



**City of Busselton**  
*Geographe Bay*

## **Policy and Legislation Committee Agenda**

***12 March 2019***

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

[city@busselton.wa.gov.au](mailto:city@busselton.wa.gov.au)

**CITY OF BUSSELTON**

**MEETING NOTICE AND AGENDA – 12 MARCH 2019**

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**TO: THE MAYOR AND COUNCILLORS**

**NOTICE** is given that a meeting of the Policy and Legislation Committee will be held in the the Committee Room, Administration Building, Southern Drive, Busselton on Tuesday, 12 March 2019, commencing at 2.00pm.

The attendance of Committee Members is respectfully requested.

**DISCLAIMER**

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



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**MIKE ARCHER**

**CHIEF EXECUTIVE OFFICER**

6 March 2019

CITY OF BUSSELTON

AGENDA FOR THE POLICY AND LEGISLATION COMMITTEE MEETING TO BE HELD ON 12 MARCH 2019

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1. **DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

2. **ATTENDANCE**

**Apologies**

3. **PUBLIC QUESTION TIME**

4. **DISCLOSURE OF INTERESTS**

5. **CONFIRMATION AND RECEIPT OF MINUTES**

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

**RECOMMENDATION**

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

## 6. REPORTS

### 6.1 COUNCIL POLICY: PORTABLE ADVERTISING SIGNS IN PUBLIC PLACES

<b>SUBJECT INDEX:</b>	Council Policy
<b>STRATEGIC OBJECTIVE:</b>	Development is managed sustainably and our environment valued.
<b>BUSINESS UNIT:</b>	Environmental Services
<b>ACTIVITY UNIT:</b>	Ranger and Emergency Services
<b>REPORTING OFFICER:</b>	Ranger & Emergency Services Coordinator - Ian McDowell
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Council Policy - Portable Signs in Public Places <a href="#">↓</a>

#### PRÉCIS

The purpose of this report is to seek the Council's endorsement of a proposed amendment to Council Policy: Portable Advertising Signs in Public Places (the Policy); specifically, clause 5.6 of the Policy that requires businesses or commercial ventures to provide evidence of current public liability insurance to the value of \$10 million and which indemnifies the City against any claims for damages arising from the sign on the public land.

In practice this clause has proven to be unworkable, or at the very least difficult to administer, due to the fact that while most applicants to date provided current Public Liability Insurance Certificates, none specifically indemnified the City as required by the Policy. Further, two of the applicants only had \$2m cover and not the \$10m required by the Policy.

To overcome this, Officers propose to amend this clause so that businesses need only provide evidence of "broad form" cover to the value of at least \$2m with their application for a permit.

#### BACKGROUND

The Council endorsed the Policy as a new Policy on 9 May 2018 (C1805/090) – see Attachment A.

The new Council Policy was developed as a means of providing a regulatory framework for the design and placement of portable advertising signs within the City of Busselton. The policy, underpinned by the Activities in Thoroughfares and Public Places and Trading Local Law 2015 (the Local Law), is intended to provide clear direction to local business as to where they can display portable advertising signs, the types of signs requiring a permit, and the restrictions with regard to the number of signs and the times they may be displayed

#### STATUTORY ENVIRONMENT

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

Pursuant to clause 3.2 of the *Activities in Thoroughfares and Public Places and Trading Local Law 2015*:

(1) *A person shall not without a permit, erect, place or maintain an advertising sign:*

- a. *on or above a thoroughfare;*
- b. *on a path;*

- c. *over a path where the resulting vertical clearance between the sign and the path is less than 2.5 metres (s.45B of the Building Regulations 2012 requires a vertical clearance of 2.75 metres and supercedes this sub-clause of the Local Law);*
  - d. *in any location where the sign is likely to obstruct line of sight along a thoroughfare or cause danger to the person using the thoroughfare; or*
  - e. *on any natural feature including a rock or tree on a thoroughfare, or on any bridge or the structural approaches to a bridge;*
- (2) *Notwithstanding subclauses (1) and (2), a permit is not required in respect of a home open sign or a garage sale sign provided that:*
- a. *the sign neither exceeds 500mm in height or 0.5m<sup>2</sup> in area;*
  - b. *the sign is placed or erected on a thoroughfare no more than half an hour prior to the garage sale or home open and is removed within half an hour of the close of the garage sale or home open; and*
  - c. *there is no more than one garage sale or home open sign at any road intersection and no more than six separate signs which delineate not more than two alternative routes to the home open or garage sale.*

#### **RELEVANT PLANS AND POLICIES**

There are no other relevant plans or policies relating to this matter.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the officer recommendation of this report.

#### **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

There are no Long-term Financial Plan implications associated with the officer recommendation of this report

#### **STRATEGIC COMMUNITY OBJECTIVES**

The Policy aligns with and supports Key Goal Area 3 – Environment: valued conserved and enjoyed of the City's Strategic Community Plan 2017; and more specifically Community Objective 3.1 – development is managed sustainably and our environment valued.

The Policy provides a regulatory framework for the design and placement of portable advertising signs within the City of Busselton. In doing so it provides a mechanism for the management of portable advertising signs in the natural and built environment.

#### **RISK ASSESSMENT**

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk assessment framework.

Although it is proposed to remove the condition that applicants provide evidence of public liability indemnifying the City against claims for damage as the result of portable advertising signs being displayed in public places, the risk of damage occurring is considered low. Portable advertising signs have been used by businesses across Australia as a means of advertising their business, products or services for decades with no known incidents or claims for damages.

Further, it is more likely that a sign being displayed remotely from the business, which under the Local Law and Policy cannot be displayed in a public place except with some exceptions such as home open and garage sale signs, present a greater risk to public safety than a sign that is displayed immediately outside the business and for which conditions to display the sign apply under the Local Law and Policy. These conditions require the signs to be removed from the public place when the business is not occupied, and when there are severe weather warnings in place. There are also restrictions on the placement of the signs so as to provide clear access for pedestrians.

## **CONSULTATION**

Prior to adopting the Policy in May 2018, the draft policy was available for public comment from the end of January 2018 to 19 March 2017. There were minor changes made to the draft Policy prior to the Council adopting it in May 2018.

Given the nature of the amendment which would make it easier for applicants to be granted a permit, there has been no consultation undertaken with regard to the proposed amendment.

## **OFFICER COMMENT**

As at Friday, 22 February 2019 the City had received 55 applications to display portable advertising signs. Of the applications received, 54 provided evidence of public liability insurance with two of these in the amount of \$2m whilst the rest provide between \$10m and \$20m cover. None of the applicants provided evidence of public liability cover indemnifying the City. Further, their ability to obtain such cover is considered highly unlikely and will only increase the time and administrative burden of processing the applications when the risk to the City is low.

Officers propose to amend clause 5.6 of the Policy from:

*“The owner of a portable advertising sign advertising a business or commercial venture will be required to provide evidence of current public liability insurance to the value of \$10,000,000, which indemnifies the City of Busselton against any claims for damages arising from the sign on public land”.*

to:

*“The owner of a portable advertising sign advertising a business or commercial venture will be required to provide evidence of current broad form public liability insurance to the minimum value of \$2,000,000”.*

## **CONCLUSION**

To simplify the application process for businesses and to reduce the administrative burden on the City, it is proposed to amend the requirements of clause 5.6 of the Policy so as to remove the requirement for cover that indemnifies the City, and reducing the minimum amount from \$10m to \$2m.

## **OPTIONS**

Should the Council not agree with the proposed changes to the Public Liability Insurance requirements of the Policy they may require the Policy to remain as is, or direct officers to amend it further.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

If the officer recommendation is approved by the Council it will take immediate effect.

**OFFICER RECOMMENDATION**

That the Council approves changes to clause 5.6 of Council Policy – Portable Advertising Signs in Public Places to read as follows:

*“The owner of a portable advertising sign advertising a business or commercial venture will be required to provide evidence of current broad form public liability insurance to the minimum value of \$2,000,000”.*



<b>COUNCIL POLICY</b>		 City of Busselton <i>Geographic Bay</i>
Council Policy Name:	Portable Advertising Signs in Public Places	
Responsible Directorate:	Planning and Development Services	

**1. PURPOSE**

1.1. The purpose of this policy is to provide a regulatory framework for the design and placement of portable advertising signs within the City of Busselton. Council supports the need for signage to promote tourism, business, public events and community groups and services but also supports the need for regulation so that signage does not adversely impact the amenity and streetscapes of the City.

**2. SCOPE**

2.1. This policy will guide the City, local business and the community on circumstances where portable advertising signs may be displayed in public places within the District; and also circumstances where signs may be removed from public places if displayed contrary to this policy and/or our Local Law.

2.2. This policy does not cover:

- a. fixed directional tourism signs or signs promoting public events;
- b. signs and advertising devices on or in the vicinity of highways and main roads that come under the control of the Commissioner of Main Roads; or
- c. signs, advertising or otherwise, that are covered under separate legislation (including election signage), local planning policies or the town planning scheme.

**3. DEFINITIONS**

General Definitions	
Term	Meaning
Advertising sign	A sign that is used for the purpose of advertisement or to draw attention to a product, business, person or event and includes a home open sign and garage sale sign. In the case of signs advertising a business or commercial venture they shall only display material which advertises the business or the products available from the business to which the sign relates.
Busselton City Centre:	The area bounded by the Marine Terrace, the Lower Vasse River Brown Street and West Street.
Carriageway	A portion of a road that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of these portions divided by a median strip, the expression means each of those portions separately.

6.1 Attachment A Council Policy - Portable Signs in Public Places

Dunsborough Town Centre	The area bounded by Caves Road, Cape Naturaliste Road, Dugalup Brook, and Geographe Bay Road; and the area bounded by Seymour Boulevard, Chieftain Crescent and Seymour Park.
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: <ul style="list-style-type: none"> <li>a. concerts and music festivals;</li> <li>b. motorsport events, motor vehicle rallies and displays;</li> <li>c. sporting events;</li> <li>d. cultural and community events;</li> <li>e. shows and fairs;</li> <li>f. exhibitions, wine and food festivals; and</li> <li>g. surfing events.</li> </ul>
Footpath	An area that is open to the public that is designated for, or has as one of its main uses, as use by pedestrians and includes dual use or shared paths.
Local Law	The City of Busselton <i>Activities in Thoroughfares and Public Places and Trading Local Law 2015</i> .
Median strip	Any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate two one-way carriageways for vehicular traffic proceeding in opposing directions.
Portable sign	Includes 'A' frame or inverted 'T' signs, garage sale signs, home open signs, horizontal and vertical banner signs, and variable message signs (including trailer mounted).
Public place	Any thoroughfare or place the public is allowed to use, whether or not the thoroughfare is on private property, and includes local government land/property but does not include premises on private property from which trading is lawfully conducted.
Sporting and community sign	A portable advertising sign erected by not-for-profit sporting, or community groups or services for the purpose of advertising a sporting or community event (e.g. cultural activities, sporting registration days, arts and craft fairs, market days or other events of public interest).
Thoroughfare	A road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.
Traffic controlled intersection	An intersection that has traffic control lights, stop signs, or give way signs directing traffic.
Traffic island	Any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection to guide vehicular traffic.
<b>Sign Types</b>	
'A' frame or 'T' frame sign	A self-supporting sign of rigid, lightweight material that is capable of being easily moved by hand, in 'A' or 'T' frame configuration.
Garage sale sign	A sign made from cardboard/corflute, paper or other lightweight material that is used to direct persons to a garage sale at residential premises.
Home open sign	A sign made from cardboard/corflute or other lightweight material used to direct persons to a home for sale that is open for inspection and includes display homes.

6.1 Attachment A Council Policy - Portable Signs in Public Places

Horizontal banner sign	A sign made of lightweight, non-rigid material such as cloth, canvas or similar attached by rope or similar material to poles or other vertical anchoring points.
City project sign	A sign made from cardboard/corflute or other lightweight material used to promote constructions projects being undertaken by the City.
Vertical banner sign	A fabric or similar material sign with a single mast constructed of carbon- fibre or similar flexible material attached to a weighted base or otherwise anchored to the ground. These are typically marketed as 'teardrop', 'feather' or 'blade wing' signs.
Variable message sign	An electronic sign that is capable of displaying a single message, or a series of messages

**4. STRATEGIC CONTEXT**

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

- a. 3.1: Development is managed sustainably and our environment valued.

**5. POLICY STATEMENT**

5.1. Portable advertising signs are not to be:

- a. erected, placed or maintained on roundabouts, traffic islands, median strips, or within 10m of traffic controlled intersections at or around the following locations:
  - i. Bussell Highway;
  - ii. Busselton Bypass;
  - iii. Caves Road;
  - iv. Busselton Central Business District;
  - v. Dunsborough Townsite;

note: Busselton Bypass, Caves Road and a portion of the Bussell Highway come under the control of Main Roads Western Australia (MRWA) and as such, the control and placement of signs at those locations requires MRWA approval. Where there are compliance issues regarding the placement of signs at those locations, the City and MRWA work closely together to resolve those issues; or
- b. attached to existing signs, including other advertising signs, or on any road related infrastructure such as traffic sign supports, bus shelters, or on or between trees or other vegetation; or
- c. electronically illuminated or have an electronic or animated display; or
- d. placed on any footpath where the speed limit on the road abutting the footpath is 60 kilometres per hour or greater; or
- e. mounted to a vehicle and/or trailer.

5.2. Portable advertising signs in public places shall:

- a. have no moving parts once the sign is in place;
- b. be placed on the property boundary and provide a minimum of 1.2 metres clearance from the abutting thoroughfare;
- c. be weighted or anchored to retain their position in all weather conditions other than the circumstance in (d) below;
- d. be removed by the owner during periods of severe weather warnings issued by the Bureau of Meteorology;
- e. be manufactured from high quality materials (metal, plastic, wood or fabric) and have professional sign writing and/or graphics (including blackboards that are professionally presented);
- f. be designed and supported in a manner that ensures there is no risk of injury to the public through sharp edges, projections, potential trip hazards or similar and
- g. in the case of signs that advertise a business or other commercial venture, only be displayed when the business or other commercial venture to which it relates is attended by a representative of the business or commercial venture.

**Signs requiring a permit**

- 5.3. The City of Busselton *Activities in Thoroughfares and Public Places and Trading Local Law 2015* establishes the need for a permit to display certain types of portable advertising signs.
- 5.4. Subject to clause 2.2, permits are required for 'A' or 'T' frame signs, horizontal and vertical banner signs; and variable message signs that:
- promote or advertise a business or any other commercial venture; and
  - promote or advertise a sporting event, community event, community group or community service.
- 5.5. A permit application fee will be charged for signs that advertise a business or commercial venture, but will not be charged for signs promoting charitable not-for-profit sporting or community events or services. To not be charged a fee, an organisation or individual is required to be a not-for-profit organisation (with an incorporation certificate) or a charitable organisation. The permit application fee is prescribed in Council's adopted Schedule of Fees and Charges.
- 5.6. The owner of a portable advertising sign advertising a business or commercial venture will be required to provide evidence of current public liability insurance to the value of \$10,000,000, which indemnifies the City of Busselton against any claims for damages arising from the sign on the public land.
- 5.7. Portable advertising signs for which a permit is required and has been issued will be required to indelibly display, the current permit number at the top right hand corner on one external face of the sign. Permits will generally be issued for 3 years, unless the sign is only required for a short duration, or unless this policy requires otherwise; after which the permit holder will be required to apply for a permit renewal.
- 5.8. 'A' or 'T' frame signs shall:
- be limited to a maximum of one sign per business premises and placed directly in front of, or as near as is practically possible to the business to which it relates;
  - be placed with a set back from the carriageway of no less than 0.5m, and placed to maintain a clear thoroughfare (footpath) width of no less than 1.8m; and
  - have a maximum vertical or horizontal dimension of 1.2m and have an area allocated for advertising of no more than 0.9m<sup>2</sup> on either side.
- 5.9. Horizontal banner signs:
- will only be approved when promoting or advertising sporting or community events or services;
  - shall have a maximum height of 1.5m;
  - shall have a maximum width of 2.5m; and
  - may be displayed for a maximum period of 14 days before an event and removed by the owner no later than one day after the event.
- 5.10. Vertical banner signs shall:
- be a fabric sign with a single mast;
  - have a maximum flag size of 2.8m by 1.0m with a maximum height, including the stand, of 3.5m (when placed on an open verge);
  - have a maximum flag size of 2.0m by 1m with a maximum height, including the stand, of 2.5m (when placed on a footpath);
  - be no more than 60cm wide below 2m high; and
  - have no more than one vertical banner per 4m of street frontage (with a maximum of four banners per business) and excludes the use of an 'A' or 'T' frame sign (where more than one vertical banner is displayed, each banner shall display a different product or message).



6.1 Attachment A Council Policy - Portable Signs in Public Places

5.11. The City will not approve the use of variable message signs in a public place for the purpose of advertising a business or commercial venture.

5.12. Owners of approved business or commercial ventures that have no fixed business location may apply to use up to two portable advertising signs ('A' or 'T' frame, or other lightweight signs but not including banner or variable message signs) to advertise the location from which the business is currently being undertaken. The first sign to be at the approved trading location, the second is to be located within 500 metres driving distance of that location and shall otherwise comply with the requirements of this policy and the Local Law.

**Signs not requiring a permit**

5.13. Permits are not required for garage sale signs or home open signs. The owner of the signs is responsible for their placement and removal in accordance with this policy and the Local Law. Removal of the signs includes all materials from which the sign is constructed, and all materials used to secure the signs in place.

5.14. Garage sale signs are to include the address details, street number and street name, of the premises in which the garage sale is being held.

5.15. Restrictions:

- a. no more than six separate signs shall be used to advertise or promote the same garage sale, or home open;
- b. signs are not to be displayed more than one kilometre from the garage sale or home open, (two kilometres in rural and rural residential areas), within 250m of any other sign advertising or promoting the same garage sale or home open, or within 50m of any other portable advertising sign; and
- c. the signs should not delineate any more than two alternative routes to the garage sale, or home open.

5.16. Garage sale signs, and home open signs shall:

- a. be free standing and not affixed to any sign, post, power or streetlight pole, or similar structure (including trees and other vegetation);
- b. not exceed 500mm in height or 0.5m<sup>2</sup> in area;
- c. not obstruct the vision of a driver of a vehicle entering or leaving a street or other public place; and
- d. not interfere with the safe and convenient passage of pedestrians.

**City project specific signs**

5.17. City project specific signs have been developed by the City as a means of promoting public works and projects it is undertaking throughout the District. These signs will only be displayed during construction works when there are workers on site.

5.18. As the approving authority for portable advertising signs, the City will be deemed to have approval to display these signs without the need to apply for individual permits.

**Refusal of applications**

5.19. Applications that do not comply with the requirements of the Local Law and this Policy will be refused by the City.

**Removal of unauthorised signs**

5.20. Portable advertising signs placed contrary to this policy and/or the Local Law may be impounded by the City.

5.21. Impounded signs may be claimed by the owner following payment of an impound fee as prescribed in Council's Schedule of Fees and Charges. In addition to the impound fee, owners of impounded signs may also receive a written caution and/or an infringement.

**6. RELATED DOCUMENTATION / LEGISLATION**

6.1. Activities in Thoroughfares and Public Places and Trading Local Law 2015

**7. REVIEW DETAILS**

<b>Review Frequency</b>	3 yearly			
<b>Council Adoption</b>	<b>DATE</b>	9 May, 2018	<b>Resolution #</b>	C1805/090
<b>Previous Adoption</b>	<b>DATE</b>		<b>Resolution #</b>	

## 6.2 RESCISSION OF COUNCIL POLICY 235 - ACCESS AND INCLUSION

<b>SUBJECT INDEX:</b>	Council Policy
<b>STRATEGIC OBJECTIVE:</b>	A friendly safe and inclusive community with a strong community spirit.
<b>BUSINESS UNIT:</b>	Community Services
<b>ACTIVITY UNIT:</b>	Community Development
<b>REPORTING OFFICER:</b>	Community Development Officer - Naomi Davey
<b>AUTHORISING OFFICER:</b>	Director, Community and Commercial Services - Naomi Searle
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Council Policy 235 - Access and Inclusion <a href="#">↓</a>

### PRÉCIS

In August 2017 the CEO commissioned a high level independent review of the City's governance systems – the Governance Systems Review (GSR). Included in the scope of the review was the City's policy and procedure framework with recommendations made in relation to the nature and intent of Council policies; namely that Council policies should deal with higher level strategies and objectives.

In accordance with the recommendations of the GSR, the purpose of this report is to recommend that Council Policy 235 – Access and Inclusion (the Policy) be rescinded.

### BACKGROUND

The Policy, which was originally adopted in June 2006 and subsequently reviewed in March 2011 and May 2015, outlines the purpose, scope, context, principles and values of creating and encouraging accessibility and social inclusive services, facilities and functions for all people within the community. The purpose of the Policy is to recognise that the whole of community are equally valued members of society and make a unique and valuable contribution to community wellbeing, community vibrancy and way of life. The vision for an accessible and inclusive community concentrates on seven key areas:

1. Existing services
2. Access to buildings and facilities
3. Information and communication
4. Advice and services
5. Opportunity to make complaints
6. Opportunity to participate in any public consultation
7. Staff employment and training opportunities

The Policy applies to all activities undertaken within the City of Busselton district and states that its aims and objectives will be realised through the City of Busselton Disability Access and Inclusion Plan.

There is a legislative requirement for all local governments to develop a Disability Access and Inclusion Plan (DAIP) under the *Disability Services Act 1993, Part 5 – Disability Service Plans by Public Authorities*, addressing the same seven outcome areas listed above.

### STATUTORY ENVIRONMENT

*Part 5 – Disability Service Plans by Public Authorities* of the *Disability Services Act 1993* requires all local governments to develop a Disability Access and Inclusion Plan. DAIPs assist public authorities to plan and implement improvements to access and inclusion across seven outcome areas, in regards to services and events, buildings and facilities, information, quality of service, complaints, consultation processes and employment.

## **RELEVANT PLANS AND POLICIES**

The GSR was undertaken over a 3 month period by Mr John Woodhouse LLB Juris and made the following recommendations, including but not limited to, the City's policy and procedure framework:

1. *There should be a review of the Council Policies with the intent that a Council Policy:*
  - a. *Should deal with higher level objectives and strategies;*
  - b. *Should not deal with operational matters, employee matters, or other matters which are the responsibility of the CEO; and*
  - c. *Should, where appropriate provide sufficient direction to the CEO to develop OPPs which deal with the implementation of the Council Policy or other detailed matters.*
2. *As part of that review, any existing Council Policy should be deleted where it could, more sensibly be dealt with by an OPP adopted by the CEO.*

In response a Policy Framework has been developed and endorsed by Council, setting out the intent of Council policies, as opposed to operational documents such as Staff Management Practices and operational procedures.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the officer recommendation.

## **LONG-TERM FINANCIAL PLAN IMPLICATIONS**

There are no long term financial plan implications associated with the officer recommendation.

## **STRATEGIC COMMUNITY OBJECTIVES**

The officer recommendation will not impact adversely on the achievement of any of the community objectives contained within the Strategic Community Plan 2017. The City's DAIP will serve to meet the objectives of Key Goal Area 1, Community Objective 1.1 – A friendly safe and inclusive community with a strong community spirit.

## **RISK ASSESSMENT**

There are no identified risks of a medium or greater level associated with the Officer recommendation.

## **CONSULTATION**

The review and relevance of Council Policy 235 -Access and Inclusion was discussed with the Disability Access and Inclusion Reference Group at their meeting held 11 February 2019. The Reference Group supported the view that the policy was a duplication of the City's DAIP and were in favour of recommending its rescission to Council.



**OFFICER COMMENT**

The purpose of Council Policy 235 -Access and Inclusion is to recognise that the whole of community are equally valued members of society and make a unique and valuable contribution to community wellbeing, community vibrancy and way of life. The Policy states that its aims and objectives will be realised through the City's DAIP, a legislative requirement of the *Disability Services Act 1993*. The Policy lists the same seven key areas as the DAIP in which access and inclusion for the community will be achieved.

The City's DAIP and supporting annual implementation plan contain similar elements of purpose, scope, definitions and strategic context as the Policy. Given the requirement for a DAIP to be adopted by Council under *Part 5 – Disability Service Plans by Public Authorities* of the *Western Australian Disability Services Act (1993)*, the Policy could be considered a duplication and therefore an unnecessary policy; and, noting the recommendations of the GSR, it is recommended that it be rescinded.

**CONCLUSION**

It is recommended that the Policy be rescinded, as the City has an existing DAIP (Disability Access and Inclusion Plan 2018-2022) that describes how the City of Busselton will plan and implement improvements to access and inclusion across seven outcome areas, in regards to services and events, buildings and facilities, information, quality of service, complaints, consultation processes and employment.

**OPTIONS**

Council could instead require that the Policy is maintained and updated to the new template and / or further reviewed.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The Policy will be rescinded immediately upon adoption of the officer recommendation.

**OFFICER RECOMMENDATION**

That the Council rescinds Council Policy 235 – Access and Inclusion.

Last updated 13/05/2015

235	Access and Inclusion	V2 Current
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**PURPOSE**

The City of Busselton is committed towards creating and encouraging universally accessible and socially inclusive services, facilities and functions for all people within the community.

The purpose of this policy is to recognise that the whole of community are equally valued members of society and make a unique and valuable contribution to community well being, community vibrancy and way of life.

**SCOPE**

This Policy applies to all activities undertaken within the City of Busselton District, sets the stage for responding to diversity, and looks at ways that the City can ensure that both the disability, indigenous and culturally and linguistically diverse sectors are included in the broader community by increased communication and engagement practices.

**POLICY CONTENT**

Diversity in this context is characterised by people who either reside or are visiting from ethnic and indigenous backgrounds, from different countries, speak different languages, or who have differing levels of physical and intellectual abilities.

Access in this context refers to an individual's physical ability to get to, into, and around facilities. This access is created by removing structural barriers and including mechanisms to enable structural access.

Inclusion in this context refers to an individual's ability to participate as fully as possible in programs and services provided by organizations in an integrated and holistic manner that does not ostracise, embarrass or humiliate an individual.

This Policy will be realised through the City of Busselton Disability Access and Inclusion Plan, a legislative requirement of the Western Australia Disability Services Act (1994).

The vision for an accessible and inclusive community will concentrate on seven key areas:

- 1.Existing services
- 2.Access to buildings and facilities
- 3.Information and communication
- 4.Advice and services
- 5.Opportunities to make complaints
- 6.Opportunities to participate in any public consultation
- 7.Staff employment and training opportunities

The underpinning principals and values of this policy are:

- \* A commitment to access and inclusion for all citizens in the delivery of services through leadership by adapting, changing and proactively seeking new opportunities;

6.2 Attachment A Council Policy 235 - Access and Inclusion

Last updated 13/05/2015

- \* A commitment to the progressive removal of physical and emotional barriers to access and inclusion in the following areas: physical access, communication, service provision and participation achieved through partnerships and communication;
- \* A commitment to being accountable and in touch with relevant community matters by consulting and engaging people with differing physical and intellectual abilities, carers, advocacy groups, culturally and linguistically diverse groups and services providing agencies in the community.

The City of Busselton is committed to working in partnership with local community groups and businesses to facilitate the inclusion of people with a disability by the application of the Disability Access and Inclusion Implementation Plan.

**Policy Background**

Policy Reference No. 235  
Owner Unit – Community Development  
Originator – Community Development Officer  
Policy approved by – Council  
Date Approved – 28/06/2006  
Review Frequency – As required  
Related Documents – Access and Inclusion Plan  
Background/History – Implemented 28 June 2006

**History**

<b>Council Resolution</b>	<b>Date</b>	<b>Information</b>
C1505/112	13 May, 2015	Version 2
C1103/072	9 March, 2011	Reviewed by Council. No changes made.
C0606/211	28 June, 2006	Date of implementation. Version 1

### 6.3 PROPOSED POLICY NEUTRAL AMENDMENTS TO THE LOCAL PLANNING POLICY MANUAL

<b>SUBJECT INDEX:</b>	Development Control Policy
<b>STRATEGIC OBJECTIVE:</b>	Planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow.
<b>BUSINESS UNIT:</b>	Development Services
<b>ACTIVITY UNIT:</b>	Development Services
<b>REPORTING OFFICER:</b>	Manager Development Services - Lee Reddell
<b>AUTHORISING OFFICER:</b>	Director, Planning and Development Services - Paul Needham
<b>VOTING REQUIREMENT:</b>	Simple Majority
<b>ATTACHMENTS:</b>	Attachment A Published Under Separate Cover Attachments 1 to 39⇒ <a href="https://www.busselton.wa.gov.au/Council/Meetings/Committees/Policy-and-Legislation-Committee">https://www.busselton.wa.gov.au/Council/Meetings/Committees/Policy-and-Legislation-Committee</a>

#### **PRÉCIS**

Council is asked to consider a policy neutral review of the City's local planning policies as Stage 1 in a larger review of the policies intended to be undertaken in 2019.

#### **BACKGROUND**

A need to undertake a review of the existing local planning policies (LPP) has been identified. While a full review of the content and relevance of the City's LPP's is required, this proposal seeks to undertake a preliminary, policy neutral review with the aim of transferring the policies into a new, easier to read template as well as breaking them out of the existing manual structure into individual policies with the aim of making them easier to distribute and read, and to enable them to be amended more easily as required.

A copy of the new template and the proposed policies are attached under separate cover (Attachment A).

#### **STATUTORY ENVIRONMENT**

The key statutory environment is set out in the *Planning and Development Act 2005* (Planning Act) 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* (Regulations), especially Schedule 2 (Deemed Provisions) of the Regulations, which form part of the Scheme.

The Deemed Provisions specifies that an LPP must be based on sound town planning principles. Policies may address either strategic or operational matters, apply generally or to a particular class of matters, and may apply to the whole of the Scheme area or particular parts of the Scheme area. While due regard to relevant policies is required in decision making it is noted that an LPP does not hold the same weight as a Scheme provision. LPP's act only as guidelines in land use and development considerations and nothing prevents the City from making a decision contrary to a policy based on the merits of a particular proposal.

It is proposed to use the minor amendment provisions of the Regulations (such that public advertising is not required) to process the changes to the LPP's on the basis that while some text has been removed from the introduction and/or background notes for existing Parts 1 – 9 (which are considered unnecessary) and the order of some of the policies has been modified to fit the new template, there are no significant or material changes to the policies proposed.



**RELEVANT PLANS AND POLICIES**

The City's Local Planning Policies No.s 1-9.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with the recommendations of this report.

**LONG-TERM FINANCIAL PLAN IMPLICATIONS**

There are no Long-Term Financial Plan implications associated with the recommendations of this report.

**STRATEGIC COMMUNITY OBJECTIVES**

The officer recommendation primarily aligns Key Goal Area 2: Places and Spaces of the City's Strategic Community Plan 2017 and Community Objective 2.1 – 'planning strategies that foster the development of healthy neighbourhoods that meet our needs as we grow'.

**RISK ASSESSMENT**

An assessment of the risks associated with the implementation of the officer recommendation has been undertaken using the City's risk assessment framework. No significant risks have been identified.

**CONSULTATION**

Part 2, Division 2 of the Deemed Provisions requires that a local government undertake consultation before adopting or amending an LPP, unless in the opinion of the local government, the amendment is a minor amendment. No definition of minor amendment is provided. The current proposal however seeks generally to undertake a policy neutral conversion of the City's existing LPP's. While some text has been removed from the background notes for Parts 1-9 and some text has been modified to fit within the new template headings, no material changes to the policies are proposed.

Any further stages of review, which propose to revoke or amend or materially alter the text and objectives of the policies will require public advertising in accordance with the Deemed Provisions. It should also be noted if Council resolves to proceed with any policy, including those considered minor amendments as recommended in this report, the local government must publish notice of the amendments to the policy in a newspaper circulating in the area.

**OFFICER COMMENT**

This report requires the consideration of a proposed policy neutral conversion of the existing local planning policies. There are essentially two components to the proposal, being the use of a new local planning policy template and a change from the current policy manual structure into individual policies.

The proposed changes to the template, formatting and structure of the policies is recommended as the first stage in a wider review of the content and relevance of all of the City's LPP's. While the shuffling of some text within the existing policies is required to suit the proposed template and sub-headings, no material changes to the text or objectives of any of the policies is proposed.

Separating the policies out of the existing manual structure, which groups all of the policies into nine categories (see list below) is proposed in order to make them easier to read, distribute and amend as required, forward of a full review being completed. It is proposed to maintain the numbers associated with the current policy sub-sections in order to prevent any confusion prior to there being any significant, and advertised, amendments proposed to the current policies.

Existing grouping of Local Planning Policies:

1. Residential Development
2. Traffic and Transport
3. Special Character Areas and Visual Management
4. Urban Centres
5. Rural Areas Land Use and Development
6. Development Contribution
7. Commercial and industrial Development
8. General Development and Process Standards
9. Environment and Heritage Conservation

List of 38 individual policies as proposed to be broken out of the manual structure (as contained within Attachment A):

Existing No.	Proposed No.	Policy	Attachment
N/A	N/A	NEW TEMPLATE	1
1	1a	Canal Lots	2
1	1b	Coastal Setbacks	3
1	1c	Single Dwelling Design	4
1	1d	Lots Adjoining Public Open Space	5
1	1e	Grouped and Multiple Dwellings	6
1	1f	Rear Loaded Lots	7
1	1g	Kalgaritch Estate	8
1	1h	Abbey Green Estate	9
1	1i	Private Jetties and Boat Lifting Structures	10
1	1j	Outbuildings	11
2	2a	Busselton Bypass Access	12
2	2b	Traffic Assessment	13
3	3a	Yallingup Special Character Area	14
3	3b	Eagle Bay Special Character Area	15
3	3c	Old Dunsborough Special Character Area	16
3	3d	Quindalup Special Character Area	17
3	3e	Adelaide Street Special Character Area	18
3	3f	Reflective Building Materials	19
3	3g	Caves Road Visual Management	20
3	3h	Outbuildings Assessment	21
3	3i	Busselton Bypass/Bussell Highway – Setback and Buffer Provisions	22
4	4a	Port Geographe Village Centre – Design Guidelines and Performance Standards	23
4	4b	Busselton Town Centre Urban Design Provisions	24
5	5a	Extractive Industries	25
5	5b	Rural Tourist Accommodation	26
5	5c	Relative (Ancillary Accommodation)	27
5	5d	Food and Wine Sales	28
6	6a	Percent for Art	29
6	6b	Mosquito Control Contribution	30

6	6c	Road, Footpath and Cycle Network Upgrade Contribution	31
6	6d	Drainage Infill Contributions	32
7	7a	Childcare Premises	33
7	7b	Industrial Development	34
7	7c	Holiday Homes	35
8	8a	Car Parking Provisions	36
8	8b	Social Impact Statement Provisions	37
8	8c	Stormwater Management	38
9	9a	Busselton Heritage Conservation Provisions	39

Should the policy neutral conversion be supported, the intent is for officers to undertake a review of the currency of all of the LPP's with a view to identifying which policies should be revoked, require minor changes, require significant changes and any new policies that should be considered. How any such changes are progressed will be dependent on the amount of work required to redraft and consult on any relevant policies, as well as internal resourcing, but it is expected that a further item to Council suggesting which policies should be revoked could be presented within three months of any initial Council decision to support the policy neutral conversion. There are a number of policies, such as the Special Character Area Policies, which have not been reviewed in any meaningful way in many years and are no longer contemporary in their structure, style, language or content. It is expected that such policies will require more substantial efforts to re-draft, appropriately consult and update than more technical policies such as Stormwater Management given differing community interest.

## **CONCLUSION**

It is recommended that the Council support the proposed policy neutral amendments as described in this report.

## **OPTIONS**

The Council could decide to not adopt or amend the local planning policies as recommended, or it could choose to require changes to the proposed template and/or change from the existing manual structure for grouping of the local planning policies.

## **TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

Implementation of the officer recommendation would involve formalising the new policy format and publication of the new look policies on the City's website. It is expected this would occur within one week of the Council decision.



**OFFICER RECOMMENDATION**

That the Council adopt the reformatted local planning policies as proposed below and set out in Attachment A (2 – 39):

<b>Existing No.</b>	<b>Proposed No.</b>	<b>Policy</b>	<b>Attachment</b>
1	1a	Canal Lots	2
1	1b	Coastal Setbacks	3
1	1c	Single Dwelling Design	4
1	1d	Lots Adjoining Public Open Space	5
1	1e	Grouped and Multiple Dwellings	6
1	1f	Rear Loaded Lots	7
1	1g	Kalgaritch Estate	8
1	1h	Abbey Green Estate	9
1	1i	Private Jetties and Boat Lifting Structures	10
1	1j	Outbuildings	11
2	2a	Busselton Bypass Access	12
2	2b	Traffic Assessment	13
3	3a	Yallingup Special Character Area	14
3	3b	Eagle Bay Special Character Area	15
3	3c	Old Dunsborough Special Character Area	16
3	3d	Quindalup Special Character Area	17
3	3e	Adelaide Street Special Character Area	18
3	3f	Reflective Building Materials	19
3	3g	Caves Road Visual Management	20
3	3h	Outbuildings Assessment	21
3	3i	Busselton Bypass/Bussell Highway – Setback and Buffer Provisions	22
4	4a	Port Geographe Village Centre – Design Guidelines and Performance Standards	23
4	4b	Busselton Town Centre Urban Design Provisions	24
5	5a	Extractive Industries	25
5	5b	Rural Tourist Accommodation	26
5	5c	Relative (Ancillary Accommodation)	27
5	5d	Food and Wine Sales	28
6	6a	Percent for Art	29
6	6b	Mosquito Control Contribution	30
6	6c	Road, Footpath and Cycle Network Upgrade Contribution	31
6	6d	Drainage Infill Contributions	32
7	7a	Childcare Premises	33
7	7b	Industrial Development	34
7	7c	Holiday Homes	35
8	8a	Car Parking Provisions	36
8	8b	Social Impact Statement Provisions	37
8	8c	Stormwater Management	38
9	9a	Busselton Heritage Conservation Provisions	39

7. **GENERAL DISCUSSION ITEMS**

8. **NEXT MEETING DATE**

9. **CLOSURE**