management of the environmental values of the District in order to identify and protect the City's exceptionally high biodiversity values.
- 5.5. The City will develop and maintain an Environmental Volunteer Management and Engagement Strategy with the aim of building and maintaining community capacity and engagement in relation to the  $management\ of\ the\ environmental\ values\ of\ the\ District,\ in\ particular\ through:$ 
  - $a. \ \ encouraging \ and \ supporting \ community \ participation \ and \ inclusiveness;$
  - b. promoting community engagement and collaboration;
  - c. encouraging and nurturing partnerships
- 5.6. The City will plan, design, operate and conduct operations in a manner that minimises waste and resource consumption.

### 6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. Local Environmental Planning Strategy
- 6.2. Environment Strategy 2016-2021
   6.3. Environmental Volunteer Management and Engagement Strategy 2017

6.3.6.4. Climate Change Policy

### 7. REVIEW DETAILS

Review Frequency		3 yearly	3 yearly		
Council	DATE	10 October 2018	Resolution #	C1810/202	
Adoption					
Previous	DATE	9 November 2016	Resolution #	C1611/128	
Adoption					

6.8 LOCAL PLANNING POLICY REVIEW - REVOCATION OF LPP 1.4, LPP 6.2 AND LPP 6.3;
INITIATION OF REVISIONS TO LPP 1.3 AND LPP 6.1; AND INITIATION OF NEW LPP \*\*:
ADVERTISING SIGNS

STRATEGIC GOAL

2. PLACE AND SPACES Vibrant, attractive, affordable

**STRATEGIC OBJECTIVE** 

2.3 Creative urban design that produces vibrant, mixed-use town

centres and public spaces.

**SUBJECT INDEX** 

**Development Control Policy** 

**BUSINESS UNIT** 

Statutory Planning

REPORTING OFFICER
AUTHORISING OFFICER

Senior Development Planner – Policy - Stephanie Navarro Director, Planning and Development Services - Paul Needham

NATURE OF DECISION Legislative: to adopt legislative documents e.g. local laws, local planning schemes, local planning policies

VOTING REQUIREMENT ATTACHMENTS

Simple Majority

Attachment A LPP 1.4 : Single Dwelling Design J 🕍

Attachment B LPP 6.2 : Drainage Infill Contributions 1

Attachment C LPP 6.3: Mosquito Control LPP 6.3: Mosquito Control

Attachment D Current LPP 1.3: Private Jetties and Boat Lifting

Structures U

Attachment E Proposed LPP 1.3: Private Jetties and Boat Lifting

Structures - Amended

Attachment F Current LPP 6.1 : Stormwater Management Attachment G Proposed LPP 6.1 : Stormwater Management -

Amended U

Attachment H Proposed LPP \*\*: Advertisements and Advertising

Signs - New U

### **OFFICER RECOMMENDATION**

# That the Council:

- 1. Revokes the following Local Planning Policies as set out below:
  - (a) LPP 1.4 : Single Dwelling Design (Attachment A);
  - (b) LPP 6.2 : Drainage Infill Contribution (Attachment B); and
  - (c) LPP 6.3: Mosquito Control Contribution (Attachment C).
- 2. Advertise the notice of revocation in a newspaper circulating within the Scheme area in accordance with clause 6 of Part 2 of Schedule 2 Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.
- 3. Initiates for the purposes of public consultation the following amended Local Planning Policies as set out below:
  - (a) LPP 1.3: Private Jetties and Boat Lifting Structures (Attachment E); and
  - (b) LPP 6.1 : Stormwater Management (Attachment G).
- 4. Initiates for the purposes of public consultation a new Local Planning Policy LPP

  \*\*: Advertisements and Advertising Signs (Attachment H); and
- 5. Advertise the initiated Local Planning Policies in a newspaper circulating within the Scheme area for four weeks in accordance with clause 6 of Part 2 of Schedule 2 Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015.

### **EXECUTIVE SUMMARY**

The City is undertaking a comprehensive review of all its local planning policies (LPPs). It is proposed, as part of this report, that the following LPPs be revoked for the reasons outlined within this report:

- LPP 1.4 : Single Dwelling Design; and
- LPP 6.2 : Drainage Infill Contribution; and
- LPP 6.3 : Mosquito Control Contribution.

In addition to the above, it is proposed that amendments to the following LPPs be initiated for the purposes of public consultation:

- LPP 1.3: Private Jetties and Boat Lifting Structures; and
- LPP 6.1 : Stormwater Management.

Furthermore, it is proposed that a new LPP be initiated for the purposes of public consultation:

LPP \*\* : Advertisements and Advertising Signs.

It is noted that since the previous report to the Council on the LPP review, the numbering of the LPPs has been changed. The change was administrative only and therefore no resolution by Council was required.

### **BACKGROUND**

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) provide that LPPs may be prepared by a local government in respect of any matter relating to planning and development within the *City of Busselton Local Planning Scheme No. 21* (Scheme) area.

The intention of an LPP is to provide guidance to applicants/developers and the community in regard to the decision-making process, as well as to the local government when exercising discretion under the Scheme. LPPs must be consistent with the intent of the relevant Scheme provisions, including the *State Planning Policy 7.3 - Residential Design Codes* (R-Codes), and cannot vary development standards or requirements set out in a Scheme or impose any mandatory requirements upon development.

LPPs are to be given due regard in the assessment of development applications and are listed as a "matter to be considered" when making a determination of a development application under clause 67 of Schedule 2 of the Regulations.

In March 2019, the City commenced the first stage of the LPP review. This stage was policy neutral and did not alter the intent or provisions within the LPPs, however the LPPs were re-formatted into an easier-to-read template, taking the LPPs from a single manual structure and separating them into individual policies. These changes were adopted by Council at its meeting on 27 March 2019 (C1903/053).

The City has now commenced the second stage of the review process and is currently reviewing the content and relevance of all LPPs. Due to the number of LPPs and the complexity of issues which need to be addressed, this review has been broken down into a number of stages. It is proposed as part of this report that a number of LPPs be revoked, amended or initiated. A comprehensive description of each of the LPPs being considered is set out in the officer comment section of this report.

### OFFICER COMMENT

### 1. Policies Recommended For Revocation

### LPP 1.4 : Single Dwelling Design

In 2007, the Council endorsed an LPP that combined the former 'Dual Occupant Development' and 'Residential Development' policies into a single policy, the 'Residential Design Guidelines' policy. This policy was created to deal with a number of issues relating to residential development not covered by the R-Codes, including clarifying what constitutes a single dwelling. At the time, it was considered that the planning and building framework did not adequately define what constitutes a single dwelling (i.e. the distinction between a 'Single House' and a 'Grouped Dwelling' was unclear) and therefore it was considered necessary to introduce a policy clarifying the matter.

Under the R-Codes, there are three main types of 'Dwellings' being 'Single House', 'Grouped Dwelling' and 'Multiple Dwelling'. These types of 'Dwellings' are defined within the R-Codes and, under clause 25 of Part 4 (General development requirements) of the Regulations, these definitions are to be read as part of the Scheme. They therefore have the same weight as land use definitions within the Scheme.

A recent State Administrative Tribunal (SAT) case, *Corp and Town of Cambridge [2019] WASAT 65*, dealt with this matter in relation to the land use classification of a dwelling. This case dealt with a development application that was refused by the Town of Cambridge, with one of the reasons for refusal being that the design of the dwelling resulted in it being considered to be two dwellings. The dwelling proposed two 'wings', each with a kitchen, living room, bathrooms and bedrooms, and therefore was considered by the Town to be two Grouped Dwellings (which was not permissible, as the minimum lot sizes for each dwelling at that density were unable to be met). While the dwelling proposed some shared elements, being a shared entry, laundry and garage, it was considered by the SAT that this was not sufficient for the dwelling to be considered a Single House, as the manner in which the dwelling would function was that of two separate dwellings. The case found that:

There are no set criteria that are to be worked through in making an assessment of this type. There can be no fixed or rigid principles. In each instance, it will be an evaluative judgment and each application will turn on its own facts.

The Corp decision referenced an earlier case in Victoria, *Casey City Council v Kelly* [2004] VCAT 1838, which found along the same lines:

It is not just the physical characteristics of development that will determine the purpose for which land is used but rather the way in which that development functions or is used that will determine its purpose.

When assessing a development application, it is considered that the definitions within the R-Codes are sufficient for the City to determine the use class of a development and, as per the Corp case (referenced above), each development is required to be assessed on a case—by-case basis. Therefore, it is considered that this Policy is redundant and should be revoked. It is proposed that the City's understanding of what constitutes a 'Dwelling' (in plain English terms, with appropriate disclaimers) will be addressed by the City via an information sheet.

### LPP 6.2 : Drainage Infill Contribution

In 2014, the Council adopted two new Local Planning Policy provisions - LPP 6.1 : Stormwater Management and LPP 6.2 : Drainage Infill Contributions Provisions (C1410/244). These LPPs replaced three earlier Council policies, namely 182/3 (Vasse Diversion Drain Contributions), 183/3 (Local Drainage Contributions) and 184/3 (Main Drain Contributions).

The 'Building Code of Australia' requires stormwater to be disposed of in a way that avoids the likelihood of damage or nuisance to any other property however it does not specify the rate at which the stormwater is required to be retained.

LPP 6.2 was introduced to collect contributions in situations when stormwater could not be contained on site as in accordance with the volumetric requirements required under LPP 6.1 as the discharge of stormwater off-site placed additional pressure on the City's Infrastructure.

In a practical sense, the City always requires compliance with the volumetric requirements of the deemed-to-comply criteria of LPP 6.1 and does not perform an assessment under the design principles of the Policy. Furthermore, a number of issues arose from applying the contributions to development, including concerns regarding the consistency at which the contributions were applied and inadequate funds being collected to pay for the works necessary. It is noted that for larger scale development or subdivision, District, Local or Urban Water Management Plan/Strategy provides for the management of stormwater to local government requirements.

More importantly, however, Draft State Planning Policy 3.6 'Infrastructure Contributions' (Draft SPP 3.6), which is a seriously entertained document, specifies that a monetary contribution for public utilities (which includes drainage works) is only permitted where the matter has been included in a Developer Contribution Plan (DCP). As the City has no DCP for drainage infill, when Draft SPP 3.6 is adopted in final form (which is understood to be imminent) no suitable head of power to require a monetary contribution for drainage works would be in place and, as such, LPP 6.2 would be invalid.

It is therefore proposed that LPP 6.2 be revoked and LPP 6.1 be amended to simplify the requirements and remove the ability for insufficient stormwater infrastructure to be provided on site.

# LPP 6.3: Mosquito Control Contribution

LPP 6.3: Mosquito Control Contribution requires a contribution towards mosquito management to be paid at the time of subdivision/commencement of development for every additional lot or dwelling within the policy area. The purpose of this contribution was to enable the City to effectively plan for the provision or extension of mosquito control operations that were likely to be required as a consequence of development in the area.

The current contribution rate is \$40.78 per additional dwelling/lot. The funds collected as part of this contribution have ceased to form part of the funding utilised for the City's ongoing mosquito management activities. It is considered that the administrative burden on the City and applicants associated with collecting these developer contributions in disproportionate to the relatively low monetary value of this contribution. Furthermore, there is no consideration of contributions of this nature in draft SPP 3.6 and as the City has no DCP for this contribution, when Draft SPP3.6 is adopted in final form there would be no suitable head of power to require a monetary contribution for mosquito management and, as such, LPP 6.3 would be invalid.

It is, therefore, recommended that the Policy be revoked.

### 2. Policies Recommended To Be Revised

# LPP 1.3: Private Jetties and Boat Lifting Structures

LPP 1.3: Private Jetties and Boat Lifting Structures was adopted by the Council in 2011 and provides a framework for the assessment and approval of jetties and boat lifting structures within waterways.

A number of amendments to LPP 1.3 are proposed including a number of formatting changes which are proposed to simplify and shorten the Policy. The main modification to the existing policy is to allow for the consideration of mechanical boat lifting structures. Currently, under part 4.2 'Boat Lifting Devices and Structures', mechanical boat lifting structures (including davits) are not permitted. This provision was included in the Policy as at the time that the original Policy was endorsed in part because the Port Geographe Landowners' Association did not support mechanical boat lifting facilities.

It is proposed that the assessment criteria be updated so as to allow for the consideration of mechanical boat lifting structures where it can be demonstrated that the structure will not detrimentally impact on the amenity of adjoining owners or the navigability, accessibility and useability of the canal. Given that davits are used to move larger type vessels from land to water, a provision has been included which specifies that davits will only be supported in 'Marinas' (as defined by the Scheme) where it can be demonstrated that the structure will not detrimentally impact on the amenity of the locality.

It is noted that noise from a development and land use, including but not limited to noise from the use of equipment and machinery (including the use of a boat lifting device), is to comply with the *Environmental Protection (Noise) Regulations 1997*.

The remainder of the key content contained within the Policy Statement section of the policy remains largely unchanged. However, the length of the policy has been reduced significantly through:

- The inclusion of the term 'Jetty' within the listed interpretations to include a Finger, Floating Land backed and L or T shaped structure;
- The amalgamation of individual Jetty provisions under the subheading '4.2 Jetties' and the relocation of provisions under '4.1 General Provisions';
- The removal of the subheading '4.3 Consultation with adjoining landowners and community groups'; and
- The removal of attachments on the basis that this information is able to be provided to applicants via an information sheet.

The draft Policy has been reviewed by a Senior Planning Project Officer from the Marine division of the Department of Transport, who expressed support for the changes, in particular the updated wording with reference to consideration of mechanical boat lifting structures.

# LPP 6.1: Stormwater Management

As mentioned above, in 2014 the Council adopted two new Local Planning Policy Provisions; LPP 6.1: Stormwater Management and LPP 6.2: Drainage Infill Contributions Provisions (C1410/244). LPP 6.1: Stormwater Management was introduced to provide guidance to the community and industry on standards for on-site stormwater management including volumetric requirements.

LPP 6.1 currently includes a deemed-to-comply criteria, and design principles, for on-site stormwater management for different types of development. Under the current Policy, where on-site stormwater management methods was not in accordance with the volumetric requirements of the deemed-to-comply criteria of the Policy, the Policy enabled an assessment against the relevant

design principles and included a requirement for the payment of contributions in accordance with LPP 6.2.

The volumetric requirements for on-site stormwater management systems is unchanged from the current Policy requirements however as LPP 6.2 is proposed to be revoked, for the reasons outlined above, the ability to provide insufficient stormwater management on site as well as any reference to LPP6.2 within this Policy, has been removed. Therefore, it is proposed as part of this revised Policy that that all stormwater be contained on site for a 1-year Average Recurrence Interval (ARI) for Single Houses (and associated outbuildings) on lots less than 4,000m², which equates to 1m³ of stormwater storage per 65m² of impervious surfaces. For all other types of development on lots less than 4,000m² all stormwater is required to be contained on site for a 5-year ARI, which equates to 1m³ of stormwater storage per 40m² of impervious surfaces. The greater level of stormwater retention for development other than Single House is required, as generally these types of development have a larger proportion of impervious surfaces and therefore have a greater amount of stormwater run-off.

In some areas, lots are provided at the subdivision stage with a Drainage Property Connection which is a device used to discharge stormwater from a private lot directly into an integrated street conveyance and treatment system. In these instances, sufficient stormwater management systems in accordance with the rates prescribed under the policy are still required to be provided within the lot however the overflow from these systems may be directed into the Lot Drainage Connection should be installed provide a silt trap is provided to collect and remove waste.

For lots greater than 4,000m<sup>2</sup>, no set volumetric requirement is prescribed as it is considered that there is generally adequate setback and/or soft landscaped areas for the stormwater to be managed on-site without storage and infiltrations systems. Stormwater is still required to be contained on site such that it does not cause erosion to any building or adjoining properties. These standards are in keeping with the practices that are currently undertaken by the City.

It is therefore proposed that LPP 6.1 be amended to simplify the requirements and remove the ability for contributions to be made to allow stormwater infrastructure to lower standards to be provided on site.

# 3. Recommendation For New Policy

### LPP \*\*: Advertisements and Advertising Signs

Advertising Signs are defined under this Policy to include "permanent structure/s used for the purpose of advertisement, or to draw attention to, a product, business, person or event". It is not proposed that this Policy be applicable to portable signs as these are controlled by the *Activities in Thoroughfares and Public Places and Trading Local Law 2015* and guided by *Council Policy - Portable Advertising Signs in Public Places*.

Currently, the only controls applicable to Advertising Signs are contained with clauses 4.36.4, 4.41 and Schedule 11 – Exempted Advertising of the Scheme as outlined below:

- Clause 4.36.4 outlines requirements for entry statements within the Rural and Viticulture and Tourism zones; and
- Clause 4.41 outlines that Advertisements are prohibited if they advertise goods and services
  which are not produced, displayed or offered for sale, or which is otherwise not relevant to,
  the land upon which the advertisement is located; and
- Schedule 11 includes specific types and requirements for Advertising Signs that if met are exempt under clause 6.1 Permitted Development of the Scheme from requiring development approval.

In the absence of the prohibition under Clause 4.41 of the Scheme, there would be a widespread proliferation of such signage, including the potential for third party billboard advertising. It is considered that this type of advertising would significantly affect the visual amenity of the District, in particular along Bussell Highway and the entrances into the Busselton city centre and Dunsborough town centres. It is considered, under the current controls, the City has been relatively successfully in maintaining the natural and rural landscapes along these highly visible tourism routes providing a significant 'point of difference' relative to Perth and all other major regional centres in Western Australia. These are considered to be significant benefits that arise from that 'point of difference.'

If an advertisement does not comply with the requirements of clause 4.36.4 or Schedule 11, there are no further controls in place and development applications are required to be assessed on a case by case basis against the "matters to be considered" of the Regulations. A lack of further requirements has resulted in uncertainty regarding what the City considers to be acceptable when determining a development application for an Advertising Sign which require approval.

It is therefore proposed as part of this Policy that provisions relating to the dimensions and maximum number of signs be introduced. Requirements for different zones are proposed to reflect the different land uses permissible in those areas, as well as the desired amenity of each zone.

The Policy also proposes to set requirements for signage which incorporates illumination. Currently the City does not have any specific controls around the illumination of advertisements. The Policy makes the distinction between animated signage and static illumination of advertisements. Animated Signage is defined under the Policy as follows:

Animated Signage includes, but is not limited to, any signage or its content that is electronic and includes flashing or "chasing" lights, as well as video signs, plasma and LCD screen signs.

It is proposed under the Policy that Animated Signage is not permissible for commercial purposes and is only permitted for not-for-profit organisations, schools and/or other authorities when used to display community messages. The City's Local Planning Strategy, Leeuwin Naturaliste Sub-Regional Strategy and associated State Planning Policy 6.1 seek, inter alia, to support the retention of the existing visual and environmental character and amenity of the District and discourage commercialisation along travel route corridors. In line with the strategic direction provided in these documents, the proposed Policy intends to limit animated signage as it is considered that it would detract from the desirable visual amenity of the area and once approved.

Further, is would be very difficult to control what advertisements are displayed and ensure compliance with Clause 4.41 of the Scheme and to differentiate between an appropriate and inappropriate advertisement. As with 'billboard' type signage, it is considered that the primary beneficiary of allowing this kind of signage would be large businesses, in many cases state-wide or national chains, and such advertising would undermine visual amenity and local character. There are also substantial practical difficulties with enforcing controls that relate to dynamic content in signs. Note that the City has been approached on several occasions, including recently, seeking support for LED or similar signage.

Static Illumination is defined under the Policy as follows:

Static Illumination means an internal or external light source that lights any type of sign. The light can not chase, flash or have any moving features or animations and includes light boxes, LED and Neon signs.

It is proposed that Static Illumination of signage be permissible only where the application has been able to demonstrate to the City that there will be no detrimental impact on surrounding residential properties.

As part of the preparation of this Policy, the City has considered the requirements of other local governments within Western Australia, including the City of Bunbury and various Perth Metropolitan local governments. In addition, officers have reviewed the City's former local law relating to signs and other advertising devices (which was repealed in 2015) as well as previous development approvals for various types of signs within the City. It is considered that the provisions proposed within this Policy are consistent with the current requirements that are generally applied by the City when assessing development applications.

### **Statutory Environment**

The key statutory environment is set out in the *Planning and Development Act 2005* and related subsidiary legislation, including the City of Busselton Local Planning Scheme No. 21 (the Scheme) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), especially Schedule 2 (Deemed Provisions) of the Regulations, which form part of the Scheme.

# Division 2 — Local planning policies

- 3. Local planning policies
- (1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.
- (2) A local planning policy
  - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and
  - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.
- (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.
- (4) The local government may amend or repeal a local planning policy.
- (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

### 4. Procedure for making local planning policy

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows
  - (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of
    - (i) the subject and nature of the proposed policy; and
    - (ii) the objectives of the proposed policy; and
    - (iii) where the proposed policy may be inspected; and

- (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;
- (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
- (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.
- (2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).
- (3) After the expiry of the period within which submissions may be made, the local government must
  - (a) review the proposed policy in the light of any submissions made; and
  - (b) resolve to
    - (i) proceed with the policy without modification; or
    - (ii) proceed with the policy with modification; or
    - (iii) not to proceed with the policy.
- (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.
- (5) A policy has effect on publication of a notice under subclause (4).
- (6) The local government
  - (a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and
  - (b) may publish a copy of each of those local planning policies on the website of the local government

# **Relevant Plans and Policies**

The policies affecting this proposal include:

- State Planning Policy 3.6 Development Contributions; and
- Leeuwin Naturaliste Sub-Regional Strategy and associated State Planning Policy 6.1: Leeuwin-Naturaliste Ridge; and
- City of Busselton Local Planning Strategy 2019.

# State Planning Policy 3.6

State Planning Policies are made under section 26 of the *Planning and Development Act 2005*. The Western Australian Planning Commission and local governments must have due regard to the provisions of adopted policies in preparing planning schemes and making decisions on planning matters.

State Planning Policy 3.6 (SPP 3.6) sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas, as well as the form, content and process to be followed in preparing a development contributions plan.

The policy provides the capacity to obtain development contributions towards community infrastructure (i.e. contributions that go beyond delivery of public open space or traditional 'hard' infrastructure such as roads, drainage and reticulated water, energy or telecommunications services) either by way of a development contributions plan or by a voluntary agreement between the developer and the relevant local government.

## The objectives of the policy are:

- i. to promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;
- ii. to ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided;
- iii. to ensure consistency and transparency in the system for apportionment, collecting and spending development contributions; and
- iv. to ensure the social well-being of communities arising from, or affected by, development.

## Leeuwin Naturaliste Sub-Regional Strategy and Associated State Planning Policy 6.1

The Leeuwin Naturaliste Sub-Regional Strategy (LNSRS) is an overarching planning document that guides the future planning and development of all the land within the local government areas of the Shire of Augusta-Margaret River and the City of Busselton. The LNSRS was released in May 2019 with the following vision for the Leeuwin-Naturaliste sub-region:

The Leeuwin-Naturaliste sub-region to continue to develop and be managed in a manner consistent with the character, amenity and value of the natural and built environments, and the efficient use and equitable distribution of resources.

State Planning Policy 6.1 (SPP 6.1) includes a statement of intent to conserve the unique landscape values of the Leeuwin-Naturaliste Ridge, including those along travel route corridors. Both documents support the retention of the visual and environmental values along these routes and discourage commercialisation along travel route corridors. The City would consider that third party billboards along these routes would not be in keeping with the intention of LNSRS and SPP 6.1 and that controls regarding advertising signage, including restrictions on animated signage, proposed in the new LPP will reinforce intent of these documents.

# **Local Planning Strategy 2019**

## The purpose of the LPS is to:

- set out the long-term (25 years-plus) broad planning direction for the whole of the District of the City of Busselton;
- provide a strategic rationale for decisions related to the planning and development of the District;
- apply state and regional planning policies relevant to the strategy; and
- provide a strategic rationale for decisions related to the planning and development of the District. The LPS consists of five 'planning themes' with Theme 4: Environment, landscape and heritage relating to the natural, rural and urban landscapes of the District.

Strategies j) of Theme 4 states as follows:

j) Protect and enhance the visual character of the District by avoiding the further commercialisation of land-use and development visible from: i) key public vantage points (e.g. scenic lookouts, trails) within National Parks and conservation parks; and ii) regional roads, strategic local roads and travel route corridors (as defined in the Leeuwin-Naturaliste Ridge State Planning Policy); as well as providing, wherever possible and consistent with maintaining landscape and visual character values, screening landscaped buffers where development is being undertaken in locations visible from these sites, roads and travel routes.

It is considered that the controls regarding advertising signage, including restrictions on animated signage, is in keeping with the intent of the LPS.

## **Financial Implications**

There are no financial implications associated with the officer recommendation.

# **Stakeholder Consultation**

Part 2, Division 2 of the Deemed Provisions requires that a local government undertake consultation before adopting or amending a local planning policy (although a minor amendment can be made without consultation). At least 21 days must be allowed for the making of submissions.

It is proposed that consultation will be for a period of four weeks and will be undertaken as follows:

- Targeted letters/emails to key stakeholders within the region (where applicable);
- Notices in the local newspaper for four consecutive weeks, as well as on the City's website, including the subject and nature as well as objectives of the proposed LPP; and
- A portal is to be created using the City's YourSay platform for the online lodgment of submissions.

## **Risk Assessment**

An assessment of the risks associated with the implementation of the officer recommendations has been undertaken using the City's risk assessment framework. No risks of a medium or greater level have been identified.

## **Options**

As an alternative to the Officer Recommendation, the Council could:

- 1. Choose not to initiate one or more of the LPPs recommended to be initiated as part of this report;
- 2. Modify those LPPs before initiation; and/or
- 3. Choose not to revoke one or more of the LPPs recommended for revocation.

## CONCLUSION

It is recommended that the Council support the proposed policy changes and initiation as described in this report.

# TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the Officer Recommendation would involve advertising the proposed LPPs as outlined in the consultation section of this report above. It is expected that this will commence within one month of the Council decision. A subsequent report will be presented to the Council following consultation outlining the nature of any submissions received and any necessary modifications to the LPPs (where applicable).

## LPP 1.4 : Single Dwelling Design

# Local Planning Policy No. 1.4 SINGLE DWELLING DESIGN



### 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

To discourage the design and use of residential dwellings as defacto grouped dwellings and residential buildings and to provide guidance as to what constitutes a single dwelling.

This Policy recognises that:

- A building(s) clearly designed for use as a residential building or grouped dwelling is not a single dwelling:
- b) The City of Busselton expects the design of dwellings to reflect their intended use;
- c) The Scheme, R Codes and Building Code of Australia promote a variety of dwelling types including single dwellings, grouped dwellings and residential buildings. The use of a single house in a manner other than that which the Scheme permits will place the land owner in breach of the Scheme; an
- d) There are legitimate reasons for providing separate facilities within a single dwelling such as two kitchens for social, cultural, or religious reasons provided the dwelling is still designed and utilised as a single dwelling.

### 3. INTERPRETATION

N/A

## 4. POLICY STATEMENT

- 4.1 To ensure the protection of the residential amenity and the reasonable development of built form within the City, the following provisions apply:
  - a) Residential designs will be closely scrutinised at a planning and/or building assessment stage to determine whether the building is designed to be used as a Single Dwelling.
  - b) Designs that are determined by the City to represent a layout which could reasonably be utilised as a Grouped or Multiple Dwelling or a Residential Building shall be determined as a use other than a Single House pursuant to the Scheme and R Codes and an application for planning consent will be required.
  - c) Any building designed to be used as a residential building, i.e. a proposed building intended to be used for human habitation – a) temporarily by two or more persons or b) permanently by seven or more persons who do not comprise a single family shall be determined as a Residential Building pursuant to the Scheme and an application for Planning Consent will be required.
  - d) Designs that may be determined by the City to represent a layout which could reasonably be utilised as a Grouped or Multiple Dwelling or a Residential Building may include one or all of the following:
    - i. Mirroring of a layout and/or facilities.
    - ii. Duplicate laundry facilities.
    - iii. Independent external/internal access to a second or third storey.

LPP 1.4 : Single Dwelling Design

# Local Planning Policy No. 1.4 SINGLE DWELLING DESIGN



- iv. Mirroring of a floor plan connected by a breezeway or carport/garage.
- 4.2 The provisions of this Policy may be varied where the following applies:
  - a) The application comprises an application for a Single Dwelling in combination with another dwelling type such as ancillary accommodation on the same lot. In these instances the application will be assessed under the R Codes, the Scheme and any applicable policy and determined accordingly.

### 5. REVIEW DETAILS

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

<sup>\*</sup> Policy number changed from LPP 1C to LPP 1.4 on the 11th May 2020. The change is administrative only, no resolution by Council required.

## LPP 6.2 : Drainage Infill Contributions

# Local Planning Policy No. 6.2 DRAINAGE INFILL CONTRIBUTIONS



#### 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 Introduction

Stormwater management is critical in areas where intensification of land use is occurring through redevelopment or further development of land. A consequence of this form of development – termed infill development, is an increase in the extent of roofed and paved areas resulting in additional volumes of water needing to be managed. Some flows can be managed at source within the private lots, and this approach is addressed in *Local Planning Policy 8C Stormwater Management Provisions*. However it is the remaining and cumulative effect of surplus stormwater that is not managed within the private lot which will continue to place pressure on the City's drainage system in established areas.

This is critical in the established areas of the City where the drainage system is operating at or beyond capacity or without the treatment systems necessary to treat the stormwater before it enters drains, waterways and wetlands.

To address this problem, contributions can be made to the City at the time development or subdivision occurs. Contributions received can then be applied to upgrade, augment or extend stormwater and water quality measures off site within the City's streets and reserves.

These provisions set out the City's approach to assessing the need for and scale of contributions required from developers towards the upgrading of the City's stormwater and drainage management infrastructure from infill development and infill subdivision. The provisions provide for an efficient, equitable and measured approach to the assessment, securing and application of developer contributions to the upgrading of the City's drainage infrastructure. Contributions will ensure that drainage infrastructure is upgraded in areas required as a consequence of subdivision and development and that infrastructure continues to operate in a safe and efficient manner, despite the significant infill urban growth being experienced in the City.

These provisions replace former Council Policy 182/3 – Vasse Diversion Drain Policy and Guidelines and former Council Policy 184/3 – Development Contribution Drainage (Main) Policy. Unspent contributions remaining at the time these policies are rescinded will be applied to provide for and supplement the upgrading or augmentation of the City's stormwater drainage systems in the areas identified by these provisions.

These provisions need to be read in conjunction with the rest of the relevant planning framework, especially the other aspects of this *Local Planning Policy 6: Development Contribution Policy Provisions* and particularly *Local Planning Policy 8C: Stormwater Management Provisions*.

The provisions have also been prepared with due regard to principles relating to developer contributions established in common law and as set out in *State Planning Policy 3.6: Development Contributions for Infrastructure (SPP3.6)*. Users of these provisions should also be aware of other requirements that may arise from the local planning scheme and/or development guide plans or detailed areas plans, as well as the potential for contribution requirements related to roads, footpaths and community facilities infrastructure as well as other basic infrastructure, such as power, water, sewer and telecommunications.

# LPP 6.2: Drainage Infill Contributions

# Local Planning Policy No. 6.2 DRAINAGE INFILL CONTRIBUTIONS



### 2.2 Methodology

The rationale for, and the preferred approach to the new local planning policy provisions is set out, as follows.

### General Approach - Rationale

- 2.2.1 New development in greenfields areas is generally occurring in accordance with a local water management strategy and/or urban water management plan. In these areas stormwater management systems are in place to accommodate the quality and flow of excess stromwater from private lots to the street drainage system. This stormwater is then safely and efficiently managed prior to it entering a receiving water body. The need to extend or augment the City's drainage system does not arise as a consequence of development in these areas and therefore there is no need to consider a contribution payment to works to upgrade infrastructure as a result of these developments unless a greenfield development discharges into existing development drainage.
- 2.2.2 Infill developments other than single residential and new developments in greenfields areas are generally required to manage stormwater generated by the 5 year Annual Recurrence Interval (ARI) rainfall event on site pursuant to the City's stormwater management policy provisions.
- 2.2.3 Unlike single residential developments, infill developments are generally occurring in older designed and constructed subdivisions where the stormwater design for the subdivision has not anticipated the increased impervious areas and runoff into the street systems from infill developments. Similarly urban water management plans may not be in place in these areas to manage stormwater to contemporary standards. The street drainage system would need to be augmented or additional works undertaken to treat and/or manage water quality and additional flows prior to it entering a receiving water body.
- 2.2.4 Because development in these areas will contribute significantly more impervious area than that anticipated at the time the subdivision was designed, it follows that it is appropriate for a contribution to works to be made at the time of subdivision or development for this shortfall. Further to this there are generally very limited water quality treatment measures in place to manage and treat that water prior to it entering a receiving water body via the City's drainage system.
- 2.2.5 Without either the management of this stormwater within the lot, or the development making a contribution to the City to upgrade its stormwater system to manage the stormwater offsite, the City would need to upgrade the system at ratepayers' expense as a result of infill subdivision and development.
- 2.2.6 Given the above, developments could be given the option to either manage this water (stormwater generated by the 5 year ARI rainfall event) on site, in accordance with the design principles set out in the City's stormwater management policy provisions 8C Stormwater Water Management Provisions or alternatively make a contribution to the upgrading of the City's drainage infrastructure in accordance with these policy provisions. This retains reasonableness and equity within the design of this policy provision and avoids the policy applying a mandatory upgrading charge on all infill developments.
- 2.2.7 The policy provisions will not apply single dwellings in in-fill areas. This is due to the low risks

LPP 6.2 : Drainage Infill Contributions

# Local Planning Policy No. 6.2 DRAINAGE INFILL CONTRIBUTIONS



associated with managing stormwater for single dwellings, the availability of land within lots to manage stormwater, and the low demands these developments place on the public drainage system.

In broad terms the contribution to works for infill development will be based on stormwater generated by the 5 year ARI rainfall event which is approximately 25mm of rainfall in one hour. The 5 year ARI rainfall event has been selected for the following reasons:

- Serviceability of roads is a key element of drainage design.
- Road serviceability is based upon the 5 year ARI.
- Development will be required to manage as a minimum the 1 year ARI rainfall event (this is the
  minimum standard set out in the City's Stormwater Management planning policy provisions;
  Local Planning Policy 8C) within the lot, but will generally contribute additional storm water
  above the 1 year ARI rainfall event and up to the 5 year ARI rainfall event (and greater) within
  the street system.
- Management of larger quantities of stormwater within lots for instance management of the 100 year ARI or the 50 year ARI would place an unreasonable imposition on infill development, or limit the potential for lots to realise their full infill potential, particularly for smaller lots or in instances where it would be impractical to manage this stormwater due to locality constraints or physical impediments.
- Increases in impervious areas in residential infill areas are typically localized within street blocks coded for infill, where existing 5 year ARI design infrastructure is at capacity or has exceeded capacity.

## 2.3 Principles for the Quantum of Charges

In terms of formulating a general contribution rate, the City's preference has been to keep the formula and the quantum simple and efficient for the purposes of implementation. The City's preference has been to adopt a rate of contribution per square metre of impervious area based upon the square metre of impervious area that is being added to the site.

The City also seeks to ensure that the contribution rate per square metre should be struck so that it is cost neutral to the developer and the City, and does not provide a positive incentive to the developer to avoid retaining stormwater that should otherwise be retained 'on lot'. This means that the charge should not be so low that there is a positive incentive to the developer to make a payment and not retain the 5 year ARI on site. If the cost to retain the stormwater for the 5 year ARI on site is significantly higher than the cost to make a payment then there will be an incentive to choose to make a payment to the City for the works.

Similarly the contribution should be largely cost neutral to the City. As the infrastructure provider, and as far as is practicable, the City should not be disadvantaged by the choice of a developer to make a payment to works. This means that the charges should meets the reasonable costs to the City to provide drainage and stormwater treatment measures within the street and reserve system that would otherwise be provided on site.

If the moneys received by the City are too low, the City will either be unable to fund works; shorfalls will need to be made from general rates revenue; or alternatively the City will need to source supplementary funding which may delay or postpone works.

LPP 6.2: Drainage Infill Contributions

# Local Planning Policy No. 6.2 DRAINAGE INFILL CONTRIBUTIONS



### 2.4 Calculation of Charges

If a developer chooses not to manage the 5 year ARI on site and instead chooses to make a contribution for the 5 year ARI event to the City, it is the difference in retention between the 1 year and 5 year ARI that provides the basis for determining the contribution rate under these provisions.

According to the Australian Bureau of Meteorology in the *Design Rainfall Intensity Chart*, a 1year ARI storm event will generate 16.5mm of rainfall per hour whilst a 5 year storm event will generate 25mm of rainfall.

To calculate what a property should pay as a contribution, to the City for upgrading the urban stormwater drainage system for this "difference", the method is set out as follows:

- If retention of up to the 5 year ARI (25 mm of rainfall) is provided onsite no charge applies.
- b. On current estimates it costs approximately \$2,500 for a standard single residential dwelling to meet the current standard of on-site stormwater retention for a 1 year ARI or 16.5 mm of rainfall.
- c. For a standard single dwelling of approximately 250m² of impervious area this equates to \$10/ m² of impervious area. To cater for the 5 year ARI, retention needs to retain an additional 34% of capacity i.e. 16.5mm of rainfall equates to 66% of 25mm of rainfall. Based upon relevant examples, the cost to provide this additional capacity on site is approximately estimated to be \$450. Therefore the total cost to manage the 5 year ARI on site is approximately \$2,950.
- d. Using the example above and assuming that the additional cost to provide 34% more capacity is estimated at \$450, for a standard 250 m² dwelling it would cost \$2,950 to manage 25 mm of rainfall in a one hour period. Therefore, the cost per square metre for the 5 year ARI is an additional  $$1.80/\text{sqm} \text{ which is determined as: } [$2,950 \div 250\text{m}^2 = $11.80/\text{m}^2, $11.80/\text{m}^2 $10/\text{m}^2 = $1.80\text{m}^2].$

Therefore, where developments cannot practically meet the requirements on site and/or developers choose to make a contribution to the City to meet the requirement off site, a drainage contribution should be made which is based on the difference between a 1 year ARI and 5 year ARI rainfall events which is \$1.80 per square metre of impervious area.

Contributions for residential strata and subdivision approvals are referenced to Table 1. The methodology behind the dollar values set out in Table 1 is as follows:

- In order to provide for effective administration of the contributions, the contribution rates for residential subdivision have been grouped according to the residential density coding.
- b. To calculate the contribution rate, the maximum permissible site coverage (in m²) of the average lot size of the applicable residential density coding is multiplied by \$1.80. Contributions are rounded to the nearest whole dollar.
- c. For lots coded at a density below R10 (ie. R5, R2.5, R2), the contribution will be capped at \$720 reflecting that it is usual for development on these lots not to reach the maximum site coverage allowed under the R-Codes and generally having a higher capability to manage stormwater on site.
- d. For R12.5 lots, the contribution is \$640 to maintain consistency with the contribution rate advertised in these provisions. All other contributions are equal to or less than the contribution rate when these provisions were advertised in draft form.
- e. For commercial and industrial strata and subdivision applications, lots have been grouped according to average size and the site coverage value is taken to be 90%. This value reflects the assumption that landscaping usually comprises 10% of the site area and therefore the balance of the site is available to be developed with impervious surfaces.

LPP 6.2 : Drainage Infill Contributions

# Local Planning Policy No. 6.2 DRAINAGE INFILL CONTRIBUTIONS



#### 3. INTERPRETATION

For the purposes of these provisions:

**Residential Infill** - means the use of land for grouped or multiple dwelling units and/or ancillary buildings within a lot through either the development approval process or the land subdivision process including strata title. The term includes the development or redevelopment of grouped and multiple dwellings, retirement dwellings, tourist accommodation and aged and dependent persons homes.

**Commercial and Industrial Infill -** means the use of land for development, redevelopment, expansion or intensification of commercial, industrial and other non-residential land uses and ancillary developments within a lot through either the development approval process or the land subdivision process including strata title.

**Contribution** – means a financial contribution payable to the City of Busselton for the purposes of stormwater and drainage works and includes the term 'cost contribution' and 'contribution to works'.

**Impervious Surfaces** – means built surfaces that prevent absorption of water into the ground, such as roads, parking areas, paved areas and rooftops and has the same meaning as impermeable surface.

**ARI–(Average Recurrence Interval)** means the average or expected value of the periods between exceedances of a given rainfall total accumulated over a given duration (for the purpose of this policy should be taken as one hour duration unless otherwise specified).

1 year ARI means the one year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 16.5mm of rainfall. The volume of stormwater runoff from impervious surfaces equates to 1m³ per 60.5m², however to achieve a rounded and consistent rate, the City has applied a rate of 1m³ per 65m² at 8C Stormwater Management Provisions.

**5 Year ARI** means the five year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 25mm of rainfall. The volume of stormwater runoff from impervious surfaces equates to 1m³ per 40m².

### 4. POLICY STATEMENT

## 4.1 Liability for contributions

These provisions are to be read in conjunction with 8C Stormwater Water Management Provisions which sets minimum standards for the retention and infiltration of stormwater on site before any surplus water is directed to the City's stormwater drainage system and/or street drainage system and only apply in the areas illustrated in Schedule 1.

- 4.1.1 A liability for payment of a contribution toward the management of stormwater only arises where:
  - The proposal involves Residential 'infill'; or
  - ii) Commercial or Industrial 'infill', and
  - iii) The proposal is situated within an area illustrated in Schedule 1, and
  - iv) The proposal does not require an urban water management plan to be prepared for the subdivision or development for the purposes of managing urban stormwater, and
  - v) The proposal will manage the 1 year ARI on site but not the 5 year ARI on site.

# LPP 6.2: Drainage Infill Contributions

# Local Planning Policy No. 6.2 DRAINAGE INFILL CONTRIBUTIONS



### Development

4.1.2 Development Applications shall satisfy these policy provisions by making a contribution to the upgrading of the City's stormwater and drainage systems at a rate of \$1.80 per square metre of additional impervious area.

### Subdivision and Strata

4.1.3 In the case of strata and subdivision applications the City will request the WAPC to apply a condition of approval requiring upgrading of the City's drainage infrastructure as a consequence of the proposal. The condition shall be satisfied through payment to the City for stormwater and drainage systems upgrading in accordance with Table 1 for each proposed lot.

TABLE 1 – Infill Subdivision and Strata per Lot Contribution Rates

Residential Infill	
R2, R2.5 and R5	\$720
R10	\$720
R12.5	\$648
R15	\$599
R17.5	\$514
R20	\$405
R25	\$315
R30	\$297
R35	\$257
R40	\$218
R50	\$194
R60	\$162
R80	\$151
Commercial and Industrial Infill	
Area of lot/Strata	Contribution/lot
0 - 250m <sup>2</sup>	\$400
251 -750m <sup>2</sup>	\$1,200
751 – 1200m²	\$1,940
1201 +	\$2,200

### General Requirements

- 4.1.4 A liability to make a contribution arises only once and at the earliest stage of subdivision or strata or development in accordance with the following.
  - i) Where a subdivision is proposed, a contribution will be sought on a per lot basis at the subdivision approval stage; or
  - ii) Where dwellings/units and/or commercial/industrial developments are proposed without concurrent subdivision, a contribution will be sought on an impervious square metre rate pursuant to 1.2 above at the development approval stage; and
  - iii) Where a lot may have further subdivision or development potential (for example, as a grouped dwelling site or conventional freehold subdivision), a contribution will be assessed and may also be required at the next development stage where additional dwellings or lots are proposed.

LPP 6.2 : Drainage Infill Contributions

# Local Planning Policy No. 6.2 DRAINAGE INFILL CONTRIBUTIONS



The liability of developers to satisfy their contribution arises prior to whichever of the following two events occurs first -

- i) In the case of subdivision, where a contribution has not already been paid in relation to dwelling/s developed on the lot/s, the City endorsing a deposited plan for clearance of the relevant condition prior to the WAPC endorsing its approval on the deposited plan relating to the subdivision of the developer's land; or
- ii) In the case of development, where a contribution has not already been paid in relation to the subdivision of the lot/s on which dwelling/s are to be developed, prior to the commencement of the development (and the City shall apply conditions to planning consent notices requiring that a contribution is made prior to the commencement of the development).
- 4.1.5 Small increases in impervious areas will be exempt from the need to comply with these provisions. In cases where there is an ability to manage the 5 year ARI stormwater on site and the risks to the City's drainage infrastructure or water quality are low, an exemption from the need to comply with a contribution pursuant to these provisions will apply. These circumstances are set out as follows:
  - A contribution arising from an assessment of the application in accordance with these provisions would be less than \$50.00.
  - ii) The application is for a residential outbuilding associated with a lawfully approved grouped dwelling, or a minor addition to a lawfully approved grouped dwelling whereby the additional aggregate impervious area would not exceed the maximum site coverage set out in column 6 of Table 1 of the R Codes.
- 4.1.6 The calculation of the value of any contribution shall be based on the total area of all additional impervious areas but will not include the impervious areas of any structures removed or demolished to make way for the new development.
- 4.1.7 The contributions collected through these policy provisions [including those unspent and collected under the former policies namely Council Policy 182/3 Vasse Diversion Drain Policy and Guidelines and former Council Policy 184/3 Development Contribution Drainage (Main)] will be used to provide water quality improvements and upgrades to the City's stormwater and drainage system. Contributions collected and expended for this purpose shall include the planning, designing, administration and construction of these works but shall not extend to the maintenance of these works.

# 4.2 Administration of funds

The City will establish and maintain an account in accordance with the *Local Government Act 1995* into which contributions will be credited. All contributions, including any interest earned thereon, shall only be applied to the purposes set out in these provisions.

The contribution amounts set out in these provisions will be adjusted in accordance with a three year rolling average of quarterly movements in the Local Government Cost Index (LGCI) for WA (ABS) commencing 1 September 2014.

LPP 6.2 : Drainage Infill Contributions

# Local Planning Policy No. 6.2 DRAINAGE INFILL CONTRIBUTIONS



### 5. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	8/10/2014	C1410/243		
Previous	10/3/2010	C1003/069		
Adoption				

<sup>\*</sup> Policy number changed from LPP 6F to LPP 6.2 on the 11th May 2020. The change is administrative only, no resolution by Council required.

6.8 Attachment C LPP 6.3 : Mosquito Control

# Local Planning Policy No. 6.3 MOSQUITO CONTROL CONTRIBUTION



### 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

Mosquitoes can be abundant at various times of the year within the City of Busselton. These insects are opportunistic feeders that require a blood meal to effectively develop their eggs. As well as being a potential nuisance, they are also important vectors of disease, being the main transmitter of Ross River Virus and Barmah Forrest Virus.

Problems therefore arise where human activities or habitation occurs in close proximity to mosquito breeding areas. The extensive areas of both freshwater and tidal wetland within the City of Busselton provide ideal breeding conditions for mosquitoes. As a result of the proximity of these wetland areas to residential and tourist development within the City, mosquito nuisance and/or disease risks are likely to occur within this district from time to time.

The Environmental Protection Authority has published the "Guidance Statement for Management of Mosquitoes by Land Developers No. 40". This document aims to ensure that mosquito numbers on-site and off-site do not adversely affect the health, welfare and amenity of future residents.

The City of Busselton Mosquito Control and Minimisation Strategy adopted by the Council in 2004 identified the need for an integrated approach for mosquito control within the City. One of the aims of this Strategy is -

To ensure that future developments do not increase the potential for mosquito nuisance and the risk to residents of Ross River Virus infection.

To achieve this aim it is important that the principle whereby those that create future developments within close proximity to mosquito breeding areas contribute towards the control of mosquitoes that will impact those areas, the objective being to reduce the risk of mosquito borne disease that future occupants within the development may be exposed to.

# Objectives

The primary purpose of these provisions is to enable the City to effectively plan for the provision or extension of mosquito control operations that will, or are likely to be required, as a consequence of development in the area or that have been provided in anticipation of or as a necessary component of the approval of such development.

Other purposes of these provisions are to:

- Ensure that an adequate level of mosquito control is provided throughout Busselton as development occurs;
- b) Ensure that the existing community is not burdened by the provision of mosquito control operations required as a result of future development; and
- c) Provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout Busselton City in a transparent and accountable manner.

6.8 Attachment C LPP 6.3 : Mosquito Control

# Local Planning Policy No. 6.3 MOSQUITO CONTROL CONTRIBUTION



### 3. INTERPRETATION

**Mosquito Control:** Operations designed to minimize the number of mosquitoes within a given area, by means of physical, chemical or biological methods, including adulticiding and larvaciding

### 4. POLICY STATEMENT

These provisions apply to the areas within the municipality of the City of Busselton that are within 5 km of recognized mosquito breeding areas (see attached map).

- 4.1 City may impose/require a condition on development and subdivision approvals requiring the payment of a monetary contribution in accordance with these provisions in order to ensure an adequate level of mosquito control to service the needs of the additional permanent resident population and the growth in tourist/visitor numbers.
- 4.2 A contribution is payable:
  - In the case of a planning approval, before the building licence is released to the applicant or prior to the release of the approved engineering plans; and
  - b) In the case of a subdivision application before clearance of the approved plans.
- 4.3 The City may accept the deferred or periodic payment of a contribution if the applicant or another person entitled to act upon the relevant consent demonstrates that:
  - Compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case; and
  - b) Non-compliance with the terms of Clause 4.2 will not prejudice the timing or the manner of the provision of the mosquito control for which the contributions were required.
- 4.4 The decision to accept a deferred or periodic payment is at the sole discretion of the City.
- 4.5 The City may accept an offer by the applicant to make a contribution by way of an "in kind" contribution.
- 4.6 The City may accept the offer of an in kind contribution if the applicant or any other person entitled to act upon the relevant consent satisfies the consent authority that:
  - Payment of the contribution in accordance with the provisions of the policy is unreasonable or unnecessary in the circumstances of the case:
  - The in kind contribution will not prejudice the timing or the manner of provision of the mosquito control for which the contribution was required; and
  - c) The value of the works to be undertaken are at least equal to the value of the contribution assessed in accordance with these provisions.
- 4.7 The initial contribution rate is \$32.50 per additional lot or dwelling unit within the policy area. It is the Policy of the City to review contribution rates from time to time to ensure that the monetary contributions reflect the costs associated with the provision of the particular mosquito control program. In relation to tourist development, retirement units and one bedroom dwelling units, the rate will be 50% of the full contribution rate.

# Local Planning Policy No. 6.3 MOSQUITO CONTROL CONTRIBUTION



4.8 Payment of the required contribution pursuant to these provisions does not in any way remove the obligation of any developer to undertake onsite mosquito management works required under any other policy or approval requirements.

### Expected development and the demand for mosquito control

- 4.9 This section establishes the relationship (nexus) between the expected types of development in the area and the demand for mosquito control to meet that development.
- 4.10 The anticipated increase in resident and worker population will:
  - a) Place greater demands on existing mosquito control; and
  - Require the provision of additional mosquito control which are not currently provided or, which may be provided but of insufficient capacity to cater for the anticipated increased demand.
- 4.11 The nexus between anticipated development in the City and the mosquito control program has been established having regard to:
  - a) The type and extent of anticipated development;
  - b) The expected increase in population as a consequence of that development;
  - The location of the anticipated development in relation to known mosquito breeding areas;
  - The characteristics of the population and the risk of exposure to mosquito borne diseases;
     and
  - e) The availability and capacity of existing mosquito control in the area.
- 4.12 The proposed mosquito control programs will be carried out or have already been carried out to meet the likely needs as a consequence of new development or in anticipation of new development.
- 4.13 These provisions identify the main mosquito breeding sites relative to the communities which they may affect. The identification of the breeding sites has been determined having regard to the proximity to existing or future development and the productivity of the breeding sites.

## The requirement for mosquito control

- 4.14 The requirement for developers to address potential mosquito problems of a development that are generated "off-site" has been identified in the Environmental Protection Authorities document "Guidance Statement for Management of Mosquitoes by Land Developers No. 40".
- 4.15 The City already provides some of the mosquito control likely to be required by the expected types of development. However, this control will generally satisfy the needs of the existing population and in most cases there is no spare capacity available to serve the additional demand created by the incoming population.
- 4.16 The mosquito nuisance and/or disease risks are likely to increase with the increase in population as a result of development within the policy area in proximity to identified breeding sites.

# Local Planning Policy No. 6.3 MOSQUITO CONTROL CONTRIBUTION



### The contribution rate

4.17 The formula used for determining the initial contributions are as follows:

Contribution = ({\$MCP x [Projected Additional Dwelling Units /(Existing dwelling units + Projected Additional Dwelling Units)] }/ Projected Additional Dwelling Units per Year)

### Where:

- \$MCP is the cost of the annual mosquito control program
- Existing Dwelling Units is the number of existing dwelling units within the policy area
- Projected Additional Dwelling Units is the anticipated increase in the number of dwelling units within the policy area to be created to the year 2016.
- Projected Additional Dwelling Units per Year is the anticipated average number of dwelling units within the policy area to be created each year
- 4.18 For the purposes of calculating the contribution rate, the following cost components of the strategy have been excluded:
  - Any recoverable funding which has been provided for implementation of the mosquito control strategy for which there is the understanding that this will be ongoing.
- 4.19 As tourists also create a component of the demand for a mosquito control strategy, it is considered reasonable to levy tourist developments accordingly. A contribution rate of 50% of the full rate is considered appropriate in that regard.
- 4.20 The current contribution rate is \$32.50 per lot/dwelling unit for subdivision and grouped dwelling development and \$16.25 per unit for tourist development, retirement units and one bedroom dwelling units.
- 4.21 The contribution rate will be reviewed periodically to ensure that the monetary contributions reflect the costs associated with the provision of the mosquito control program.

The contribution amounts set out in these provisions will be adjusted in accordance with a three year rolling average of quarterly movements in the Local Government Cost Index (LGCI) for WA (ABS) commencing 1 January 2011 (so, for instance, the contribution rate would be the quoted figure, multiplied by the average LGCI for all quarters between the second quarter of 2009 and the first quarter of 2012, divided by the average LGCI for all quarters between the first quarter of 2008 and the last quarter of 2010).

### 5. REVIEW DETAILS

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

<sup>\*</sup> Policy number changed from LPP 6C to LPP 6.3 on the 11th May 2020. The change is administrative only, no resolution by Council required.

Current LPP 1.3: Private Jetties and Boat Lifting Structures

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



### 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

The purpose of this policy is to -

- a) Outline the minimum requirements for development within Port Geographe canals.
- Ensure that development within the Port Geographe canals maintains the existing visual amenity of the area.
- c) Ensure that development within the Port Geographe canals are appropriate in scale, structural design and context to the immediate residential living environment.
- d) Ensure that matters of safety, navigation and waterway amenity are appropriately considered in the approval process.

### 3. INTERPRETATION

Davit - is a s	tructure located	l on jetty and	is capable of	mechanically moving a
----------------	------------------	----------------	---------------	-----------------------

vessel from a waterway to a dry lot.

Canal Cul-de-sac Head - the terminus of a canal with only one entrance.

Fixed Jetty - is a fixed structure, constructed on pylons and generally made of wood

and steel

Floating Boat Lifting Structure - a floating structure, attached to mooring piles assuring the vessel is out

of the water

Floating Jetty - a moveable structure, constructed on mooring piles on a floating

pontoon

Jetty Envelope - a designated area as defined by an endorsed envelope plan in which the

jetty is to be wholly constructed and contained within.

**Land Backed Jetty -** a jetty constructed parallel to the canal wall.

Mechanical Boat Lifting - a solid metal structure, or

Structure

a solid metal structure, on pylons which lifts a vessel out of water.

**Mooring Piles -** steel piles to secure a vessel by attaching the vessel to the piles.

Mooring Envelope - an area identified by the endorsed envelope plan for the subject property

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



in which any mooring pile is to be wholly constructed and contained within. The mooring envelope serves as the designated area for the storage and mooring of permitted vessels.

**Primary Walkway -** the walkway the vessel is moored at.

Secondary Walkway - is the walkway which is not supporting the mooring of a vessel.

### 4. POLICY STATEMENT

Applies to all applications relating to private jetties and boat-lifting structures associated with private residential development within the Port Geographe canals.

The following provisions apply -

- jetties, moorings and boat lifting structures being designed and constructed having regard to the policy provisions and any specific conditions of approval;
- b) jetties being wholly located within the lot's designated jetty envelope;
- c) all vessels being wholly contained within the lots designated mooring envelope;
- jetties and canal walls having no structures built on them and not being roofed unless supported by this policy;
- e) comments from the Department for Planning and Infrastructure;
- comments received from community groups and adjoining landowners (where consultation is required); and
- g) any other matters relevant to the proper consideration of the proposal.

## 4.1 Jetties

# 4.1.1 Finger, 'T' or "L' Shaped Jetties

Planning approval for the construction of a finger, 'T or 'L' shaped jetty is not required to be obtained from the City provided the following assessment criteria have been met:

- a) Piles associated with a jetty are located so as not to penetrate any revetment mattress, unless certification is provided from a structural engineer confirming there will be no associated structural impact.
- b) The width of primary walkways being a minimum of 1.2m and a maximum of 2.0m.
- c) The width of secondary walkways being a minimum of 0.9m and a maximum of 2.0m.
- d) Jetties shall be used for the purpose of accessing a moored or stored vessel only.
- e) No jetty structure shall place horizontal surcharge load on the canal wall.

Jetties that do not comply with the above mentioned criteria require planning approval from the City.

Finger, 'T' or 'L' shaped jetties require a building licence from the City and certification of structural integrity by a certified engineer.

# Current LPP 1.3: Private Jetties and Boat Lifting Structures

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



#### 4.1.2 Land Backed Jetties

Planning approval for the construction of land backed jetties is not required to be obtained from the City provided the following assessment criteria have been met:

- a) Piles associated with a jetty are located so as not to penetrate any revetment mattress, unless certification is provided from a structural engineer confirming there will be no associated structural impact.
- b) The width of jetty being a minimum of 1.2m and a maximum of 2.0m.
- c) Jetties shall be used for the purpose of accessing a moored or stored vessel only.
- d) No jetty structure shall place horizontal surcharge load on the canal wall.

Jetties that do not comply with the above mentioned criteria require planning approval from the City.

Land backed jetties require a building licence from the City and certification of structural integrity by a certified engineer.

### 4.1.3 Floating Jetties

Planning approval is required for the construction of floating jetties.

The following assessment criteria apply to floating jetties:

- a) Piles associated with the jetty are located so as not to penetrate any revetment mattress unless certification is provided by a structural engineer confirming there will be no associated structural impact.
- b) The width of primary walkways being a minimum of 1.2m and a maximum of 2.5m.
- c) The width of secondary walkways being a minimum of 0.9m and a maximum of 2.0m.
- d) Jetties shall be used for the purpose of accessing a moored or stored vessel only.
- e) No jetty structure shall place horizontal surcharge load on the canal wall.

# 4.2 Boat Lifting Devices and Structures (including davits)

Planning approval is required for the construction of all boat lifting structures.

Davits will only be considered where it can be demonstrated that the structure will not detrimentally affect surrounding properties in relation to accessibility, amenity and safety.

Mechanical boat lifting structures are not supported.

The following assessment criteria apply to either boat lifting structures and davits:

- a) Boat lifting structures being wholly located within the designated jetty/mooring envelope.
- No boat lifting structures (including davits) shall be permitted to place a horizontal surcharge load on the canal wall.

# Current LPP 1.3: Private Jetties and Boat Lifting Structures

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



- c) Jetty structures are to be approved prior to considering approval of a boat lifting structure (including davits). Floating boat lifting structures directly adjacent to canal wall may be considered where it can be demonstrated that the structure will not place a horizontal surcharge load on the canal wall.
- d) Floating boat lifting structures are preferred for use in canal cul-de-sac heads.
- e) Piles associated with boat lifting structures are located so as not to penetrate any revetment mattress unless certification is provided by a structural engineer confirming there will be no associated structural impact.
- f) As part of the assessment process, consultation is to be undertaken for all mechanical boat lifting devices. Floating boat lifting devices do not normally require consultation.

The consultation process will follow that laid out in Provision 4.3 of this Policy.

### 4.3 Consultation with adjoining landowners and community groups

For all mechanical boat lifting devices and where a proposed jetty or floating boat lifting structure is considered to have the potential to adversely impact on neighbouring residents, Council will require applicants to supply written comments from adjoining landowners and community groups to assist in determining the application.

Where written comments are not able to be obtained by the applicant, staff will provide written advice to adjoining landowners and community groups (at the applicants cost) of the proposed construction and invite them to submit comments to the City. If an adjoining landowner or community group does not respond within the time provided (generally 21 days), the City will consider the application on the basis that the landowner has not exercised their opportunity to comment.

Where objections are received the submission(s) will be reviewed and considered in light of the applications relevance against the Local Planning Scheme No. 21 and the provisions of this policy.

The objective of these provisions is to streamline the approval process and provide further interpretation of the Residential Design Codes and the Local Planning Scheme No. 21 in the assessment of applications for outbuilding development within the City of Busselton. These provisions is intended to control construction of any building that is defined under the Building Code of Australia as a Class 10A building (outbuilding), or a Class 7 or 8 building.

### 5. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	10/03/2010	C1003/069		
Previous	DATE		Resolution #	
Adoption				

<sup>\*</sup> Policy number changed from LPP 11 to LPP 1.3 on the 11th May 2020. The change is administrative only, no resolution by Council required.

Current LPP 1.3: Private Jetties and Boat Lifting Structures

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



### APPENDIX 1

# Private Jetties Checklist

(To be completed by the applicant and included in the information provided with a planning application and building licence forms)

Application and Plan Information	Yes	No
Has the landowner signed the Development and Building Licence Application Form?		
Does the proposed jetty only require a building licence?		
Have the plans provided the following:		
- Appropriate Scale (1:100 or 1:200)		
<ul> <li>The width and length of the proposed jetty</li> </ul>		
<ul> <li>The dimensions of the subject lot, jetty envelope and mooring envelope</li> </ul>		
<ul> <li>The correct alignment of the canal wall in relation to the proposed structure</li> </ul>		
- Location of all mooring piles.		
Details of Jetty		
Is the proposed structure within the jetty envelope?		
Is the width of primary walkway between 1.2m and 2.0m?  (for figure 'T' and 'I' shaped letties only)		

Current LPP 1.3: Private Jetties and Boat Lifting Structures

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



Is the width of the primary walkway between		
1.2m and 2.5m?		
(for Floating jetties only)		
is the width of secondary walkway between		
0.9m and 2.0m?		
(for finger, 'T', 'L' and Floating jetties only)		
Is the width of the jetty between of 1.2 metres		
and 2.0m?		
(for land backed jetties only)		
What type of jetty is proposed?		
- Finger		
- Floating		
- Land Backed		
43'44		
- 'L' Shaped		
- 'T' Shaped		
Is roofed structure, whether temporary		
or permanent, proposed to be erected on the jetty?		
	_	
Do any associated piles penetrate the revetment mattress?		
matacas:		
Is a boat lifting device proposed?		
(NB: Requires separate Planning Application)		

# Current LPP 1.3: Private Jetties and Boat Lifting Structures

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



### **APPENDIX 2**

### **Boat Lifting Structures Guidelines**

# Approval of Boat Lifting Structure

Both planning and building licence approvals are required by the Shire of Busselton for all boat lifting structures within the Port Geographe canal waterways. These approvals are required prior to the Department for Planning and Infrastructure granting a licence for the structure. These approvals are required to:

- ensure that development within the Port Geographe canals maintains the existing visual amenity of the area;
- ensure that development within the Port Geographe canals are appropriate in scale, structural design and context to the immediate residential living environment;
- ensure that matters of safety, navigation and waterway amenity are appropriately considered in the approval process.

### Assessment Process

An application for a boat lifting structure shall be made on the attached planning and building licence application forms which should be lodged together with the following:

The applicable planning application and building licence fees.

For a planning application, four (4) sets of scaled plans of the proposed structure, including a site plan (these can be submitted digitally if available).

For a building application, three (3) complete sets of scaled drawings of the proposed structure, including a site plan and two (2) copies of construction details indicating method of construction of the jetty endorsed in ink by a professional engineer. The engineer must also confirm that the jetty will not impact on the structural integrity of the existing canal wall.

In addition to the above information, the attached checklist must be completed and included in any planning application.

Current LPP 1.3: Private Jetties and Boat Lifting Structures

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



All applications for mechanical boat lifting structures require consultation with adjoining owners and community groups under the provisions of the Local Planning Policy – Private Jetties and Boat Lifting Structures Policy, such consultation shall be undertaken by the Shire unless written comments are obtained by the applicant. Consultation conducted by the Shire will incur a cost payable by the applicant. (NB: floating boat lifting structures will where it is determined that the structure has the potential ti impact on the amenity of neighbouring residents).

Once the Shire has granted planning and building licence approval to the structure, a separate application is required to be submitted to the Department of Planning and Infrastructure (Coastal Facilities) who will require the Shire's planning and building licence approval for the structure (letter and plans) prior to the issue of a jetty licence.

### Assessment Criteria

- The structure is required to be located within the approved mooring envelope for the subject lot.
- A licensed jetty is required to be approved and constructed on the subject lot.
- The type of structure may be limited to a floating type in certain locations (such as in canal cul-de-sac heads).

Committee

6.8 Attachment D

Current LPP 1.3: Private Jetties and Boat Lifting Structures

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



### **APPENDIX 3**

# **Boat Lifting Structures Checklist**

(To be completed by the applicant and included in the information provided with a planning application and building licence forms)

Application and Plan Information	Yes	No
Has the landowner signed the Development and Building Licence Application Form?		0
Have seven copies of the plan been Provided? (4 for planning & 3 for Building)		
Have the plans provided the following:		
- Appropriate Scale (1:100 or 1:200)		
<ul> <li>The proposed boat lifting structures width and length</li> </ul>		
<ul> <li>The dimensions of the subject lot, jetty envelope and mooring envelope</li> </ul>		
<ul> <li>The correct alignment of the canal wall in relation to the proposed structure</li> </ul>		
<ul> <li>Location of all mooring piles.</li> </ul>		
Details of the Boat Lifting Structure		
Is the proposed structure within the designated mooring envelope?		
Has a licensed jetty been approved and constructed for the subject lot?		
What will the height of the vessels keel be	<del></del>	

6.8

Attachment D

Current LPP 1.3: Private Jetties and Boat Lifting Structures

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



when the structure is in operation?	
At what height will the top of the vessel be	
when the structure is in operation?	
What will the height of the structure be once	·
constructed or in operation at its highest point	
in comparison to the canal wall?	
What type of structure is proposed?	
- Floating	
- Mechanical	

Proposed LPP 1.3: Private Jetties and Boat Lifting Structures - Amended

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



### 1. HEAD OF POWER AND SCOPE

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

#### PURPOSE

The purpose of this Policy is to outline the minimum requirements for the construction of Jetties and boat lifting structures to ensure that:

- 2.1 Structures are appropriate in scale, structural design and context to the surrounding environment;
- 2.2 Matters of safety and navigation are appropriately considered; and
- 2.3 The amenity of the waterway and surrounding residents is maintained.

### 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:

"Canal Cul-de-sac Head" means the terminus of a canal with only one entrance.

"Davit" means a structure located on a jetty and which is capable of mechanically moving a vessel from a waterway to a dry lot.

"Floating Boat Lifting Structure" means a floating structure, attached to mooring piles assuring the vessel is out of the water, i.e. a floating pontoon/boat dock.

"Floating Jetty" means a moveable structure, constructed on mooring piles on a floating pontoon.

"Jetty" means a structure connected to a body of water that, wholly or in part, may be used for the purpose of launching or landing a vessel and the configuration can be one of the following arrangements-

- a) Finger shaped;
- b) Floating Jetty;
- c) Land Backed;
- d) 'L' shaped; or
- e) 'T' shaped.

"Jetty Envelope" means a designated area as defined by an endorsed envelope plan in which the jetty is to be wholly constructed and contained within.

"Land Backed Jetty" means a Jetty constructed parallel to the canal wall.

"Mechanical Boat Lifting Structure" means a solid metal structure, on pylons which lifts a vessel out of water.

"Mooring Piles" means steel piles to secure a vessel by attaching the vessel to the piles.

"Primary Walkway" means the walkway the vessel is moored at.

"Revetment Mattress" means the sloped rock section of a canal wall which protects the vertical limestone block retaining wall from scour and undermining.

Proposed LPP 1.3 : Private Jetties and Boat Lifting Structures - Amended

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



"Scheme" means the City of Busselton Local Planning Scheme No. 21 (as amended).

"Secondary Walkway" means a walkway which is not intended to support the mooring of a vessel.

### 4. POLICY STATEMENT

### 4.1 JETTIES

Note 1: Under Part 6 Clause 6.1.1(c) of the Scheme, development approval is not required to be obtained from the City for a Jetty on a canal in the 'Port Geographe Development Special Control Area' where it is contained wholly within a specified mooring envelope and is in accordance with the design standards approved by the local government, as outlined below.

Where a Jetty is not located within a Mooring Envelope (as defined by the Scheme) and/or does not satisfy any of the policy provisions below, a development application will be required. As part of the assessment of the development application the development will be assessed against, and required to meet, the Purpose of this Policy.

- 4.1.1 Jetties should be designed such that all vessels moored when parked at the Jetty will be wholly contained within the lots designated Mooring Envelope (where one exists); and
- 4.1.2 Jetties should have no structures built on them and should not have a roof structure; and
- 4.1.3 Jetties should not place a horizontal surcharge load on a canal wall. This will be required to be demonstrate through engineering details at the building permit stage; and
- 4.1.4 Piles associated with a Jetty are to be located so as not to penetrate any Revetment Mattress. Where piles are proposed to penetrate a Revetment Mattress, certification from a structural engineer will be required to be provided at the building permit stage confirming there will be no associated structural impact; and
- 4.1.5 The Primary Walkway should be limited to a minimum width of 1.2m and a maximum width of 2.0m, except for a Land Backed Jetty which has an allowable maximum width of 2.5m; and
- 4.1.6 The Secondary Walkway should be limited to a minimum width of 0.9m and a maximum width of 2.0m, except for a Floating Jetty which has an allowable maximum width of 2.5m; and
- 4.1.7 Jetties should be used for the purpose of accessing a moored or stored vessel only; and
- 4.1.8 With the exception of structures contained wholly within private land (i.e. jetties within dams on private properties), there is a general presumption against any Jetty or boat lifting structure being supported outside the Port Geographe Development Area given the likely significant adverse impacts on local character, coastal amenity and environmental values. In addition, any such structure is likely to require at least partial construction over Crown land managed by the City. There is a general presumption against private development on City land, except as outlined in the 'Private Works on City Land, including private coastal protection works on City land Policy'.

Note 2: Notwithstanding the above, a Building Permit is required for the construction of all Jetties which should include a certification of structural integrity by a certified structural engineer. In addition, all jetties require a Jetty Licence issued by the Department of Transport. The City may seek comment from the Department of Transport during the assessment process.

Proposed LPP 1.3: Private Jetties and Boat Lifting Structures - Amended

# Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



### 4.2 BOAT LIFTING DEVICES AND STRUCTURES

The term boat lifting structure includes a Davit, Floating Boat Lifting Structure and Mechanical Boat Lifting Structure. All boat lifting structures require development approval and should have regard to the following provisions and the Purpose of this Policy:

- 4.2.1 Prior to an application for a boat lifting structure being submitted to the City, an associated Jetty is to be constructed or otherwise approved by the City and licenced by the Department of Transport; and
- 4.2.2 Boat lifting structures should be wholly located within the designated Jetty and/or Mooring Envelope (where one exists); and
- 4.2.3 No boat lifting structure should place a horizontal surcharge load on a canal wall. This will be required to be demonstrate through engineering details at the building permit stage; and
- 4.2.4 Piles associated with a boat lifting structure are to be located so as not to penetrate any Revetment Mattress. Where piles are proposed to penetrate a Revetment Mattress, certification from a structural engineer will be required to be provided at the building permit stage confirming there will be no associated structural impact; and
- 4.2.5 Floating boat lifting structures are preferred for use in Canal Cul-de-sac Heads; and
- 4.2.6 Mechanical Boat Lifting Structures will only be supported where it can be demonstrated by the Applicant that the structure will not detrimentally impact on the amenity of adjoining owners, the navigability, accessibility and useability of the canal; and
- 4.2.7 Davits will only be supported in Marinas and where it can be demonstrated by the Applicant that the structure will not detrimentally impact on the amenity of surrounding properties; and
- 4.2.8 No boat should be suspended from the Davit or Mechanical Boat Lift Structure at any time.

# 5. RELATED DOCMENTATION / LEGISLATION

5.1 Private Works on City Land, including private coastal protection works on City land Policy.

### 6. REVIEW DETAILS

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

<sup>\*</sup> Policy number changed from LPP 1I to LPP 1.3 on the 11th May 2020. The change is administrative only, no resolution by Council required.

Current LPP 6.1: Stormwater Management

# Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



### 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 Objectives

This purpose of this policy is to ensure the safe and effective management of the quantity and quality of stormwater runoff.

The objectives are to:

- Manage stormwater efficiently and effectively to provide adequate protection for people and property from flooding;
- Mimic the predevelopment hydrology through the application of water sensitive urban design (WSUD) principles;
- Avoid stormwater runoff adversely impacting the quality of the receiving waters, including groundwater, waterways, wetlands, Lower Vasse River and the Geographe Bay.

### 2.2 Application

- 2.2.1 These policy provisions vary the deemed to comply provisions of the R Codes (part 7.3.2) to the extent that they set standards for stormwater management other than those set out in the R Codes.
- 2.2.2 These provisions provide a performance based approach to the control of development through the application of 'design principles' and 'deemed to comply' requirements. The design principles outlined in these policy provisions enable an alternate pathway for innovative development proposals to be considered and assessed in conjunction with a development application. The 'deemed to comply' pathway for development applications, including applications for a building permit will satisfy the planning requirements and will be exempt from any further planning assessment. 'Deemed to comply' requirements that can't be satisfied for single residential development may be satisfied by the 'design principles' pathway with the approval of the City's building and engineering section.
- 2.2.3 Where the Local Planning Scheme exempts certain residential development from the need to obtain planning approval, including the erection on a lot of a single house and any incidental development, or a minor extension/ancillary development to a grouped dwelling except, where amongst other things, the development is inconsistent with any provision of an adopted Local Planning Policy; then compliance with the deemed to comply provisions of these policy provisions will maintain that exemption. Developments will require planning approval where the 'design principles' pathway is taken.
- 2.2.4 These provisions apply to all applications for a building permit (including the erection on a lot of a

## Current LPP 6.1: Stormwater Management

# Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



single house and/or any incidental development) or planning approval involving an increase in, or change to the impervious surfaces within the lot, including the development or replacement of any existing impervious structures and change of land use.

- 2.2.5 These provisions are to be read in conjunction with Developer Contributions Policy Provision 6F Drainage Infill Contributions as infill development other than single residential development may attract a contribution toward the upgrading or augmentation of City managed street drainage system infrastructure.
- 2.2.6 These provisions are to be read and applied in conjunction with the City of Busselton's Engineering Technical Specifications for the control of stormwater, the Building Code of Australia and related provisions including AS/NZS 3500.3:2003 Plumbing and Drainage: Part 3 Stormwater Drainage.
- 2.2.7 Where a standard of stormwater management is prescribed in an Engineering Technical Specification or the Building Code of Australia, that standard will need to be met in addition to any standard or requirement prescribed in these provisions.
- 2.2.8 These provisions set a volumetric requirement for stormwater management based on certain rainfall events which occur (have an Average Recurrence Interval—ARI) approximately once every 1 year and once every 5 years, in order to manage normal but significant rainfall events (and all lesser rainfall events). In Busselton, this equates to approximately 16mm of rainfall in 1 hour (1 year ARI event) and 25mm of rainfall in 1 hour (5 year ARI event), although this varies slightly across the district.

To manage stormwater runoff from these rainfall events, a volume of 1m³ per 65m² of impervious area (1 year ARI event) and 1m³ per 40m² of impervious area (5 year ARI event) is needed.

- 2.2.9 Where an approved District, Local or Urban Water Management Plan/Strategy provides for the management of stormwater (of the 1 year ARI and 5 year ARI) within a lot to local government requirements, the standards set out in these provisions prevail to the extent of any inconsistency.
- 2.2.10 Works undertaken by the local government will be expected to meet the quantitative and qualitative elements of these provisions.

### 3. INTERPRETATION

**ARI–(Average Recurrence Interval)** means the average or expected value of the periods between exceedances of a given rainfall total, accumulated over a given duration (for the purpose of this policy should be taken as one hour duration unless otherwise specified).

A rural zone means the Agriculture zone, Viticulture and Tourism zone, Rural Landscape zone, Conservation zone and Bushland Protection zone pursuant to the Local Planning Scheme.

1 year ARI means the one year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 16.5mm of rainfall. The volume of stormwater runoff from impervious surfaces equates to 1m³ per 60m², although 1m³ per 65m² is required in these provisions.

Current LPP 6.1: Stormwater Management

# Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



**5 Year ARI** means the five year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 25mm of rainfall. The volume of stormwater runoff from impervious surfaces equates to 1m³ per 40m².

Residential Infill means the use of land for grouped or multiple dwelling units and/or ancillary buildings within a lot through either the development approval process or the land subdivision process including strata title. The term includes the development or redevelopment of grouped and multiple dwellings, retirement dwellings, tourist accommodation and aged and dependent persons homes.

**Commercial and Industrial Infill** means the use of land for development, redevelopment, expansion or intensification of commercial, industrial and other non-residential land uses and ancillary developments within a lot through either the development approval process or the land subdivision process including strata title.

**Impervious Surfaces** – means built surfaces that prevent absorption of water into the ground, such as roads. parking areas, paved areas and rooftops and has the same meaning as impermeable surface.

**Infiltration Basins and Trenches** – means a depression, normally up to a metre in depth, designed to capture stormwater prior for infiltration into the soil profile. The term includes dry and ephemeral basins with or without wetland plantings.

**Biofilter** – means an excavated basin or trench that is filled with porous filter media and planted with vegetation to remove pollutants from stormwater runoff. Biofilters use biological and physical processes to treat stormwater and the term includes a rain garden, biofiltration system and bioretention system.

**Throttled Lot Connection** – means a device to discharge stormwater from a private lot directly into an integrated street conveyance and treatment system and normally includes a maintainable silt trap prior to street system entry. The areas of the City where a throttled lot connection is available are outlined at Schedule 3.

# Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



### 4. POLICY STATEMENT

Develo	In Principles pment demonstrates compliance with the ng design principles:	Deemed-to-Comply  Development satisfies the following deemed-to-comply requirements:		
5.1 5	Single House (and associated outbu	uildings, in all zones)		
P1 i)	Efficient and effective management of stormwater through water sensitive urban design principles such that:  Excess stormwater is not discharged to adjacent private lots (in areas of steep gradients, other than natural predevelopment hydrology); and Excess stormwater is safely conveyed to the street drainage system; and	C1 Lots under 4000m² and with no throttled lo connection available  Implementation of stormwater managemen details as set out on a site plan (with building permit) which meet the following minimum standards:  i) Stormwater is retained for use and/o infiltration within the lot at a rate of 1m per 40m² of impervious area, excep		
P2	Stormwater management does not unreasonably precipitate a loss of stormwater management capacity within the street drainage system or additional cost to the City to manage stormwater off site.	where:  a) 'Stormwater is retained for use and/or infiltration within the lot at a rate of 1m³ per 65m² of impervious area and a contribution to the City is made in accordance with Local Planning Policy 6F Drainage Contributions.		
P3	Stormwater management measures mimic the pre development hydrology as much as reasonably practicable.  Above ground storage and use and/or	ii) Stormwater retention/infiltration is met through either:  a) 'Above ground' storage and infiltration systems (e.g. rainwater)		
	infiltration is maximised.	tanks, under eaves rainwater tanks, and/or rainwater gardens; and/or		
P5	The drainage and hydrological characteristics of the land are considered in areas where flooding or high groundwater levels are evident.	<ul> <li>b) Below ground storage and infiltration systems (e.g. soak- wells, rainwater tanks or infiltration cells).</li> </ul>		
		iii) In the case of an application involving a lot that is located within the Wetland Area as depicted on the Local Planning Scheme Maps, only 'above ground' storage and/or infiltration systems will be permitted e.g. rainwater tanks, under eaves rainwater		

# Current LPP 6.1 : Stormwater Management

# Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



 tanks, and/or rain gardens;
iv) Stormwater in excess of that retained in accordance with (i) above is safe conveyed to the street drainage system;
<ul> <li>v) Driveways and paved areas to be shap and inclined to direct runoff to natur landscaped or pervious areas of the lot and convey excess stormwater safely to t street drainage systems.</li> </ul>
C2 Lots under 4000m² and with a throttled connection available
Implementation of stormwater manageme details as set out on a site plan (with a buildi permit) which meet the following minimu standards:
<ul> <li>j) Compliance with the City's Engineering Technical Specifications for a silt trap and connection to the throttled lot direct connection as a part of the building permit</li> </ul>
ii) Driveways and paved areas to be shaped and inclined to direct runoff natural, landscaped or pervious areas of t lot and to convey excess stormwar safely to the street drainage system.
C3 Lots over 4000m² and with no throttled connection available Implementation of stormwater management details as set out on a site plan (with a building permit) which meet the following minimus standards:
<li>i) Stormwater is retained for use and/or infiltration within the lot at a rate 1m3 per 65m2 of impervious area;</li>
<ul> <li>ii) The retention for use and/or infiltrati requirements shall be met through:</li> </ul>
a) 'Above ground' storage and infiltrati systems (e.g. rainwater tanks, und eaves rainwater tanks, landscap gardens and detention

## Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



#### and/or;

- Below ground storage and infiltration systems (e.g. <u>Soakwells</u>, Rainwater tanks or infiltration cells); and/or
- The direction of surplus stormwater away from the building with downpipes and gully drains and the use of natural infiltration within the lot to infiltrate stormwater;
- Driveways and paved areas to be shaped and inclined to direct runoff to natural, landscaped or pervious areas of the lot;
- iv) Appropriate retention for use and/or infiltration of stormwater prior to any water entering the street drainage system or any existing natural drainage systems such as wetlands, creeks, rivers or tributaries within the lot.

#### Notes:

- The design and standard technical specifications for drawings accompanying the building plans will be deemed to comply
  where they are in accordance with Schedule 1 of this policy or the specifications set out in the City's Engineering Technical
  Specifications.
- In the case of an application involving a lot that is located within the Wetland Area, as depicted on the Local Planning
  Scheme Maps, above ground storage and/or infiltration systems are encouraged for roof runoff e.g. rainwater tanks, under eaves rainwater tanks, and/or rain gardens.
- Rainwater tank volumes will be credited to the minimum on site retention/infiltration requirement where they are
  designed and installed in accordance with the City's Engineering Technical Specifications. Rainwater tanks must be
  plumbed into a laundry or toilet in order for all of the storage capacity in the tank to be credited to the total volumetric
  capacity to be detained or retained/infiltrated on site.
- Rainwater tanks in excess of 5,000 litres capacity may require a building permit.

# Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



Develop	n Principles ment demonstrates compliance with the g design principles:	Deemed-to-Comply  Development satisfies the following deemed-to-comply requirements:		
5.2 other	Commercial, Industrial, Mixed Use Residential Development in Urbar	e, Group and Multiple Residential, and n Zones		
P1	Efficient and effective management of stormwater from the 5 year ARI rainfall event through the application of water sensitive urban design principles and practices.	C1 Lots with no throttled lot connection available  Implementation of an approved stormwater management plan, (submitted with and assessed as part of a planning application)		
P2	Excess stormwater must be safely conveyed to the street drainage system.	endorsed by the Engineering section which sets out the following minimum standards and requirements:		
P3	Stormwater management does not unreasonably precipitate a loss of stormwater management capacity within the street drainage system or additional cost to the City to manage stormwater off site.	Site Classification, soil types and groundwater levels (including seasonal groundwater level variation if sub-soil drainage is proposed);      Stormwater is retained for use and/or		
P4	Stormwater from the site does not adversely impact the quality of receiving waters, including drains, groundwater, waterways, wetlands and Geographe Bay through the use of Water Sensitive Urban Design techniques such as:  a) Biofilters  b) Infiltration trenches utilising amended soils for nutrient management  c) Dry or ephemeral detention areas	infiltration within the lot at a rate of  1m³ per 40m² of impervious area except:  a) Where an approved urban water management plan is in place, stormwater is retained for use and/or and infiltration within the lot at a rate which accords with that plan; b) Where there is no urban water management plan in place, stormwater is retained for use and/or infiltration within the lot at a		
	d) Living streams     e) Constructed wetlands	rate of 1m³ per 65m² of impervious area and a contribution to the City is		
P5	The standards set out in any Water Quality Improvement Plan including the Water Quality Improvement Plan for the Vasse Wonnerup Wetlands and Geographe Bay (Dow 2010).	made in accordance with Local Planning Policy Provision 6F Infill contributions (drainage).  iii) Stormwater in excess of that retained in accordance with (ii) above is safely conveyed		
P6	Stormwater management measures mimic the pre development hydrology as much as reasonably practicable.	to the street drainage system;  iv) Areas where high risk operations occur (e.g. fuel or chemical storage areas) shall require separate bunded stormwater and/or process		

## Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



water systems with additional treatment (e.g. oil separators):

 v) Initial runoff from commercial and industrial sealed parking and loading areas shall be treated using bio-infiltration systems incorporated into landscaped areas, prior to release to below ground storage systems, in accordance with the City's Engineering Technical Specifications.

#### C2 Lots with a throttled lot connection available

Implementation of stormwater management details as set out on a site plan (with a building permit) which meet the following minimum standards:

- Compliance with the City's Engineering Technical Specifications for a silt trap and connection to the throttled lot direct connection as a part of the building permit;
- ii) Driveways and paved areas to be shaped and inclined to direct initial runoff from impervious areas to bio-infiltration systems incorporated into landscaped areas, prior to release to below ground storage systems, in accordance with the City's Engineering Technical Specifications, and excess stormwater conveyed safely to the

#### Notes:

- Stormwater from hard stand areas that comprises loose gravel, compacted limestone or any other bare earth areas shall
  be suitably retained, detained and/ or infiltrated to avoid sedimentation being carried into drainage areas within the
  property or other receiving water bodies.
- Rainwater tank volumes will be credited to the minimum on site retention/infiltration requirement where they are designed and installed in accordance with the City's Engineering Technical Specifications. Rainwater tanks must be plumbed into a laundry or toilet in order for all of the storage capacity in the tank to be credited to the total volumetric capacity to be detained or retained/infiltrated on site.
- Rainwater tanks in excess of 5000 litres capacity may require a building permit.
- Capture and use of the majority of roof runoff is strongly encouraged.
- Spakwells installed on lots classified as Class S, M and H sites a require at least 3m, 4m and 5m offset respectively from a
  residence and/or adjacent building.
- Where a lot that is located lower than the stormwater system and with no hydraulic outlet, a pumped direct lot connection
  to the street drainage system may be permitted at the discretion of the City.
- Where no other options for discharge are available, discharge to a public reserve may be permitted if appropriate
  management measures are in place to control water quality and flow rate.

# Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



Design Principles  Development demonstrates compliance with the following design principles:			Deemed-to-Comply  Development satisfies the following deemed-to-comply requirements:	
5.3 (inc	Kur luding		al Development in Rural ∠ones enterprises, etc.)	
P1	storn	ent and effective management of nwater the 5 year ARI rainfall event rs through the application of water tive urban design principles and ices.	C1 Implementation of an approved stormwater management plan, (submitted with and assessed as part of a planning application) endorsed by the Engineering section which sets out the following minimum standards and requirements:	
P2	impa include ground and G Wate	nwater from the site does not adversely continuously the quality of receiving waters, ding the street drainage system, andwater, waterways, wetlands Geographe Bay through the use of er Sensitive Urban Design structural of such as:  Biofilters: Infiltration trenches utilising amended soils for nutrient management; Dry or ephemeral detention areas; Living streams; and Constructed wetlands.	i) Site Classification, soil types and groundwater levels (including seasonal groundwater variation level if sub-soil drainage is proposed).  ii) Stormwater is captured at a rate of 1m³ per 40m² of impervious area and:  a) Where the lot discharges into a City managed street drainage system, retained for use, detained and/ or Infiltrated on the lot; or;  b) Where lot runoff is directed to waterways and bodies, detained and/ or infiltrated in accordance with predevelopment hydrology.	
Р3	to ad	is stormwater is not discharged directly jacent private lots, noting that this may raturally where existing <u>creeklines</u> and age pathways exist.	iii) The retention for use and/or infiltration requirements shall be met through either:	
P4	Impro qualit Wont	tandards set out in any Water Quality overnent Plan including the Water ty improvement plan for the Vasse nerup Wetlands and Geographe Bay (2010).	a) Above ground storage and/or infiltration systems (e.g. rainwater tanks, under eaves rainwater tanks, landscaped gardens and detention basins, rain gardens) and/or;	
P5	the p	nwater management measures mimic re development hydrology as much asonably practicable.	b) Below ground storage and infiltration systems (e.g. soakwells, rainwater tanks or infiltration cells);  iv) Areas where high risk operations occur (e.g. fuel or chemical storage areas) shall require a separate bunded stormwater and/or process	

water systems with additional treatment

## Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



#### (e.g. oil separators);

- Initial runoff from sealed parking and loading areas shall be treated using bio-infiltration systems incorporated into landscaped areas, prior to release within the lot in accordance with the City's Engineering Technical Specifications;
- vi) Driveways and paved areas to be shaped and inclined to direct runoff to natural, landscaped or pervious areas of the lot.

#### Notes:

- Stormwater from hard stand areas that comprises loose gravel, compacted limestone or any other bare earth areas shall
  be suitably retained, detained and/ or infiltrated to avoid sedimentation being corried into drainage areas within the
  property, the street drainage system or other receiving natural drainage or water bodies.
- Rainwater tank volumes will be credited to the minimum on site retention/infiltration requirement where they are
  designed and installed in accordance with the City's Engineering Technical Specifications. Rainwater tanks will need to be
  plumbed into a laundry or toilet facility in order for all of the storage capacity in the tank to be credited to the total
  volumetric capacity to be detained or retained/infiltrated on site.
- Rainwater tanks in excess of 5000 litres capacity may require a building permit.
- Sogkwells installed on lots classified as Class S, M and H sites a require at least 3m, 4m and 5m offset respectively from a
  residence and/or adjacent building.

# Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



Develo	gn Principles opment demonstrates compliance with the ing design principles:	Deemed-to-Comply  Development satisfies the following deemed-to-comply requirements:  ng Construction		
5.4	Erosion and Water Quality during			
P1	Measures applied to the construction phase of the project to ensure Stormwater from	C1 Implementation of an approved stormwater management plan (at the time a building		
	the site does not adversely impact the quality of receiving waters, including the street drainage system, groundwater, waterways, wetlands and Geographe Bay.	permit is issued) which includes best management practice methods for the construction phase of the project as set out in Schedule 2 in order to eliminate any risk of sedimentation, pollutants or litter entering the street drainage system or natural drainage and water bodies.		

#### 5. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	8/10/2014		C1410/243	
Previous	10/3/2010		C1003/069	
Adoption				

<sup>\*</sup> Policy number changed from LPP 8C to LPP 6.1 on the 11th May 2020. The change is administrative only, no resolution by Council required.

## Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



#### **APPENDIX 1**

#### **TECHNICAL SPECIFICATIONS AND WSUD GUIDELINES**

For detail regarding the construction standards of water sensitive urban design measures, please refer to the City's Engineering Technical Standards and Specifications (Section 6) available at <a href="http://www.planning.wa.gov.au/">http://www.planning.wa.gov.au/</a>

For detail regarding guidance on a number of water sensitive urban design (WSUD) measures which may be employed to meet the City's requirements for stormwater management on individual lots, or through infill development and subdivision, please refer to the City's Water Sensitive Urban Design Guidelines at <a href="http://www.busselton.wa.gov.au/">http://www.busselton.wa.gov.au/</a>

#### **APPENDIX 2**

#### **BUILDING AND CONSTRUCTION SITE MANAGEMENT PRACTICES**

Best management practices for building and construction site management for general development are outlined below. The City has a Local Law (Dust and Building Waste Control 2010) to ensure compliance with dust and building waste. Application of the measures set out below will assist in avoiding penalties for breach of the Local Law.

Site Rule 1 — Prepare a plan before you start a job as it will make a big difference to how well you manage your site.

The plan should identify:

- Where is the lowest point on the site? Water always runs to the lowest point.
- Where will I put the crossover? Try to put the crossover as far away from the lowest point as possible. As
  water runs to the lowest point it is more likely to be wet and muddy.
- Where will I keep my stockpile?
- Stockpiles are best kept on site, as far away from the lowest point as practical.
- Where will I build my sediment control fence?
- Sediment control fences should be built on the lowest side/s of a site.
- Which trees and vegetation will be kept on site?
- Rope or fence off the areas you are going to keep. Keeping vegetation such as grassed areas will help to
  prevent damage to the surface of the site later on and may trap sediment.
  - a. Cut materials on site away from stormwater drains
  - b. Put sediment control filters down slope such as sediment logs or a backup sediment fence.
  - c. Clean up when finished by disposing of the waste in a container where it can't get into the street drainage system. Do not hose where it slurry away.

#### Site Rule 2 — Contain stockpiles on site

Ensure suppliers to deliver stockpiles of sand, soil, and screenings cement mulch onto the site. Putting stockpiles such as sand, topsoil and mulch across footpaths and roads will cause a hazard to pedestrians and vehicles and can cause problems for the street drainage system. Stockpiles not stored properly can get washed or blown away and pollute stormwater runoff. This is particularly true of stockpiles that are high, have steep sides, or are put on hard surfaces where they can be blown or washed away.

## Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



#### Control Method 1 - Cover Stockpiles

- Place a tarp, plastic or bunded pallet under the area where the stockpile will be placed.
- Place a secured covering over the stockpile.
- Then place sediment control logs around the downslope base of the stockpile.

#### Site Rule 3 - Keep mud off road and on site

The following simple methods will help you to protect the surface of your site and help stop vehicles from dropping mud on the road from their wheels.

- The best way to do this is to put crushed rock on the crossover or access point of your building site.
- Putting crushed rock on the access point of your site is a good way to prevent damage and provide a dry
  access point for vehicles.
- · Where possible park vehicles off site.
- Make sure gravel does not collect in the gutter or on the footpath.
- Sweeping the footpath and road after delivery spills and at the end of each working day.

#### Site Rule 4 — Keep litter contained on site

Many building sites have both building rubble and other rubbish spread across them. This causes many problems:

- · Litter may spoil local creeks and drains.
- Litter blowing off site can block stormwater find its way to the coast.

#### Site Rule 5 — Stop Erosion on site and contain Sediments Control

#### $\underline{\text{Control Method 1- Keep areas of vegetation as a buffer strip at the site boundary}}.$

Protect areas close to the boundary drains and gutters where surface water flows may carry sediments offsite. Decide what areas of vegetation are going to be kept on site. Mark and protect trees, shrubs and grassed areas.

#### Control Method 2 - Early downpipe connection.

Connecting downpipes early to the stormwater or on site detention system has a number of benefits:

- Less drainage problems on site
- Less mud on site after rain
- A safer site
- · Reduces damage to building foundations

#### Control Method 3 – Pipe roof water onto a grassed or bunded area

If it is not possible to connect to a stormwater system then pipe the water away from the building onto a vegetated area where there is good ground cover or lawned area or to a bunded area. This lets water seep into the ground with less damage to the surface of the soil.

#### Control Method 4 - Sediment Control Fencing

Sediment control fences stop sediment being washed off the site. The fence allows muddy water to pond behind it and for sediment to settle as the water slowly filters through. Geotextile fabrics are required. Shade cloth is NOT suitable. Regular maintenance is required. Remove excessive silt deposits after storms.

Sediment control fences are usually no higher than 900mm above natural ground level and the geotextile material is buried to 150mm deep below and behind supporting posts on the low side of the site between the site construction

6.8 Attachment F

#### Current LPP 6.1: Stormwater Management

## Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



and the street, or where the e land may allow water to carry sediment off the building Site.

#### Control Method 5 - Control dust and slurry from cutting

A large amount of dust can be made from cutting materials such as concrete bricks and tiles. When mixed with water this material can be turned into slurry and washed into waterways. Cement changes the acidity of water which can kill water plants and animals. The following methods will help to keep this waste on site and out of the waterways:

#### Control Method 6 - Litter bins or covered skips

A smaller bin is okay for smaller rubbish like paper, food wrapping drink containers that may be blown off site. Council bins may be restricted from building sites.

The following simple methods will help you to stop litter leaving your site or being a hazard on site:

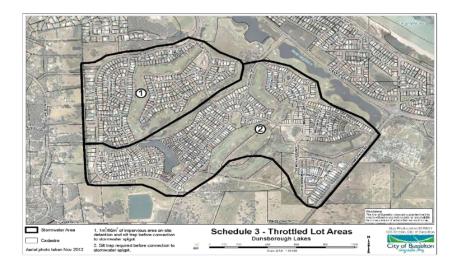
- A mesh bin with a closable lid is suitable for larger items like cardboard boxes, plastic wrapping and polystyrene.
- · Empty the litter bin regularly. Don't allow overflow. Where possible, collect the materials from
- The litter bin for recycling and /or keep different materials in separate bins.

#### Site Rule 6 — Clean and Wash-up on site

When cleaning up after painting, plastering or concreting it's most important to keep the wash water out of the street drainage system. Problems to the environment include:

- Oil based paints form a thin film over the surface of the water. This starves water plants and animals of oxygen.
- Paints and petrol chemicals can contain toxic compounds.
- Concrete changes the acidity of waterways which can kill water plants and animals.
- Concrete washings can harden and block drains.
- Roads around a building site can become dirty, slippery and dangerous.

Further details can be obtained from the following website <a href="http://www.mbav.com.au/">http://www.mbav.com.au/</a>



### Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



#### 1. HEAD OF POWER AND SCOPE

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

The purpose of this Policy is to outline the minimum requirements for stormwater management to ensure:

- 2.1 Safe and effective management of the quantity and quality of stormwater runoff; and
- 2.2 Adequate protection for people and property from flooding; and
- 2.3 Stormwater runoff does not adversely impact the quality of the receiving waters, including groundwater, waterways, wetlands, Lower Vasse River and the Geographe Bay.

#### 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:

"Average Recurrence Interval (ARI)" means the average or expected value of the periods between exceedances of a given rainfall total, accumulated over a given duration (for the purpose of this policy should be taken as one hour duration unless otherwise specified).

"1 Year ARI" means the one year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 16.5mm of rainfall. The volume of stormwater runoff from Impervious Surfaces equates to 1m³ per 60m², although 1m³ per 65m² is required in these provisions.

"5 Year ARI" means the five year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 25mm of rainfall. The volume of stormwater runoff from Impervious Surfaces equates to  $1m^3$  per  $40m^2$ .

"Drainage Property Connection" means a device to discharge stormwater from a private lot directly into an integrated street conveyance and treatment system and normally includes a maintainable silt trap prior to street system entry.

"Impervious Surfaces" means built surfaces that prevent absorption of water into the ground, such as roads, parking areas, paved areas and rooftops.

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

"Stormwater Management" is the control of surface water runoff from Impervious Surfaces such as roofs, roads, driveways and paved areas which prevent the absorption of water into the ground.

#### 4. POLICY STATEMENT

#### 4.1 SYSTEMS REQUIREMENTS

- 4.1.1 Stormwater shall be managed on-site by one or a combination of the following means:
  - Above ground storage and infiltration systems (e.g. water tanks, rainwater gardens, detention basins); and/or

6.8

## Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



- b) Below ground storage and infiltration systems (e.g. soakwells, sumps or infiltration cells).
- Note 1: Development within 'Wetland Special Control Area' are encouraged to use 'above ground storage and infiltration systems' only.
- 4.1.2 Notwithstanding 4.1.1 above, on lots greater than 4,000m² stormwater is not required to be contained within a storage and/or infiltration system however the applicant shall be required to demonstrate to the satisfaction of the City that stormwater can be suitably managed and contained within the Lot such that it does not cause erosion to the building/s or adjoining properties.
- 4.1.3 Where a Lot has a Drainage Property Connection overflow from the below ground storage and infiltration system, as required under Part 4.1.1 of this Policy, is required to be connected to the Drainage Property Connection via a silt trap.
  - Note 2: A Drainage Property Connection is generally provided within areas with poor soil permeability, high clay content or high winter groundwater table. Please contact the City of Busselton to determine if lot a Drainage Property Connection.

#### 4.2 VOLUMETRIC REQUIREMENTS

- 4.2.1 This Policy sets different volumetric requirement to manage Stormwater based on 1 Year ARI or 5 Year ARI rainfall events as follows;
  - (a) Single Houses (including associated outbuildings) should satisfy the volumetric requirements specified in Table 1 below; and
  - (b) All other development should satisfy the volumetric requirements specified in Table 2 below.
- 4.2.2 Where an approved District, Local or Urban Water Management Plan/Strategy provides for the management of stormwater (1 Year ARI and 5 Year ARI) within a lot, the standards set out in those provisions prevail over this Policy to the extent of any inconsistency.

TABLE 1 : SINGLE HOUSE (INCLUDING ASSOCIATED OUTBUILDINGS) ON A LOT LESS THAN 4,000M <sup>2</sup>					
All lots other than canal lots within Port Geographe with an overflow pipe within canal wall.	Stormwater runoff is retained for use and/or infiltration within the lot at a rate of 1m³ of storage per 65m² of impervious area to accommodate 1 Year ARI.				
Canal lots within Port Geographe with an overflow pipe within canal wall.	No on-site Stormwater Management is required and can be discharged in to the canal via the overflow pipe which is required to be connected to a silt-trap.				
Developers must confirm on site the location/existence of the overflow pipe.					

## Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



TABLE 2 : ALL OTHER DEVELOPMENT ON A LOT LESS THAN 4,000M <sup>2</sup>			
All lots	Stormwater runoff is retained for use and/or infiltration within the lot at a rate of 1m³ of storage per 40m² of impervious area to accommodate 5 Year ARI except where an approved urban water management plan is in place stormwater management is to be in accordance with that plan.		

Note 3: Where the R-codes are applicable, the Stormwater Management volumetric requirement prescribed in Tables 1 and 2 above sets the minimum standard for Stormwater Management to meet the deemed-to-comply criteria of clause 5.3.9 Stormwater Management of the R-codes.

#### 5. RELATED DOCUMENTATION/ LEGISLATION

- 5.1 City of Busselton Engineering Technical Specifications (Section 6 Property Development Technical Requirements and Guidelines)
- 5.2 AS/NZS 3500.3:2003 Plumbing and Drainage: Part 3 Stormwater Drainage

#### 6. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	8/10/2014	Resolution #	C1410/243

<sup>\*</sup> Policy number changed from LPP 8C to LPP 6.1 on the 11th May 2020. The change is administrative only, no resolution by Council required.

### Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



#### 1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions) and applies to all permanent or fixed Advertising Signs located across the whole of the City.

Note 1: This Policy does not apply to Portable Signs, refer to Council Policy 'Portable Advertising Signs in Public Places' for provisions relating to Portable Signs.

#### 2. PURPOSE

The purpose of this Policy is to:

- 2.1 Provide guidance on the design and placement of Advertisements; and
- 2.2 Ensure that Advertisements within the City are:
  - a) Designed, constructed and maintained to a high aesthetic standard and quality of presentation;
  - Integrated within the design of the development and are consistent with the character of the local area; and
  - c) Designed such that they do not result in visual clutter and/or have a detrimental impact on the streetscape or visual amenity of the surrounding area and present a visually attractive appearance to public areas; and
  - d) Consistent with the heritage values of a place (where applicable); and
  - e) Integrated and rationalised where a site contains multiple tenancies; and
  - f) Designed, constructed, secured and maintained so that they do not pose a hazard to motorists, pedestrians, cyclists and the public at large.

#### 3. INTERPRETATION

Other than those terms defined below, and in Appendix 1: 'Types of Advertising Signage' of this Policy, terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, including those terms defined in the deemed provisions and Schedule 11 of the Scheme -

"Advertisement" as defined by the Deemed Provisions and provided below -

means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes -

- a) any hoarding or similar structure used, or adapted for use, for the display of advertisements;
   and
- b) any airborne device anchored to any land or building used for the display of advertising; and
- any vehicle or trailer or other similar object placed or located so as to serve the purpose of displaying advertising.

"Advertising Sign" means a permanent structure used for the purpose of Advertisement, or to draw attention to, a product, business, person or event.

Proposed LPP \*\*: Advertisements and Advertising Signs - New

6.8

### **Local Planning Policy No. X**

ADVERTISEMENTS AND ADVERTISING SIGNS



"Main Roads WA Roads" means any road which is under the care and control of Main Roads WA, including Primary Distributor & Regional Distributor Roads, and includes the following roads within the City;

- a) Caves Road;
- b) Bussell Highway from the southern boundary of the Shire of Capel to Causeway Road;
- Bussell Highway from the intersection with Caves Road to the northern boundary of the Shire of c) Augusta Margaret River;
- d) Busselton Bypass;
- e) Vasse Highway; and
- Sues Road.

"Portable Sign" means an Advertising Sign that is made from lightweight materials which can be easily moved and includes but is not limited to:

- 'A' frame of 'T' frame sign; a)
- b) Garage Sale Sign;
- Home Open Sign; c)
- d) Horizontal banner sign;
- e) City project sign;
- f) Vertical banner sign; and
- Variable message sign.

"Scheme" means the City of Busselton Local Planning Scheme No. 21 (as amended).

"Static Illumination" means an internal or external light source that lights any type of sign. The light cannot chase, flash or have any moving features or animations and includes light boxes, LED and Neon signs.

#### **POLICY STATEMENT**

#### 4.1 BACKGROUND

Clause 6.1 'Permitted Development' of the Scheme outlines development which is exempt from requiring development approval. Clause 6.1.1(d) of the Scheme exempts; "the erection, placement or display of any advertisement and the use of land or buildings for that purpose as exempted by Schedule 11, except in respect of a place included in the Heritage List or in a heritage area."

In addition to Clause 6.1.1 of the Scheme, the following Scheme provisions are also relevant to Advertising Signage within the City:

- Clause 4.36.4 of the Scheme outlines requirements for entry statements within the Rural and Viticulture and Tourism zones:
- Clause 4.41 'Prohibited Advertisements' states; "Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, are prohibited".

Where not exempted by Schedule 11 of the Scheme, Advertising Signage requires a development approval and an assessment against the Scheme and this Policy.

Proposed LPP \*\*: Advertisements and Advertising Signs - New

### Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



#### 4.2 SIGN TYPE AND ZONE SPECIFIC REQUIREMENTS

Advertisements should comply with 'Appendix 2: Zoning Specific Provisions - Free Standing Signs' or 'Appendix 3: Zoning Specific Provisions - Signs Attached to a Building'.

#### 4.3 GENERAL REQUIREMENTS

In addition to the requirements above, the following considerations are relevant to applications for all Advertisements:

- (a) Advertisements should generally be integrated into the architectural design of all new development; and
- (b) All Advertisements should be contained wholly within the lot to which it relates with the exception of Cantilever and Verandah/Awning Signs which may project into the adjoining road reserve or other public land (with the appropriate consent of the agency responsible for managing that land); and
- (c) A minimum clearance of 2.75m (in accordance with the Building Code of Australia) should be provided underneath Pylon Sign - Large, Cantilever and Verandah/Awning signs unless it can be demonstrated that 2.75m clearance cannot reasonably be achieved and a lower clearance, should that be proposed, is unlikely to have any significant impact on pedestrian amenity or safety; and
- (d) Advertisements may utilise Static Illumination (as part of the development application, the applicant will be required to demonstrate to the satisfaction of the City that the Static Illumination will not cause a nuisance to occupiers of surrounding residential premises, cause a traffic hazard or distraction to drivers on the adjacent public road or be confused with traffic signals); and
- (e) Where approved, Static Illumination will only be permitted to be in use when the business is operating; and
- (f) Animated Signs are not supported by the City for commercial purposes;
- (g) Applications for Animated Signs will only be considered for not-for-profit organisation, school and/or other authority where used to display community messages; and
- (h) The City does not support more than one "Pylon Sign Large", "Pylon Sign Small' or "Commercial Flag Sign" per road frontage.

Note 2: In addition to the City's requirements, approval from Main Roads WA is required for all advertisements on, in the vicinity of or visible from a Main Road. In addition, all illuminated signs within 50m of traffic signals require approval from Main Roads WA.

Note 3: Some Advertising Signs may require a Building Permit in addition to Development Approval.

#### 5. RELATED DOCUMENTATION/ LEGISLATION

- 5.1 Activities in Thoroughfares and Public Places and Trading Local Law 2015.
- 5.2 Council Policy Portable Advertising Signs in Public Places.

#### 6. REVIEW DETAILS

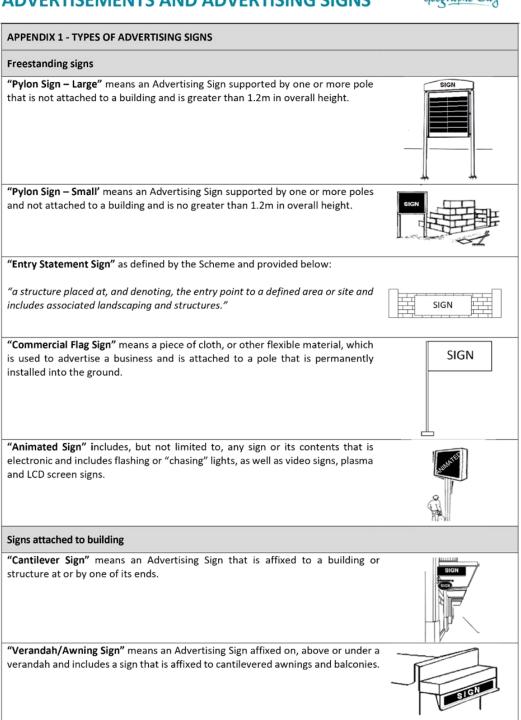
Review Frequency		2 yearly		
Council Adoption	DATE		Resolution #	
Previous	DATE		Resolution #	
Adoption				

6.8 Attachment H

Proposed LPP \*\*: Advertisements and Advertising Signs - New

### Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS





Proposed LPP \*\* : Advertisements and Advertising Signs - New

### Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



**"Window Sign"** means an Advertising Sign painted or affixed to either the interior or exterior surface of the glazed area of a window.



"Wall Sign" as defined in Schedule 11 of the Scheme and provided below:

"a sign attached to or otherwise displayed on a building or a structure no part of which projects further than 0.3m from that building or structure other than an advertisement that is displayed on, above or below a verandah or a verandah facia."



"Roof Sign" means an Advertising Sign that is erected or painted directly on the roof of a building.



211017. 27 201111	NING SPECIFIC PROVISIONS - FREE STANDING SIGNS					
	Residential	Regional Centre	Service Commercial	Rural Landscape	• Rural	
	Tourism lots without	• Centre	Light Industry	Conservation	Viticulture and Tourism	
	vehicular access from	Local Centre	General Industry	Bushland Protection	Rural Residential	
	Bussell Highway.	Tourism lots with				
		vehicular access from				
B. I	No. 1	Bussell Highway.			No. 1	
Pylon – Large	Not permitted.	One per Lot – multi		Not permitted.	Not permitted.	
		tenancy sites should	tenancy sites should			
		combine into one sign.	combine into one sign.			
		<ul> <li>Maximum Height: 6m or the height of the</li> </ul>	<ul> <li>Maximum Height : 6m or the height of the</li> </ul>			
		the height of the associated building	associated building			
		whichever is lesser.	whichever is lesser.			
		Maximum Area : 10m²	Maximum Area : 10m²			
		Shall be located so as to	Shall be located so as to			
		not impede sightlines.	not impede sightlines.			
Pylon – Small	One per lot when	One per Lot	One per Lot	Not permitted.	Not permitted.	
	associated with an	Maximum height : 1.2m	Maximum height: 1.2m			
	approved non-	Maximum area : 2m²	Maximum area : 2m²			
	residential use.	Chall has been tasked as a section and	Shall had a saked as a sake mak			
	Maximum height :     1.2m	Shall be located so as to not	Shall be located so as to not			
	Maximum area : 2m²	impede sightlines.	impede sightlines.			
	Shall be located so as					
	to not impede					
	sightlines.					
Entry Statement	Estate signage – case by	Not permitted.	Not permitted.	One per lot when	One per lot when	
	case		F3	associated with an	associated with an	
				approved non-residential	approved non-residential	
				use.	use.	
				Average height : 1.2m	Average height : 1.2m	
				Maximum height : 1.8m	Maximum height : 1.8m	
				Maximum length : 9m	Maximum length : 9m	
Commercial Flag	Not permitted.	Not permitted.	One per Lot	Not permitted.	Not permitted.	
			Maximum height : 6m			
			Maximum area of flag:			
			4.5m <sup>2</sup>			

198

Local Planning Policy No. X : Advertising Signs

Proposed LPP \*\*: Advertisements and Advertising Signs - New

#### APPENDIX 3: ZONING SPECIFIC PROVISIONS - SIGNS ATTACHED TO BUILDINGS Residential Regional Centre Service Commercial **Rural Landscape** Rural Viticulture and Tourism lots without Centre **Light Industry** Conservation vehicular access from Local Centre **General Industry Bushland Protection** Tourism Bussell Highway. **Rural Residential** Tourism lots with vehicular access from **Bussell Highway.** Cantilever sign Not permitted. Not permitted. Not permitted. One per tenancy One per tenancy To be wholly located To be wholly located under the roofline under the roofline and/awning. and/awning. Maximum area: 2m2 Maximum area: 2m2 Verandah/ Not permitted. One per tenancy One per tenancy Not permitted. Not permitted. Awning Must be contained Maximum height & Area: within the outline of the Must be contained within Verandah/ Awning the outline of the Verandah/ Awning Window<sup>1</sup> Maximum 25% of the Not permitted · Maximum 25% of the Not permitted. Not permitted. glazing or 10m<sup>2</sup> per glazing or 10m2 per tenancy, whichever is tenancy, whichever is lesser. lesser. Must not be solid or · Must not be solid or prevent two way vision. prevent two way vision. Wall<sup>2</sup> Residential Use Maximum 25% of the Maximum 25% of the Not permitted. Not permitted. · Indicate the name of the façade or 10m² per façade or 10m2 per building only tenancy, whichever is tenancy, whichever is Maximum letter and lesser. lesser. number height of 300mm. Non Residential Use/s Indicate the name & contact details of the business only Maximum letter and number height of 300mm. Roof Not permitted. Not permitted. Not permitted. Not permitted. Not permitted. **Animated Sign** Not permitted for commercial purposes. Only permitted for not-for-profit organisation, school and/or other authority to display community messages.

Note 1: Advertisements affixed inside or painted on a shop window are exempt under Schedule 11 of the Scheme.

Note 2: Wall signage below the top of an awning or in the absence of an awning below a line measured at 5 metres from the ground floor level of any shop/bulky goods showroom.

Local Planning Policy No. X: Advertising Signs

#### 7. GENERAL DISCUSSION ITEMS

#### 7.1 LOCAL PLANNING POLICY REVIEW - REVIEW OF LPP 1.5 COASTAL SETBACKS

#### **RECOMMENDATION**

That the Council note that Local Planning Policy 1.5 Coastal Setbacks (LPP 1.5) will be reviewed as part of the broader review of all local planning policies.

A review of LPP 1.5 will be undertaken as part of the broader Stage 2 review of the content and relevance of all local planning policies. LPP 1.5 was originally adopted by Council on 17 October 2007, and an amended version was adopted on 10 March 2010.

The policy applies to lots within the Residential zone that have a density coding of R25 or less, and that abut a coastal foreshore reserve that fronts Geographe Bay, or front a street adjoining a coastal foreshore reserve immediately opposite the lot (for example, but not limited to, residential lots on Geographe Bay Road). Lots that are within a Special Character Area (for example Quindalup, Old Dunsborough, Eagle Bay and Yallingup) are not subject to the policy provisions.

In its current form, the objectives of LPP 1.5 are:

- 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:
- 2.3.1 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.
  - a) Setbacks for development should assist in ameliorating the impacts of building bulk when viewed from the coastal reserve and primary street.
  - b) The taller and longer a wall is, the further it should be setback from the coastal reserve or primary street.
  - c) 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.

The R-Codes (Table 1) provides requirements for front and rear setbacks; clause 5.1.2 allows for a 50% reduction to primary street setbacks. The LPP requires that setbacks must be in accordance with Table 1, and an additional 3m setback is specified for enclosed built form greater than 5m in height.

The following is a comparison between R-Code provisions and LPP requirements:

Density	R-Code Table 1	Primary Street Setback	LPP Requirement
Coding	Requirement / LPP	Variation under R- Code	(enclosed built form >5m)
	Requirement (built form	cl. 5.1.2	
	<5m)		
R2	20m	10m	23m
R5	12m	6m	15m
R10	7.5m	3.75m	10.5m
R20	6m	3m	9m

201

In summary, any reduction to a front or rear setback that could normally be considered under the R-Codes is not permitted, and for any enclosed built form greater than 5m in height a setback greater than R-Code requirement is specified. Note, however, that these are standards that may be varied, on a case-by-case basis.

An initial review of streetscapes and approvals that have occurred since the policy was adopted indicate that:

- Generally, streetscapes tend to continue to be open and low rise, although there is little evidence of a consistent seaside architectural vernacular.
- Streetscapes should be considered on a locality by locality basis due to differences in significant factors such as the width of road reserves, the width of foreshore reserves, vegetation within the foreshore reserves and the verge, the location of coastal pathways, sections of Geographe Bay Road that are intercepted by lots with a different (non-applicable) zoning, and the approximate 'era' that land parcels were created and dwellings constructed. The policy may be redundant for some of these localities.
- Across all streetscapes, there is no consistent setback of dwellings. This may be due to ad-hoc
  periods of construction, for example the older fibro 'coastal shacks' tend to have greater
  setbacks than recently constructed dwellings.
- Some localities have significant opportunity for subdivision under the current planning framework; where subdivision has already occurred it has tended to result in long narrow lots whereby resultant dwellings take full advantage of Scheme height provisions and are constructed as far forward on the lot as possible.
- The majority of development and building approvals that have been issued since of the inception of the policy in 2007 have been compliant with the policy provisions. Increasingly in the past five years, applicants have been granted discretions to the front setback provisions (for example, reduced setbacks for upper floors that are enclosed).
- There is evidence of some inappropriate design outcomes being driven by the policy such as upper floors set back behind ground floor garages, when a better design outcome could have been achieved if the opposite were the case.
- Inconsistency between the controls and future planning directions in some areas, where
  medium-density, medium-rise development is planned in the future (e.g. Geographe Bay Road
  between West and King Streets in West Busselton, and in Dunsborough between Elmore and
  Dunn Bay Roads).

The next stage of this policy review will include the following considerations:

- An assessment of how the policy conflicts with or complements recent planning strategy and policy documents; and how the policy aligns with proposed changes to the Scheme such as the Western Ringtail Possum Habitat Protection Special Control Area.
- The cost or benefit to the broader community in retaining or revoking the policy through consultation with affected landowners and the broader community that utilises the coastal foreshore reserves.
- If retained, whether particular design elements could be introduced to allow for a relaxation of the policy requirements, but also lessen the built form impact in the coastal setting.

To assist in the review of the policy, officers are proposing discussion in relation to the next and subsequent stages of the review.

#### 7.2 COUNCILLOR CODE OF CONDUCT REVIEW

On 27 June 2019, the *Local Government Legislation Amendment Act 2019* was passed by Parliament. This Act addresses the following key areas:

- Elected member training;
- The treatment of gifts;
- A new code of conduct;
- Changes to the Standards Panel;
- Best practice standards for CEO recruitment, performance review and early termination; and
- Greater transparency as more information will be made more easily accessible online.

The reforms that have already come into operation include:

- Introduction of universal training for candidates and council members;
- Greater access to information held by a local government;
- Changes to the Standards Panel; and
- The new gifts framework.

The Local Government Regulations Amendment (Consequential) Regulations 2020 will bring into effect measures relating to:

- the harmonisation of the appointment of authorised persons across multiple pieces of legislation in the local government portfolio;
- local and statewide public notices; and
- improved access to information, including through publication on the local government's website.

Feedback on a consultation draft was due (and provided by the City) by 13 July 2020.

These regulations do not bring into effect reforms in relation to:

- A new code of conduct; and
- Best practice standards for CEO recruitment, performance review and early termination.

The Department of Local Government Sport and Cultural Industries (the Department) has released for consultation model standards for CEO recruitment, termination and performance management, and a model code of conduct. This feedback is being currently being considered, and the Department's website says they will come into effect in 2020. The Department have confirmed via email that it is hoped that the Model Code of Conduct will be finalised by the end of 2020, but that there is no definite timeline for endorsement at this stage, due to COVID.

The City's current Codes of Conduct were adopted in June 2017 (C1706/129) as both a consolidated code and as individual codes for Councillors, committee members, employees, and contractors. Council resolved to:

- 1. Cancel Policy 037 Code of Conduct
- 2. Adopt the suite of documents that form a new Code of Conduct that incorporates the following:
  - Consolidated Code of Conduct (Attachment B);
  - Council Members Code of Conduct (Attachment C);
  - Committee Members Code of Conduct (Attachment D);
  - Employees Code of Conduct (Attachment E); and
  - Contractors Code of Conduct (Attachment F).

The City has identified a need to run Code of Conduct refresher training for its employees, and has been working on a revised Employee Code of Conduct. At the same time, in lieu of a Model Code and not knowing when this will come into effect, officers have also commenced drafting of an interim revised Councillor Code of Conduct.

Before progressing further however officers are seeking the Committee's view on whether they would like to see an interim review of the Code of Conduct for Councillors and for Committee members, to refresh the current Code and ensure it is appropriate to the current context Councillors operate within. It will of course require us to review the Code again once the Model Code is brought into play.

Officers would ideally like to review the full suite of the Codes together to ensure there is alignment where required, however in the event that Councillors would prefer to wait for the Model Code to be brought into effect, the City will further determine whether to progress with the review of the Employee Code of Conduct, and what would be required (with respect to the current documents) to do so.

- 8. <u>NEXT MEETING DATE</u>
- 9. <u>CLOSURE</u>