

Please note: These minutes are yet to be confirmed as a true record of proceedings

CITY OF BUSSELTON

MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 29 JANUARY 2020

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MINUTES

MINUTES OF POLICY AND LEGISLATION COMMITTEE HELD IN COMMITTEE ROOM,
ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 29 JANUARY 2020 AT 10.00AM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 10.06am.

2. ATTENDANCE

Presiding Member:

Cr Ross Paine

Members:

Cr Grant Henley Mayor
Cr Kelly Hick Deputy Mayor
Cr Kate Cox
Cr Lyndon Miles

Officers:

Mr Paul Needham, Director, Planning and Development Services
Ms Sarah Pierson, Manager, Finance and Corporate Services
Ms Jennifer May, Manager, Commercial Services
Mrs Tanya Gillett, Manager, Environmental Services
Ms Lee Reddell, Manager, Development Services
Mr Ian McDowell, Ranger and Emergency Services Coordinator
Mrs Meredith Dixon, Public Relations Coordinator
Mrs Vicki James, Community Development Coordinator
Ms Stephanie Navarro, Senior Development Planner
Mrs Jacquie Happ, Cultural Development Officer
Ms Melissa Egan, Governance Officer

Apologies:

Nil

3. PUBLIC QUESTION TIME

Nil

4. DISCLOSURE OF INTERESTS

Nil

5. CONFIRMATION AND RECEIPT OF MINUTES

5.1 Minutes of the Policy and Legislation Committee Meeting held 12 November 2019

COMMITTEE DECISION


PL2001/281 Moved Councillor K Hick, seconded Councillor G Henley

That the Minutes of the Policy and Legislation Committee Meeting held 12 November 2019 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.1 REVIEW OF COUNCIL POLICY: BEACH AND FORESHORE AREAS - ACCESS BY THE HOLDER OF A COMMERCIAL FISHING BOAT LICENCE

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
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 Council Policy: Beaches and Foreshore Areas - Access by the Holder of a Commercial Fishing Boat Licence ↓ 

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL2001/282 Moved Councillor G Henley, seconded Councillor K Cox

That the Council rescinds Council policy '009/6: Beaches and Foreshore Areas – Access by the Holder of a Commercial Fishing Boat Licence'.

CARRIED 5/0

EXECUTIVE SUMMARY

A review of Council Policy 009/6: Beaches and Foreshore Areas: Access by the Holder of a Commercial Fishing Boat Licence (the Policy) has been undertaken. Following the review 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 internal guideline. This report seeks to rescind the Policy. A copy of the Policy is attached (Attachment A).

BACKGROUND

A review of the Policy has been undertaken in accordance with the City's policy review schedule.

Since the last review of the Policy in November 2017, the City 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

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 supporting information more aligned to the administrative function of issuing permits rather than a strategic statement of the Council and as such, the development of an Operational Practice or an internal guideline document is more appropriate.

Statutory Environment

Pursuant to section 2.7(2)(b) of the *Local Government Act 1995*, a role of Council is to determine the local government's policies.

Pursuant to section 2.1(1) of the *City of Busselton Local Government Property Local Law 2010*:

"Unless under the authority of a permit or determination a person must not take or cause a vehicle to be taken onto or driven onto local government property".

Local government property includes beaches and foreshores, except where land is in private ownership, or is managed by the State Government's Department of Biodiversity, Conservation and Attractions (DBCA).

The authority to administer the provision of Local Laws, including issuing permits, is delegated to the Chief Executive Officer under the provisions of the section 3.18 of the *Local Government Act 1995*. Accordingly, there is no need to have a Council Policy for what is essentially an administrative function.

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 009/6: Beaches and Foreshore Areas: Access by the Holder of a Commercial Fishing Boat Licence; and
2. Ask that officers present a revised policy for Council's consideration at a later point in time.

CONCLUSION

Following a review of Council Policy 009/6: Beaches and Foreshore Areas: Access by the Holder of a Commercial Fishing Boat Licence it has been determined by officers that the policy is not strategic in nature and as such, can be administered by the City as an Operational Practice or similar internal guideline. This report recommends to rescind the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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

Last Updated 08/11/2017

009/6	Beaches and Foreshore Areas – Access by the Holder of a Commercial Fishing Boat Licence	V3
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PURPOSE

The purpose of this policy is to establish a framework for the management of beach and foreshore access by the holder of a Commercial Fishing Boat Licence.

SCOPE

This policy will guide the community and staff in the process for allowing holders of a commercial fishing boat licence to access the City's beaches and foreshore in a vehicle.

DEFINITIONS

Commercial Fishing: means fishing for a commercial purpose.

Commercial Fishing Boat Licence: means a licence granted under the *Fish Resources Management Regulation 1995* authorising an individual to engage in commercial fishing (issued by the Department of Fisheries Western Australia).

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

Vehicle: means every conveyance and every object capable of being propelled on wheels, tracks or otherwise but does not include a trailer.

POLICY CONTENT

Pursuant to clause 2.1 (1) of the City of Busselton *Local Government Property Local Law 2010* (the Local Law):

"Unless under the authority of a permit or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property".

Beach Access

Beach and foreshore areas and all adjoining reserves are to be left clean at all times.

Vehicles may only enter and exit beaches via the established formal access points at the following locations:

- Abbey Beach (eastern side of car park)
- Bunkers Bay Beach
- Castle Rock
- Dolphin Boat Ramp
- Eagle Bay Beach (eastern end)
- Eagle Bay Beach (western end)
- Eagle Bay Beach (middle, locked gate)
- Meelup Beach
- Siesta Park
- Smiths Beach (southern end)
- Quindalup Professional Fisher's Boat Ramp
- Quindalup Public Boat Ramp
- Wonnerup Beach Access

Temporary Beach Access Permit

Prior to accessing the City's beach and foreshore areas in a vehicle, holders of a Commercial Fishing Boat Licence are required to apply for a 'Commercial Fisher's Beach Access' permit from the City.

There is a limit of three vehicles plus trailers per permit. Permits are not transferable between vehicles without written approval from the City.

6.1 Attachment A

Council Policy: Beaches and Foreshore Areas - Access by the
Holder of a Commercial Fishing Boat Licence

Last Updated 08/11/2017

Permits are subject to the application fee as set out in Council's Adopted Schedule of Fees and Charges. Beach access permits for holders of a commercial fishing boat licence will generally be valid for a period of three years.

Vehicles

Only vehicles licenced/registered with the Department of Transport are permitted on the City's beaches and foreshore.

Policy Background

Policy Reference No – 009/6

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy Approved by – Council

Date Approved – 08/11/2017

Review Frequency – as required

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

History










Council Resolution	Date	Information
C1711/273	8 November 2017	Policy reformatted to City standard Definitions included to provide clarity Terminology change from 'Licenced Professional Fishermen' to 'Holder of a Commercial Fishing Boat Licence' Information relating to the payment of an application fee included Permit period extended to three years Version 3
C0412/435	8 December 2004	Resolved as a continuing policy of the Council – no change Version 2
C0211/504	13 November 2002	Amendment to include Siesta Park as an approved access point. Version 2
		Version 1

10.10am: At this time, Mr McDowell and Mrs Gillett left the meeting.

10.10am: At this time, the Presiding Member agreed to move item 6.4 forward for the benefit of officers presenting the item.

10.10am: At this time, Ms Reddell and Ms Navarro entered the meeting.

6.4 LOCAL PLANNING POLICY REVIEW - REVOCATION OF LOCAL PLANNING POLICIES LPP1A, LPP1E, LPP1G, LPP1H AND LPP8B.

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	Senior Development Planner – Policy - Stephanie Navarro
AUTHORISING OFFICER	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	Simple Majority
ATTACHMENTS	Attachment A LPP 1A : Canal Lots  
	Attachment B LPP 1E : Grouped and Multiple Dwellings and Habitat 
	
	Attachment C LPP 1G : Kalgaritch Estate  
	Attachment D LPP 1H : Abbey Green Estate  
	Attachment E LPP 8B : Social Impact Statements  

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL2001/283 Moved Councillor G Henley, seconded Councillor K Hick

That the Council:

1. Revoke the following Local Planning Policies as set out below:
 - LPP 1A : Canal Lots;
 - LPP 1E : Grouped and Multiple Dwelling and Habitat;
 - LPP 1G : Kalgaritch estate;
 - LPP 1H : Abbey Green Estate; and
 - LPP 8B : Social Impact Statements.
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*.

CARRIED 5/0

EXECUTIVE SUMMARY

The City has commenced a review of its local planning policies (LPPs). Stage 1 of this review in March 2019 was policy neutral and converted the LPPs into a new format. This review took the LPPs from the existing manual structure and separated them into individual policies.

The City has now commenced Stage 2 of the process which involves reviewing the content and relevance of all LPPs. As part of this stage, the City has already revoked three LPPs which were considered to be redundant due to changes in legislation. It is proposed as part of this stage that another five LPPs be revoked.

The LPPs proposed to be revoked as part of this report are as follows:

- LPP 1A : Canal Lots;
- LPP 1E : Grouped and Multiple Dwelling and Habitat;
- LPP 1G : Kalgaritch estate;
- LPP 1H : Abbey Green Estate; and
- LPP 8B: Social Impact Statements.

BACKGROUND

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide that LPPs may be prepared by a local government in respect of any matter related to the planning and development of the Scheme area.

The intention of an LPP is to provide guidance to applicants and developers in regards 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 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 consideration in the assessment of development 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 – ‘Deemed Provisions for Local Planning Schemes’ (Deemed Provisions).

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 reformatted the LPPs into a new, easier to read template and took the LPPs out of a manual structure, separating them into individual policies.

These changes were adopted by the Council at its meeting held on 27 March 2019 (C1903/053).

The City has now commenced the second stage of this process and is reviewing the content and relevance of its LPPs. Due to the number of LPPs and the complexity of issues which need to be addressed, this review is intended to be broken down into a number of stages.

At its meeting held on 30 October 2019, the Council resolved (C1910/208) to revoke three LPPs that were considered to be redundant and it is now proposed that another five LPPs be revoked for the reasons outlined in the report below.

As part of this stage, the following LPPs have been identified as being redundant and are recommended to be revoked:

- LPP 1A: Canal Lots;
- LPP 1E: Grouped and Multiple Dwelling and Habitat;
- LPP 1G: Kalgaritch estate;
- LPP 1H: Abbey Green Estate; and
- LPP 8B: Social Impact Statements.

A further, more comprehensive description of each of the above LPPs and the reasons why they are considered to be redundant is provided within the Officer Comment section of this report. The LPPs will be revoked following a Council resolution via a notice of revocation published in a local newspaper.

OFFICER COMMENT

Below is a description of each of the LPPs that City officers are recommending be revoked and the reasons why they are now considered redundant.

LPP 1A: Canal Lots

LPP1A was adopted as part of 'LPP1 – Residential Development Policy' (previous policy manual format) by the Council at its meeting on 17 October 2007 (C0710/236). LPP1A was introduced to ensure consistent standards were achieved for residential development which fronted onto canals. At the time that LPP1A was adopted there were no setback provisions for buildings to canals within the Scheme.

LPP1A provides guidance in relation to setbacks from canal lot frontages where a lot has more than one frontage (or boundary) to a canal. In these instances, one canal is required to be nominated by the City as the "primary canal frontage". This frontage is required to achieve a minimum setback of 4.5m and average setback of 6m. The other canal frontage shall be deemed the "secondary canal frontage" and therefore is not required to achieve the 6m average however a minimum setback of 4.5m will still apply.

It is noted that the only canal lots within the City are located within the Port Geographe Development Special Control Area and therefore the provisions of clause 5.9 – Port Geographe Development Area of the Scheme and LPP4B – Port Geographe Village Centre apply to these lots. Clause 5.9.2(g) of the Scheme includes provisions for setbacks from canal walls and states as follows:

No building shall be erected closer than 4.5 metres from the landward side of the stabilised canal edge, subject to an average setback of 6.0 metres and the general appearance of the canal being maintained. Engineering certification will also need to be provided with a building licence application ensuring that no additional structural loads are placed on the canal walls.

The requirements within LPP1A are therefore consistent with the Scheme with the exception of the requirement to not meet the 6m average where the canal is deemed to be the "secondary canal frontage". An aerial review of the Port Geographe Development Area indicates that there are 21 canal lots within Port Geographe with more than one canal frontage. 13 of these lots have already been developed with 8 of these lots still vacant. Given the small number of lots with dual canal frontages and the likelihood that any variation sought (through a development application) to the secondary frontage setbacks would be minor in terms of neighbour and visual amenity, the setback provision in the policy is considered unnecessary.

The LPP also provides guidance in relation to appropriate setbacks for shade sails on canal lots. The R-Codes define 'pergolas' (which for the purposes of this discussion includes shade sails) as "*an open framed structure covered in water permeable material or unroofed which may or may not be attached to a dwelling*". Pergolas are not considered 'buildings' under the R-Codes and therefore are not subject the street setback or lot setback requirements at Parts 5.1.2 of Volume 1 of the R-Codes which specifically relate to building setbacks. The installation of a shade sail in a Residential zone does not typically require any development approval on this basis. As such, it is considered inappropriate to introduce de facto setback controls for shade sails associated with Single Houses through this policy.

For the reasons above, the Policy is considered to be superfluous to the Scheme requirements and other LPP requirements and it is recommended that LPP1A be revoked.

LPP 1E: Grouped and Multiple Dwelling and Habitat

On 14 December 2005, the Council resolved to develop a consolidated residential development Policy. This LPP was to supersede the Dual Occupancy Development Policy (1994) and contain only the provisions within the Residential Development Policy (1994) which had not become redundant through the gazettal of the District Town Planning Scheme No. 20 in 1999 and the introduction of the Residential Design Codes of WA in October 2002 (C0512/387).

Through the development of the LPP an Environmental Reference Group was consulted who suggested that the policy should incorporate provisions to protect native vegetation on private property, particularly *Agonis flexuosa* (WA Peppermint Trees) and other vegetation that forms important habitat for the Western Ringtail Possum (WRP). Provisions were developed and incorporated into the LPP whereby the design of infill development in Busselton and Dunsborough would be encouraged to minimise the impact of development on WA Peppermint trees.

It was considered at the time that applying these provisions to Single Houses would be difficult to introduce without further detailed assessment as to the impact the controls may have on development. It was therefore considered that this was beyond the scope of the policy. The LPP did however propose that Grouped and Multiple Dwelling development aim to reduce the impacts of development by retaining trees with a trunk diameter greater than 10cm, requiring 3m buffer areas around trees as well as incorporating new WA Peppermint trees in landscaping within the lot and/or verge to create habitat and habitat connections for WRP. The final version of the LPP containing these provisions was adopted by the Council at its meeting held on 17 October 2007 (C0710/236 refers). It is noted however that the Policy carries no significant statutory weight given no formal tree controls exist in Residential areas and there is no direct reference to the matter of tree retention for such development in the Scheme.

It is considered that the current provisions within the LPP will become redundant with the introduction of Scheme Amendment 42 which proposes to introduce a 'Western Ringtail Possum Habitat Special Control Area.' Amendment 42 was initiated by the Council at its meeting held on 10 April 2019 and is currently with the Department of Planning, Lands and Heritage awaiting consent to advertise. It is anticipated that Amendment 42 will be advertised in early 2020 and at such time it will be considered to be a 'seriously entertained' planning document and therefore can be given due regard in the assessment of development application.

Amendment 42 proposes to introduce into the Scheme a Special Control Area within which a development application will be required prior to the removal of native trees of a certain size. The Special Control Area will include the Residential zoned areas within Busselton and Dunsborough which currently do not have controls around clearing within the Scheme. It is proposed that an associated LPP will be developed in conjunction with Amendment 42 that will include provisions for the assessment of development applications within the Special Control Area and require in the first instance the removal of native trees be avoided and/or minimised and where this is not possible it will include specific requirements for replacement planting.

With the initiation of Amendment 42, and proposed associated LPP, it is considered that this Policy will become redundant and once advertised Amendment 42 will be considered a 'seriously entertained planning document' and therefore can be considered in the assessment of development application. It is therefore recommended that the policy be revoked.

LPP 1G: Kalgaritch Estate

LPP1G was adopted on 8 July 1992 and was introduced to ensure the protection of properties from potential flooding and to preserve residential amenity of former lots 170 and 171 Queen Elizabeth Avenue, Beachlands (subsequently subdivided and known as 'Kalgaritch Estate').

'Kalgaritch Estate' is zoned Residential with a residential density of R2.5. Under the R-Codes the minimum lot size at this density is 4,000m². It is noted however that the range of lot sizes within this Estate is from 2,000m² to 4,000m² and therefore the Policy was introduced to allow concessions for reduced setbacks of 3m for outbuildings or similar structures to the side and rear setbacks. The deemed-to-comply criteria of R-Codes requires 7.5m to side and rear boundaries at an R2.5 density. By removing these provisions, the City may still award these concessions considered through the assessment of a proposal against the Design Principles of the R-Codes.

In addition to the above, the LPP1G also prescribes a 21 metre buffer strip to the Sub "A" Drain along Queen Elizabeth Drive for the purposes of overland flow in event of flooding. The lots which abut the Sub "A" Drain along Queen Elizabeth Drive have drainage easements along the rear of 10m or 20m which are considered to be sufficient to ensure development does not occur within this area and unreasonably interfere with overland flow paths should the Sub "A" Drain flood. It is further noted that should such a matter be considered sufficiently important to warrant development control, it should always be contained within the Scheme itself given the limited statutory weight given to LPPs.

It is therefore considered that this Policy is redundant and it is recommended that it be revoked.

LPP 1H: Abbey Green Estate

LPP 1H applies to former lots 100 to 133 Ray Avenue, Broadwater which were subsequently subdivided into 34 individual green title lots. These lots have been developed as Single Houses however function in association within the neighbouring aged person's facility 'Ray Village'. There are restrictive covenants over these properties which limit the age of occupants to persons over 50.

The original version of this LPP titled 'Abbey Green Housing and Development – Ray Avenue Broadwater' was originally adopted on 26 June 1997. The previous version of this LPP included provision for the following:

- Building envelopes;
- Architectural style;
- Finishes;
- Vehicle parking;
- Fencing;
- Driveways;
- Landscaping;
- Clothes lines;
- Screening of rubbish bins;
- TV antennas;
- Storerooms/sheds;
- Solar water heaters; and
- Air conditioners.

As part of a review of the LPPs in 2009 the above LPP was amended and only two provisions within the original LPP were retained which related to height of development, being limited to single storey, and the retention of mature *Agonis Flexuosa* - WA Peppermint. These provisions were inserted into Element H 'Abbey Green Estate' of LPP1 – Residential Development Policy with the following commentary relating to these changes inserted into the background notes:

*The Abbey Green Performance Standards have been significantly reduced in scope in recognition of the ineffectiveness of the earlier version of the policy to control the matters which it was originally designed to control. The Abbey Green component of the policy now only seeks to restrict two matters, being: the restriction of redevelopment to single storey; and the removal of habitat trees (specifically the mature *Agonis Flexuosa* - WA Peppermint).*

These changes to the LPP were adopted by the Council at its meeting held on 14 October 2009 (C0910/354).

The lots which are covered by this LPP have now all been developed in accordance with these requirements. It is considered that as there is no planning basis for the height controls by the LPP and that an LPP is not the appropriate mechanism to control height. Furthermore, it is considered that the vegetation controls are inconsistent with the requirements for other similar adjoining residential areas which do not have any such 'controls'.

It is noted that the City has initiated Amendment 42 which will include these lots in a 'Western Ringtail Possum Habitat Protection Special Control Area' which intends to impose consistent controls around the clearing of vegetation throughout the City.

It is therefore considered that this Policy is redundant and is recommended that it be revoked.

LPP 8B: Social Impact Statements

In 1996 a local planning policy was adopted by the Council that required the preparation of a Social Impact Statement (SIS) for significant development proposals. This LPP was subsequently amended by Council at its meetings held on 9 September 1998 and again on 17 October 2007. As part of these amendments, the application of this LPP was broadened to include all development proposals which require advertising as well as strategic development projects. In addition, the requirements regarding the content of the SIS were modified.

The intention of this Policy was to outline those matters which should be considered in the assessment of a development application. These matters included economic, social, transport, ecological, cultural and other potential cumulative impacts. The Policy also includes a pro-forma SIS for minor development proposals such as Residential Enterprise, Cottage Industry or Bed and Breakfast Accommodation.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) contains at Clause 67 'Matters to be considered by local government' for development applications. Amongst other things, Clause 67 includes:

- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development; (emphasis added)***

Given the introduction of the 'Matters to be considered' in the Deemed Provisions of the Regulations, the requirements of LPP8A have effectively been superseded. It is further noted the detailing of such requirements is better suited to an information sheet and/or checklist that can be submitted by the applicant with their development application, and is not necessary to be addressed within an LPP.

In addition, LPP8A outlines procedures for different levels of 'stakeholder and community consultations' for different types of applications. This is considered to be a procedural issue in the assessment of development applications and therefore better suited to an internal procedure and not an LPP.

It is therefore considered that this Policy is redundant and is recommended that it be revoked.

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* (Scheme) and the *Planning and Development (Local Planning Schemes) Regulations 2015*, especially Schedule 2 (Deemed Provisions) of the Regulations, which form part of the Scheme.

The Deemed Provisions include procedures for the creation, amendment and revocation of an LPP. Clause 6(b) of Part 2 of Schedule 2 of the Deemed Provisions allows a local planning policy to be revoked by a notice of revocation prepared by the local government and published in a newspaper circulating in the Scheme area.

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.

The Deemed Provisions do not require the same consultation when a LPP is to be revoked and an LPP can be revoked via a notice of revocation published in a newspaper circulating in the Scheme area.

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 proposed recommendation, the Council could choose to not revoke one or more of the LPPs recommended to be revoked as part of this report.

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 policy revocations. It is expected that this will occur within one month of the Council decision.

Local Planning Policy No. 1A CANAL LOTS



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 ensure a high standard of development is achieved for residential developments for lots within the Port Geographe Development Area outside the area defined as the Port Geographe Village Centre (which are subject to the Port Geographe Village Centre Guidelines).

3. INTERPRETATION

N/A

4. POLICY STATEMENT

All applications for development shall be required to comply with the provisions of the Scheme. Additionally, the following provisions apply:

4.1 Building Setbacks

- 4.1.1 Lots which front a canal on more than one boundary will require one nominated primary canal frontage to achieve a 4.5 m minimum, 6.0 m average setback, with the other (secondary) canal frontage to achieve a 4.5 m minimum setback. The City of Busselton shall nominate which canal frontage is required to achieve the 6.0 m average.

4.2 Setbacks for 'Shade Sails'

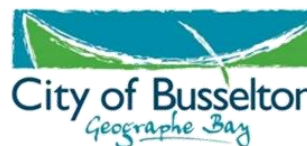
- 4.2.1 For the purposes of this policy, Shade Sails are considered to be structures comprised of poles with shade cloth restrained between and unenclosed on all sides, except where directly abutting a dwelling. (Note: shade sails are considered to be a building or a load bearing structure requiring engineer's certification and a building licence.)
- 4.2.2 Posts associated with shade sails shall be setback a minimum of 4.5 m from the canal boundary, unless it is considered that a setback of less than 4.5 m will not undermine the amenity of the adjoining property and the consent of the affected adjoining property owner has been received. Shade sails shall be no higher than 3.6 m unless otherwise determined.
- 4.2.3 Shade Sails shall be exempt from the calculation of average rear setbacks and site coverage under the R Codes.

5. REVIEW DETAILS

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

Local Planning Policy No. 1E

GROUPED AND MULTIPLE DWELLINGS AND HABITAT



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

This policy provision has been prepared to provide criteria for reducing the impact of potential habitat tree loss in grouped and multiple dwelling development projects.

The Western Ringtail Possum inhabits areas associated with *Agonis flexuosa* (WA Peppermint) woodland and is listed as a Threatened (Vulnerable) Species under Commonwealth and State legislation.

3. INTERPRETATION

N/A

4. POLICY STATEMENT

To ensure the protection of residential amenity, Western Ringtail Possum habitat and the reasonable development of built form within the City, the following policy provisions will apply to all grouped dwelling and multiple dwelling development applications:

- 4.1 The location of all WA Peppermint trees with an individual or combined trunk diameter of 10 cm or greater (measured at 1.5 m above ground level) shall be depicted on the site plan when the application is submitted for Planning Consent.
- 4.2 To provide for the protection of Western Ringtail Possum habitat, the design of developments shall make every attempt to minimise impacts on WA Peppermint trees and applications may be refused or modified through conditions of approval where an alternative design response would reduce the loss of significant habitat trees. The following measures may assist in minimising impacts, and should be implemented in a manner that aims to reduce the impacts through development layout and/or landscape design:
 - a) Retain peppermint trees of more than an individual or combined diameter of 10 cm measured at 1.5 m above ground level) to the greatest extent possible whilst avoiding;
 - i. impacts on tree roots – include a buffer [preferably 3 m] within which limited or no soil disturbance can occur;
 - ii. branch pruning (especially where canopy connection could be affected); or
 - iii. filling of more than 0.5 metres over pre-construction soil height around the base of trees.
 - b) Positively consider the following design initiatives;
 - i. Incorporation in landscaping of new WA Peppermint trees to replace any that must be removed, as a result of the development;
 - ii. set aside areas to maintain and/or create habitat and connections to adjoining urban habitat; and

Local Planning Policy No. 1E GROUPED AND MULTIPLE DWELLINGS AND HABITAT



- iii. plant additional WA Peppermint trees (and plant sedge understorey if possible) to infill and enhance habitat, and nurture new trees to ensure they become reasonably established.

- 4.3 Where the approval of a development application would result in the loss of a tree(s) with an individual or combined trunk diameter in excess of 10cm (measured at 1.5 m above ground level) and replacement planting within the lot is not practicable, then the City may impose a condition of approval requiring the planting of replacement trees of a suitable size and maturity within the adjoining road reserve or open space reserve in the locality, to the satisfaction of the City.

5. REVIEW DETAILS

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

Local Planning Policy No. 1G KALGARITCH ESTATE



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 ensure the protection of property from potential flooding and to preserve residential amenity.

Applies to Lots 170 and 171 Queen Elizabeth Avenue Beachlands (subsequently subdivided and known as Kalgaritch Estate).

3. INTERPRETATION

N/A

4. POLICY STATEMENT

The following provisions apply -

- 4.1 3 metres shall be the acceptable side and rear setback for outbuildings or similar structures in the Kalgaritch Estate.
- 4.2 To ensure a safe flow path from any possible breach of the levee, structures are not permitted within the 21 metre buffer strip contained within the Kalgaritch Estate and west of the Sub "A" Drain (Queen Elizabeth Drive).
- 4.3 Outbuildings and structures are to be setback at least 10 metres from the front (primary road) boundary and preferably to the rear of the dwelling.
- 4.4 The requirements of G3.2 overrides the requirements of G3.1.

5. REVIEW DETAILS

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

Local Planning Policy No. 1H ABBEY GREEN ESTATE



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 preserve residential amenity by limiting buildings to single storey design and to ensure the protection of the W.A. Peppermint Tree (*Agonis Flexuosa*).

3. INTERPRETATION

N/A

4. POLICY STATEMENT

Applies to Lots 100 to 133 (inclusive) Ray Avenue Broadwater.

The following provisions apply –

- 4.1 Buildings shall comply with table 3, category A area buildings of the R Codes (single storey design).
- 4.2 To provide for the protection of Western Ringtail Possum habitat, the design of developments shall make every attempt to minimise impacts on WA Peppermint trees and applications may be refused or modified through conditions of approval where an alternative design response would reduce the loss of significant habitat trees.

5. REVIEW DETAILS

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

Local Planning Policy No. 8B SOCIAL IMPACT STATEMENTS



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 Background

Social Impact Assessment (SIA) is the process of analysing, monitoring and managing the social consequences of development. A Social Impact Statement forms part of a SIA process and is a beneficial tool in discovering potential issues and informing the community in the decision making process.

Where land use proposals are subject to a requirement for community consultation the preparation of a Social Impact Statement (SIS) can serve to increase the flow of information to the community, Council and the proponent and assist in resolving issues of concern. The preparation of a SIS provides the community with an opportunity to identify, as part of the decision-making process, those local values that are worth protecting, the opportunities to maximise benefits and minimise negative impacts from a decision, and provide an avenue for benefits of local knowledge to be made available to the proponent.

The successful implementation of the SIA process recognises that social, environmental and economic impacts are inextricably linked. The SIA process also requires consideration of likely flow on and cumulative impacts arising from decisions made.

The SIA process is also viewed as an opportunity for a proponent to identify how local community values have been taken into account, and generally to outline the potential costs and benefits of a proposal.

This Policy requires a SIS to be prepared for all development proposals which are subject to a community consultation/advertising process, as well as rezoning proposals and strategic planning proposals (such as reports accompanying Development Guide Plans, Detailed Area Plans). It is the clear intention of the City that the SIS provides the information necessary to inform the public fully on proposals and reduce the potential for misunderstanding. The extent of information required in any SIS and the method of engaging in community consultation will be directly proportionate to the extent of issues generated by the scale of the proposal.

2.2 Objectives

The overriding intent of requiring a SIS is to assist in revealing issues relevant to land use planning decisions that in turn results in a more environmentally, economically and socially sustainable environment. This process seeks to promote community development, build capacity and develop social capital (social networks and trust). This objective is guided by both general objectives, being the overarching intent of the policy, and guiding principles, to which the SIS and community consultation shall have regard.

2.2.1 Objectives

This policy seeks to provide:

- a. A framework for the identification of issues arising from development proposals that may impact on the social structure of the City;

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SOCIAL IMPACT STATEMENTS



- b. A consistent and thorough approach to the assessment of issues associated with proposals;
- c. A description of issues and means to address those issues for the consideration of the community and the City;
- d. Information and support for community input into the decision making process;
- e. Minimisation of negative impacts and maximisation of positive outcomes;
- f. Integration of expertise in the decision making process; and
- g. The consideration of a wide range of issues that have social implications, including: infrastructure, resource issues (and access to those resources), heritage impacts, landform impacts, economic and fiscal impacts, community impacts, cultural impacts, indigenous rights impacts, demographic impacts, transport impacts and other relevant considerations.

2.2.2 Guiding Principles

The preparation of a SIS and the fulfilment of this Policy shall take into account the principles of:

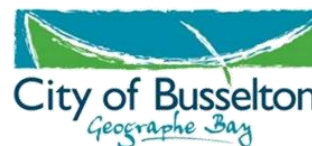
- a. Transparency/Honesty - The content and disclosure within a SIS should be accurate, truthful and based upon the highest degree of ethical and professional requirements.
- b. Precaution – Where potential issues of social impact are not fully certain, the lack of certainty should not be a reason for positive or negative consideration, rather the lack of certainty should guide the implementation of mitigation measures, monitoring and identification of requests for future information.
- c. Equity – Social impacts should not fall disproportionately on certain groups, particularly the disadvantaged or vulnerable such as the elderly, the economically disadvantaged, the young or those with special needs. In addition, costs should not be imposed on future generations or the environment;
- d. Polluter Pays – The full cost of avoiding or compensating social impacts should be borne by the proponent;
- e. Diversity – There are different interests, skills and values within a varied demographic within the community;
- f. Prevention – It is preferable to avoid negative social impacts than restoring or rectifying damage after an event;
- g. Health and Safety – The physical, and social wellbeing and safety of all people should be considered when assessing the risk of accidents and the impact on health; and
- h. Consultation - Consultation with potentially affected stakeholders, land owners/residents should commence at a very early stage in the development process (where possible pre lodgement of a DA or DGP, rezoning) in order to inform, consult and engage stakeholders fully in the consultation process.

2.3 Application

A SIS is required, in accordance with the criteria established in Part 4 – ‘Policy Provisions’ of this Policy, for:

- a. All proposals for rezoning; or amending of the Scheme.
- b. All proposals for strategic level development planning, such as information supporting Development Guide Plans, Strategies, Structure Plans, Detailed Area Plans, Scheme review; and
- c. Minor variations to DGPs, DAP's and structure plans will generally be exempt from the need to comply with the preparation of a SIS pursuant to this policy.

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In relation to development applications, it should be noted that any use that is identified as an 'SA' use in the Zoning and Development Table of Local Planning Scheme No. 21 (the Scheme) automatically requires advertising and therefore, the preparation of a SIS. A SIS will also be required for a use identified as an 'AA' use under the Scheme where the City determines that consultation is required. At the City's discretion, a SIS may be required for any other development application, including a 'Use Not Listed' in the Scheme and where consultation is necessary.

This policy should be read in conjunction with the City of Busselton Local Planning Scheme (the Scheme) and other City policies relating to development approval and is applicable in conjunction with any other requirement of Council for public consultation in regard to a development application.

The City reserves the right to require the preparation of a Social Impact Statement for any other development proposal where, due to its scale or nature, Council considers it appropriate.

3. INTERPRETATION

'Social Impact Assessment' – Includes the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of a land use planning decision to be made in respect of a particular development proposal and any social change process that results from that decision. The primary purpose is to bring about better planning decisions and a more sustainable and equitable ecological and human environment.

'Social Impact Statement' – A statement prepared pursuant to the requirements of the provisions of this policy to provide information relevant to the SIA of a proposal and consequential planning decision.

4. POLICY STATEMENT

4.1 Social Impact Statement - preparation

A Social Impact Statement shall be prepared to meet the guiding principles of part 2.2.2 of this policy and shall meet the following requirements:

- 4.1.1 The level of detail, consultation and investigation should relate directly to the scale of the development proposed and the extent of issues inherent in the consideration of the proposal.
- 4.1.2 Proposals that have the potential for significant social impacts will be required to be accompanied by a comprehensive SIS prepared on the basis of pre lodgement consultation and liaison with the local community and stakeholders and either level 2 or level 3 community consultation.
- 4.1.3 A SIS may be incorporated within information provided in support of a proposal, provided the scope of a SIS is completely addressed by a section dedicated specifically to this matter. Where a SIS is prepared as a stand-alone document, the replication of information may be required to ensure that the proposal, its context, and its potential impacts are fully described in the SIS.
- 4.1.4 Technical supporting information may be required to justify specific observations and information within an SIS. Impacts on traffic, noise, landform, vegetation, hydrology and land capability are all examples of where technical supporting information may be required.
- 4.1.5 The following matters shall be addressed in a SIS, to the satisfaction of the City:

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- (a) Economic Impact
 - Employment opportunities and estimate of number of jobs that will be created directly and indirectly as a result of the proposal;
 - Income generation (short and long term);
 - Impact on the local economy; including the engagement of local labour, local goods and services in the proposal;
 - Provision of capital infrastructure;
 - Provision of telecommunications and advanced technology
- (b) Social Impact
 - Benefits to existing community services;
 - Impact on existing community facilities;
 - Provision of affordable housing;
 - Impact on quality of life;
 - Provision of useable open space;
 - Identify stakeholders, the consultation level required (see part 6 of this policy) and possible strategies to engage community and maximise the informed debate on the proposal including an outline of the process for approval.
 - Long term costs and benefits to the community;
 - Requirements for additional facilities;
 - Access to resources;
 - Impact on community safety, security and social amenity
 - Noise and acoustic impacts (may require a separate technical report).
 - Visual Impact assessment impacts. (May require a separate technical report)
- (c) Transport Issues
 - Impact on local transport networks;
 - Availability and use of public transport, walking, cycling trips?
 - Impact on pedestrian/cycle networks;
 - Heavy vehicle movements and potential conflict (eg. school bus).
- (d) Ecological Impact
 - Potential for pollution/contamination;
 - Impact on greenhouse gas emissions - carbon footprint;
 - Impact on biodiversity and ecological values, including hydrology;
 - Impact on vegetation clearing;
 - Fauna habitat impact; and
 - Dust and air born particulate/odours. (May require a separate technical report)
 - Impact on potable water use (sustainable measures introduced?);
 - Impact on energy use (sustainable measures or initiatives introduced?).
- (e) Cultural Impact
 - Impact on local character, amenity and 'sense of place';
 - Impact on historic and cultural landscapes;
 - Form partnerships with community;
 - Impact on attractions of the area; and
 - Impact on places of heritage significance, both indigenous and post European settlement.

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- (f) Any other relevant considerations
- Construction impacts (short to medium term);
 - Operational impacts (long term); and
 - Likely flow on and cumulative impacts arising from the likely precedent a favourable planning decision may create.

4.2 Stakeholders and Community Consultation

Three broad levels of consultation are recognised by this policy as being required to meet the needs of the community based upon the principle that as the complexity and scale of proposals increases so does the community's need for constructive engagement in the planning process. These levels are identified in response to increasing potential for social impact arising from a proposal and are outlined in Schedule 2.

A Social Impact Statement prepared in accordance with this policy shall address the following requirements:

- 4.2.1 Stakeholder and community consultation shall be the responsibility of the proponent in accordance with this policy, including the identification of key stakeholders and the expected methods of community consultation to be undertaken by the proponent.
- 4.2.2 The City will be responsible for the statutory responsibility to advertise, inform and respond to submissions lodged during the formal advertising period. The City acknowledges submissions and informs submitters of the relevant process in respect to a final decision on the proposal. The City will make available a SIS prepared in support of a proposal and relevant associated documentation to whomever it is appropriate to consult in order to consider the proposal during formal advertising.
- 4.2.3 Following the conclusion of the advertising period the City may require further information or details to modify an SIS where any inconsistencies within the document have been highlighted, the accuracy of the original information is questionable or unclear or the statements made in the SIS are subjective and not verifiable based on acceptable technical or professional details. The City may highlight issues to the proponent as a result of submissions received, to which the proponent may be invited to respond.
- 4.2.4 The City strongly recommends that the proponent initiates constructive engagement between the applicant and the community/stakeholders before, during and after the formal advertising period for all levels of consultation.
- 4.2.5 In assessing the appropriateness of consultation methods for a proposal, due regard should be given to the likely social impacts and the methods to be adopted to reduce or resolve these social impacts including the level and type of consultation proposed by the applicant.

5. REVIEW DETAILS

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

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APPENDIX 1

SOCIAL IMPACT STATEMENT: PRO-FORMA (for minor development proposals)

As part of the City's assessment process, a *Social Impact Statement* is required to be prepared for all Development Proposals that require advertising, pursuant to the Local Planning Scheme. If you are unclear on the requirement for a Social Impact Statement, please discuss the matter with a City Planning Officer. The City may require the preparation of a Social Impact Statement for other development types due to the scale and nature of the proposal or the potential to have a specific impact.

Completion of this pro-forma will be acceptable as the Social Impact Statement for minor development proposals, such as Residential Enterprise, Cottage Industry or Bed and Breakfast Accommodation. Development proposals that are likely to generate significant off-site impacts, either through the construction or operation phases will require a more detailed Social Impact Statement prepared in accordance with City policy. Copies of the full policy and clarification on the requirement for a Social Impact Statement may be obtained by contacting a City Planning Officer on 9781 0444.

<i>A response is only required where applicable to the proposed development</i>			
1. PROPOSED DEVELOPMENT:			
a) LOCATION: AREA & OWNERSHIP OF SUBJECT LAND		LOT NO:	
Location:			
Area:			
Ownership:			
Applicant:			
b) BACKGROUND: EXISTING DEVELOPMENT / LANDUSE ON SITE (E.G. HOUSE, RESIDENCE)			
c) DESCRIPTION OF SITE			
➤ Topography (e.g. flat, swampy):			
➤ Vegetation (e.g. cleared):			
➤ Surrounding Development (e.g. residential):			
<i>Please tick as appropriate</i>	YES	NO	COMMENT
➤ Drainage			
➤ Water Supply			
➤ Effluent Disposal			
➤ Electricity/Gas Supply			
➤ Telecommunications			
➤ Sealed Roads			

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d) DESCRIPTION OF PROPOSAL
➤ Land Use:
➤ No. of Units / floor areas, location on-site:
➤ Estimated Cost of Development:
➤ Is Strata Subdivision Proposed?
➤ Implementation and Management:
➤ Developer/Proponent commitments (revegetation, management, provision of facilities):
2. CONSTRUCTION STAGE OF DEVELOPMENT: <i>(Comments should identify potential impacts and measures that will be used to mitigate potential impacts)</i>
a) ESTIMATED CONSTRUCTION TIME
b) NO. OF EMPLOYEES/CONTRACTORS
c) LIKELY IMPACTS (VISUAL, NOISE, DUST PARKING, ACCESS) E.G. FROM MACHINERY, BUILDING CONTRACTORS
d) ADDITIONAL INFRASTRUCTURE/SERVICES REQUIRED. E.G. DRAINAGE, ROADS, OVERHEAD POWER/SEWER
e) LOCAL AMENITY ISSUES (SHORT-TERM: DISTURBANCE, LANDSCAPE IMPACT ETC)
f) TRANSPORT/TRAFFIC ISSUES (CONGESTION, CONSTRUCTION WORKS ETC)

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g) ECOLOGICAL IMPACTS (SHORT-TERM: POLLUTION, COMMUNITY HEALTH ETC)
h) CULTURAL/HERITAGE IMPACTS (SHORT-TERM: BUILDING/SITE DISTURBANCE)
OTHER COMMENTS
3. OPERATIONAL STAGE OF DEVELOPMENT: <i>(Comments should identify potential impacts and measures that will be used to address these)</i>
a) ARE THE DEVELOPMENT IMPACTS SEASONAL AND/OR ONGOING?
b) NO. OF EMPLOYEES
c) ECONOMIC IMPACTS (EMPLOYMENT GENERATION ETC, LOCAL GOODS SOURCED)
d) SOCIAL IMPACT (COMMUNITY SERVICES/INFRASTRUCTURE REQUIREMENTS, IMPACT ON QUALITY OF LIFE OF RESIDENTS AND TOURISTS)
e) TRANSPORT/TRAFFIC ISSUES/PEDESTRIAN/CYCLIST SAFETY, CARPARKING ETC
f) ECOLOGICAL IMPACTS (POLLUTION ETC, COMMUNITY HEALTH, BIODIVERSITY ETC)
g) CULTURAL IMPACTS (LOCAL AMENITY, IMPACT ON TOURIST ATTRACTIONS AND PLACES OF HERITAGE SIGNIFICANCE)
h) PERCEIVED ISSUES OF OBJECTION/CONFLICT? (HOW WILL THESE BE ADDRESSED)?

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4. COMMUNITY CONSULTATION <i>(Comments should identify the expected level of community consultation required and measures employed to consult the community.)</i>
a) List the likely key issues of concern from affected stakeholders. (immediate vicinity)
b) List the expected level of community consultation required for the proposal and what actions are proposed to implement the appropriate level of stakeholder and community consultation identified. The levels of community consultation are defined by this Policy as: Level 1 - Inform, Level 2 - Consult or Level 3 - Engage
c) Has the immediate community been informed prior to formal lodgement of the application. What has been the response from the immediate community to this information?
d) Are there any perceived issues of concern expressed against the proposal by the immediate community?
e) Has the proposal been modified in response to preliminary community consultation? If so, how and to what extent?
OTHER COMMENTS

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APPENDIX 2

The City has identified three (3) levels of community consultation based upon the complexity of the proposal. The level of public engagement and community consultation methods should be specified by the proponent as part of the SIS based upon the scale of the proposal and therefore the potential for the proposal to generate social impacts. The following three categories should be referenced to the SIS and are provided as an outline of the expected methods of community consultation to be adopted by a proponent for a particular proposal:

LEVEL 1 - INFORM

Level 1 "informing" normally involves simple and relatively non impacting proposals such as simple rezonings, strategic proposals and smaller development applications. Methods and recommended approaches to assist can include the following:

- Factual information included in the SIS is needed to describe the full impact of the proposal.
- Information is provided to the immediate community prior to formal advertising of the proposal
- The public is informed of the results of the process.
- Information as necessary to ease concerns or prepare for involvements in the process.
- The issues are relatively simple and are clearly outlined.

LEVEL 2 - CONSULT

Level 2 "consulting" normally involves larger scale, potentially more socially impacting proposals such as rezonings, strategic proposals and development applications. Methods and recommended approaches to consultation can include the following:

- One on one or community representative meetings prior to formal advertising of the proposal.
- Community workshops to introduce the proposal and proponent.
- Produce and distribute a fact sheet.
- Involve individuals and groups that have an interest in the issues and are likely to be interested in or affected by the outcome of the proposal.
- The public is informed of the results of the process.
- Discussion with stakeholders is to be encouraged.





LEVEL 3 - ENGAGE

Level 3 "engaging" normally involves larger scale, potentially more socially impacting proposals such as complex rezonings, strategic proposals and larger development applications. Methods and recommended approaches to engagement can include the following:

- Citizens are invited to talk to the proponent regarding complex, value laden issues.
- The proponent should identify primary and secondary stakeholders and their information requirements well ahead of formal advertising
- There is an expectation that citizens have an increased capacity to shape proposals and decisions that affect them.
- There is opportunity for partnering on key issues with the proponent.
- Options generated together will be respected.
- The public needs to know the results of the process
- Web site and newsletter information can be distributed to the community
- Consultants can be employed by the proponent to shape and respond to critical issues raised by the community throughout the consultation process.

10.24am: At this time, Mr Needham, Ms Reddell and Ms Navarro left the meeting.

6.2 REVIEW OF BUILDING INSURANCE POLICY

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.4 Assets are well maintained and responsibly managed.
SUBJECT INDEX	Asset Management
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Manager Governance and Corporate Services - Sarah Pierson
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 Revised Building Insurance Policy   Attachment B Current Building Insurance Policy  

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL2001/284 Moved Councillor K Hick, seconded Councillor K Cox

That the Council adopts the revised Council policy 'Building Insurance' as per attachment A to replace the current policy at Attachment B.

CARRIED 5/0

EXECUTIVE SUMMARY

This report presents a revised Building Insurance Policy (Attachment A) (the Policy) for Council's consideration, with the current policy amended as part of the City's ongoing policy review process.

BACKGROUND

In 2011, the Council resolved to adopt an approach of taking out different levels of insurance for City building assets on a Service Level Hierarchy (SLH) basis, with all buildings and improvements on land owned or managed by the City allocated a level of insurance appropriate to its SLH, its current condition and planned future use. At its meeting held on 23 March 2011, the Council resolved (C1103/091) the following:

- 1. Adopt an approach of taking out different levels of insurance for City owned building assets based on Service Level Hierarchy approach and building condition.*
- 2. Apply different levels of insurance for the 2011/ 2012 financial year being; Demolition, Indemnity and Replacement / Reinstatement ...*
- 3. Provide for the insurance needs of buildings valued at under \$50,000 through the existing Buildings Reserve Fund and thus not take out an insurance policy in respect of any buildings within the Shire that are valued at under \$50,000 unless the CEO considers it necessary due to special circumstances to take out a separate policy of insurance in respect of a particular building.*
- 4. Via the Policy and Legislation Committee develop a policy in relation to insurance of City owned buildings that encapsulates the philosophy of the approach identified in this resolution and report including appropriate CPI indexing of building values.*
- 5. Request the CEO to review the costs and need of insuring buildings for demolition value only and only take out this form of insurance where a cost benefit analysis justifies insuring.*

A policy adopting the above approach was presented to and adopted by Council on 24 July 2013 (C1307/192). The policy outlined the rationale for the different insurance levels and detailed the calculation of the SLH. It also formalised the requirement for lessees to reimburse the City for the costs of insurance. The Policy was again reviewed in 2016 as part of the City's ongoing policy review process, with no substantive changes identified or made to the policy (see current policy version at Attachment B).

The Policy has undergone a further review as part of the City's policy review process and is presented for Council's adoption.

OFFICER COMMENT

When reviewing the City's policies, officers consider several factors, including the purpose and relevance of the policy, the City's policy framework, any other associated policies, plans and procedures, and whether the content and format can be amended for improved readability.

The Policy is considered of ongoing relevance, and to have an important purpose; providing strategic guidance and clarity as to the various levels of insurance and in what circumstances they will be applied.

In 2017, the City engaged John M. Woodhouse to conduct a review of the City's governance systems and procedures (GSR), one of the recommendations being that policies "should deal with higher level objectives and strategies" and "should not deal with any operational matters, employee matters or other matters which are the responsibility of the CEO".

A proportion of the content of the current policy is considered to be operational in nature, as it sets out in detail the calculation of the SLH. Pursuant to the recommendations of the GSR and current City practice, the proposed Policy has been revised to remove this detail. The Policy instead refers to the Building Asset Management Plan, an operational-level document which contains the detailed breakdown of the SLH. This provides officers with an overarching policy guideline which can be read in conjunction with a discrete, more flexible operational document, and aligns with the GSR recommendation that "any existing Council Policy should be deleted where it could, more sensibly, be dealt with by an OPP adopted by the CEO (this is so particularly where the purpose is to give directions to employees as to the manner in which operational matters are to be carried out)".

Statutory Environment

Under section 2.7(2)(b) of the *Local Government Act 1995* (the Act), the local government's policies are determined by the Council. The Council fulfils this role with the recommendations of the Policy and Legislation Committee, established under section 5.8 of the Act.

The officer recommendation supports the general function of a local government under the Act to provide for the good government of persons in its district.

Relevant Plans and Policies

The Policy aligns with the City's policy framework, intended to provide guidance as to the intent, scope and language of a Council policy (versus an operational document), and has been developed using the City's policy template, intended to provide a consistent format across all City policies.

The officer recommendation is intrinsically linked to the Asset Management Plan which details the City's Service Level Hierarchy.

Financial Implications

There are no financial implications associated with the officer recommendation as the Policy does not seek to change the way in which building insurance is currently allocated.

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 have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Not endorse the Policy as revised;
2. Suggest further amendments to the Policy; or
3. Rescind the Building Insurance Policy with the CEO to determine the approach to be taken from time to time in relation to insurance.

CONCLUSION

This report presents a revised Building Insurance Policy for Council to consider. The Policy continues to provide guidance to City officers in allocating the appropriate insurance level to City-owned buildings and improvements on land owned and managed by the City.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised Policy will be implemented and published within one week of the Council's endorsement.



1. PURPOSE

- 1.1. The purpose of this Policy is to outline the City's approach to building insurance and the treatment of insurance for leased buildings.

2. SCOPE

- 2.1. This Policy is applicable to all buildings and associated improvements on land owned or managed by the City of Busselton, and to tenants under a community and sporting group lease or a commercial lease agreement.

3. DEFINITIONS

Term	Meaning
Certified Practising Valuer	A person with the required qualifications, training and experience to perform valuation of real property.
Policy	This City of Busselton Council policy titled "Building Insurance"
Service Level Hierarchy (SLH)	A hierarchy developed as part of the Building Asset Management Plan adopted by Council in December 2010, used to determine the level of priority a building is afforded with respect to maintenance and replacement.

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 Objective 6.4 Assets are well maintained and responsibly managed.

5. POLICY STATEMENT

- 5.1. Council seeks to obtain the best value-for-money insurance coverage for each building owned or managed by the City.
- 5.2. There are four levels of insurance:
- Replacement / Reinstatement:** cost for full replacement of a building to current day standards, including provisions for architects and engineers fees, removal of debris, extra costs of reinstatement, extinguishment costs and miscellaneous structures and equipment.
 - Indemnity Only:** the market value of the building. In the event of a total loss, that amount is the maximum amount payable and there is no consideration of replacing or rebuilding the asset.
 - Demolition Only:** This value can be set by Council, nominating a value to a certain building based on previous quotations, actual costs or an estimation of the probable costs to demolish it.
 - No Insurance:** Council may elect not to insure a building in instances where other insurance cover exists or in circumstances where insurance cover is not necessary.

6.2 Attachment A Revised Building Insurance Policy

- 5.3. With the exception of leased buildings, the City will not insure buildings under the value of \$50,000 unless the CEO decides it is necessary, due to special circumstances, to insure a particular building.
- 5.4. All buildings and their associated improvements will be allocated a level of insurance appropriate to its SLH, its current condition and planned future use.
- 5.5. The typical relationship between a building's SLH and its insurance level is shown in the below table:

SLH	INSURANCE LEVEL
1	Replacement / Reinstatement
2	Replacement / Reinstatement
3	Replacement / Reinstatement or Indemnity (in some cases)
4	Replacement / Reinstatement or Indemnity (in some cases)
5	Demolition
6	Replacement / Reinstatement

- 5.6. To ensure that all building values are consistent with current replacement costs and / or market values, the City will undertake revaluations every three years, to be carried out by a Certified Practising Valuer.
- 5.7. The City's standard community and sporting group lease and commercial lease agreements require that all buildings and improvements are insured for replacement / reinstatement value, with tenants, subject to paragraph 5.8, required to reimburse the cost of insurance to the City.
- 5.8. Not-for-profit community and sporting groups who lease buildings that are listed with the Heritage Council of WA and have conservation plans are only required to reimburse 50% of the cost of insurance.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton Building Asset Management Plan – Service Level Hierarchy

7. REVIEW DETAILS

Review Frequency		3 yearly		
Current Adoption	DATE		Resolution #	
Previous Adoption	DATE	14 September 2016	Resolution #	C1609/234

6.2 Attachment B Current Building Insurance Policy

Last Updated 14/09/2016

029	Building Insurance Policy	V2 Current
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1. PURPOSE

The purpose of this policy is to outline the rationale for allocating different levels of insurance for City owned buildings and/or improvements and to formalise the requirement for Lessees of City buildings to reimburse the City of Busselton for the cost of insurance.

2. SCOPE

This policy applies to all City owned buildings and / or improvements located in the City of Busselton that are covered by the City insurance policy. It also applies to all community and sporting groups and commercial lease holders of City owned buildings.

3. POLICY CONTENT

The Council has determined that a strategic approach is required with regards to levels of building insurance to ensure that the best value for money is obtained for each and every building covered. When determining the appropriate level of insurance to be applied to a particular building, certain information pertaining to this building needs to be obtained so that an informed decision can be made. This will also ensure that all buildings are assessed on an individual basis as well as within the context of the entire asset portfolio.

Buildings, where practicable, should be assessed on the basis of their Service Level Hierarchy (SLH) explained in more detail below, current overall condition which is based on an asset management assessment and whether there is an alternative should the building be no longer in operation.

Service Level Hierarchy

A Service Level Hierarchy (SLH) for buildings has been developed as part of the Building Asset Management Plan adopted by Council in December 2010 and has been used as the basis for determining insurance levels for buildings. The SLH defines an appropriate hierarchy for all City owned and managed buildings, which includes leased buildings and further defined below.

The buildings are to be assessed under the following three criteria;

Importance to the community

A rating based on perceptions of community expectations of services provided the scores are allocated between:

- 1 Very important
- 2 Important
- 3 Fair importance
- 4 Low importance
- 5 Not important

Criticality to the operations of Council

How critical a building is to the day to day operations of the City the scores are allocated as follows:

- 1 Very critical
- 2 Critical
- 3 Fair criticality
- 4 Low criticality

6.2 Attachment B Current Building Insurance Policy

Last Updated 14/09/2016

5 Not critical

Usage Factor

An assessment of the usage level of each building including workforce and public use, the scores are allocated between:

- 1 High usage
- 2 Moderate usage
- 3 Low usage
- 4 Some degree of usage
- 5 Little or no use

Each Criteria is given an equal weighting and points are allocated according to the score i.e. score 1 = 1 point, 2 = 2 points, 3 = 3 points, 4 = 4 points and 5 = 5 points. Points are allocated up to a maximum of fifteen across the three criteria. The scores can then be broken down into five (5) service level hierarchies for buildings as a guide for determining the Service Level Hierarchy. Additional to this, leased buildings (both community and commercial) can be allocated into a hierarchy six (a, b or c) dependant on the City's level of obligation towards these buildings. This will assist further in the allocation of insurance levels.

Service Level Hierarchy One (1)

A building that scores between a 1 and 3 is identified as core service, high usage and high public profile asset to be in very good condition operationally and aesthetically. A building that falls into this category would be insured for replacement/reinstatement value.

Service Level Hierarchy Two (2)

A building that scores between a 4 and 5 is identified as core service, moderate usage and /or moderate public profile asset to be in good / very good condition operationally and aesthetically. A building that falls into this category would be insured for replacement/reinstatement value.

Service Level Hierarchy Three (3)

A building that scores between a 6 and 7 is identified as core service, low usage and/or public profile asset to be in serviceable / good condition operationally and aesthetically. A building that falls into this category would generally be insured for replacement/reinstatement value and in some instances indemnity value.

Service Level Hierarchy Four (4)

A building that scores between an 8 and 10 is of non-core service, some degree of usage and / or profile, condition only needs to meet minimal operational and statutory requirements. A building that falls into this category would generally be insured for replacement /reinstatement value and in some instances indemnity value.

Service Level Hierarchy Five (5)

A building that scores 11 plus is of non-core service, little or no usage and / or profile, it is unoccupied or surplus to requirements. A building that falls into this category would generally be insured for demolition value.

Service Level Hierarchy Six (a)

Commercial and community leased buildings for which the City is responsible to maintain and renew either directly or through coordination of funding programs. Due to the lease obligations a building that falls into this category would be insured for replacement /reinstatement value.

6.2 Attachment B Current Building Insurance Policy

Last Updated 14/09/2016

Service Level Hierarchy Six (b)

Commercial and community leased buildings for which the City is responsible for the structural integrity only (tenant or lessee responsible for day to day maintenance and minor renewal). Due to the lease obligations a building that falls into this category would be insured for replacement /reinstatement value.

Service Level Hierarchy Six (c)

Commercial and community leased buildings for which the City has no obligation with respect to the ongoing maintenance and renewal of the building i.e. not required to have a yearly budget allocation for these buildings. Due to the lease obligations a building that falls into this category would be insured for replacement /reinstatement value.

Insurance Levels

Each building, once assessed as per the requirements of this policy will be allocated an insurance level appropriate to its SLH, current condition and planned future use.

These insurance levels are as follows;

Replacement / Reinstatement: cost for full replacement of a building to current day standards including provisions for contingencies such as architects and engineers fees, removal of debris, extra cost of reinstatement, extinguishment costs and miscellaneous structures and equipment.

Indemnity Only: The “market value” of the building only. In the event of a total loss then that amount would be the maximum amount payable, there will be no consideration of replacing or rebuilding the asset in the processing of the claim.

This cover would be valid when it is deemed that a certain building would not be rebuilt in its current form and/or location, therefore doesn't require full replacement / reinstatement insurance cover.

Demolition Only: This value can be set by the Council, nominating a value to a certain building based on previous quotations, actual costs or an estimation of the probable costs to demolish it after a significant damage event.

No Insurance: Council may elect in some instances not to insure a building where other insurance cover already exists or the situation dictates that insurance cover is not necessary. This option would not be utilised in many instances.

Buildings Valued at under \$50,000 (excluding leased buildings): With the exception of Leased Buildings, the City will not insure buildings valued at under \$50,000, unless the CEO considers it necessary due to special circumstances to take out a separate policy of insurance in respect to a particular building. The City believes the City's existing Building Reserve sufficiently provides for the insurance needs of such buildings.

Valuation of Assets

To ensure that all building values are consistent with current replacement costs and / or market values, the City will undertake a revaluation carried out by a Certified Practising Valuer every three (3) years. This value will then form the basis of each building's insurance cover and will be indexed each financial year by the Perth Consumer Price Index (CPI) until such time as an updated valuation is undertaken.

Leased Building

6.2 Attachment B Current Building Insurance Policy

Last Updated 14/09/2016

All leased buildings and improvements are to be insured for replacement/reinstatement value. Lessees are required to reimburse the City to the full extent of the cost of insurance for Leased Buildings. An exemption is applied to not for profit community and sporting groups leasing City owned or managed buildings that are listed with the Heritage Council of WA with conservation plans. A concession of 50% of the insurance premium is to be applied. No concession will be granted for commercial tenants.

Review

The policy is to be reviewed every three (3) years to coincide with the review of the Building Asset Management Plan and the re-valuation of City Buildings.

Policy Background

Policy Reference No: 029

Owner Unit – Asset Management

Originator – Coordinator, Asset Management, Engineering and Works Services

Policy approved by – Council









Date Approved – 24 July, 2013

Review frequency – Every 3 years

History

Council Resolution	Date	Information
C1609/234	14 September, 2016	Policy update generally to replace the words 'reinstatement/reinstatement' with 'replacement/reinstatement' to more accurately reflect the insurance type being referred to. Version 2
C1307/192	24 July, 2013	Version 1

6.3 REVIEW OF EVENTS POLICY

STRATEGIC GOAL	4. ECONOMY Diverse, resilient, prosperous
STRATEGIC OBJECTIVE	4.3 Events and unique tourism experiences that attract visitors and investment.
SUBJECT INDEX	Events and Governance
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Manager Governance and Corporate Services - Sarah Pierson Events Coordinator - Peta Tuck
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 Events Policy - Revised   Attachment B Events Policy - Current   Attachment C DA1- 25 Delegation   Attachment D Events Policy - Revised With Committee Amendments  

OFFICER RECOMMENDATION

That the Council adopts the Council policy ‘Events’ as per Attachment A, to replace the current policy (Attachment B).

COMMITTEE RECOMMENDATION

PL2001/285 Moved Councillor Grant Henley R Paine, seconded Councillor L Miles

That the Council:

1. adopts the Council policy ‘Events’, inclusive of the Committee amendments, as per Attachment D; and
2. adopts the Delegation DA1-25 as per Attachment C.

CARRIED 5/0

Reasons: The Committee included reference to 5.90A(1)(e) in the policy definition of “Event” to ensure it captured any future changes (prescribed) to the definition of “Event” under 5.90A and broadened the application of criteria in paragraph 5.18. At the request of officers, the Committee also included a recommendation in relation to the Delegation of power to the CEO for approving event attendance.

EXECUTIVE SUMMARY

This report presents a revised Events policy (Attachment A) (the Policy) for Council consideration, with the current policy being amended in response to recent amendments to the *Local Government Act 1995* (the Act) requiring all local governments to adopt a policy that deals with matters relating to the attendance of council members and the CEO at events. As opposed to creating a second stand-alone policy for this purpose, the current Events policy has been reviewed to be more strategic in nature and to include these requirements. It is now recommended for Council approval.

BACKGROUND

The original Events policy was adopted by Council on 12 April 2006 to improve management of the event application and approval process. The policy was part of an overall events application package developed to help inform applicants about the various approvals required and to assist the City to meet its legislative responsibilities.

The policy was reviewed in September 2016 to include reference to the objectives and goals of the Events Strategy prepared in April 2012, and to document improvements in the event application process. Provisions of a Surfing Events and Competition Policy, and the Meelup Regional Park Special Event Conditions were also incorporated, with those policies rescinded.

The current policy is very operational in nature, detailing the event application process and setting out specific conditions for the use of various sites around the district for events. In accordance with an initiative to ensure policy documents are strategic in nature, the Policy has been moved into the current policy format and significantly reviewed to remove operational level detail. This operational detail will be included in an Operational Practice which can be made available to both staff and members of the public as required.

Additionally, on 18 October 2019 amendments to the Act came into force requiring local governments to prepare and adopt a policy that deals with matters relating to the attendance of council members and the CEO at events. Importantly, local governments are able to approve, in accordance with the policy, attendance at an event, and in doing so, exclude as a closely associated person a person who provided a gift in the form of the ticket or invitation to attend the event. This is further discussed in the Officer Comment and Statutory Environment sections of this report.

OFFICER COMMENT

The attraction, development and promotion of events is a key strategic objective for the City of Busselton, with events an important contributor to the achievement of a robust and prosperous economy, and the creation of vibrant places and an inclusive community.

In recognition of events as a strategic driver the City has adopted the brand 'Events Capital WA' and developed an events strategy (currently under review). Through this strategy the City seeks to achieve the following objectives, as outlined in the Policy:

- generation of direct and indirect economic benefits to the community;
- generation of social benefit, vibrancy, and promotion of cultural diversity and inclusion;
- creation of a calendar of events which brings visitors and provides activation of the district year round; and
- positive promotion of the City of Busselton district and the South West region of WA.

Events are considered to be either a Hallmark, Major, Regional or Community event dependant on their ability to achieve the City's objectives with the Policy containing a guide as to how events will be categorised. The Policy also sets out the ongoing role for the Marketing and Events Reference Group to make recommendations to Council with respect to the allocation of sponsorship funds towards Events.

While the Policy recognises the importance of events, it also acknowledges the potential for events to impact adversely on community safety, amenity and the environment; and thus maintains the requirement for events within the City of Busselton district to be approved. The event application process has however been removed from the Policy but will be outlined in an Events Application Operational Practice.

Attendance at Events

Section 5.90A of the Act requires all local governments to prepare and adopt a policy that deals with matters relating to the attendance of council members and the CEO at events.

Section 5.87A and 5.87B of the Act requires a Councillor or CEO respectively to declare any gift received in the course of their duties with a value of more than \$300, or where the cumulative value of one or more gifts received from a donor is more than \$300.

Further, under Section 5.62(1)(eb) and (ec), a person who gives, in any capacity, a gift or gifts to a Councillor or CEO with a value (single or cumulative) of over \$300, becomes a closely associated person, in relation to which interests must be declared.

Section 5.62 (1A) and (1B) provide an exclusion to this requirement which is where the gift is a ticket to, or otherwise relates to the attendance at an event as defined in section 5.90A(1), and where the local government approves, in accordance with the local government's policy under section 5.90A, the Councillor or CEO's attendance at the event.

The Policy is proposed to be the City's policy under section 5.90A of the Act. It outlines the value of having Council members and the CEO attend events, as a means of supporting and reinforcing the City's strategic positioning as the 'Events Capital WA', and to strengthen the City's ability to assess events for their benefit and ongoing relevance.

While the Policy does provide scope for the CEO to purchase tickets for the purposes of representation at events, attendance by Council members and the CEO will generally be approved where invitations / tickets are provided by event organisers to the City. The Policy provides criteria by which applications to attend events will be assessed and pre-authorises attendance (where tickets are available) by Councillors at a number of established Hallmark and Major events. The Policy supports the provision of invitations / tickets to a Council member's / the CEO's partner for events held outside of normal business hours.

In conjunction with the Policy it is recommended that a delegation be provided from Council to the CEO for the purposes of section 5.62 (1B) such that he can approve, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at an event. The proposed delegation is attached at Attachment C. The alternative is for each relevant person's attendance at an event (where the attendance is a gift over \$300 and where an exclusion to the financial interest disclosure requirements are sought) to be approved by Council (the local government). It is expected that this will be impractical in a lot of instances, and the delegation also seeks to create efficiencies, reducing the need to prepare Council reports. The delegation is conditioned, requiring the CEO to seek written approval from the Mayor for his own attendance.

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 the Act.

There is no dedicated legislative framework under which event approvals are provided. The staging of an event will generally trigger the need for one or more approvals under various pieces of legislation, such as the *Public Health Act 2016* and the *Health (Public Buildings) Regulations 1992*, the *Liquor Control Act 1988*, and the *Road Traffic Act 1974 and Road Traffic Code 2000*. The City's centralised event approval requirement and process ensures that the relevant approvals for an event are obtained in an efficient manner, for both the City and the event organiser, and provides the City with the additional ability to apply appropriate risk mitigation strategies.

Recent changes to the Act, as detailed already above, have resulted in the Policy dealing with attendance at events by Councillors and the CEO. The relevant clauses are detailed below:

5.62 Closely associated persons

(1) For the purposes of this Subdivision a person is to be treated as being closely associated with a relevant person if —

....

- (eb) the relevant person is a council member and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last elected; or
- (ec) the relevant person is a CEO and the person has given a gift to which this paragraph applies to the relevant person since the relevant person was last employed (or appointed to act) in the position of CEO;

(1A) Subsection (1)(eb) and (ec) apply to a gift if —

(a) either —

- (i) the amount of the gift exceeds the amount prescribed for the purposes of this subsection; or
- (ii) the gift is 1 of 2 or more gifts made by 1 person to the relevant person at any time during a year and the sum of the amounts of those 2 or more gifts exceeds the amount prescribed for the purposes of this subsection; and

(b) the gift is not an excluded gift under subsection (1B).

(1B) A gift is an excluded gift —

(a) if —

- (i) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and
- (ii) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event;

5.90A. Policy for attendance at events

(1) In this section —

event includes the following —

- (a) a concert;
- (b) a conference;
- (c) a function;
- (d) a sporting event;
- (e) an occasion of a kind prescribed for the purposes of this definition.

(2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —

- (a) the provision of tickets to events; and
- (b) payments in respect of attendance; and
- (c) approval of attendance by the local government and criteria for approval; and
- (d) any prescribed matter.

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 procedures.

Financial Implications

Adoption of the Policy does not have any direct financial implications as the City is not proposing in practice to adjust its current approach to the management of event attendance and specifically is not proposing to allocate additional funds towards event attendance.

Stakeholder Consultation

The Department of Local Government, Sport and Cultural Industries (DLGSC) have released an operational guideline and template policy to assist local governments in the drafting of their policies. The City's policy aligns broadly to the template, while being tailored to suit the City's specific practices. No other external stakeholder consultation has been undertaken.

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, with the Policy helping to mitigate the risk of attendance at events being seen as inappropriate or unnecessary; and removing the risk of event attendance, where approved for valid reasons, creating a financial conflict of interest.

Options

Council could decide not to adopt the Policy or to require further amendments to the Policy.

CONCLUSION

A revised Events Policy is presented for Council's approval.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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



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	<i>Local Government Act 1995</i>
District	City of Busselton local government area
Event	<p>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:</p> <ul style="list-style-type: none"> • Preparation or sale of food; • Sale or consumption of alcohol; • Congregation of people; • 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 <p>Includes:</p> <ul style="list-style-type: none"> • Concerts and music festivals; • Sporting events; • Conferences; • Exhibitions, expos and fairs; • Functions (e.g. community or business events); and • Markets.
Partner	Spouse, de-facto or other partner as approved
Policy	This City of Busselton Council policy entitled "Events"

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 Practice.
- 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;
 - d. the amenity of the event and the likely impacts on residents;

6.3 Attachment A Events Policy - Revised

- 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.
- 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
- 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.
- 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.

6.3 Attachment A Events Policy - Revised

- 5.18. In determining approval for attendance at events under Section 5.90A(2)(c) , Council (or the CEO under delegation) will consider the following criteria:
- who is providing the ticket to the Event;
 - the location of the Event and whether it is in the City of Busselton District;
 - whether the Event is sponsored by the City;
 - the relevance of the Event to the City's adopted policy objectives under paragraph 5.3;
 - the role of the Council member or CEO when attending the Event (participant, presenter, observer) and the value of their contribution;
 - 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;
 - the number of invitations / tickets received; and
 - 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.

6. RELATED DOCUMENTATION / LEGISLATION

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

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	14/09/2016	Resolution #	C1609/232

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 Festivals Inc.	Mayor CEO Deputy Mayor All Councillors
Busselton Festival of Triathlon (Ironman 70.3)	Triathlon Western Australia	Mayor 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

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231	Events	V2 Current
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PURPOSE

The purpose of this Policy is to provide event organisers with information on the event application and approval process for events to be held in the City of Busselton, and guidelines for the sponsorship of events through the City of Busselton.

The specific objectives of this policy are to;

- a. Promote and encourage events that enhance a wide variety of opportunities to residents and visitors to the City of Busselton;
- b. Ensure that the health and safety of persons attending events in the City of Busselton is considered in all planning;
- c. Provide an efficient and timely approval process and response in accordance with the City of Busselton's Customer Service Charter;
- d. Ensure compliance with regulatory requirements and standards;
- e. Incorporate controls to minimise any adverse impacts of events and protect the amenity of residents in adjoining and nearby properties;
- f. Ensure that the environmental, heritage and cultural impacts of events are assessed and appropriate measures are put in place to minimise any adverse impacts; and
- g. Provide information on the Event Sponsorship program available to event organisers;

The City of Busselton will assess event applications for the conduct of events in accordance with legislative requirements under this policy.

SCOPE

This policy applies to all events held within the boundaries of the City of Busselton.

DEFINITIONS

For the purpose of this policy the following definitions apply:-

Event: An occurrence proposed to be held within the City of Busselton on private or public land, either indoor or outdoor by a person(s)/group/organisation, where people assemble at a given time for entertainment, recreation, cultural or community purposes. This includes but is not limited to;

- a. Concerts and music festivals
- b. Motorsport events, motor vehicle rallies and displays
- c. Sporting events
- d. Cultural and community events
- e. Shows and fairs
- f. Exhibitions, wine and food festivals
- g. Surfing events

Event Application Forms for major events, minor events and markets are required to be completed for any proposed event. Event Application Forms request details of size, nature, date, time, purpose, activities and facilities in relation to the event.

Event Organiser means the person, company or organisation, excluding the City of Busselton managed events, who is responsible for organising an event and who makes application to the City of Busselton for approval to stage an event.

Public Place means any street, way or place including but not limited to community reserves, facilities, halls or public open space.

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City of Busselton Facility or Reserve means any property owned or managed (via Management Order) by the City of Busselton and includes buildings, recreation centres, community centres, halls, and reserves (passive and active).

Passive Reserve Area means a designated reserve area within the City utilised for recreational or community purposes only ie. Mitchell Park, Rotary Park, Lions Park, Signal Park, Busselton Jetty, and City foreshore areas or beaches for water based sports and entertainment events.

Active Reserve Area means a designated reserve area within the City that is utilised by sporting bodies, community groups etc for the purpose of conducting sporting fixtures, carnivals, etc. ie. Sir Stewart Bovell Park, Lou Weston Oval, Churchill Park Oval, Barnard Park and Dunsborough Playing Fields.

BACKGROUND

Events Development in the 'Events Capital WA'

As a significant contributor to the local economy, as well as enhancing the vibrancy of the community, the attraction and development of events is a key focus of the City of Busselton. Branded "**Events Capital WA**", the City's role in events is to engage and assist event organisers to support a diverse calendar of events, while maintaining the safety and amenity of the community.

EVENT APPLICATION PROCESS

If a public gathering requires one (1) or more approvals from the following list of criteria, then it is deemed to be an event and the event organiser is required to submit an Event Application and to obtain the relevant approvals from the City:

Event Criteria which requires approval

- Preparation or sale of food to the public;
- Erection of tents and marquees larger than 25m², stages and other structures for public use;
- Number of patrons attending the event, requiring the issuing of a Certificate of Approval (formally an Accommodation Certificate) in accordance with the Health Act and associated Regulations;
- Potential noise, including music, use of amplified equipment, extraordinary vehicle noise;
- Use of or installation of electrical equipment including generators, cabling, extension cords, switches, fuses;
- Trading in a public place - selling, hiring of goods, wares or merchandise in a public place;
- Risk management plan; for events identified as having possible associated risks;
- Changes or interruptions to traffic flow (ie traffic management plans);
- Proposed signage for the event to be erected;
- Sale or consumption of alcohol;
- Additional parking requirements;
- Additional toilet facilities;
- Crowd control or security measures;
- First aid requirements;
- Amusement structures;
- Water safety plans for water based events;
- Fire management plans; and
- Appropriate level of public liability insurance coverage.

Where formal event approval is not required

If the application is a request for the hire of passive or active reserve area or equipment (see definition of passive and active reserve) located within the City of Busselton formal event approval is not required. However, completion of a Facility Hire Form is required for each occasion.

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Event application procedure

1. All events, new and annual, must submit an event application at least eight (8) weeks prior to the proposed date of the event; twelve (12) weeks for events to be held in the Meelup Regional Park;
2. Applicants are required to submit a completed Event Application Package to the City of Busselton, consisting of the following:
 - a. Event Application Form;
 - b. Event Checklist (to be read in conjunction with the 'Event Information for Applicants');
 - c. Event Site Plan; and
 - d. Complete all relevant Forms included in the Event Application Package and obtain any other approvals as required.
3. All sections of the Event Application Form and Event Checklist must be completed in order for the application to be eligible for assessment;
4. The applicant must submit a Risk Management Plan that complies with the requirements of AS4360 if the event is deemed to require a Risk Management Plan, as directed by the City of Busselton;
5. The applicant must provide a Certificate of Currency indicating a minimum of \$10 million Public Liability Insurance coverage that is valid for the period covering the event date;
6. The applicant must be familiar with the relevant Reserve / Park Environment Management Plan if using City of Busselton reserves and prepare an Event Environmental Management Plan as directed;
7. The City of Busselton may request any additional information to be supplied by applicants in order to ensure comprehensive assessment of the application.

Assessment of event applications

The following information will be considered by the City of Busselton in the assessment and approval process of event applications:

1. The nature, size, availability and suitability of the event in relation to the venue requested and the likely impact of the event on the facility;
2. The amenity of the event (including the presence of alcohol);
3. The ability of the facility to accommodate the event at the proposed time of year (taking into consideration weather and the condition of the land, if on a community reserve or public open space);
4. The likely impact on residents as a result of the location of the event (including noise, dust, excessive light, traffic congestion or other adverse effects perceptible outside the venue);
5. The period of time for which the event will operate and the proposed times of operation;
6. Conflict or potential conflict with other events or community use in that location or a surrounding location;
7. The benefits to the City of Busselton community;
8. Reputation of the operator;
9. Risk to natural, heritage and cultural values of the event area or surrounding area;
10. Any other factors that may be considered necessary in relation to a particular event.

Fees for Event Approval

1. All events will attract an application fee in accordance with the City of Busselton's Adopted Schedule of Fees and Charges;
2. The applicant will be advised of any additional fees and charges upon event approval. These must be paid at least seven (7) days prior to the event;
3. Concerts will attract separate fees in accordance with the 'Staging of Concerts' in the City of Busselton's Adopted Schedule of Fees and Charges;
4. Refund of fees will only be considered in the event of a cancellation notice being received at least seven (7) days prior to the event date and may attract an administration fee.

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Bonds for Events

1. Bonds will be requested for events using City of Busselton facilities, the amount requested will vary depending on the facility used, in accordance with the City of Busselton's Adopted Schedule of Fees and Charges;
2. The Bond money will be refunded in full following the successful completion of the conditions of approval outlined in the City's acknowledgement letter;
3. Failure to comply with any of the conditions specified in Council's acknowledgement letter resulting in damages may result in all or part of the bond money not being refunded to the applicant;
4. Failure to pay the bond money less than seven (7) days prior to the event may result in the event approval being withdrawn.

THIS POLICY DOES NOT COVER:

1. Events to be held at:
 - a. Educational premises including primary, secondary and tertiary centers; and
 - b. Religious centers including churches and worship centers.
2. An event approval is not required providing there is no variation from the following existing approvals:
 - a. Conditions associated with a Planning Consent under the City of Busselton Town Planning Scheme.
 - b. Approvals as required in accordance with the Health Act 1911 and associated Regulations. However if the event proposed exceeds any established accommodation numbers or differs in nature to any approvals already in place then an event approval is required and the requirements of this Policy apply.

EVENT VENUES

Within the City of Busselton there are a number of venues where events are held, ranging from coastal/beach sites, nature reserves and parks, urban and business districts, community halls, sporting grounds, City facilities including the Busselton Cultural Precinct, and private properties and estates.

In addition to the standard event conditions, the following venues require specific conditions to ensure any potential impacts to the location's amenities are minimised or mitigated:

Meelup Regional Park

Meelup Regional Park ('the Park') is an A-class reserve vested in the City of Busselton for the purpose of conservation and recreation. The Meelup Regional Park Management Committee has been established by the City of Busselton Council to assist in ensuring that the full range of issues relevant to the making of decisions about the management and promotion of the Park are considered, including environmental, amenity, recreational, community, social, economic and financial considerations.

Required by the Land Administration Act 1997, the Meelup Regional Park Management Plan's vision for the Park is "manage the Park for conservation and environmental enhancement and allow recreation and other uses of the Park to occur to the extent that they do not impair the conservation values of the Park."

Cognisant of this, the following objectives provide guidance in managing events in the Park;

1. natural systems should be able to sustain the recreation that is occurring or proposed
2. the intensity, frequency, type, duration, timing and distribution of recreational activities may need to be controlled to maintain the amenity of the park and the enjoyment of visitors
3. recreation planning will seek to foster appreciation of the Park's natural values.

In addition to the general event conditions, specific **Meelup Regional Park Event Conditions** (see Appendix 1) are required to be met to ensure that events are consistent with the Meelup Regional Park Management Plan.

Event organisers utilising Meelup Regional Park must complete the Event Application form and comply with the Meelup Regional Park Specific Event Conditions and any additional conditions that may arise depending on the type of the event to be held. Event organisers will be requested to consult directly with the City of

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Busselton's Meelup Environment Officer. Approval to proceed with the event will not be given until this consultation process has taken place.

A fee per participant or event may be charged and the event organiser may be required to provide a bond in accordance with the City of Busselton's Adopted Schedule of Fees and Charges.

Events held in Meelup Regional Park are categorised in the following areas:

1. Trail Based Events

Trail Based Events generally involve participants walking, running or cycling on designated trails or roads within the Park on a specified day. Trail-based events are subject to the Specific Event Conditions for Meelup Park.

2. Site Based Events

Site Based Events generally involve use of a beach and/or adjacent picnic and car park area. They range from relatively small social gatherings to larger scale events. Site-based events, other than wedding ceremonies, school excursions, functions or informal gatherings are subject to the Specific Event Conditions for Meelup Regional Park.

3. Road Based Events

Whilst road reserves within the Park are technically not part of the Park, an integrated approach to management of events utilizing or within these road reserves is essential if the Park's values are to be protected and enjoyment of the Park by the broader community is not to be adversely impacted.

Due to the environmental significance of the Meelup Regional Park, the frequency of events is restricted as follows:

1. Trail Based Events

- Maximum of four (4) trail based events per calendar year;
- No two events occurring within the same month.

2. Site Based Events

- Maximum of four (4) site based events per calendar year;
- No two (2) events occurring within the same month at the same site.

Wedding ceremonies, school excursions, functions or informal gatherings held in the Park require a booking, completion of a Facility Hire form and payment of a fee (if it applies) through the City of Busselton. Such activities are generally permitted subject to City of Busselton terms and conditions, including non-exclusive use of the location, parking only in designated areas, no damage to coastal or natural environments, no amplified music, no unauthorized consumption of alcohol, and removal of all litter. They will generally only be permitted at Meelup Beach, Castle Bay and Bunker Bay.

Busselton Jetty

The Busselton Jetty (Jetty) is vested by the State to the City of Busselton under a Management Order.

For any event to be held or utilising the Busselton Jetty, event organisers are required to complete a specific Jetty event application form which includes applying for a permit to use the Jetty. The Jetty event application form is applicable for water based sporting events, cultural events, functions and community fireworks.

Yallingup Main Break and Smiths Beach

In addition to the general event conditions, specific conditions are required for surfing events and/or competitions held at Yallingup and Smiths Beach within a 12 month period to achieve consistency and co-

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ordination for the staging of surfing events at these locations, and to ensure equitable use of the surf locations by recreational and competition surfers. It also assists to minimise damage, and promote the recovery of coastal systems within the City of Busselton's coastal reserves.

The **Yallingup and Smith Beach Surf Competition Categories** specific event conditions (see Appendix 2) applies to organisations wishing to conduct surfing events and/or competitions at international, national, state or club level and applies to all forms of surf craft including, but not limited to surfboards, wave skis, body boards, wind surfers and kite surfers.

Busselton and Dunsborough Foreshores

The Busselton and Dunsborough Foreshores have undergone a significant redevelopment to improve recreational facilities and to add vibrancy and activity to these areas.

Events can be conducted in these foreshore areas under the same conditions as all public space events. However, as they are high usage areas for local residents and visitors, the City may require additional measures to be implemented to ensure equitable access for all users.

Cultural Precinct on Queen Street

The Cultural Precinct is located on Queen St between Marine Terrace and Adelaide Street and consists of the Weld Theatre, Art Geo Complex with the ArtGeo Gallery and Courthouse Gallery, and artist studios around the courtyard.

The Cultural Precinct is the preferred location for a future Performing Arts and Convention Centre that will also serve as a venue for meetings, conferences and conventions, further growing the business tourism market. As an entry point to the foreshore, the Cultural Precinct is central to the promotion of a blended commercial and recreational/cultural experience

All Other Areas

All events held in the City of Busselton boundaries require the completion of appropriate event application forms and granting of relevant approvals from within the City and also from external Government agencies including but not limited to; Department of Health, Department of Transport, Department of Racing Gaming and Liquor, and Main Roads WA.

EVENT SPONSORSHIP

Recognising the significance that events play in delivering economic and social benefits to the community, and building on the City as the 'Events Capital WA', the City has an Events Sponsorship Programme that is funded through the following sources:

1. Municipal Funds

The Council allocates a fixed amount annually towards funding events, these funds are historically allocated to well established, annually recurring events.

2. Industrial/Commercial Differential Rate

Industrial and Commercial rated properties across the City directly contribute toward the City's continued support of tourism, marketing and event activities through a Differential Rate. An established Marketing and Events Reference Group makes recommendations to Council with respect to the allocation of funds generated through the Differential Rate specifically towards the funding of events and marketing initiatives.

Event sponsorship can be provided as cash or in-kind contributions and once approved by Council, event organisers are required to enter into a sponsorship agreement with the City under one of the following terms:

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1. Single Year Events

Events that are held once and not over a consecutive period

2. Multi-Year Events

Events that are held on an annual basis over a period of years.

Event sponsorship requests are assessed through the Event Sponsorship Programme against the following criteria:

- Economic impact – the direct and indirect dollars that an event generates to the City of Busselton community;
- Strategic alliance – events that are held within the off-peak shoulder season, and events that are of a cultural nature;
- Media/promotion – the direct and indirect value of marketing and promotional activities;
- Environmental impact – the level of impact on the environment and associated resources; and
- Social benefits – the associated value to the community.

Post Event Evaluation Reports

Events sponsored by the City are subject to a funding agreement and a post event evaluation report, within three (3) months of the date of the event outlining the following:

1. General performance and activities of the event;
2. Measure against Key Performance Indicators as per the funding agreement;
3. Economic impact ;
4. Benefit to the local community;
5. Benefit to local businesses; and
6. Media coverage of the event.

Post event evaluation reports will be used to determine if future funding will be approved for event organisers.

POLICY REVIEW

The Events Policy will be reviewed every two years.

Policy Background

Policy Reference No. - 231

Owner Unit – Commercial Services

Originator – Events Coordinator

Policy approved by – Council

Date Approved – 12 April 2006

Review Frequency – every two years

HISTORY

Council Resolution	Date	Information
C1609/232	14 September, 2016	Due to the growth in the number of events and legislative changes the policy was reviewed. Version 2 Note: This policy incorporates surfing and therefore the surfing events and competition policy 021 was revoked as part of the adoption of the Events policy.

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C0604/105	12 April, 2006	Version 1 Note: This policy incorporates concerts and therefore the concerts policy (073/2) was revoked as part of the adoption of the Events policy.
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Appendix 1 - Meelup Regional Park Specific Event Conditions;

These specific event conditions apply to events proposed for specific sites, trails or roads within Meelup Regional Park (the 'Park'). The conditions outlined below are based on the provisions of the Meelup Regional Park Management Plan (the 'Management Plan'), and all events in the Park must comply with the Management Plan.

Pre-event information from event organisers

The event organisers are to:

1. Apply to the City for the proposed event at least 12 weeks prior to the event, to allow for consideration and assessment by the City after consultation with the Meelup Regional Park Committee. (Committee).
2. Contact the City of Busselton's Meelup Environmental Management Officer for guidance on the specific management measures required, and arrange to meet onsite to inspect the event areas.
3. Be familiar and comply with the Management Plan and other guiding documents.
4. Provide an aerial photograph with either: a) the GPS alignments for trail-based and road based events, or b) the boundary within which the event will be held for site-based events.
5. Submit a detailed Event Management Plan addressing:
 - a. Date, duration and event location(s);
 - b. Participant/competitor numbers and management;
 - c. Spectator numbers and management, including proposed locations for spectators;
 - d. Numbers and management of officials, marshals, volunteers and support vehicles;
 - e. Details of road closures and/or traffic management measures, including locations and duration;
 - f. If exclusive use of a site, trail or road within the Park is required, detail how it will be managed;
 - g. Evidence of the event organiser's track record, business and environmental ethics
 - h. Details and outcomes of consultation with other stakeholders, for example, government agencies, local government, community groups etc.
6. Submit a detailed Environment Management Plan addressing:
 - a. Plans for prevention and mitigation of environmental impacts which are relevant to the event such as preventing damage to vegetation, impact on fauna and coastal beach environments;
 - b. Dieback and weed management measures
 - c. Compatibility of the event with the wider community, Park neighbours and other Park users and how conflict is to be minimised;
 - d. Rubbish management
 - e. Noise/disturbance to residents, if applicable;
 - f. Promotion of the event, including websites, print and other media.
7. Notify the Meelup Environmental Management Officer of any proposed alterations to the requested alignment/venue immediately.
8. Consult with Department of Parks and Wildlife (DPaW) and/or Department of Environment Regulation(DER) regarding activities proposed in the vicinity of declared rare flora, threatened ecological communities, threatened fauna and/or priority ecological communities.
9. Include interpretative material, to be agreed between the City and event organiser, which provides information on the Park's environmental, cultural and recreational values, as part of the event information pack and/or on the event website.
10. As bike riding is prohibited in the Park, ensure that any bike section of the route contained within the Park will not be advertised, published in any publication or circulated in any material or electronic form so as to not promote its use for bike riding.

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Further specific conditions may also be required, and this will be assessed on a case by case basis once the event management plan has been submitted.

During the Event

The event organisers are to ensure that all participants, marshals, race officials and any support crew are briefed on:

1. Where possible provide an opportunity for the Meelup Environmental Management Officer to address the event participants or provide environmental information on the Park to officials.
2. The natural values of the Park and environmental issues identified in the EMP.
3. That all flora is protected and it is illegal to pick wildflowers or damage vegetation.
4. The principles of Leave No Trace, which must be adhered to at all times while in the Park.
5. That all persons are to remain on designated trails and use authorised access points at all times except in an emergency.
6. For trail-based events, the current prohibited status of riding bicycles in the Park, and the one-off nature of the event allowing bicycles on designated trails in the Park.
7. That areas of the Park are regularly baited with 1080 dried meat baits for feral animal control and that these baits are toxic and should not be handled or ingested.
8. No person is to interfere with existing signage in the Park.
9. Ensure that all promotional material and media information associated with the event directs spectators to areas designated as spectator locations approved by the City prior to the event.
10. Ensure that all competitors, officials, marshals and any other support crew remain on designated tracks and authorized access points at all times except in an emergency.
11. Provide course markers, bunting and/or marshals to ensure competitors do not veer off the course alignment.
12. Ensure that any signage is: a) corflute and at least A3 in size, b) erected in a manner that makes it difficult to remove, and c) replaced if it is removed before or during the event.

Post-event information/actions

The event organisers are to:

1. Remove all evidence of the presence of the event within 24 hours of the conclusion of the event, including all signage, litter, markings, flagging tape, bunting, traffic management infrastructure and other materials that have been placed for the event.
2. Submit an event report within three months after the event detailing any event issues including environmental impacts and proposed improvements. You will receive feedback from the City of Busselton on the event including any event management improvements.

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Appendix 2 - Yallingup and Smith Beach Surf Competition Categories

Event Categories

It is imperative that City of Busselton manages the number and types of surfing competitions and events utilising City of Busselton managed land at Yallingup and Smiths Beach. The prescribed number and types of events is as follows:

1. International and National Events (100 + competitors and large spectator component)

Only **one** (1) International or National event organised in conjunction with Surfing WA, will be approved by the City of Busselton in any one year. Confirmation shall be provided at least 6 months prior to the event date, in order to assess the proposal and exclude other potential events.

2. Major Events (Up to 100 competitors)

Only **two** (2) major events, organised in conjunction with Surfing WA, comprising of a period of up to four days in duration will be approved by the City of Busselton in any one year.

3. Large Events (50-70 competitors) Ballot System

Only **two** (2) large events comprising of a period of up to four days in duration will be approved by the City of Busselton in any one year. A 'Surfing Competition Ballot Application Form' will be submitted to City of Busselton by December 1st for the following calendar year.

Surfing WA and the City of Busselton will jointly assess the application(s) and successful applicants will notified and ask to submit a City of Busselton event application package for the event.

4. Minor Events (0 – 50 competitors) Ballot System

Only **one** (1) minor event in any one year comprising of a period of up to four days in duration will be approved by the City of Busselton in any one year. A 'Surfing Competition Ballot Application Form' will be submitted to City of Busselton by December 1st for the following calendar year. Surfing WA and the City of Busselton will jointly assess the application(s) and successful applicants will notified and ask to submit a City of Busselton event application package for the event.

5. Club Events

Local board riding clubs, such the Indian Ocean Longboard Club and the Yallingup Boardriders, are permitted to conduct their annual round of club events at sites previously nominated with the City of Busselton.

Clubs will be required to complete annually, prior to nominating their seasonal calendar of events, a 'Surfing Club Beach usage application form' for sites controlled by the City of Busselton. Dates for competition, particularly at the 'Yallingup Mainbreak' surf break, need to be included in the 'Surfing Club Beach usage application form.'

6. Traditional Contests and Philanthropic Events

Traditional and Philanthropic contests and events outside this Policy will be continued to be supported for the period that the contests continue to run successfully and with minimum impact of the surfing community.

Last updated 14/09/2016

Surfing Event and/or Competition Locations

Whilst there are many surfing locations across the western and northern boundaries of the City, many of these foreshore reserves are either not managed by the City of Busselton or have inadequate facilities to successfully conduct a surfing competition. Below is a table of the nominated sites:

Table 1. Nominated competition sites at City of Busselton Managed Foreshore reserves

INTERNATIONAL SITES	ADDITIONAL INFRASTRUCTURE REQUIRED
Yallingup Mainbreak	Additional Infrastructure to be provided as directed by the City of Busselton
MAJOR EVENT SITES (70 – 100 COMPETITORS)	ADDITIONAL INFRASTRUCTURE REQUIRED
Yallingup / Smiths Beach	Rubbish Bins, Taping off dunes / sensitive areas Environmental Control
LARGE EVENT SITES (50-70 COMPETITORS)	ADDITIONAL INFRASTRUCTURE REQUIRED
Yallingup / Smiths Beach	Rubbish Bins, Taping off dunes / sensitive areas Environmental Control
MINOR EVENT SITES (0-50 COMPETITORS)	ADDITIONAL INFRASTRUCTURE REQUIRED
Smiths Beach	Rubbish Bins and Toilets

All sites, at City of Busselton managed foreshore reserves, other than those nominated are to be excluded from competitions. No events are to be held on Public Holiday weekends.

Number of Annual Events and/or Competitions

By prescribing a set number of events at the Yallingup and Smiths Beach surf breaks, this policy will allow for a fair and equitable surfing environment for club, competition and recreational surfers alike.

The prescribed number of competitions / events, as per event categories 1 to 5 listed above, from January the 1st to December the 31st of each calendar year will be 13 competitions / events inclusive.

This figure is based on the average of one competition / event per every four weeks at this venue. The prescribed breakdown of these competitions / events includes:

CATEGORY	ORGANISATION	NUMBER
CLUB	Yallingup Boardriders	4
CLUB	Indian Ocean Longboard Club	4
INTERNATIONAL, MAJOR or LARGE	Surfing Western Australia	2
TRADITIONAL and PHILANTHROPIC	Yallingup Malibu Classic Taj Small Fries	2
LARGE or MINOR	Ballot system	1

* any application for an event that is in addition to the number of events allowed in the policy will referred to the Council for consideration

Approval Procedures

Please refer to the City of Busselton's Event Policy. The City of Busselton Event Policy outlines in detail the Event Application processes required at the City of Busselton in order to comply with legislative requirements.

DA 1 – 25	Approval of Attendance at Events
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.5.62(1B) Approval of attendance at events
FUNCTION	s.5.62(1B) Approval of attendance at events
CONDITIONS	This delegation is subject to the CEO seeking written approval of the Mayor for his own attendance at an event.
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM Delegation Profile – GOVXXX	
VERIFICATION	Initial Council Resolution	Recent Council Resolution N/A
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	Nil	



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	<i>Local Government Act 1995</i>
District	City of Busselton local government area
Event	<p>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:</p> <ul style="list-style-type: none"> • Preparation or sale of food; • Sale or consumption of alcohol; • Congregation of people; • 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 <p>Includes:</p> <ul style="list-style-type: none"> • Concerts and music festivals; • Sporting events; • Conferences; • Exhibitions, expos and fairs; • Functions (e.g. community or business events); and • Markets; and • <u>Any other activity in accordance with 5.90A(1)(e);</u>
Partner	Spouse, de-facto or other partner as approved
Policy	This City of Busselton Council policy entitled "Events"

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 Practice.
- 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;

- 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.
- 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
- 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.
- 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 ~~the following~~ criteria such as the following:
- who is providing the ticket to the Event;
 - the location of the Event ~~and whether it is in the City of Busselton District~~;
 - whether the Event is sponsored by the City;
 - the relevance of the Event to the City's adopted policy objectives under paragraph 5.3;
 - the role of the Council member or CEO when attending the Event (participant, presenter, observer) and the value of their contribution;
 - 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;
 - the number of invitations / tickets received; and
 - 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.

6. RELATED DOCUMENTATION / LEGISLATION

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

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	14/09/2016	Resolution #	C1609/232







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 Festivals Inc.	Mayor CEO Deputy Mayor All Councillors
Busselton Festival of Triathlon (Ironman 70.3)	Triathlon Western Australia	Mayor 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

11.15am: At this time, Mrs Happ and Mrs James entered the meeting.

11.17am: At this time, Mrs Dixon entered the meeting.

6.5 REVIEW OF COUNCIL POLICY: PUBLIC ARTWORK

STRATEGIC GOAL	1. COMMUNITY: Welcoming, friendly, healthy
STRATEGIC OBJECTIVE	1.3 A community with access to a range of cultural and art, social and recreational facilities and experiences.
SUBJECT INDEX	CMTY016: Community Programs
BUSINESS UNIT	Community Services
REPORTING OFFICER	Cultural Development Officer - Jacquie Happ
AUTHORISING OFFICER	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 Revised Policy - Public Artwork   Attachment B Current Policy - Public Artwork   Attachment C Public Artwork Guidelines  

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL2001/286 Moved Councillor K Hick, seconded Councillor K Cox

That the Council adopts the Council policy ‘Public Artwork’ as per Attachment A, to replace the current policy (Attachment B).

CARRIED 5/0

EXECUTIVE SUMMARY

This report presents a revised version of Council policy Public Artwork (the Policy) (Attachment A) for Council approval. The Policy has been amended as part of the City’s overall review of its Council policies and with regard to the recommendations of the Governance System Review (GSR) carried out by Mr John Woodhouse in 2017.

BACKGROUND

In March 2018, Council adopted a policy in relation to public artworks on City owned or managed land that are commissioned by the City or through Developer Contributions, received by donation or on loan.

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. The Policy has been transferred to the new Council policy template and reviewed by officers. Being considered of continuing importance, it is now presented for Council’s consideration.

OFFICER COMMENT

The purpose of the Policy is to convey the importance and relevance of public artwork in the City, and highlight that there are processes in place that guide the City in acquiring, managing and decommissioning public artworks on City owned or managed property.

The Policy has been amended to remove repetition of clauses, operational aspects and simplify definitions. The Policy refers to and operates in conjunction with the Public Artwork Guidelines which are provided at Attachment C for reference.

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.

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.

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 medium or greater level were identified.

Options

As an alternative to the proposed recommendation the Council could:

1. require further amendments to the Policy; or
2. choose to rescind the Policy, noting public artwork guidelines would remain in place.

CONCLUSION

The report presents a revised Council policy 'Public Artwork' for approval by Council.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

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



1. PURPOSE

- 1.1. The purpose of this Policy is to recognise and articulate the significant role that Public Artwork has in the development of cultural, economic, social and artistic vitality of a City, adding a sense of community, belonging and place.

2. SCOPE

- 2.1. This policy applies to Public Artwork installed on City owned or managed buildings, reserves, and locations where the Public Artwork is the property of City by special arrangement.
- 2.2. This Policy does not apply to artwork covered by the provisions of Council Policy 'Urban Art'.

3. DEFINITIONS

Term	Meaning
Acquisition	The obtaining of ownership of a Public Artwork through commissions, developer contributions, donations, prizes and community art projects.
Artist	Professional artists, experienced community artists or arts groups eligible to carry out Public Artwork projects.
Decommission	The removal or relocation of a Public Artwork
Policy	This City of Busselton Council policy titled "Public Artwork."
Public Artwork	A permanent, temporary or ephemeral work of artwork located in an exterior environment created by an Artist or developed under the guidance of an Artist

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 1 – Community of the City's Strategic Community Plan and specifically Community Objective 1.3: A community with access to a range of cultural and art, social and recreational facilities and experiences.

5. POLICY STATEMENT

- 5.1. Public Artwork is intended to:
- a. reflect and promote the lifestyles, heritage and culture of the community;
 - b. encourage community connection, reflection, inspiration, celebration and well-being;
 - c. invigorate and create vibrancy in places and spaces; and
 - d. support regional creative and arts industries.
- 5.2. Consultation in relation to the Acquisition of Public Artwork will occur with impacted stakeholders where required.
- 5.3. Public Artwork will only be Decommissioned where there is a clear justification and with consideration of the potential impacts on stakeholders.

- 5.4. The Acquisition and Decommissioning of Public Artwork by the City will be in accordance with the Public Artwork Guidelines and, where relevant, the City of Busselton Development Contributions Policy.

6. RELATED DOCUMENTATION / LEGISLATION

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

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	14 March 2018	Resolution #	C1803/039

CITY OF BUSSELTON PUBLIC ARTWORK POLICY

1.0 POLICY STATEMENT

Public artworks within the City of Busselton district are intended to reflect the cultures and lifestyles of the local community, to create vibrant spaces and invigorate places, and/or celebrate cultural or heritage aspects of the region.

The principles of Public Artwork are to:

- promote civic, community and cultural identity by introducing public artwork which makes streets, open spaces and buildings more locally distinctive;
- enhance the sense of place by encouraging public art forms which reinforce and highlight early settlement and Aboriginal history, cultural heritage and contemporary life;
- encourage community reflection, inspiration, celebration and well-being;
- improve visual amenity and the appearance of places by using public art to screen unattractive views and add interest;
- support regional art production where possible by contracting locally-based artists to create artworks;
- encourage the use of a diverse range of traditional and contemporary media and technologies; and
- recognise the importance of the role of art in public places.

Public artworks are acquired in numerous ways including commissions, developer contributions, donations, prizes and community art projects. Under certain circumstances artwork may be on loan to the City as in an outdoor exhibition in a public space.

Generally the City of Busselton manages and controls public artworks which are located on City-owned or managed properties as public spaces.

2.0 SCOPE

The City of Busselton is presented with public artwork opportunities from time to time as community projects, donations from organisations or individuals, the City's own public artwork initiatives or artwork on loan.

This Policy proposes to address public artworks in terms of the City's responsibility in:

- Acquisition
- Consultation
- Maintenance
- Deaccessioning
- Responsibilities

3.0 DEFINITIONS

3.1 Artist

It is acknowledged that the term 'artist' is self-referencing. For the purposes of this Policy, artists are expected to be able to meet at least two of the following criteria:

- a person who evidences their experience in implementing successful public artwork projects;
- a person who has completed a university degree or a diploma in a relevant arts field (ie visual arts, multi-media, fine arts) as appropriate to the public artwork commission brief;
- a person who earns the majority of their income from arts-related activities, including: teaching, selling artwork or undertaking public art commissions;
- a person who exhibits their artwork through one or more reputable art galleries whose primary business is dealing in the works of professional artists; and
- a person who has had works of art acquired by major public or private collections; and
- emerging artists/s whose Artwork complies with Public Art Guidelines.

3.2 Public Artworks

A public artwork is a permanent, temporary or ephemeral work of art created by an artist or developed under the guidance of a professional artist; that has been commissioned, acquired, donated or on loan to suit a public space either outdoors or indoors, or facility that is accessible to the community.

Public artwork does not include:

- busking, art markets, pop-up galleries;
- playground equipment;
- commercial promotions in any form including business logos or brands;
- directional/way-finding elements such as super-graphics, signage or colour coding;
- objects that are mass-produced or reproduced;
- most art reproductions;
- services or utilities necessary to operate or maintain artworks; and
- commercially designed and manufactured street furniture.

4.0 ACQUISITIONS

Acquisitions are public artworks purchased, commissioned, donated or on loan to the City of Busselton. These artworks become part of the City's *Public Art Register* at the City's discretion. Public artwork acquisition processes for example include but are not limited to:

- *Sculpture by the Bay* annual acquisitive prize;
- the City's Development Contributions Policy;
- artworks commissioned by the City, such as the Settlement Art Project;
- exterior urban art or mural commissions;
- donations; and
- artwork on loan to the City for public exhibition (temporary acquisitions)

Public Artworks acquired by and more specifically, commissioned by the City, are required to have an Installation Plan and Maintenance Plan as outlined in the *Public Artwork Guidelines*. The City is responsible for the installation of artworks unless otherwise agreed by contract. Artworks will include signage that includes the name of the work, artist and year of completion or installation.

4.1 Prizes

The City may acquire public artworks through a competitive process with a monetary reward. The competition will outline its terms and conditions for the prize and include a copy of the *Public Artwork Guidelines*. The artworks acquired through a prize process may not be as robust as an artwork commissioned by a professional artist with a much higher budget. Artworks acquired through prizes might occasionally be expected to have a shorter life span of up to five (5) to ten (10) years.

4.2 Development Contributions Policy

The City of Busselton has a *Development Contributions Policy* that includes *6B Percent for Art Provisions*. In general these artworks are commissioned for private property however some artworks are installed on City owned or managed land. In the case of an artwork located on public property, the developer will be responsible for the maintenance of the artwork for the span of its life and this is managed by a Maintenance Agreement .

A cash in lieu payment will be spent in accordance with the Policy. The *Public Art Guidelines* should be read in conjunction with the *Percent for Art Step by Step Guidelines*.

4.3 Commissioned Public Artworks

Commissioned works may require involvement and consultation with the community. Depending on the subject or theme; the scale and size; and the location of the proposed artwork, a reference group or panel maybe formed to support the decision making process which would include key stakeholders. Public Artworks commissioned by the City will be guided by the *Public Artwork Guidelines*.

4.4 Public Urban Artworks

City commissioned or approved outdoor urban art or mural artworks are guided by the *Urban Art Policy* and *Urban Art Guidelines*.

4.5 Donations

Periodically community groups, private individuals and/or the corporate sector gift artwork for permanent display within the City. Donated artworks are accepted through a *Public Artwork Donation Agreement* between the donor and the City of Busselton.

4.6 Artwork on Loan (temporary acquisitions)

Periodically Artists, individuals or organisations will loan artworks to the City where the City curates, manages and controls an outdoor exhibition as part of a community celebration, festival or event. In this case, artwork on loan will be accepted through a *Public Artwork Loan Agreement* between the identity who is lending the artwork and the City of Busselton, unless already covered by a separate or existing loan agreement with the lender.

Artworks that are acquired by any means are entered to the Public Art Register.

5.0 CONSULTATION

Artworks commissioned and/or donated to the City of Busselton are site specific and will include consultation with key stakeholders. These stakeholders may include:

- residents or businesses located within viewing distance of the location;
- sponsors or donors;
- Councillors, project partners, community groups and organisers; and
- precinct stakeholders.

Consultation would consider the following selection criteria:

- themes of artwork that reflect the City's principles outlined in this policy;
- materials used and cost of maintenance plan;
- public safety;
- suitability in terms of
 - environment
 - culture
 - accessibility
 - point of interest and meeting place;
- location
 - integration with existing artworks that are nearby;
 - minimise impact on visual amenity of residential and business premises;
 - sculpture trails;
 - proximity to infrastructure such as pathways, parks and parking;
 - accessibility for maintenance works;
- passive surveillance.

Locations where public artworks may be sited include City-owned or managed properties in Busselton, Dunsborough, Yallingup, Vasse and other Locality precincts such as town centres and foreshores, in and adjacent to public buildings, parks, gardens and reserves, and Busselton Jetty.

6.0 MAINTENANCE

Unless an agreement exists between the City and an Artist, owner of an artwork, or a third party stipulates otherwise, any public artworks acquired by the City or located on City-controlled land will be the responsibility of the City. Accordingly, the City will informally inspect the condition of the artwork to carry out maintenance as required. A Maintenance Plan will be supplied by the Artist/s as part of the acquisition process and this will be submitted for inclusion as part of the City's Public Art Register.

The maintenance period for acquired artworks will be ten (10) years from the date of installation unless agreed otherwise. The maintenance plan will be implemented by the City's Engineering Works and Services Directorate.

A Condition Assessment and Valuation Report for insurance and maintenance purposes will be conducted by an Arts Valuation Consultant every three years to establish the historical, cultural and artistic significance of a public artwork. The Condition Assessment will recommend whether an artwork needs priority attention, conservation or remedial works or needs to be removed.

7.0 DEACCESSIONING

Deaccessioning is the process of decommissioning a public artwork that is deemed to be a risk to public safety and is considered to be beyond repair within a reasonable and acceptable budget.

Generally, an assessment of a public artwork on City owned/managed land will be undertaken through regular inspections and a valuation and condition assessment conducted every three (3) years, with recommendations informing the deaccessioning timeframe.

Regular informal inspections and recommendations occur by the City's Parks and Garden staff.

In the case of public artworks located on City-owned or managed property, the City may decide to remove an artwork at any time should it be deemed to be in an advanced state of disrepair or damage, the artwork is no longer considered suitable for the location, for relocation, or for other reasons such as safety.

In such cases, the City will consult with the Artist, where possible, prior to making a decision to remove and prepare a documented archival record of the artwork prior to its removal. The decommissioned artwork will be offered to the Artist for removal at their cost. In the case that an artist cannot be contacted, evidence of a reasonable attempt to find the artist will be recorded. The City will remove the public artwork at its cost if the Artist does not want it.

8.0 RESPONSIBILITIES

Community and Commercial Services Directorate

Acquisition, consultation, location, installation, valuation, condition assessments,
artist liaison

Engineering Works and Services Directorate

Location, installation, maintenance

Finance & Corporate Services Directorate

Asset Register, insurance

Planning Directorate

Development Contribution Policy : 6B Percent for Art Provisions

POLICY BACKGROUND

Policy Reference No:

Owner Unit: Community Services

Policy Adopted:

Review Frequency: As Required

HISTORY

Council Resolution	Date	Information
C1803/039	14/03/2018	

City of Busselton

Public Artwork Guidelines

Revised January 2020



City of Busselton Acquisitive Prize winners as part of Dunsborough & Districts Progress Association 'Sculpture by the Bay'

Family of Four by Greg Banfield

Whine & Dine by James Horsley

Tempo by Greg Gelmi

City of Busselton Public Artwork

The City of Busselton recognises that Public Artwork plays a significant role in the cultural, economic, social and artistic vitality of the City, adding a sense of community, belonging and place.

Public artwork created by Artists within the City of Busselton district are intended to reflect the cultures and lifestyles of the local community, to create vibrant spaces and invigorate places, and celebrate cultural or heritage aspects of the region.

Public artwork can help to:

- promote civic, community and cultural identity
- encourage community reflection, inspiration, celebration and well-being;
- improve visual amenity of places and spaces; and
- supports regional creative and arts industries.

The City engages with and encourages community members and organisations in the development and acquisition of Public Artworks that reflect the cultures and lifestyles of the people who live here and will create vibrancy and dynamics to public open spaces.

These Public Artwork Guidelines have been developed to provide information to Artists to ensure that artworks will be robust and long lasting, as well as safe for the visitors who view or interact with them.

The principles of the City of Busselton Public Artwork Policy are to:

- promote civic, community and cultural identity by introducing public art which makes streets, open spaces and buildings more locally distinctive;
- enhance the sense of place by encouraging public art forms which reinforce and highlight early settlement and Aboriginal history, cultural heritage and contemporary life;
- encourage community reflection, inspiration, celebration and well-being;
- improve visual amenity and the appearance of places by using public art to screen unattractive views and add interest;
- support regional art production where possible by contracting locally-based artists to create artworks;
- encourage the use of a diverse range of traditional and contemporary media and technologies; and
- recognise the importance of the role of art in public places.

For more information about the Public Artwork Policy, please see the City website under Council Policies.

All public artworks require an installation plan and maintenance schedule.



Figure 2 Queen Street Barriers commissioned by the City of Busselton

Artwork by Voytek Kozlowski Image: E O'Brien

Acquisitions

Acquisitions are public artworks purchased, commissioned, donated or on loan to the City of Busselton. These artworks become part of the City's Public Art Register at the City's discretion. Public artwork acquisition processes include but are not limited to:

- Sculpture by the Bay annual acquisitive prize;
- the City's Development Contributions Policy;
- artworks commissioned by the City, such as the Settlement Art Project;
- exterior urban art or mural commissions;
- donations; and
- artwork on loan to the City for public exhibition (temporary acquisitions)

Public Artworks acquired by and more specifically, commissioned by the City, are required to have an Installation Plan and Maintenance Plan. The City is responsible for the installation of artworks unless otherwise agreed by contract. Artworks will include signage that includes the name of the work, artist and year of completion or installation.

Donations and Community led Public Artworks

Periodically community groups, private individuals and/or the corporate sector gift artwork for permanent display within the City. Donated artworks are accepted through a Public Artwork Donation Agreement between the donor and the City of Busselton.

For organisations interested in donating or commissioning Public artwork, applicants must provide a project plan that includes:

- design plans and/or drawings of the proposal
- dimensions
- materials
- location
- installation plan
- maintenance plan and
- expected lifespan of the final work.

The organisation must identify stakeholders and demonstrate that the stakeholders have been consulted with prior to commencing the project.

Organisations should demonstrate that they have the necessary finance, expertise and commitment to undertake the project. The project budget should include costs for installing the artwork. It is recommended that the Artist be included in the installation process. Sometimes it is recommended that the Artist install the artwork due to their expertise and experience and if so, this should form part of their fee.

The Installation Plan should include drawings certified by a structural engineer and with consideration of traffic management; frame and footing requirements.

The Maintenance Schedule should include recommended products, methods of application and timeframes for works.

The City will assess community driven projects on case by case basis, and City officers should be contacted before any project commences.

Prizes

The City may acquire public artworks through a competitive process with a monetary reward. The competition will outline its terms and conditions for the prize and include a copy of the Public Artwork Guidelines. The artworks acquired through a prize process may not be as robust as an artwork commissioned by a professional artist with a much higher budget. Artworks acquired through prizes might occasionally be expected to have a shorter life span of up to five (5) to ten (10) years.

Development Contributions Policy

The City of Busselton has a Development Contributions Policy that includes *6B Percent for Art Provisions*. In general these artworks are commissioned for private property however some artworks are installed on City owned or managed land. In the case of an artwork located on public property, the developer will be responsible for the maintenance of the artwork for the span of its life and this is managed by a Maintenance Agreement.

A cash in lieu payment will be spent in accordance with the Policy. These Public Art Guidelines should be read in conjunction with *the Percent for Art Step by Step Guidelines*.

Commissioned Public Artworks

Commissioned works may require involvement and consultation with the community. Depending on the subject or theme; the scale and size; and the location of the proposed artwork, a reference group or panel maybe formed to support the decision making process which would include key stakeholders.

Public Urban Artworks

City commissioned or approved outdoor urban art or mural artworks are guided by the Urban Art Policy and Urban Art Guidelines.

Artwork on Loan (temporary acquisitions)

Periodically Artists, individuals or organisations will loan artworks to the City where the City curates, manages and controls an outdoor exhibition as part of a community celebration, festival or event. In this case, artwork on loan will be accepted through a Public Artwork Loan Agreement between the identity who is lending the artwork and the City of Busselton, unless already covered by a separate or existing loan agreement with the lender.

Artworks that are acquired by any means are entered to the Public Art Register.

Artist

An Artist is defined as:

- a person who evidences their experience in implementing successful public artwork projects;
- a person who has completed a university degree or a diploma in a relevant arts field (ie visual arts, multi-media, fine arts) as appropriate to the public artwork commission brief;
- a person who earns the majority of their income from arts-related activities, including: teaching, selling artwork or undertaking public art commissions;
- a person who exhibits their artwork through one or more reputable art galleries whose primary business is dealing in the works of professional artists; and
- a person who has had works of art acquired by major public or private collections; and
- emerging artists/s whose Artwork complies with Public Art Guidelines.

Professional artists, experienced community artists, or arts groups are eligible to carry out Public Artwork projects and this may be undertaken in conjunction with community organisations.

Installation Plan

The City will install public artworks according to the Installation Plan supplied by the Artist. The Installation Plan will include Certified Engineers Drawings of the design of the supporting framework (bolts, cage, reinforcing materials) and footing design. Any modifications that have been recommended by the structural engineer must be made prior to installation and at the cost of the Artist.

The Artist will deliver the artwork to the agreed site for installation in a timely manner in consultation with City Officers and staff, and will supply the necessary parts for the installation to be completed.

The Artist is required to be in attendance and provide any materials or equipment and direction required to protect or support the artwork during installation and until the footings have cured sufficiently for the artwork to be left unattended.

A Building Permit may be recommended for public artworks under three metres high and is required for artworks over three metres high. The responsibility for a building permit will be outlined during the process of commissioning the artwork.

Artist Installing Artworks

The City appreciates that occasionally the Artist is the best person to install their unique artwork because of their experience and expertise, the Artist will liaise with the City to outline the process and responsibilities required. In most cases, the installation would form part of any fee schedule for the Artwork and a certified structural engineer's report is required.



Figure 3 Aegis Ellendale as part of *Percent for Art* condition now on City of Busselton verge.
Artwork: Angela McHarrie Image: E O'Brien

Maintenance Schedule

The Maintenance Schedule will detail materials and finishes including Materials Safety Data Sheets and construction drawings for the artwork. This is required to be supplied by the Artist before final payment is made. The plan will outline recommended cleaning products and schedule for cleaning, as well as frequency and application of recommended sealing products or other maintenance requirements.

A Maintenance Agreement with the City may be required for Public Artwork on City property and installed by private means.

Vandalism

Artworks in public places are subject to vandalism. Where there is passive surveillance in an area that has high foot traffic there is less likelihood of vandalism while remote locations may be subject to damage occurring.

When planning and designing public artworks, consideration needs to be given to the location of the artwork, and the possibility of various forms of vandalism that might occur. This might include painting, pushing and pulling of parts with force, swinging objects and the removal of small parts.

Longevity & Materials

Construction, materials and finishes must be of a high quality and standard suitable for the City of Busselton's coastal locations, durable to exposure to salty air and water, cyclonic winds and ultraviolet rays. They should be made to last a minimum of ten years and should provide for a practical maintenance schedule. The Artist needs to address Australian Design and Building Standards.

Artists also need to supply a structural certification by a qualified engineering company or business. Points to observe but are not limited to:

- tensile integrity of the materials;
- artwork to withstand winds up to 70km p/h;
- no use of toxic substances that are potentially harmful to people;
- all mild steel welded joints to be hot dip galvanised after any welding has taken place, or coated with stabilizing compound* and dissimilar metals are not in contact with one another. For instance, stainless steel requires stainless steel bolts and screws;
- no flammable materials used;
- colour treatments selected whether painted or printed, are UV stable. For instance, darker colours, reds and oranges are more susceptible to UV and fading. Reflective surfaces are recommended because they will maintain colour better over time; and
- glass should be laminated.

*It is understood that sculptures may include metals that are designed to rust over time.

Safety

The prevention of serious injury is an important consideration in the construction and location of artworks. It is recommended that safety considerations need to be balanced with awareness that children will, inevitably, play in public spaces. Artworks should consider the need for play, learning and fun. Kidsafe WA provides some guidelines that will be useful in creating engaging and safe artworks. www.kidsafewa.com.au .

The City of Busselton requires compliance with the following Australian Standards for Playgrounds:

- A maximum free height of fall of 1.5m for supervised early childhood settings.
- A fall zone beneath and around playground equipment where the free height of fall is more than 0.5m that is loose-fill - at least 300mm of suitable sand or mulch.
- No gaps in which a child could become trapped, especially by the head, neck or chest. Gaps that can trap limbs, fingers, hair and clothing should be avoided.
- No sharp corners or edges to the artwork, including the potential for timber to splinter or metal to cut.

Ephemeral Artworks

Ephemeral artworks are of a temporary nature such as banners, collages, digital projections, chalk drawings and works made from materials such as sand or ice that deteriorate over time. In the City of Busselton, ephemeral artworks will be subject to negotiation with key stakeholders at or near the location, Artists and City staff, on a case-by-case basis.

Water-based Artworks

Increasingly there is opportunity to situate artworks in areas other than on land. The City is surrounded with beautiful coastline that may be suitable for sculpture, either under or close to the water line. Additionally, underwater sculptures have the potential to become further habitats for marine creatures. As these types of artworks are few, information is still being gathered on what is required for water-based sculptures. Water-based artworks may require more extensive approval processes, for example from the Department of Biodiversity, Conservation and Attractions, the Department of Primary Industries and Regional Development, Fisheries and Department of Transport.

Artist/s creating artworks to be located in or around water need to mindful of:

- costs for installation for example hiring of barge or diving equipment;
- sharp edges and hooked parts that catch loose articles or body parts as people swim by or investigate;
- toxic materials that deteriorate;
- materials that may leach into the underwater environment; and
- depth of water so that sea faring craft will not hit it.

For the Busselton Jetty in particular, approval needs to be given by the Department of Transport and considerations need to include proximity to the Jetty for people not to:

- jump and hit by accident;
- jump from
- jump onto.

Water artworks have the potential to be moored at a location, as per boat moorings. Further guidance on moorings can be provided by the City. However this does not mean that an artwork is approved if it is compliant



Figure 1 Artificial Reef Module, Dunsborough Boat Ramp.
Artwork: Samuel Allen & Dunsborough Primary School students Image: J Happ

with mooring information. All water-based artworks will be discussed on a case-by-case basis.

Deaccessioning and Decommissioning

Deaccessioning is the process of decommissioning a public artwork that is deemed to be a risk to public safety and is considered to be beyond repair within a reasonable and acceptable budget.

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

Generally, an assessment of a public artwork on City owned/managed land will be undertaken through regular inspections and a valuation and condition assessment conducted every three (3) years, with recommendations informing the deaccessioning timeframe.

Regular informal inspections and recommendations occur by the City's Parks and Garden staff.

In the case of public artworks located on City-owned or managed property, the City may decide to remove an artwork at any time should it be deemed to be in an advanced state of disrepair or damage, the artwork is no longer considered suitable for the location, for relocation, or for other reasons such as safety.

In such cases, the City will consult with the Artist, where possible, prior to making a decision to remove and prepare a documented archival record of the artwork prior to its removal. The decommissioned artwork will be offered to the Artist for removal at their cost. In the case that an artist cannot be contacted, evidence of a reasonable attempt to find the artist will be recorded. The City will remove the public artwork at its cost if the Artist does not want it.

Contact



Please contact the Cultural Development Officer on 97810444 for further information.



Figure 5 Spanish Settler from the Settlement Art Project 2017
Artwork: Greg James Image: Jacquie Happ

11.22am: At this time, Mrs Happ and Mrs James left the meeting.

6.6 MEDIA AND PUBLIC STATEMENTS COUNCIL POLICY

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.2 Council engages broadly and proactively with the community.
SUBJECT INDEX	Council Policies
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Public Relations Coordinator - Meredith Dixon
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 Media and Public Statements   Attachment B Media and Public Statements – Revised With Committee Amendments

OFFICER RECOMMENDATION

That the Council adopts the Council policy ‘Media and Public Statements’ as per Attachment A.

COMMITTEE RECOMMENDATION

PL2001/287 Moved Councillor G Henley, seconded Councillor K Hick

That the Council adopts the Council policy ‘Media and Public Statements’, inclusive of the Committee amendments, as per Attachment B.

CARRIED 5/0

Reasons: The Committee made changes to paragraph 5.6 and (new) 5.7 to ensure clarity with respect to the Mayor's role as spokesperson for the local government (under the Act) while also reflecting the City's intent for Council members with relevant knowledge to provide commentary on matters as appropriate. The Committee suggested additional changes to improve readability.

EXECUTIVE SUMMARY

This report presents a proposed Policy ‘Media and Public Statements’ (the Policy) (Attachment A) for Council approval. The purpose of the Policy is to establish protocols for the release of public statements (including media statements) issued by the City of Busselton; to ensure the City is professionally and accurately represented and to maximise a positive public perception of the City.

BACKGROUND

The issuing of media and public statements by the City of Busselton has to date been guided by the City of Busselton Code of Conduct, the *Local Government (Rules of Conduct) Regulations 2007*, the *Local Government Act 1995* and various internal procedural documents.

With a heightened focus on communications and engagement both across the sector and within the City of Busselton, it is timely that the City adopt a formal position on the issuing of media and public statements.

The review of existing procedures and formalisation of a media and public statements policy has been prompted by discussions at Council inductions (post the 2019 Local Government Elections) and a workshop held with Council in early December to look at communication and engagement strategies. While this workshop was primarily focused on engagement (i.e. consultation and the two-way flow of information) the need to formalise roles and responsibilities regarding the issuing of media and public statements (including on social media) was evident.

The Policy will underpin and inform the development of a broader Community Stakeholder Framework for the City including development of a Community Engagement Policy and associated engagement planning guidelines. Public and media statements are an essential component of stakeholder communication. Formalising roles and responsibilities in relation to the issuing of such statements is a practical first step toward improved communication and engagement.

OFFICER COMMENT

The Policy guides the issuing of media statements and public statements pertaining to City of Busselton business, with particular reference to the roles and responsibilities of the Mayor and Deputy Mayor, Elected Members and the CEO (or authorised officer/s).

The Policy outlines the purpose of issuing media and public statements and the modes through which such statements will generally be made, including social media.

The Policy outlines the City's approach to responding to official media enquiries and seeks to formalise sector wide and current practice at the City which sees media enquiries directed to the CEO such that information can be coordinated (usually by members of the Public Relations team) to support the release of an official response.

It is noted, however, that the Mayor in his / her official capacity as spokesperson for the City, can provide statements directly to the media if he / she elects to do so.

Statutory Environment

The officer recommendation supports the general function of a local government under the *Local Government Act 1995* (the Act) to provide for the good government of persons in its district. Specific references to the roles and responsibilities of the Mayor, Deputy Mayor, Elected Members and the CEO as per the Act are referenced in the Policy.

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 however a review of a number of similar local government policies was undertaken.

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. The Officer recommendation serves to mitigate the currently identified risk of inconsistent and potentially incorrect information and/or inappropriate commentary being relayed to the public by Elected Members and employees, helping to ensure the risk is reduced from a high (likelihood of likely) to a medium level risk.

Inconsistent and potentially incorrect information and/or inappropriate commentary being relayed to the public by Elected Members and City of Busselton employees.			
Risk Category	Risk Consequence	Likelihood of Consequence	Risk Level
Reputation	Moderate	Possible	Medium

Options

Council could choose:

1. Not to adopt a policy in relation to the subject matter.
2. To amend the Policy.

CONCLUSION

This Policy formalises the City of Busselton's position on the issuing of public and media statements. It contains guidelines that will help ensure Elected Members and City Officers respond to public and media enquiries relating to City of Busselton business in a way that is consistent, professional and maximises the positive perception of the City.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation will be effective immediately upon adoption, with the Policy published to the City's website within one week.



1. PURPOSE

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

2. SCOPE

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

3. DEFINITIONS

Term	Meaning
Policy	This City of Busselton Council policy is entitled Media and Public Statements
Social Media	Web-based technology which facilitates the communication and sharing of text, photos, audio, video and information in general.

4. STRATEGIC CONTEXT

- 4.1. This Policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the Community Objective/s:
 - 6.1 Governance systems, processes and practices are responsible, ethical and transparent.
 - 6.2 Council engages broadly and proactively with the community.
 - 6.3 Accountable leadership that is supported by a skilled and professional workforce.

5. POLICY STATEMENT

- 5.1. Media and public statements will be issued by the City for the purposes of:
 - a. sharing information required by law to be publicly available;
 - b. sharing information that is of interest and benefit to the Community;
 - c. promoting City of Busselton events and services;
 - d. promoting public notices and community consultation / engagement opportunities;
 - e. answering questions and responding to requests for information relevant to the role of the City; and
 - f. receiving and responding to community feedback, ideas, comments, compliments and complaints.
- 5.2. Official statements will be consistent with policies, standards and the positions adopted by the Council.

- 5.3. The City uses a combination of different communication modes to relay public statements including:
- a. City websites;
 - b. advertising and promotional materials;
 - c. media releases and media statements promoting specific City positions prepared for or provided by the Mayor, the CEO (or delegated Officer);
 - d. social media platforms; and
 - e. community newsletters and communiques.

Speaking on behalf of the City of Busselton

- 5.4. Section 2.8 (1) (d) provides that the Mayor is the official spokesperson for the City of Busselton and may represent the City in official communications, including; speeches, commentary, print, electronic mediums and social media.
- 5.5. Section 5.34 of the LG Act provides that the Deputy Mayor may perform the functions of the Mayor if
- a. the office of Mayor is vacant; or
 - b. the Mayor is not available, or is unable or unwilling to perform the functions of Mayor.
- 5.6. Section 2.10 of the LG Act sets out the role of a Council member and the role does not include speaking on behalf of the local government without prior approval of the Mayor. The Mayor may give approval to Councillors (or other individuals) to speak on behalf of Council when:
- a. an individual has specific expertise or knowledge of a specific area of Council business;
 - b. a comment from an individual other than the Mayor would generally be expected by the community;
 - c. a comment from an individual other than the Mayor maximises the positive perception of the City of Busselton Council.
- 5.7. The CEO or a CEO approved officer may speak to the media or otherwise in public as to the City's affairs in performance of the CEO's functions under S.5.41 of the LG Act, including that of managing the day-to-day operations of the City. The CEO only requires the approval of the Mayor when making statements of the kind which would ordinarily fall within the role of the Mayor as official spokesperson of the City.
- 5.8. Statements made by Council Members and City employees whether undertaken in an authorised official capacity or as a personal communication, must not:
- a. bring the City of Busselton into disrepute,
 - b. compromise the person's effectiveness in their role with the City of Busselton,
 - c. imply the City's endorsement of personal views,
 - d. imply the Council Member or employee is speaking on behalf of the City, unless authorised to do so; or
 - e. disclose, without authorisation, confidential information.

Council Member Statements on City Matters

- 5.9. Council members may speak in public to the extent that doing so does not conflict with roles or obligations outlined in the City's Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.
- 5.10. Any public statement made by a Council Member, whether made in a personal capacity or in their capacity as a Councillor, must:
- a. clearly state that the comment or content is a personal view only which does not necessarily represent the views of the City of Busselton;
 - b. be made with reasonable care and diligence;
 - c. be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;
 - d. be factually correct;
 - e. avoid damage to the reputation of the local government;
 - f. not reflect adversely on a decision of the Council;
 - g. not reflect adversely on the character or actions of another Council Member or Employee; and
 - h. maintain a respectful tone and not use offensive or objectionable expressions in reference to any Council Member, Employee or community member.

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

Media Enquiries

- 5.12. The Council will openly discuss matters of interest with the media unless disclosure of information contravenes the City's duty of care, contractual obligations, a legal issue or could infringe laws or regulations that govern its operations, or the privacy of any individual.
- 5.13. Media enquiries will be dealt with promptly, honestly and within the media representative's deadline wherever possible.
- 5.14. All media enquiries must be directed to the City's Public Relations team in the first instance whereby information will be coordinated to support the release of an official response on behalf of the City. The media may, however, approach the Mayor directly for comment in his/her capacity as official spokesperson for the City.
- 5.15. Council Members may make comments to the media in a personal capacity only – refer to clause 5.21.

Social Media

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

Personal Communications

- 5.21. Personal communications and statements made privately have the potential to be made public, whether intended or not. Council Members should ensure that their personal communications do not breach the requirements of this policy, the City's Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton Code of Conduct
- 6.2. Local Government (Rules of Conduct) Regulations 2007
- 6.3. Elected Members Guide
- 6.4. Social Media Personal use (OP)

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	N/A	Resolution #	N/A



1. PURPOSE

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

2. SCOPE

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

3. DEFINITIONS

Term	Meaning
Act	Local Government Act 1995
Policy	This City of Busselton Council policy is titled "Media and Public Statements"
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- 4.1. This Policy links to Key Goal Area 6 of the City's Strategic Community Plan 2017 and specifically the Community Objectives:
 - a. 6.1 Governance systems, processes and practices are responsible, ethical and transparent;
 - b. 6.2 Council engages broadly and proactively with the community;
 - c. 6.3 Accountable leadership that is supported by a skilled and professional workforce.

5. POLICY STATEMENT

- 5.1. Media and public statements will be issued by the City for the purposes of:
 - a. sharing information required by law to be publicly available;
 - b. sharing information that is of interest and benefit to the Community;
 - c. promoting City of Busselton events and services;
 - d. promoting public notices and community consultation / engagement opportunities;
 - e. answering questions and responding to requests for information relevant to the role of the City; and
 - f. receiving and responding to community feedback, ideas, comments, compliments and complaints.
- 5.2. Official statements will be consistent with policies, standards and the positions adopted by the Council.

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

Speaking on behalf of the City of Busselton

5.4. Section 2.8 (1) (d) of the Act provides that the Mayor is the official spokesperson for the City of Busselton and may represent the City in official communications, including; speeches, commentary, print, electronic mediums and Social Media.

- 5.5. Section 5.34 of the LG Act provides that the Deputy Mayor may perform the functions of the Mayor if
- a. the office of Mayor is vacant; or
 - b. the Mayor is not available, or is unable or unwilling to perform the functions of Mayor.

5.6. Section 2.10 of the LG Act sets out the role of a Council member and the role does not include speaking on behalf of the local government ~~without prior approval of the Mayor.~~

~~5.6.5.7.~~ The Mayor may include commentary from other Council members in media and public statements wheregive approval to Councillors (or other individuals) to speak on behalf of Council when:

- a. an Council member individual has specific expertise or knowledge of a specific area of Council business;
- b. a comment from a Council member individual other than or as well as the Mayor would generally be expected by the community;
- c. a comment from a Council member individual other than or as well as the Mayor maximises the positive perception of the City of Busselton Council.

~~5.7.5.8.~~ The CEO or a CEO approved officer may speak to the media or otherwise in public as to the City's affairs in performance of the CEO's functions under S.5.41 of the LG Act, including that of managing the day-to-day operations of the City. The CEO only requires the approval of the Mayor when making statements of the kind which would ordinarily fall within the role of the Mayor as official spokesperson of the City.

~~5.8.5.9.~~ Statements made by Council Members and City employees whether undertaken in an authorised official capacity or as a personal communication, must not:

- a. bring the City of Busselton into disrepute;
- b. compromise the person's effectiveness in their role with the City of Busselton;
- c. imply the City's endorsement of personal views;
- d. imply the Council Member or employee is speaking on behalf of the City, unless authorised to do so; or
- e. disclose, without authorisation, confidential information.

Council Member Statements on City Matters

~~5.9.5.10.~~ Council members may speak in public to the extent that doing so does not conflict with roles or obligations outlined in the City's Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

~~5.10.5.11.~~ Any public statement made by a Council Member, whether made in a personal capacity or in their capacity as a Councillor, ~~should~~must:

- a. clearly state that the comment or content is a personal view only which does not necessarily represent the views of the City of Busselton;
- b. be made with reasonable care and diligence;
- c. be lawful, including avoiding contravention of; copyright, defamation, discrimination or harassment laws;

- d. be factually correct;
- e. avoid damage to the reputation of the local government;
- f. not reflect adversely on a decision of the Council;
- g. not reflect adversely on the character or actions of another Council Member or Employee; and
- h. maintain a respectful tone and not use offensive or objectionable expressions in reference to any Council Member, Employee or community member.

~~5.11.5.12.~~ A Council Member who is approached by the media for a statement may request the assistance of the City via a request to the CEO or relevant Director.

Media Enquiries

~~5.12.5.13.~~ The Council will openly discuss matters of interest with the media unless disclosure of information contravenes the City's duty of care, contractual obligations, a legal issue or could infringe laws or regulations that govern its operations, or the privacy of any individual.

~~5.13.5.14.~~ Media enquiries will be dealt with promptly, honestly and within the media representative's deadline wherever possible.

~~5.14.5.15.~~ All media enquiries must be directed to the City's Public Relations team in the first instance whereby information will be coordinated to support the release of an official response on behalf of the City. The media may, however, approach the Mayor directly for comment in his/her capacity as official spokesperson for the City.

~~5.15. Council Members may make comments to the media in a personal capacity only – refer to clause 5.21.~~

Social Media

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

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

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

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

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

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

Personal Communications

~~5.21. Personal communications and statements made privately have the potential to be made public, whether intended or not. Council Members should ensure that their personal communications do not breach the requirements of this policy, the City's Code of Conduct and the Local Government (Rules of Conduct) Regulations 2007.~~

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. City of Busselton Code of Conduct
- 6.2. Local Government (Rules of Conduct) Regulations 2007
- 6.3. Elected Members Guide
- ~~6.4. Social Media Personal use (OP)~~

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	N/A	Resolution #	N/A

7. GENERAL DISCUSSION ITEMS

Nil

8. NEXT MEETING DATE

Wednesday, 26 February 2020

9. CLOSURE

The meeting closed at 12.02pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 95 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 26 FEBRUARY 2020.

DATE: _____ PRESIDING MEMBER: _____