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CITY OF BUSSELTON

MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 17 APRIL 2018

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MINUTES

MINUTES OF A MEETING OF THE POLICY AND LEGISLATION COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 17 APRIL 2018 AT 2.00PM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 2.06pm

2. ATTENDANCE

Presiding Member:

Cr Ross Paine

Members:

Cr Rob Bennett
Cr Kelly Hick
Cr Lyndon Miles
Cr Paul Carter (Deputy Member)

Officers:

Mr Paul Needham, A/ Chief Executive Officer (from 2.35pm, until 2.55pm)
Mr Tony Nottle, Director, Finance and Corporate Services
Ms Sarah Pierson, Manager, Governance and Corporate Services
Mr Ian McDowell, Ranger and Emergency Services Coordinator (Until 2.55pm)
Mrs Katie Banks, Executive Assistant to Council

Apologies

Cr Grant Henley

3. PUBLIC QUESTION TIME

Nil

4. DISCLOSURE OF INTERESTS

The Presiding Member noted that a declaration of impartiality interest had been received from Cr Paul Carter in relation to agenda item 6.1 – New Council Policy – Portable Advertising Signs in Public Places.

The Presiding Member advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 this declaration would be read out immediately before Item 6.1 was discussed.

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Policy and Legislation Committee Meeting held 27 March 2018

COMMITTEE DECISION

PL1804/181 Moved Councillor K Hick , seconded Councillor P Carter

That the Minutes of the meeting of the Policy and Legislation Committee held 27 March 2018 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.1 NEW COUNCIL POLICY - PORTABLE ADVERTISING SIGNS IN PUBLIC PLACES

SUBJECT INDEX:	Activities in Thoroughfares and Public Places and Trading Local Law 2015
STRATEGIC OBJECTIVE:	Development is managed sustainably and our environment valued.
BUSINESS UNIT:	Environmental Services
ACTIVITY UNIT:	Ranger and Emergency Services
REPORTING OFFICER:	Ranger & Emergency Services Coordinator - Ian McDowell
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Draft Council Policy - Portable Advertising Signs in Public Places (as presented for consultation)⇒ Attachment B Draft Council Policy - Portable Advertising Signs in Public Places (with track changes)⇒

DISCLOSURE OF INTEREST	
Date	17 April 2018
Meeting	Policy and Legislation Committee
Name/Position	Paul Carter, Councillor
Item No./Subject	6.1 - New Council Policy - Portable Advertising Signs in Public Places
Type of Interest	Impartiality
Nature of Interest	I disclose that I have an association with First National Real Estate Busselton.

PRÉCIS

This new Council Policy has been 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.

The City is now seeking the Council's endorsement of the new policy.

BACKGROUND

The Council endorsed the draft policy, Attachment A, for consultation on 8 November 2017 (C1711/272). This consultation has now been completed and has resulted in proposed minor changes to the draft policy as shown at Attachment B.

The results of the consultation and proposed changes are detailed in the consultation section of this report.

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

- (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 any 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 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 garage sale sign provided that:*
 - (a) *the sign neither exceeds 500mm in height or 0.5m² 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 2 alternative routes to the home open or garage sale.*

Pursuant to section 29(1) of the Local Government (Functions and General) Regulations (the Regulations):

- (1) *A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if:*
 - (a) *it occurs in a public place; and*
 - (b) *either:*
 - i. *the presence of the goods presents a hazard to public safety, or obstructs the use of any place; or*
 - ii. *where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.*

It should be noted that the Council Policies cannot override the statutory requirements of a Council Local Law or State Government legislation.

RELEVANT PLANS AND POLICIES

This report proposes adoption of a new Council Policy – Portable Advertising Signs in Public Places.

FINANCIAL IMPLICATIONS

There are two potential sources of income as a result of the implementation of this policy and enforcement of the Local Law.

The first relates to income generated as the result of the City impounding portable advertising signs displayed contrary to the Local Law. The impound fee, as prescribed in the Adopted Schedule of Fees and Charges for the 2017/18 financial year, is \$74 per sign. It is unlikely there would be any significant income as a result of the City impounding signs as, in many cases the cost to replace the sign would be less than the impound fee and as such, the owner of the sign is unlikely to claim it. Businesses may be more inclined to pay the impound fee if the City has cause to impound more costly “A” or “T” frame signs, or banner signs that are displayed without a permit following the implementation of this policy.

The second relates to the annual application fee for a permit to display a portable advertising sign, which is currently \$213.00 per application. This fee would be payable by all businesses who currently display the “A” or “T” frame signs that are prevalent in the Busselton and Dunsborough CBDs, and who wish to continue to display these signs.

It should be noted that these fees are not new fees. The sign impound fee dates back to the Adopted Schedule of Fees and Charges for the 2010/11 financial year, while the application fee was introduced as a new fee in 2015/16.

Long-term Financial Plan Implications

No significant implications.

STRATEGIC COMMUNITY OBJECTIVES

The draft policy aligns with and supports Council’s Key Goal Area 3 – Environment: valued, conserved and enjoyed; and more specifically Community Objective 3.1 – development is managed sustainably and our environment valued.

This 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 signage in the natural and built environment.

RISK ASSESSMENT

An assessment of the potential implications of implementing the Officer recommendations has been undertaken using the City’s risk assessment framework.

The greatest risk associated with the implementation of this policy and enforcement of the Local Law is one of reputational harm to the City. One of the community objectives in key goal area 4 (Economy) of the City’s Strategic Community Plan 2017 is “*a community where local business is supported and in turn drives our economy*”. Enforcement of the Local Law through implementation of this policy may be seen by some local business as restricting their ability to use this type of advertising, thereby adversely affecting their business and contradictory to the community objective.

That being said, it is not the intent of the policy to stop the use of portable advertising signs altogether. The intent is to manage their use by ensuring the placement of signs does not restrict pedestrian and/or vehicular access, and to ensure the signs are constructed and placed in a manner that does not present a safety risk to the wider community. The policy will also ensure a ‘level playing field’ for businesses.

It is however, the intent to prevent the use of portable advertising signs as a means of remotely advertising a business and to manage the number and placement of signs used to advertise garage sales and homes open. In essence the policy will provide the City with clear guidance on how to ensure compliance with the Local Law.

CONSULTATION

The draft policy was available for public comment from the end of January 2017 to 19 March 2017. A notice was published in local newspapers, and on the City's website and Facebook page. Letters were mailed to all real estate agencies within our district, to builders of display homes, and to the following regional business associations:

- Busselton Chamber of Commerce and Industry
- Dunsborough Yallingup Chamber of Commerce
- Margaret River Wine Association
- Margaret River Busselton Tourist Association
- Real Estate Institute of Western Australia

In addition to the above, a letter drop was conducted to businesses within the Busselton Central Business District and Dunsborough Town Centre.

A total of 11 responses were received. Nine of the respondents represented single businesses including retail, hospitality, building, and a consultancy; one represented a not-for profit community group; and one represented the real estate industry as a group.

The following is a summary of the issues raised by respondents and an officer comment in relation to the issues. The number column indicates how many of the respondents raised the point in question (or something similar).

Item	Issue	Number	Officer Comment
1	Portable advertising signs are important to my business	4	The policy does not seek to prohibit the use of portable advertising signs. It seeks to: provide clarity on when and where the signs may be displayed; restrict the number of signs displayed; stop businesses from using these signs as a means of remotely advertising their business, and provide guidelines regarding the manufacture and method of display of the signs so as to reduce the risk of harm to the general public.
2	We disagree with the payment of a permit application fee	3	This fee is set in the Schedule of Fees and Charges for the financial year and is established to cover the cost of administering the permit application. The fee for 2017/18 is set at \$213. As part of the roll out of the new policy, the City supports either a zero or discounted application fee. However, it is recommended this be considered by Council when determining the Schedule of Fees and Charges for 2018/19 and thereby, not determined by this report.
3	We would like to see more support, rather than obstacles, for small business from our local government	2	Please refer to the officer comment for item 1.
4	There is no visual street frontage to display my sign	2	The draft policy requires signs to be placed on the property boundary (clause 5.2(b)); and placed directly in front of, or as near as is practically possible to the business to which it relates (clause 5.8(a)). Officers will consider applications to display signs in places other than directly in front of a business based on

			merit however, one of the intents of the policy is to stop businesses using portable advertising signs as a means of remotely advertising a business. If the applicant is able to demonstrate there is no practical alternative to displaying the sign in front of their business it is likely their application will be supported.
5	I do not place signs to obstruct thoroughfares, cause danger, or obstruct vehicle line of sight	2	The draft policy provides a framework that considers the safe placement of portable advertising signs so as to reduce potential public safety risks.

Item	Issue	Number	Officer Comment
6	I currently use a mix of vertical banner and "A" frame signs; will I be permitted to use both	1	One of the intents of the new policy is to reduce the proliferation of portable advertising signs in the community. Under the draft policy businesses may use one or the other, not multiple types of signs.
7	Having signs out during the day, when the business is closed, is important for restaurants to advertise the fact they are open in the evening	1	It is a requirement of the policy that portable advertising signs are only displayed during business operating hours. Should we allow these signs to remain in place when the business owner is not present may expose the City to claims of public liability in the event someone is injured as a result of the sign being left unattended. This risk would be increased during stormy weather. Noting that it is a further requirement of the draft policy for the signs to be removed by the owner during periods of severe weather warnings.
8*	Placement of signs 30 minutes before a home open and removal 30 minutes after is not workable as there may only be 15 minutes between two open homes	1	It is a requirement of the Local Law that home open signs be placed and removed within this timeframe. As such, the Policy cannot be written to override the Local Law. In practice however, Rangers would exercise discretion. Specifically they would however, deal with home signs that are placed out days before a home open, or signs that remain in place for days following the home open. Clause 5.15(c) of the draft policy, which had been included as a means of reinforcing this requirement of the Local Law, has been deleted from the draft at Attachment A.
9*	Placement of signs on roundabouts, traffic islands and median strips is fundamental to the effectiveness of the home open signs. There is a difference between roundabouts on main roads and residential areas.	2	The draft policy at Attachment A has been amended so this restriction refers only to: <ul style="list-style-type: none"> • Bussell Highway • Busselton Bypass • Caves Road • Busselton CBD • Dunsborough Townsite This change will allow real estate agents and residents conducting garage sales to display their signs on roundabouts and median treatments in residential areas.
10*	Technological change will occur, why not have electronically illuminated or animated display	1	The use of this type of technology may cause more of a distraction for motorists. However, this could be revisited when and if this technology becomes available (and affordable).
11*	Not allowing signs to be used more than one kilometre from the home open is not workable in	1	The draft policy has been amended so that signs in rural and rural residential areas may be displayed up to two

	rural residential areas		kilometres from the open home.
12*	Signs are usually placed on the most convenient traffic route 6-24 hours before the home open	1	Please refer to the comment for item 8. Allowing signs to be in place one day before a home open would seem reasonable however, it should be no more than one day and the signs should be removed on the day the home is open (late afternoon/early evening).

Item	Issue	Number	Officer Comment
13*	It (Real Estate industry) is a self-regulating system which has cause virtually no valid concern for anyone	1	Real estate signs, including home open and for sale, are often left out for periods in excess of that permitted by the Local Law. A drive around the district will show plenty of examples where the industry is not self-regulating.
14	Is it necessary to display the permit number on the sign, who will pay for it	1	From a regulatory perspective it's important we are able to distinguish between signs that have a permit to be displayed, and those that do not.
15	Limiting the number and placement of signs seriously restricts business from promoting themselves, some display 2-6 signs	1	The intent of the policy is to restrict the number of signs displayed by a business, and not allowing them to display their signs remotely throughout the district. Allowing businesses to display multiple signs would make enforcement of the Local Law very difficult. There are other options available for a business owner to promote their business.
16	It is unfair to allow mobile traders to have two signs whereas fixed business may only have one	1	One of the signs displayed by a mobile business will need to be displayed immediately adjacent to their business. The other sign will need to be displayed in accordance with the requirements of the policy and/or Local Law. Fixed businesses have opportunities to use other methods outside their business to promote it such as fixed signs.

Items 8-12 (marked with an asterisk) were included in the submission from the real estate industry.

Other comments in support of the draft policy include (the number of respondents in brackets who made this or a similar comment):

- Signs blown down in stormy weather are not always removed by business owners (public safety risk) (1)
- Existing signs have rough or sharp edges and are weighed down by brick and timber offcuts (public safety risk) (1)
- Businesses display multiple signs creating obstructions (1)
- Removal of unauthorised signs would reduce public safety risk (2)
- An amicable way to resolve the sign issue would greatly improve the appeal of the town for tourism and pedestrian access (1)
- We appreciate there should be regulation of portable signs to prevent visual clutter (1)
- Signs are visual pollution which detracts from the visual amenity of our town (2)
- There are alternative ways of advertising businesses (e.g. newspapers, social media) (1)
- I strongly oppose the use of portable or temporary advertising signs (1)

OFFICER COMMENT

As a result of the feedback received during the consultation period, and where considered appropriate by officers, changes have been made to the draft policy. Those changes are shown in the “track changed” copy of the policy at Attachment B.

It is now recommended that Council adopt the draft policy so that it can be implemented in accordance with the timeframe detailed below.

To ensure businesses are provided ample opportunity to apply for permits to display portable advertising in accordance with the requirements of the Local Law and the new policy, a six month grace period is recommended, until 31 December 2018, before the City commences enforcement action. The six month grace period would not apply to signs that would not be approved under the provisions of the Local Law or policy.

The general approach to enforcement is proposed to be as follows:

- In the first instance the owner of the unauthorised or illegal sign be given 48 hours to remove the sign (if the sign is an obstruction or considered a public safety risk, the City may collect the sign and return it to the owner, or may direct the owner to remove it immediately)
- There be no penalty for a first offence unless the owner refuses to comply. In these cases, the City will impound the sign and may issue the owner a written caution
- For a second offence, the City will again direct to the owner to remove the sign and may issue a written caution.
- If the owner then refuses to comply, the City will impound the sign and may issue an infringement
- For third and subsequent offences the City will impound the sign and may issue an infringement. In extreme cases, for repeat offenders, the City may consider prosecution.

CONCLUSION

Whilst the Local Law governing the use of portable advertising signs has been in place for some time (since February 2015 in its current form), there has been limited direction in how to apply the requirements with regard to the portable sign permit applications process, and the enforcement and removal of unauthorised signs. The new policy provides this guidance and provides a clear framework for the management of portable advertising signs in our District.

OPTIONS

Council may amend or reject the new policy.

2.35pm At this time, the Acting Chief Executive Officer entered the meeting.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The new policy will come into effect as soon as it is adopted by the Council.

Following its adoption, there will be a six month grace period to allow business owners in particular the opportunity to apply for a permit to display portable advertising signs in accordance with the Local Law and the new policy. The six month grace period will run from 1 July 2018 to 31 December 2018. The City will finalise the application process prior to that and will develop a letter for businesses to advise them of this process.

Signs not requiring a permit will need to comply with the requirements of the Local Law and the new Policy as soon as it is endorsed by Council.

Enforcement of the Local Law will be in accordance with the details provided in the comments above. Commencement of the enforcement process would be dependent on whether the sign that is being displayed requires a permit or not, and whether or not it would be permitted under the Local Law.

OFFICER RECOMMENDATION

That the Council adopts the new Council Policy – Portable Advertising Signs in Public Places as follows:

CPXXX	Portable Advertising Signs in Public Places	V1
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1.0 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.

2.0 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.

3.0 DEFINITIONS

General

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.

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, Chieftan 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:

- 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; and
- g. surfing events.

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

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 (eg. 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.

Sign Types

'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.

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.

4.0 LEGISLATION

4.1 Clause 3.2 of the Local Law:

- (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 any path where the resulting vertical clearance between the sign and the path is less than 2.5 metres (Note: s.45B of the Building Regulations 2012 require a vertical clearance of 2.75 metres and would prevail over the Local Law);*
 - (d) *on or within 1 metre of a carriageway;*
 - (e) *in any other location where the sign is likely to obstruct line of sight along a thoroughfare or cause danger to the person using the thoroughfare; or*
 - (f) *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 garage sale sign provided that:*
- (a) *the sign neither exceeds 500mm in height or 0.5m² 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 2 alternative routes to the home open or garage sale.*

4.2 Under section 29(1) of the *Local Government (Functions and General) Regulations 1996* (the Regulations):

- (1) *A contravention of a regulation or Local Law made under the Act can lead to the impounding of goods involved in the contravention if:*
- (a) *it occurs in a public place; and*
 - (b) *either:*
 - i. *the presence of the goods presents a hazard to public safety, or obstructs the use of any place; or*
 - ii. *where the regulation or Local Law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or Local Law.*

5.0 POLICY CONTENT

General

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 during operating hours of the business or other commercial venture to which it relates.

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:

- a. promote or advertise a business or any other commercial venture; and

- b. 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:
 - a. 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;
 - b. 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
 - c. have a maximum vertical or horizontal dimension of 1.2m and have an area allocated for advertising of no more than 0.9m² on either side.
- 5.9 Horizontal banner signs:
 - a. will only be approved when promoting or advertising sporting or community events or services;
 - b. shall have a maximum height of 1.5m;
 - c. shall have a maximum width of 2.5m; and
 - d. 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:
 - a. be a fabric sign with a single mast;
 - b. 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);
 - c. 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);
 - d. be no more than 60cm wide below 2m high; and
 - e. 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).
- 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 0.5m² 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.

Policy Background

Policy Reference No – TBD

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy Approved by – Council

Date Approved –

Review Frequency – as required

Related Documents – *Activities in Thoroughfares and Public Places and Trading Local Law 2015*

History

Council Resolution	Date	Information
		Date of Implementation Version 1

COMMITTEE RECOMMENDATION

PL1804/182 Moved Councillor K Hick , seconded Councillor R Bennett

That the Council adopts the new Council Policy – Portable Advertising Signs in Public Places, (incorporating a change to wording within 5.2 g. of the policy, allowing signage to be displayed when a business is attended rather than only during the operating hours of a business) as follows:

CPXXX	Portable Advertising Signs in Public Places	V1
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1.0 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.

2.0 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:
- fixed directional tourism signs or signs promoting public events;
 - 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
 - signs, advertising or otherwise, that are covered under separate legislation (including election signage), local planning policies or the town planning scheme.

3.0 DEFINITIONS

General

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.

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, Chieftan 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:

- 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; and
- g. surfing events.

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

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 (eg. 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.

Sign Types

'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.

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.

4.0 LEGISLATION

4.1 Clause 3.2 of the Local Law:

(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 any path where the resulting vertical clearance between the sign and the path is less than 2.5 metres (Note: s.45B of the Building Regulations 2012 require a vertical clearance of 2.75 metres and would prevail over the Local Law);*

(d) *on or within 1 metre of a carriageway;*

(e) *in any other location where the sign is likely to obstruct line of sight along a thoroughfare or cause danger to the person using the thoroughfare; or*

(f) *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 garage sale sign provided that:*

(a) *the sign neither exceeds 500mm in height or 0.5m² 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 2 alternative routes to the home open or garage sale.*

4.2 Under section 29(1) of the *Local Government (Functions and General) Regulations 1996* (the Regulations):

(1) *A contravention of a regulation or Local Law made under the Act can lead to the impounding of goods involved in the contravention if:*

(a) *it occurs in a public place; and*

(b) *either:*

i. the presence of the goods presents a hazard to public safety, or obstructs the use of any place; or

ii. where the regulation or Local Law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or Local Law.

5.0 POLICY CONTENT

General

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:
 - a. promote or advertise a business or any other commercial venture; and
 - b. 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:
 - a. 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;
 - b. 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
 - c. have a maximum vertical or horizontal dimension of 1.2m and have an area allocated for advertising of no more than 0.9m² on either side.
- 5.9 Horizontal banner signs:
 - a. will only be approved when promoting or advertising sporting or community events or services;
 - b. shall have a maximum height of 1.5m;
 - c. shall have a maximum width of 2.5m; and

- d. 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:

- a. be a fabric sign with a single mast;
- b. 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);
- c. 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);
- d. be no more than 60cm wide below 2m high; and
- e. 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).

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 0.5m² 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.

Policy Background

Policy Reference No – TBD

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy Approved by – Council

Date Approved –

Review Frequency – as required

Related Documents – *Activities in Thoroughfares and Public Places and Trading Local Law 2015*

History

Council Resolution	Date	Information
		Date of Implementation Version 1

CARRIED 5/0

Reason:

The Committee were supportive of the display of signs that advertise a business or other commercial venture not being restricted by their operating hours, allowing signage to be displayed when attended by a representative of the business or commercial venture.

2.55pm At this time the Acting Chief Executive Officer and Ranger and Emergency Services Coordinator left the meeting and did not return.

6.2 POLICY TEMPLATE

SUBJECT INDEX:	Council Policies
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Corporate Services
ACTIVITY UNIT:	Governance and Corporate Services
REPORTING OFFICER:	Manager Corporate Services - Sarah Pierson
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Council Policy Template ⇒ Attachment B Corporate Governance Framework ⇒ Attachment C Executive Practice Template ⇒

PRÉCIS

This report presents for adoption a revised Council policy template (Attachment A) and seeks Council's support for a programme of review of Council policies in accordance with the principles outlined in the Corporate Governance Framework (Attachment B).

BACKGROUND

In August 2017 the CEO commissioned a high level independent review of the City's governance systems, undertaken over a 3 month period by Mr John Woodhouse LLB B.Juris (Woodhouse Review). Included in the scope of the review was the City's policy and procedure framework, where Mr Woodhouse noted a number of opportunities for improvement.

Generally, Mr Woodhouse noted that while good practices were observed, those practices were not always documented and in some cases proper practices were lacking. He identified at a broad level an opportunity for the City to improve its governance systems and to ensure that all of the City's operations are underpinned by well documented, contemporary systems and processes.

In relation to Council policies specifically, Mr Woodhouse made the following recommendations:

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*
3. *Consideration should be given to developing a new Council Policy which sets out the 'framework' for Council Policies, OPPs and other procedures. The new Policy would explain the role to be played by each level of document. It could, for example, be called a Policy Framework Policy.*

Mr Woodhouse also made a number of recommendations in relation to Operational Practice and Procedures (OPPs), including the development of a new OPP, setting out guidelines for preparing an OPP and review of all OPPs.

As a result of the above, Officers have developed a new Council policy template, a new template for OPPs, proposed to be called executive practices, and a Corporate Governance Framework intended to guide the review and future development of the City's policies and procedures.

This report presents the proposed Council policy template for adoption, with the Corporate Governance Framework and executive practice template provided for contextual information purposes and the noting of Council; with the Corporate Governance Framework intended to be a living document and further developed over time, and the executive practice being operational in nature.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

Nil

FINANCIAL IMPLICATIONS

Adoption of the Council policy template will not have any direct financial implications. The proposed policy review programme will be resourced internally, noting an additional governance resource has been included as part of the 2018/2019 workforce planning to assist with this and the implementation of the Woodhouse Review recommendations more broadly.

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

The aim of the Woodhouse Review was to help achieve governance systems that deliver responsible, ethical and accountable decision-making. Similarly the ongoing review of Council policies, as per the Officer Recommendation, also assists with this.

RISK ASSESSMENT

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

CONSULTATION

In developing the Council policy template (and the associated Corporate Governance Framework) Officers conducted some desktop research, looking at the Council policies of a range of other local governments including Albany, Belmont, Geraldton, Joondalup, Rockingham and Stirling.

OFFICER COMMENT

Policy making is an important function of local government. Policies guide decision making and therefore affect all those who may be impacted by a decision. The Woodhouse review made three (3) key recommendations in relation to Council Policies, detailed already in the Background section of this report.

Corporate Governance Framework

In response Officers have developed a Corporate Governance Framework (the Framework), its purpose being to provide a governance structure for the development and maintenance of policies, practices, delegations and other corporate documents intended to guide the City's practices and approach to decision making.

The Framework is intended to provide overarching guidance for City staff in the development of policies, practices and procedures and attempts to set out the inter-relationships between the various documents. While it is, at this early stage, seen as a work in progress document, it provides some immediate guidance on key documents such as council policies and executive practices.

Given its evolving nature, Officers feel a framework document which is noted and supported by Council but which can be added to as we mature, is more appropriate than a fixed council policy, as recommended by Mr Woodhouse.

The Framework sets out the purpose of a Council policy and confirms, as per the Woodhouse Review, a Council policy as being a high level strategic document setting out the general approach that Council intends in relation to a particular issue. Importantly the Framework states that, while there will be exceptions, a Council policy should outline the 'what' and should not detail the 'how'.

The 'how' or the more operational detail should instead, in most instances, be set out in executive practices. The purpose and structure of an executive practice is outlined at 4.2 of the Framework; that is to outline a CEO direction and / or outline how a Council directive is to be implemented and apply to the whole or significant components of the organisation.

Below that, the Framework acknowledges the importance of operating procedures, documents that set out detailed internal operating steps, and the existence of guidelines, advisory documents that provide information and assist officers to make informed and well researched decisions.

This report seeks Council's endorsement of the broad structure outlined in the Framework and, most importantly, the form and function of Council policies as generally high level strategic documents.

Council Policy Template

Council policies are currently grouped under three (3) headings:

- Community policies
- Governance and administration policies
- Services policies

The Woodhouse Review found that, with some exceptions, the majority of Council adopted policies have been adopted in the last 3 years. In the case of the majority, the structure is:

- Purpose
- Scope
- Policy Content

Despite the presence of a scope heading the Woodhouse review found that very few of the policies clearly state who they are intended to apply to, and that very little context for the policy is generally given.

In response to these findings a new Council policy template is proposed. The template contains clear headings and guidance notes which will assist in ensuring that Council policies adopt a consistent structure, set out as follows:

- Purpose
- Scope
- Definitions
- Strategic Context
- Policy Statement
- Related Documents
- Responsibility and review information

It will also ensure that there is clarity as to why each Council policy exists and what decision/s they guide. A numbered outline format is proposed so that easy reference can be made to any point or concept in the policy. Council's endorsement of the proposed Council policy template is sought.

Executive Practice Template

Similar to the Council policy template, a new executive practice template has also been developed (Attachment C) to replace the current OPP template. Clearer headings, a numbered outline format and guidance notes should assist with consistency, along with imposing (as per the Framework) some additional oversight by Governance. The structure proposed is as follows:

- Purpose
- Scope
- Enabling policy or strategy (where appropriate)
- Practice Statement (including any necessary procedural elements, process steps / flow charts where appropriate)
- Definitions
- Related Documents
- Responsibility and review information
- CEO approval (electronic)

The name executive practice, as opposed to operational practice and procedure, is designed to signify that these documents are determined and approved by the executive as opposed to the Council, while removing any confusion between this level of document and the next level, being operational procedures. An alternate name could be operational practice, however executive practice was preferred.

Implementation

Subject to adoption it is recommended that all Council policies are reviewed (noting the City's ongoing policy review approach) to determine their fit with the Framework, that is, are they sufficiently strategic in nature or do they contain operational level detail, and their appropriateness, that is, do they still reflect the desired approach of Council.

It is recommended that any which have been reviewed within the last twelve months and are considered current and suitably strategic in nature be automatically translated to the new format, without the need for Council readoption. All others however are to be presented to this Committee over the next twelve months for review, with governance to develop a timetable or schedule of review.

At the same time the CEO will oversee a review of the City's current OPPs, translating them into Executive Practices and / or developing new Executive Practices as required (for instance as a result of the review of Council policies).

CONCLUSION

The Woodhouse Review made a number of important recommendations to improve the City's governance structures. This report and its recommendations are provided in response to the recommendations and findings relating to Part 5 of the report - Policies and Procedures. Adoption of the Officer's Recommendation will enable the City to progress its review of Council policies utilising a consistent, modern template and with a clear direction as to the purpose of a Council policy. It will also enable Officers to continue with confidence the work they have started in the development of a Corporate Governance Framework and in reviewing the current OPPs.

OPTIONS

Council may choose not to adopt the Officer's recommendation and instead seek further changes or development of the Council policy template.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised Council policy template would be effective immediately upon endorsement by Council.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1804/183 Moved Councillor P Carter, seconded Councillor L Miles

That the Council:

1. Adopts the Council policy template as per Attachment A to be used in the development of all new Council policies.
2. Support the form and function of a Council Policy as outlined in the Corporate Governance Framework (presented at Attachment B) and the proposal for review of Council policies as outlined in this report, and specifically authorises the CEO to translate any Council policies that have been reviewed within the last twelve months into the new Council policy template, without referral back to Council.
3. Notes and supports the continued development of a Corporate Governance Framework in a form similar to that presented at Attachment B.

CARRIED 5/0

6.3 REVIEW OF BRANDS AND STYLE GUIDE POLICY

SUBJECT INDEX:

STRATEGIC OBJECTIVE:	Council engages broadly and proactively with the community.
BUSINESS UNIT:	Finance and Corporate Services
ACTIVITY UNIT:	
REPORTING OFFICER:	Director Finance and Corporate Services - Tony Nottle
AUTHORISING OFFICER:	Director Finance and Corporate Services - Tony Nottle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Revised Policy 241 - Brands and Style Guide⇒ Attachment B Original Council Policy 241 - Brands and Style Guide⇒ Attachment C City of Busselton Style Guide⇒

PRÉCIS

The purpose of this report is to present a revised Brands and Style Guide Policy (the Policy) in order to bring the current policy up to date with changes that have occurred in recent years. The Policy is also written in accordance with the new Policy Template.

BACKGROUND

Council last reviewed the Policy on 12 November 2014 as part of its rolling review of Council policies.

Some minor amendments were considered at the time surrounding the endorsement of “Events Capital WA.”

Since the Policy was last reviewed further changes have occurred such as the renaming of the Kookaburra Caravan Park to the Busselton Jetty Tourist Park (approximately October 2017). This and other minor amendments will also need to be incorporated into the Style Guide.

STATUTORY ENVIRONMENT

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

RELEVANT PLANS AND POLICIES

This report recommends the update of Policy 241 – Brands and Style Guide. A copy of the current Policy is attached and marked Attachment B.

The City’s Style Guide (Attachment C) will also need to be updated to reflect these changes.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

Long-term Financial Plan Implications

There are no Long Term Financial Plan (LTFP) implications in relation to this item.

STRATEGIC COMMUNITY OBJECTIVES

This policy aligns with and supports the **Council's Key Goal Area 6 – 'Leadership'** and more specifically **Community Objective 6.2** 'Council engages broadly and proactively with the community.'

RISK ASSESSMENT

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

CONSULTATION

No external consultation is required in relation to this policy review. The City will ensure its communication materials are consistent with the Policy and the Style Guide.

OFFICER COMMENT

The Policy has been updated to account for changes such as the renaming of the Busselton Jetty Tourist Park. There were also some areas of the Policy that officers felt were adequately covered within the Style Guide. These references were removed, along with some duplicated statements.

The Policy has also been incorporated in the new Council Policy template, developed after taking into consideration key recommendations from the Governance Systems Review (Woodhouse Review) in October 2017.

A copy of the original Policy along with the proposed new Policy is attached to this report.

CONCLUSION

The proposed new Policy is an updated version of the existing Council Policy as well as incorporating those updates into the new policy template. The new Policy reflects Councils previous direction.

OPTIONS

The Council could choose not to endorse the new Policy, or make additional changes to the Policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised Policy would be effective immediately upon endorsement by Council. The City's Style Guide will also be updated as soon as practicable.

OFFICER RECOMMENDATION

That the Council endorse the revised Policy 241 – Brands and Style Guide as shown in Attachment A.

COMMITTEE DECISION

PL1804/184 Moved Councillor R Paine, seconded Councillor K Hick

That the revised Policy 241 – Brands and Style Guide be deferred for consideration pending review and presentation of the Style Guide back to the Committee.

CARRIED 5/0

Reason:

The Committee felt that the Style Guide needed further revision prior to consideration of the overarching Policy.

7. GENERAL DISCUSSION ITEMS

Discussion was held in relation to the provision of digital information and information sharing initiatives for the community.

8. NEXT MEETING DATE

Tuesday, 29 May 2018

9. CLOSURE

The meeting closed at 3.36pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 32 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON TUESDAY, 29 MAY 2018.

DATE: _____ PRESIDING MEMBER:
