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CITY OF BUSSELTON

MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING HELD ON 30 NOVEMBER 2017

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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 30 NOVEMBER 2017 AT 9.30AM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Director of Finance and Corporate Services opened the meeting at 9.32am.

ELECTION OF A PRESIDING MEMEBER

Cr Henley, Mayor was nominated by Cr Bennett and Cr Paine nominated himself for the position as Presiding Member. Both Councillors accepted the nomination. As there was more than one nomination, a vote was taken for the position. Cr Henely received the majority of the votes with 4 followed by Cr Paine with 1 and was elected to the position of Presiding Member of the Committee.

ELECTION OF A DEPUTY PRESIDING MEMBER

At this time Cr Henley assumed the chair called for nominations for the position of Deputy Presiding Member of the Committee. Cr Paine and Cr Bennett nominated themselves for the position as Deputy Presiding Member. Both Councillors accepted the nomination. As there was more than one nomination, a vote was taken for the position. Cr Paine received the majority of votes with 3 followed by Cr Bennett with 2 and was elected to the position of Deputy Presiding Member of the Committee.

2. ATTENDANCE

Presiding Member:

Cr Grant Henley Mayor

Members:

Cr Ross Paine
Cr Kelly Hick
Cr Lyndon Miles
Cr Rob Bennett

Officers:

Mr Oliver Darby, Director, Engineering and Works Services
Mr Paul Needham, Director, Planning and Development Services
Mr Cliff Frewing, Director, Finance and Corporate Services
Ms Jacquie Happ, Cultural Development Officer
Mr Daniell Abrahams, Manager Engineering and Facilities Services
Miss Kate Dudley, Administration Officer, Governance

Apologies:

Nil

3. PUBLIC QUESTION TIME

4. DISCLOSURE OF INTERESTS

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Policy and Legislation Committee Meeting held 19 October 2017

COMMITTEE DECISION

PL1711/165 Moved Councillor R Bennett, seconded Councillor R Paine

That the Minutes of the Policy and Legislation Committee Meeting held 19 October 2017 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.1 PUBLIC ART POLICY

SUBJECT INDEX:	Policies, Plans and Procedure
STRATEGIC OBJECTIVE:	A community with access to a range of cultural and art, social and recreational facilities and experiences.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Cultural Development Officer - Jacquie Happ
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Public Art Policy Attachment B Public Artwork Guidelines Attachment C Public Art Register

PRÉCIS

The purpose of this report is to seek Council's consideration to approve a *Public Art Policy (PAP)* (Attachment 1) for public advertising and adoption. The Policy will help facilitate the management process of outdoor or public artworks that are displayed in public places and provide guidance to their locations and designs to reflect the cultures and lifestyles of people who live within the City.

BACKGROUND

The importance of public artwork in reflecting the cultures and lifestyles of the local community and creating a sense of place is now widely acknowledged. The Australia Council in 2017 reported, 'More Australians now recognise the many positive impacts the arts have on our daily lives and in our community.' In 2016, 17 million Australians, 86% of the population aged 15 years or older, acknowledged the significant positive impacts of the arts.

The principles of Public Art are to:

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

Over the last 12 years, the City has seen a high growth in the number of outdoor sculptures it has acquired in numerous ways including: commissions, developer contributions, donations, loans, prizes and community art projects. The City manages and controls public artworks which are located on City owned or managed properties and public spaces. The PAP outlines the processes for acquisition of artworks and how they are managed which involves a number of different areas within the City's administration. The policy provides guidance on the lifecycle of its public artworks from acquisition to deaccessioning.

Supporting the Public Art Policy are Public Art Guidelines (Attachment 2) which outlines the City's requirements for public artworks and the City's Public Art Register (Attachment 3) which provides details of all the public artworks that the City owns as at 30 November 2017.

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

Public Art plays a key role in delivering the City's Social Plan 2015 – 2025 in providing a welcoming community with vibrant and attractive places and spaces where local heritage and culture is valued. In particular the Social Plan 2015-2025 identifies the need to facilitate the development of arts and culture by the continued implementation of the Cultural Plan and Local Cultural Planning Strategy (LCPS).

The City of Busselton adopted the LCPS in August 2011. The aim of the strategy is to conserve the key cultural elements of the City's towns and rural areas and to maintain these elements over time.

The City's Cultural Plan was adopted in 2005 and provides recommendations on the future directions of arts and culture in the City of Busselton and encourages the development of a collective community cultural vision and plan.

Developer Contribution Policy: 6B Percent for Art Provisions require eligible development proposals to provide public artworks on the site of development or on crown land immediately adjacent to the site, in a location approved by the City.

FINANCIAL IMPLICATIONS

Currently the City commissions public artworks on a case by case basis. Other artworks are funded through external funding and community or corporate contributions.

The current annual maintenance cost of artworks is difficult to ascertain as it is not separately costed. It is estimated that anywhere between \$4,000 and \$15,000, or an average of \$7,000 per annum is spent each year on what is largely reactive maintenance of outdoor artwork.

A valuation of the City's assets occurs every three years. This is for both valuation and insurance purposes. Historically this has been internally resourced for public art and not undertaken by an arts specialist. A Public Art Valuation Report and condition assessment by an arts specialist, is recommended to be undertaken every three (3) years and would cost approximately \$3900. A professional condition report will ascertain maintenance requirements including if the artwork needs priority attention, conservation or remedial works or needs to be removed and provide a more accurate valuation.

Long-term Financial Plan Implications

An annual Public Art Maintenance budget of \$7000 initially, is recommended.

The first condition assessment report of all current public artwork pieces will identify any other significant, currently unknown costs and provide more realistic forecasts for future years.

STRATEGIC COMMUNITY OBJECTIVES

This policy is consistent with fostering the following strategic objective:

Key Goal Area 1 Community

1.3 A community with access to a range of cultural and art, social and recreational facilities and experiences.

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation have been undertaken using the City's risk assessment framework, and no risks were identified where the residual risk, once controls are considered, is medium or greater.

CONSULTATION

If approved, the Public Art Policy will be open for public comment for a period of 21 days.

Consultation for the policy has been undertaken internally with Officers from all directorates.

Information has been sourced from Public Art Policies from other Councils locally and across Australia.

OFFICER COMMENT

The City has a growing number of public artworks in outdoor public spaces that are received through a number of different ways. The Public Art Policy provides guidance on the lifecycle of artwork across the following areas:

- Acquisition
- Consultation
- Maintenance
- Deaccessioning
- Responsibilities

The PAP outlines how the City acquires artworks and informs the process regarding where artworks are located, maintained and decommissioned.

The City acquires works through different means including: awards and prizes; developer contributions; commissioning artwork; and donations. It is recommended that artworks acquired by the City, through these various methods, will conform to the Public Art Guidelines (Attachment 2). Consultation with stakeholders such as adjacent businesses or residents should be undertaken when locating public artworks on City owned or managed property.

Artworks that are acquired and located on public land, are entered into a Public Art Register and Asset Register. Each artwork acquired is required to have a Maintenance Plan as part of its acquisition, and this information can be used to develop a Maintenance Schedule. A Valuation Report and Condition Assessment is recommended to be undertaken every three (3) years to inform the maintenance schedule and identify any decommissioning requirements.

The PAP outlines the process of decommissioning a sculpture that may need to be removed for reasons such as safety, damage or suitability.

The acquisition of artworks and the process by which they are managed involves a number of different areas within the City administration. Responsibilities are clarified in the Policy.

CONCLUSION

The City has a growing number of public artworks in outdoor public spaces acquired through various means. This policy provides guidance on acquisition, installation and maintenance, though to decommissioning to ensure that public artwork creates vibrant spaces and reflects the cultural and heritage aspiration of the community.

Officers recommend the policy is advertised for public comment for a period of 21 days and subject to no adverse comments be adopted by Council. To implement the Policy an Annual Public Artwork Maintenance budget of \$7,000 will be required plus an allocation every three (3) years, for a Public Artwork Valuation and Condition Assessment Report. The first Report will inform a more accurate forecast for the Annual Public Art Maintenance budget.

OPTIONS

The City can continue to accept artworks on a case by case basis without a recognised process or policy and continue to provide a more reactive approach to the maintenance of its public art infrastructure.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Following Council approval, the PAP will be advertised for public consultation for a period of 21 days as soon as practicable. It is proposed that Council adopts the PAP for public comment but if there are any adverse comments, the policy will be subject to a further report to Council.

OFFICER RECOMMENDATION

That the Council approves the advertising of the Public Art Policy for a period of 21 days for public comments and adopts the Policy subject to no adverse comments being received.

COMMITTEE RECOMMENDATION

PL1711/166 Moved Councillor G Henley, seconded Councillor R Paine

That the Council:

1. approves the advertising of the Public Art Policy for a period of 21 days for public comment and adopts the Policy subject to no adverse comments being received
2. reviews the Public Art Policy in 12 months time.

CARRIED 5/0

CITY OF BUSSELTON PUBLIC ART POLICY

1.0 POLICY STATEMENT

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

The principles of Public Art are to:

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

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

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

2.0 SCOPE

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

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

- Acquisition
- Consultation
- Maintenance
- Deaccessioning
- Responsibilities

3.0 DEFINITIONS

3.1 Public Artworks

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

Public artwork does not include:

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

3.2 Artist

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

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

4.0 ACQUISITIONS

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

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

Public Artworks acquired by and more specifically, commissioned by the City, are required to have an Installation Plan and Maintenance Plan as outlined in the *Public Artwork Guidelines*. The City is responsible for the installation of artworks unless otherwise agreed by contract.

4.1 Prizes

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

4.2 Development Contributions Policy

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

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

4.3 Commissioned public artworks

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

4.4 Public Urban Artworks

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

4.5 Donations

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

4.6 Artwork on Loan (temporary acquisitions)

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

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

5.0 CONSULTATION

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

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

Consultation would consider the following selection criteria:

- themes of artwork that reflect the City's values;
- materials used and cost of maintenance plan;
- public safety;
- suitability in terms of
 - environment
 - culture
 - accessibility

- point of interest and meeting place;
- location
 - integration with existing artworks that are nearby;
 - minimise impact on visual amenity of residential and business premises;
 - sculpture trails;
 - proximity to infrastructure such as pathways, parks and parking;
 - accessibility for maintenance works;
- passive surveillance.

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

6.0 MAINTENANCE

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

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

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

7.0 DEACCESSIONING

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

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

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

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

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

8.0 RESPONSIBILITIES

Community and Commercial Services Directorate

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

Engineering Works and Services Directorate

Location, installation, maintenance

Finance & Corporate Services Directorate

Asset Register, insurance

Planning Directorate

Development Contribution Policy : 6B Percent for Art Provisions

POLICY BACKGROUND

Policy Reference No:

Owner Unit: Community Services

Policy Adopted:

Review Frequency: As Required

HISTORY

Council Resolution	Date	Information

6.3 REVOCATION OF 135/2 - STREET APPEALS POLICY

SUBJECT INDEX:	Plans, Policies and Procedures
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Cultural Development Officer - Jacquie Happ
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A cp135-2_street_appeals superseded ↓ Attachment B cp135-2_street_appeals ↓ Attachment C Street Appeals activity permit 121017

PRÉCIS

As part of the ongoing policy review process, a review of Policy 135 Street Appeals has been conducted. This report recommends that Council revokes the Street Appeals Policy.

BACKGROUND

The Street Appeals Policy was created to address issues at the time relating to the collection of donations in public areas. The policy was endorsed however the date was not recorded in the Policy Manual held by Governance. In this policy there were four clauses (Attachment A cp135-2_street_appeals superseded).

The Policy was reviewed in 2012, when Officers recommended that it be revoked. However, after committee discussion, Clauses 1 and 2 were maintained while Clauses 3 and 4 were made redundant. Clause 1 refers to one street appeal per week being permitted in each of the Busselton and Dunsborough Central Business District Areas and Clause 2 limits charitable organisations to have a maximum of two (2) street appeals per calendar year in Busselton and Dunsborough Central Business Districts. (Attachment B cp135-2_street_appeals).

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

Local Government Property Local Law 2010, section 3.13 manages activities that occur on local government property. A permit is provided by the City for activities of this nature. Charitable organisations are not required to apply for a permit due to the not for profit nature of their activities such as street appeals or selling of pins, poppies or other paraphernalia.

FINANCIAL IMPLICATIONS

Nil

Long-term Financial Plan Implications

Nil

STRATEGIC COMMUNITY OBJECTIVES

Removal of unnecessary and outdated policies such as this aligns with and supports the Council's Key Goal Area 6 Leadership

6.1 Governance systems, process and practices are responsible, ethical and transparent.

RISK ASSESSMENT

There is no associated risk with revoking the Street Appeals Policy.

CONSULTATION

Consultation has occurred with relevant City Officers across areas such as Governance, Finance and Corporate, Rangers, Environmental Health, Economic Development and Events who could identify no relevant use of this Policy.

OFFICER COMMENT

The Street Appeals Policy was created at a point in time to deal with specific issues.

Charitable organisations now apply to the City for permission to hold a street appeal or sell items or raffle tickets for fundraising purposes on City property. The City responds with a letter citing the *Local Government Property Law 2010, section 3.13* where they do not require a permit and that the City has no objection to the activity. The letter asks the applicant to ensure the local business adjacent is aware of the activity and that the business has no objection (Attachment C Street Appeals activity permit 121017).

This is a common-sense and positive approach to activities of this nature. It ensures that all participants including City, business and charitable organisation are aware of the activity.

The existing Street Appeals Policy is redundant given that the City has provided a mechanism that has the same power and effect to manage street appeals.

CONCLUSION

The Street Appeals Policy was likely to have been implemented because of issues at the time. A common-sense approach is achieved in a less formal manner with good results and there is a process for street appeals and fundraising activities to be conducted on City property. For this reason, it is recommended that the Street Appeals Policy is revoked.

OPTIONS

The Council could:

1. Choose not to revoke the Street Appeals Policy, or
2. Choose to seek further review and/or amend it at a later date.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revocation of the Street Appeals Policy would be effective upon the adoption of the Officer's recommendation

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1711/167 Moved Councillor R Paine, seconded Councillor R Bennett

That the Council revokes 135/2 Street Appeals Policy.

CARRIED 5/0

135/2	Street Appeals	V1 Superseded
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1. Only one street appeal per week may be permitted in each of the Busselton and Dunsborough Central Business District areas.
2. Any charitable organisation may be allowed a maximum of 2 street appeals during any calendar year in each of the Busselton and Dunsborough Central Business Districts.
3. The following charitable organisations are granted ongoing approval to conduct one annual street appeal on the proviso that Council may alter or withdraw this approval subject to reasonable notice:
 - (a) Legacy (January);
 - (b) Busselton Junior Surf Club (January);
 - (c) Civilian Maimed and Limbless Association (May);
 - (d) Paraplegic-Quadriplegic Association of WA (May);
 - (e) Perth City Mission (July 9 and November).

(Note: This list is to be reviewed annually as part of the annual review of all Council Policies).
4. Any application from a charitable organisation requesting permission to conduct a street appeal and which is not included in the above list may be determined by the Chief Executive Officer.

Our Ref:

Your Ref:

Enquiries:



12 October 2017



BUSSELTON WA 6280

Dear [REDACTED],

REQUEST FOR ACTIVITY PERMIT: [REDACTED] 04/11/2016

Thank you for your recent letter dated 28 September 2017 regarding a request for an Activity Permit. Under the *Local Government Property Local Law 2010, section 3.13* you are not required to apply for a permit due to the nature of your proposed activity.

The City has no objections to the [REDACTED] for the purpose of fundraising, however we ask that you contact local businesses where you wish to operate outside of to ensure they are aware of your presence and that they have no objections. Please maintain a minimum of 2m clearance for pedestrians at all times.

We wish you all the very best for a successful day.

Yours Faithfully,

Dimity Hargrave
ENVIRONMENTAL HEALTH COORDINATOR

6.4 REVIEW OF 017 URBAN ART POLICY

SUBJECT INDEX:	Plans, Policies and Procedures
STRATEGIC OBJECTIVE:	A community with access to a range of cultural and art, social and recreational facilities and experiences.
BUSINESS UNIT:	Community Services
ACTIVITY UNIT:	Community Services
REPORTING OFFICER:	Cultural Development Officer - Jacquie Happ
AUTHORISING OFFICER:	Director, Community and Commercial Services - Naomi Searle
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A 017 Urban Art Policy ↓ Attachment B 017 Urban Art Policy Marked Up 2017 ↓

PRÉCIS

The City's rolling review of Council policies continues via the Policy and Legislation Committee. This report presents Policy 017 Urban Art (Attachment A 017 Urban Art) which has been reviewed by Officers.

BACKGROUND

Council previously adopted Policy 017 Urban Art Policy on 26 June 2013 (C1306/161).

The principles of Urban Artworks are:

- To encourage community participation in the creation of Urban Artworks within the City;
- To encourage responsible Urban Artwork and deter graffiti and vandalism of City property;
- To encourage a range of Urban Artwork styles which reflect the diversity of the community's aspirations and vision;
- To provide community access to high quality Urban Artwork projects for education and art appreciation purposes;
- To build on and promote the character and identity of the Busselton region;
- To provide spaces within the City for artists' creative ideas and expression;
- To develop potential designs for infrastructure, public facilities, bins and structures located near public facilities; and
- To encourage pride and ownership of infrastructure in our community.

The policy guides the City and organisations on undertaking Urban Artwork on City owned or managed buildings and infrastructure.

While only one project has been implemented since the policy was adopted, many have been created on private property, and have added life and vibrancy to the City's town centres, and all reflect the cultural and heritage aspirations of the community.

STATUTORY ENVIRONMENT

The term "graffiti vandalism" refers to defacing private and public property without consent from the property owner. Graffiti vandalism can take the form of writing, drawing or scratching onto surfaces

using different implements such as paint, chalk, markers and stickers. It is illegal under the Western Australian Criminal Code Sections 444, 445, 446, 557G and 557H.

In terms of Regulation 5 of the *Local Government (Uniform Local Provisions) Regulations 1996* a person who, without lawful authority interferes with anything on land that is local government property, commits an offence.

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

Urban Artwork plays a key role in delivering the City's Social Plan 2015 – 2025 in providing a welcoming community with vibrant and attractive places and spaces where local heritage and culture is valued. In particular, the Social Plan 2015-2025 identifies the need to facilitate the development of arts and culture by the continued implementation of the Cultural Plan and Local Cultural Planning Strategy (LCPS).

The City of Busselton adopted the LCPS in August 2011. The aim of the strategy is to conserve the key cultural elements of the City of Busselton and its towns and rural areas and to maintain these elements over time.

The City's Cultural Plan was adopted in 2005 and provides recommendations on the future directions of arts and culture in the City of Busselton and encourages the development of a collective community cultural vision and plan.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

Long-term Financial Plan Implications

Nil.

STRATEGIC COMMUNITY OBJECTIVES

This policy is consistent with fostering the following strategic objective:

Key Goal Area 1 Community

- 1.3 A community with access to a range of cultural and art, social and recreational facilities and experiences.

RISK ASSESSMENT

An assessment of the potential implications of implementing the officer recommendation have been undertaken using the City's risk assessment framework, and no risks were identified where the residual risk, once controls are considered, is medium or greater.

CONSULTATION

As the revised Policy is based on the City's existing policy, and there is no change in focus of the policy, no public consultation is required.

OFFICER COMMENT

During the course of reviewing the Urban Art policy, the following changes were made:

- a. Removal of the Urban Art Project Reference Group. This has been replaced with procedures that will be managed internally.
- b. Update of Scope to be high level statement and includes what is covered.
- c. Consistent use of wording for approval and Urban Artwork.
- d. Update and removal of Definitions which are about the approval process.
- e. Formatting changes.
- f. Changes in Policy Content
 - i. Removal of Assessment Criteria and Procedure
 - ii. Inclusion of statement of approval process
 - iii. Locations of Urban Artworks
 - iv. Consultation requirements
 - v. Maintenance and removal information
 - vi. Addition of a the Policy Background and History.

A copy of the marked up policy is attached (Attachment B 017 Urban Art Marked Up 2017.)

CONCLUSION

The City owns property and infrastructure that where the creation of Urban Art Projects plays a part in creating vibrant spaces and reflects the aspirations of the community. As part of the regular practice of reviewing Council policies, a review was carried out on Policy 017 Urban Art. Officers recommend that the policy be adopted with the changes.

OPTIONS

The Council may agree or may not agree to change the existing policy.

The Council may seek to make alterations to the policy.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The revised policy would take effect immediately following its adoption by Council.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1711/168 Moved Councillor R Paine, seconded Councillor K Hick

That the Council adopts the changes and updates to Policy 017 – Urban Art as shown in Attachment B..

CARRIED 5/0

017	Urban Art Policy	V2 Current
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1.0 PURPOSE

The Urban Art Policy (UAP) is designed to engage and encourage the community in the ~~development~~ ~~creation~~ of Urban ~~Art Projects~~ ~~Artwork projects~~ reflecting the cultures and lifestyles of the people who live within the City of Busselton.

The purpose of the UAP is to assist in achieving the following objectives:

- To encourage community participation in the ~~development~~ ~~creation~~ of Urban Art Projects within the City;
- To encourage responsible Urban Art~~work Projects~~ and deter graffiti and vandalism of City property;
- To encourage a range of Urban Art~~work~~ styles which reflect the diversity of the community's aspirations and vision;
- To provide community access to high quality Urban ~~Artwork P~~projects for education and art appreciation purposes;
- To build on and promote the character and identity of the Busselton region;
- To provide spaces within the City for artists' creative ideas and expression;
- ~~To draw attention to facilities like public ablutions, as an alternative to sometimes intrusive signage;~~
- To develop potential designs for ~~infrastructure, public facilities~~, bins and structures ~~located~~ near public facilities; and
- To encourage pride and ownership of infrastructure in our community.

~~The City's appointed Urban Art Project Reference Group (UAPRG) will approve Urban Art Projects on City owned or managed property. The UAPRG will consist of the City of Busselton's Cultural Development Officer, one (1) City Councillor and two (2) suitably qualified community representatives appointed by an Expression of Interest process. The reference group has a term of two years.~~

2.0 SCOPE

~~This policy will enable Urban Art Projects to be undertaken on City owned and managed infrastructure that meet the City's Urban Art Guidelines (Guidelines) (Attachment 1). Applications are submitted for Urban Art Projects using the Application Form (Application) (Attachment 2). The UAPRG will review and approve applications and designs prior to the Organiser/s proceeding with the project on a building or infrastructure.~~

The Policy will guide the City and the community who want to undertake an Urban Artwork. Council supports the development of public Urban Artwork to promote tourism, business, culture and lifestyle and add vibrancy to public spaces within the district and this policy outlines the circumstances and process required to approve an Urban Artwork.

2.1 The policy covers all Urban Artworks on

- a. City owned or managed buildings; and

- b. City owned or managed infrastructure

2.2 The policy does not cover Urban Artworks on

- a. State or Federal Government buildings; and
- b. Privately or commercially owned property or infrastructure.

3.0 DEFINITIONS

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

Artist/s: are generally professional artists, experienced community artists, or arts groups will be eligible to carry out Urban Art Projects. Refer to Guidelines for further information.

Artwork Design Concepts: means design artwork proof or concepts submitted to the City prior to any works commencing at the Location for approval.

Graffiti: refers to illegal artwork on private and public property without consent from the property owner and is also termed graffiti vandalism. Graffiti vandalism can take the form of writing, drawing or scratching onto surfaces using different implements such as paint, chalk, markers and stickers. Graffiti vandalism is illegal and is punishable by the Western Australian Criminal Code Sections 444, 445, 446, 557G and 557H.

Location: is the site of the Urban Artwork on City owned and managed property, fences, playgrounds, skate parks, outdoor walls, traffic underpass, or other public infrastructure.

Organiser/s: means the person, Company or Organisation, including City of Busselton managed projects, which is responsible for organising and makes application to the City for to create an Urban Art Project.

Urban Artwork: is ~~legal~~an artwork that has been approved by the City to be created on a City Location. It is a well organised, skilled activity which has a strong aesthetic dimension, and in which artistic effort is the major consideration. Locations can include buildings, fences, playgrounds, skate parks, outdoor walls, traffic underpass, bus stop or other public infrastructure. For the purpose of the policy UAP, the definition may also include other forms of art works, temporary or fixed and is not confined to paint.

~~is legal artwork, where approval has been granted by the City of Busselton to create an artwork on City owned or managed infrastructure. Urban Art is painted on authorised surfaces, and is generally a well organised, skilled activity which has a strong aesthetic dimension, and in which artistic effort is the major consideration.~~

Urban Art Project: is an artwork proposed to be created within the City of Busselton on public

Urban Art Project Application Form: The (Application Form) is required to be completed by Organiser/s for any Urban Art Projects. The Application requests requires information regarding: on the location, description of artwork, intended participants, consultation process, stakeholders, maintenance and the removal of an Urban Artwork. in relation to the Urban Art Projects.

~~Urban Art Project Reference Group:~~ The City appointed reference group will review and approve Urban Art Project applications. The comprises of the City's Cultural Development Officer, One (1) City Councillor and Two (2) suitably qualified community members. The term of the appointment is two years.

4.0 POLICY CONTENT

Assessment Criteria

4.1 Approval

All ~~applications for~~ Urban Artwork Projects on Locations require approval from ~~UAPRG~~ the City before ~~Urban~~ they commence.

The Urban Artwork Design Concepts Projects will be reviewed and assessed by the City ~~in accordance with the Guidelines. and approved in writing by the Cultural Development Officer. and the~~ Organiser will be informed of the approval in writing.

4.2 Locations

Locations where Urban Artworks may be sited include City owned or managed properties and infrastructure.

4.3 Consultation

The Organiser/s must ensure that relevant stakeholders are identified and consulted with throughout the project.

4.4 Maintenance and Removal

As a condition of the Urban Artwork being approved, the Organiser will, in principle, be responsible for the Artwork's maintenance and removal of graffiti at the Location. A maintenance plan is required as part of the procedures.

The maintenance period for acquired artworks will be five (5) years from the date of creation unless agreed otherwise. If the Urban Artwork Location is not maintained and graffiti removed in a timely manner, the City reserves the right to remove it by repainting the surface.

5.0 PROCEDURE

- ~~1 Organisers provided with the Guidelines (Attachment 1)~~
- ~~2 Organisers submit the Application (Attachment 2)~~
- ~~3 City acknowledges receipt of Application Form~~
- ~~4 Artist is approved~~
- ~~5 Organisers submit Artwork Design Concepts for approval~~
- ~~6 UAPRG approves artwork to commence at approved Location~~
- ~~7 Artwork commences~~
- ~~8 City advised of completion~~
- ~~9 Artwork added to City database of public art~~
- ~~10 Graffiti maintenance by Organiser/s~~

~~11 — Maintenance or removal of artwork by City as deemed necessary~~

6.0 RESPONSIBILITIES

Community and Commercial Services Directorate

Approval, consultation, location, artist liaison

Engineering Works and Services Directorate

Location, maintenance, removal

Finance & Corporate Services Directorate

Asset Register, insurance

7.0 POLICY BACKGROUND & HISTORY

Policy Reference No: 017
Owner Unit: Community Services
Policy Adopted: 26 June 2013
Review Frequency: As Required

Council Resolution	Date	Information
	19 November 2017	Reviewed
C1306/161	26 June 2013	Adopted and implemented

6.2 NEW SOCIAL MEDIA POLICY

SUBJECT INDEX:	Policies
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Governance Services
REPORTING OFFICER:	Public Relations Coordinator - Meredith Dixon
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A New Social Media Policy ↓

PRÉCIS

Implementation of a Social Media Policy will ensure a more coordinated approach to the use of social media for the purposes of improved communication and customer service, marketing, consultation and the promotion of events, projects and news.

BACKGROUND

A briefing session made to Council on 16 November 2016 highlighted the need for the organisation to launch more purposefully onto popularly utilised social media platforms. A draft social media policy was presented to Council at that briefing session for application during an initial trial period.

This trial has been highly successful. Over the past 12 months the City has significantly increased its social media profile utilising Facebook, Instagram, Twitter and to a lesser but increasing extent, YouTube. The number of participants following the City on these platforms has steadily increased and as a consequence the City has reduced its reliance on more traditional advertising methods.

Following a period of one year's participation in the Social Media Environment, the draft Social Media Policy has been refined and finalised and is now presented to Council for final endorsement.

STATUTORY ENVIRONMENT

Not applicable

RELEVANT PLANS AND POLICIES

City of Busselton Code of Conduct

FINANCIAL IMPLICATIONS

There are no costs associated with the adoption of a Policy but costs are incurred in connection with the implementation of the policy. As the City has been actively participating in the Social Media environment for approximately one year no additional costs are envisaged.

Long-term Financial Plan Implications

Not applicable

STRATEGIC COMMUNITY OBJECTIVES

This policy is aligned to Key Goal Area 6: Leadership that is Visionary, collaborative and accountable.

RISK ASSESSMENT

Reputational risk is the most significant risk associated with the failure to adopt and adhere to a clear and workable Social Media Policy.

CONSULTATION

Initial scoping of other social media policies operating within the sector was undertaken. This policy was developed in association with City of Busselton Officers with a nominated role in social media engagement.

Members of the City's Senior Management Group viewed the draft policy and refinements were made based on feedback received. The City's participation in the Social Media environment has been activated with the knowledge and support of Council as reflected in the outcome notes of the 16 November 2016 Council briefing session.

OFFICER COMMENT

This Social Media Policy is similar in form and function to other social media policies operating across the Western Australian Local Government sector. The policy provides Elected Members and City Officers with a set of guiding principles for the use of City of Busselton social media platforms with the intention of delivering constructive, transparent and timely communication to members of the public.

CONCLUSION

Adoption of the Social Media Policy will ensure coordinated management of City of Busselton social media content. Adoption of the Social Media Policy will help ensure the City's best interests are represented in all instances where social media platforms are used to engage and communicate with the community.

OPTIONS

Should Council not agree with the recommendation to adopt this policy; Council could:

- elect to discontinue with the use of social media as an engagement tool;
- continue utilising social media without the backing and support of an endorsed policy; or
- make changes to the policy / recommend an alternative policy approach.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The policy is recommended for immediate adoption in order to facilitate broad roll-out across the organisation.

OFFICER RECOMMENDATION

That the Council endorses the Social Media Policy as shown in the Attachment to this report.

COMMITTEE RECOMMENDATION

PL1711/169 Moved Councillor G Henley, seconded Councillor R Bennett

That this policy be deferred for further consultation.

CARRIED 5/0

6.5 REPEAL OF POLICY: COMMUNITY FACILITY BOOKINGS (#027)

SUBJECT INDEX:	Facility Bookings
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Information Services
ACTIVITY UNIT:	Information Services
REPORTING OFFICER:	Manager, Information Services - Hendrik Boshoff
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Cliff Frewing
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Policy 027 - Community Facility Bookings ↓ Attachment B Policy 249 - Non-Exclusive Use of City Land - Marked Up ↓ Attachment C Policy 249 - Non-Exclusive Use of City Land - Final ↓

PRÉCIS

In November 2016, Council adopted a new policy 'Non-exclusive Commercial Use of Land' (#249). This report recommends Council amends this policy to include short-term and seasonal hire and repeals a related policy that has guided community facility bookings of City owned and/or controlled land on a seasonal and short-term basis, namely 'Community Facility Bookings' (#027) Policy.

BACKGROUND

Prior to development of this Policy, the City had been managing a significant amount of non-exclusive use of City land and facilities, but without an overarching or integrated policy framework. Because of the level of interest in the subject, the potential implications of such activity, both positive and negative, and the need for administrative fairness, consistency, efficiency and robust decision-making, this policy was developed. Since it was first adopted, the scope of the policy has been expanded to include short-term or seasonal hire of City land and facilities, which was originally excluded. Further background to the development of this Policy can be found in the reports to the Council that have supported the Policy's consideration, adoption and review by the Council.

STATUTORY ENVIRONMENT

The following legislation provides legal parameters for commercial and community use of public land:

- Land Administration Act 1997 and associated regulations
- Local Government Act 1995 and associated regulations
- Planning and Development Act 2005 and associated regulations
- Building Act 2012 and associated regulations
- Health Act 1911 and associated regulations
- Public Health Act 2016
- Food Act 2008 and associated regulations
- Local Planning Scheme 21 and associated structure plans and policies
- Activities in Thoroughfares and Public Places and Trading Local Law
- Property Local Law
- Jetties Local Law
- Airport Local Law

RELEVANT PLANS AND POLICIES

The following plans and policies reference commercial and community use of public land:

- Busselton Foreshore Master Plan
- Busselton City Centre Conceptual Plan
- Dunsborough Town Centre Conceptual Plan
- Mobile Vendors on the Busselton Jetty Policy – Reference No. 006
- *Community Facilities Bookings Policy – Reference No. 027**
- Markets Policy – Reference No. 074
- Events Policy – Reference No. 231
- Leases of City Land and Buildings Policy – Reference No. 248
- Non-exclusive Commercial Use of Land (Policy #249)

** the Officer recommendation in this report recommends this policy be repealed and replaced with the single policy 'Non-exclusive Commercial Use of Land (Policy #249)'.*

FINANCIAL IMPLICATIONS

There are no financial implications arising from the Officer recommendation. Relevant elements of the schedule of fees and charges have been updated in the City's 2017/18 budget to reflect the individual hire rates for each venue and hire type as appropriate. The hire fees and charges are reviewed annually in accordance with the City's budget processes.

Long-term Financial Plan Implications

NIL

STRATEGIC COMMUNITY OBJECTIVES

These policies are aligned to Key Goal Area 6: Leadership that is Visionary, collaborative and accountable.

RISK ASSESSMENT

There are no risks rated medium or high associated with the Officer recommendation.

CONSULTATION

No specific community consultation was undertaken during the development of this report. However, officers engaged with other Local Governments and the various City Officers who administer the bookings of City facilities and land on both short-term and seasonal hire basis.

OFFICER COMMENT

The City manages a large variety of short-term and seasonal hireable facilities, each with their own specific attributes and capabilities. To guide the management of these facilities Officers utilised operational guidelines, adopted fees and charges, relevant legislation and refer to internal departments where appropriate. The opening of the new Civic and Administration Centre and in particular the availability of the Undalup Room initiated a full review of short-term hire information provision and it was found the operational parameters might differ between facilities. Therefore Officers progressed the development of individual hire forms, which contains all the relevant information and terms and conditions for each facility. The aim being a single document per facility or facility group that can be presented to a potential hirer without the need to include excessive information not relevant to the facility being booked.

As such there has been a reduced need to use the Community Facility Bookings (#027) Policy and in fact a number of generic items contained in the policy contradict with the desired use of facilities. For example the policy restricts the commercial hire of a City facility to no more than sixteen hours (16) in any one week, clearly there would be various occasions where the commercial hire exceeding 16 hours might be appropriate.

During the review officers also assessed Non-exclusive Commercial Use of Land (Policy #249) and it was found the principles and desired outcomes set out in this Policy are consistent with the overarching principles and desired outcomes of both short-term and seasonal hire of City facilities, but it allows enough operational leeway to ensure the best use is made of the various facilities. That said, utilising the higher level Policy as a guiding principle will necessitate the need for more detailed individual or like type grouped operational documentation to ensure the facilities are appropriately managed.

CONCLUSION

As noted the City's number of short-term and seasonal hireable spaces have increased over the years, adding complexities in the desired use of these facilities. As the operational needs of the facilities became relevant officers developed corresponding guidelines, predominantly in the shape of hire forms, to assist with the appropriate management of the facilities. It is anticipated the City will continue to see an increase in the number of managed facilities and correspondingly a growth in the diversity of use.

Currently Officers are no longer using the 'Community Facility Bookings' (#027) Policy, as the operational documents, other relevant regulatory items and the City fees and charges have superseded this Policy. That said there is still a need to ensure a high level procedural fairness and equity for the access and use of short-term and seasonal hire of City facilities.

The overarching principles contained within Non-exclusive Commercial Use of Land (#249) Policy are deemed a good fit for the desired outcomes of procedural fairness and equity, and the following changes are recommended to include short-term and seasonal hire into this policy:

1. The title of the policy to be amended to read
'Non-exclusive Use of City Land and Facilities'
2. The scope of the policy amended to include short-term and seasonal hire:
'• Short-term and seasonal hire of City land and facilities such as sporting grounds, halls, public open spaces or reserves.'
3. Remove the exclusion of the short-term and seasonal hire from the scope exclusion by the deletion of:
~~*'Activities associated with the short-term hiring of City property;
General sporting use of ovals or similar'*~~
4. Amend objective one to include community and individuals:
'1. Achieving fair outcomes, in both procedural and outcome terms, in relation to the treatment of different businesses, business models, activities, community groups and individuals;'
5. Inclusion of a guiding principle directly related to short-term and seasonal hire:
'6. Notwithstanding clause 1 above, where there is a need for short term or seasonal hire of City land and/or facilities for a specific use, these will be managed through appropriate guidelines specific to each portion of land or facility, in keeping with the broader policy direction.'

It is also recommended that Council repeals the 'Community Facility Bookings (#027)' Policy, which deals with community and commercial short-term and seasonal hire of City managed facilities and public spaces.

OPTIONS

Council may elect not to repeal the Policy as recommended by Officers and request a further review of the policy framework for non-exclusive use of City land.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Should Council adopt the Officer recommendation, the policy will be repealed immediately

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1711/170 Moved Councillor R Bennett, seconded Councillor R Paine

That the Council, with respect to the non-exclusive commercial and community use of City land:

1. Revokes the 'Community Facility Bookings (#027)' Policy, which deals with community and commercial short-term and seasonal hire of City managed facilities and public spaces (see Attachment A);and,
3. Adopts the minor changes to 'Non-Exclusive Commercial Use of Land Policy (#249)' (see Attachment B), to include short-term and seasonal hire of City Land, which supersedes the above policy and is the principal framework for administering permits and licenses for hire activities on City land.

CARRIED 5/0

Last updated 13/08/2014

027	Community Facilities Bookings	V1 Current
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PURPOSE

As part of the City of Busselton's Community Strategic Plan (2013), Council has placed a high priority on providing for quality cultural, recreation, leisure facilities and services. The City of Busselton Community Facilities Bookings Policy will assist in achieving this goal by providing a strategic framework for the orderly, fair booking of all community facilities in the City of Busselton.

The policy will apply to the booking and hiring of City managed community facilities.

SCOPE

This policy applies to community facilities managed by or on behalf of the City of Busselton, including community and commercial hire agreements. This policy excludes individuals or organisations that have entered into a lease or licence with the City of Busselton.

OBJECTIVE

The objective of the Community Facilities Bookings Policy is as follows:

- To provide facilities to the community for cultural, recreational, sporting and other activities as required.
- To manage the facilities in a way that ensures equitable, appropriate and affordable access to the community.
- To maximise community use of facilities through planned asset maintenance and upgrade, promotion of the availability of facilities, booking planning and related strategies.
- To generate income from the use of facilities to contribute towards the cost of maintaining and managing the facilities.

DEFINITIONS

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

Casual Hire – Casual Hire is defined as a booking that occurs less than twelve (12) times in any 12 month period.

Community Facilities – For the purposes of this policy Community Facilities include community recreation centres, active reserves, passive reserves and City managed Halls.

Crown Land - means land vested to the City of Busselton by the State of Western Australia for a particular purpose.

Long-term User – means an organisation or individual whom has entered into a hire agreement for a community facility with the city as a regular hirer for a period of in excess of 12 months.

Regular hire – Regular Hire is defined as any booking that occurs 12 or more times in any 12 month period. Regular hire bookings will be taken either annually, in line with school terms or bi-annually (seasonally).

Seasonal Hire – The word 'seasonal' for the purpose of this policy shall mean the seasons of summer and winter. For the purposes of defining seasonal hire, the summer season shall be regarded as the period between 1 October and 31 March, and the winter season the period between 1 April and 30 September, all days inclusive.

Last updated 13/08/2014

STANDARDS

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

Commercial Hire Rate - Commercial hire fees will apply to all businesses, organisations and individuals that expect to return a profit from their endeavours, and all hirers that do not meet the community hirer definition standard below.

Community Hire Rate – To be eligible for a community hire rate an organisation or individual is required to be a voluntary association (with an incorporation certificate) or a charitable organisation. Additionally a community rate can also apply in special circumstances whereby individuals or organisations can provide significant evidence of where there is no expectation for profit. An application for this hire rate must be made in writing.

Charitable concession – A charitable concession of up to 50% is available on applicable facility hire fees at City of Busselton facilities for organisations and groups where profits raised from the associated activity are to be donated to a local cause or charity. The applicable facility hire fees are highlighted in the City's *'Annual Schedule of Fees and Charges.'*

POLICY CONTENT

Principles

Community facilities in the City of Busselton are used for a wide range of activities such as children's playgroups, health, fitness and dance programs, craft activities, community and church groups, leisure classes, community events and seasonal sporting competitions. Below are types of bookings that may be available for Aquatic and Community Centres, Halls, Art Galleries, Parks and Reserves.

- Casual Bookings
- Regular Bookings (Annually)
- Regular Bookings (Seasonal)
- Regular Bookings (School Term)
- Events
- Access to Parks, Reserves
- Wedding ceremonies
- Exhibitions

Priority Bookings

Historical bookings with long-term users of community facilities will be honoured in the first instance; however the City reserves the right to review bookings as required to provide equitable access to its facilities. In the absence of a historical booking by a long-term user, booking requests made by a Community organisation or individual will be given highest priority when more than one request is made for the same facility at the same time.

Commercial Use

The commercial use of Community Facilities as contained within this policy is governed by and is interpreted in accordance with the laws of the City of Busselton, Western Australia and, where applicable, the laws of the Commonwealth of Australia. The use of facilities on

Last updated 13/08/2014

crown land must be consistent with the purpose of that reserve. Any commercial hire undertaken on crown land is limited to a maximum of sixteen (16) hours in total per week by an individual or organisation.

Property Local Law

Permission to utilise City of Busselton Community Facilities (via a permit) is granted under *Shire of Busselton Local Government Property Local Law 2010*. It is specified in this law as to permissible and non-permissible activities. There are also specific considerations in terms of alcohol consumption restrictions and requirements to obtain written approval to serve alcohol on /or from a City of Busselton property.

Seasonal hire

Of selected facilities seasonal hire availability is advertised by the City of Busselton on a biannual basis. Applications are advertised on the City's website and in one of the local newspapers and must be lodged by the stated application closure dates. The utilisation of community facilities for seasonal use may be granted on application. Times and periods of use must be stated on the application form. A liaison officer must be nominated by each club/organisation in order to provide close contact with the City. Payment of the hiring fees shall not confer any rights of use of the facility other than for times and periods specifically approved.

Events

In the instance whereby a community facility booking requires one or more formal approvals from the City's environmental health, building, statutory planning or engineering and works business units it will need to comply with the City's Events Policy (2006).

Conditions of hire

Hirers of City of Busselton community facilities must adhere to specific conditions, as stated on the *Facility Hire Form* to book the individual facility. Other hiring related practices and procedures will be outlined in the Operational Procedure document relating to that facility. The City may reserve the right to cancel bookings with reasonable notice, with the exception of emergencies, in order to conduct activities required by the Local Government. This could include, but is not limited to: local emergencies, maintenance work and elections.

Fees, Charges and Bonds

The hire of City of Busselton community facilities may incur fees, charges and bonds as per the Council adopted fees and charges schedule, which can be found on the City's website. Full payment is required in advance to confirm booking unless otherwise arranged.

Dispute Resolution

In the instance that a regular, casual or potential hirer of the facility is not in agreement with the booking determination made, a dispute resolution process will be outlined in the Operational Procedure document relating to that community facility. When receiving a written response the applicant will be advised of their objection and review rights. If the applicant is aggrieved by the decision, there is a right to object to this decision under section

Last updated 13/08/2014

9.5 of the Local Government Act 1995 (LGA). An applicant may also apply to the State Administrative Tribunal for a review of the decision under section 9.7 of the LGA.

Public Liability Insurance

The City of Busselton's *Casual Hirers Public Liability Insurance* will only cover casual hire for individuals or community groups that will not be making a profit from the activity. Any activity that does not meet these criteria will require public liability insurance.

Policy Background

Policy Reference No. - 027
Owner Unit – Community Services
Originator – Community Development Coordinator
Policy approved by – Council
Date Approved – August 2014
Review Frequency – As required
Related Documents – N/A

History

Council Resolution	Date	Information
C1408/195	13 August, 2014	Version 1

Implemented 09/11/2016

Policy Background

Policy Reference No - 249

Owner Unit - Environmental Health

Originator- Manager Environmental Services

Policy considered by Policy and Legislation Committee and approved by- Council

Date Approved - 9 November 2016

Review Frequency-As required

Related Documents -

- Activities in Thoroughfares and Public Places and Trading Local Law 2015
- Properties Local Law
- Jetties Local Law
- Busselton Foreshore Master Plan
- *Busselton City Centre Conceptual Plan*
- *Dunsborough Town Centre Conceptual Plan*
- *Commercial Hire Site Policy*- Reference No. 008
- *Trading in Public Places Policy*- Reference No. 020
- *Mobile Vendors on the Busselton Jetty Policy*- Reference No. 006
- *Community Facilities Bookings Policy*- Reference No. 027
- *Markets Policy*- Reference No. 074
- *Events Policy*- Reference No. 231
- *Leases of City Land and Buildings Policy*- Reference No. 248

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Background/History-

Implementation of new policy to facilitate, control and regulate the non-exclusive commercial use of City owned and managed land across the District.

History

Council Resolution	Date	Information
(1611/123	9 November 2016	Date of Implementation Version 1

Implemented 09/11/2016

249	NON-EXCLUSIVE USE OF CITY LAND AND FACILITIES	VI Current
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PURPOSE

This Policy provides a consistent framework and methodology to facilitate, control and regulate the non-exclusive commercial use of City owned and managed land across the District.

BACKGROUND

Prior to development of this Policy, the City had been managing a significant amount of non-exclusive of commercial land, but without an overarching or integrated policy framework. Because of the level of interest in the subject, the potential implications of such activity, both positive and negative, and the need to provide for administrative fairness, consistency, efficiency and robust decision-making, this policy was developed. Further background to the development of this Policy can be found in the report to the Council that supported the Policy's consideration and adoption by the Council.

SCOPE

The Policy relates to the following kinds of non-exclusive commercial use of City land -

- Mobile traders (i.e. traders that operate from particular locations for certain periods of time);
- Itinerant traders (i.e. traders that offer goods and services by travelling around the District, stopping only for as long as it takes to serve customers in a particular location);
- Al fresco dining on footpaths or other City land adjacent or close to a permanent, fixed business (other than where this is facilitated via a lease);
- Recreational activities of various kinds (including fitness classes or similar - i.e. 'exercise permits' - and things like mobile climbing walls or water playgrounds);
- The running of tours or similar, which wholly or partly take place on City land and/or using City infrastructure;
- Businesses involved in the short-term hiring of recreational equipment, such as bikes, kayaks or jet skis; and
- Trading that operates from more or less temporary premises and/or from fixed premises, but on the basis of relatively short-term arrangements, such as trading from a converted/adapted sea container, or from some other relocatable and/or relatively low cost structure (although note that once there is a significant degree of 'permanence' associated with a business and/or structure in this kind of example, it becomes indistinguishable from a more conventional leasehold situation, and is therefore not subject of this policy).
- Short term and seasonal hire of City land and facilities such as sporting grounds, halls, public open spaces or reserves.

Implemented 09/11/2016

The Policy does not relate to the following kinds of activities -

- Events, and the trading activity associated with events;
- Markets;
- Buskers/street entertainers;
- ; or
- Leasehold use/development of City land.

STATUTORY/POLICY ENVIRONMENT

- *Land Administration Act 1997* and associated regulations
- *Local Government Act 1995* and associated regulations
- *Planning and Development Act 2005* and associated regulations
- *Building Act 2012* and associated regulations
- *Health Act 1911* and associated regulations
- *Public Health Act 2016*
- *Food Act 2008* and associated regulations
- *Local Planning Scheme 21* and associated structure plans and policies
- *Activities in Thoroughfares and Public Places and Trading Local Law*
- *Property Local Law*
- *Jetties Local Law*
- *Airport Local Law*
- *Busse/ton Foreshore Master Plan*
- *Busse/ton City Centre Conceptual Plan*
- *Dunsborough Town Centre Conceptual Plan*
- *Commercial Hire Site Policy*- Reference No. 008*
- *Trading in Public Places Policy*- Reference No. 020*
- *Mobile Vendors on the Busse/ton Jetty Policy*- Reference No. 006*
- *Community Facilities Bookings Policy*- Reference No. 027
- *Markets Policy*- Reference No. 074
- *Events Policy*- Reference No. 231
- *Leases of City Land and Buildings Policy*- Reference No. 248

Implemented 09/11/2016

OBJECTIVES

1. Achieving fair outcomes, in both procedural and outcome terms, in relation to the treatment of different businesses, business models, activities, community groups and individuals;
2. Preserving and enhancing the vibrancy and attractiveness of City, Town and other activity centres, and other important public spaces, such as the Busselton and Dunsborough Foreshores;
3. Providing convenient and attractive services to residents and visitors;
4. Encouraging innovation, new business development, and economic and employment growth;
5. Generating financial return to ratepayers associated with use of City land and infrastructure;
6. Supporting the delivery of other City strategies and objectives; and
7. Ensuring legal robustness, simplicity and comprehensibility, and administrative efficiency and workability.

GUIDING PRINCIPLES FOR IMPLEMENTATION

1. Where there is competition for space/sites (including with other kinds of uses, such as general public recreation or public car parking requirements) and/or concerns that activity should be managed carefully and/or not be supported in certain locations, applications will only be considered as part of an expression-of-interest process and not as a result of *ad hoc* applications;
2. Expression-of-interest sites and assessment criteria will be periodically reviewed and updated, including through appropriate Council consultation/consideration and industry/community consultation;
3. Novel proposals or *ad hoc* proposals may, however, be considered where it is clear they are supportable, given the broader policy direction, and/or to trial a new kind of activity and/or location;
4. Where there is more than one regulatory option, once it is clear that a particular activity or proposal is broadly supported, the most administratively simple option, or combination of options, will be used; and
5. Where there is identified to be a need to ensure a return on the value of City land and/or infrastructure, there will be a requirement for an 'agreement' and/or 'licence', in addition to a 'permit', with a 'licence' only being required where there is a need for a registerable interest in land.
6. Notwithstanding clause 1 above, where there is a need for short term or seasonal hire of City land and/or facilities for a specific use, these will be managed through appropriate guidelines specific to each portion of land or facility, in keeping with the broader policy direction

ADMINISTRATION OF THIS POLICY

The Chief Executive Officer {CEO} has the authority (including through necessary delegations and/or authorisations) to administer the requirements of the Non-Exclusive Use of City Land and Facilities on behalf of Council.

Implemented 09/11/2016

Policy Background

Policy Reference No - 249

Owner Unit - Environmental Health

Originator- Manager Environmental Services

Policy considered by Policy and Legislation Committee and approved by- Council

Date Approved - 9 November 2016

Review Frequency-As required

Related Documents -

- Activities in Thoroughfares and Public Places and Trading Local Law 2015
- Properties Local Law
- Jetties Local Law
- Busselton Foreshore Master Plan
- *Busselton City Centre Conceptual Plan*
- *Dunsborough Town Centre Conceptual Plan*
- *Commercial Hire Site Policy*- Reference No. 008
- *Trading in Public Places Policy*- Reference No. 020
- *Mobile Vendors on the Busselton Jetty Policy*- Reference No. 006
- *Community Facilities Bookings Policy*- Reference No. 027
- *Markets Policy*- Reference No. 074
- *Events Policy*- Reference No. 231
- *Leases of City Land and Buildings Policy*- Reference No. 248

Background/History-

Implementation of new policy to facilitate, control and regulate the non-exclusive commercial use of City owned and managed land across the District.

History

Council Resolution	Date	Information
(1611/123	9 November 2016	Date of Implementation Version 1

6.6 MINOR UPDATING OF COUNCIL POLICIES FOLLOWING FURTHER REVIEW PROCESS

SUBJECT INDEX:	Policies and Procedures
STRATEGIC OBJECTIVE:	Governance systems, process and practices are responsible, ethical and transparent.
BUSINESS UNIT:	Engineering and Facilities Services
ACTIVITY UNIT:	Engineering and Work Services
REPORTING OFFICER:	Manager, Engineering and Facilities Services - Daniell Abrahamse
AUTHORISING OFFICER:	Director, Engineering and Works Services - Oliver Darby
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Council Policy 140/3 - Roads - Extra Mass Permit Conditions ↓ Attachment B Revised Council Policy 179 - Engineering Technical Standards and Specifications ↓ Attachment C Revised Council Policy 179 - Engineering Technical Standards and Specifications - Track Changes ↓ Attachment D Revised Council Policy 185/3 - Verge and Public Open Space Improvement - Subdivision ↓ Attachment E Revised Council Policy 185/3 - Verge and Public Open Space Improvement - Subdivision - Track Changes ↓

PRÉCIS

The City's rolling review of Council policies continues via the Policy and Legislation Committee. This report presents a range of policies that have been thoroughly reviewed by the responsible officers and assessed as requiring, withdrawal, minimal change with the exception of updating terminology to City. While no substantial changes are recommended, the operation of each policy has been examined in detail to ensure no other changes are required.

BACKGROUND

The Policy and Legislation Committee has endorsed an ongoing policy review process, whereby all policies of the Council will be reviewed, with the aim of determining the ongoing applicability of the policies, along with standardisation and reduction.

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.

Each policy referred to in this report has been developed in accordance with and reviewed being aware of the relevant enabling legislation.

RELEVANT PLANS AND POLICIES

This report proposes the update of a series of existing policies of the Council.

FINANCIAL IMPLICATIONS

There are no financial implications arising from the review of these policies.

Long-term Financial Plan Implications

Not applicable.

STRATEGIC COMMUNITY OBJECTIVES

The ongoing review of Council policies helps achieve governance systems that deliver responsible, ethical and accountable decision-making.

RISK ASSESSMENT

Having a policy relating to any matter is an effective risk mitigation strategy and there are no risks remaining at a sufficient level for further individual assessment.

CONSULTATION

Not required.

OFFICER COMMENT

In the main, it is the considered view of the relevant officers that the policies included in this report have been operating efficiently and effectively since the previous review was undertaken by the Policy and Legislation Committee and the Council.

This report presents a range of policies that have been thoroughly reviewed by the responsible officers and assessed as requiring minimal change with the exception of updating terminology to City. While no substantial changes are recommended, the operation of each policy has been examined in detail to ensure no other changes are required. A brief comment on the changes associated with each policy is provided below:

Council Policy 140/3 – Roads – Extra Mass Permit Conditions

The purpose of the current policy is that the Chief Executive Officer advise Main Roads WA (MRWA) of the route plan and conditions recommended to be imposed by MRWA on all applications seeking heavy and/or multi-combination permit (HVP) approval to use Council's roads.

The policy also requires that standard conditions and other specific conditions relevant to a situation be imposed on all HVP Applications. The HVPs will only be approved for issue where the transported item results from an activity which is legally approved by Council.

City officers have reviewed the current policy and are of the considered view that this policy is obsolete and therefore no longer relevant as all the actions contained within the policy are now addressed through Main Roads WA Heavy Vehicle Services (MRWA HVS) assessment and approval processes.

To this MRWA HVS is responsible for the final assessment and approval for all Restricted Access Vehicles (RAV) and Extra Mass Permits including roads under the care and control of the City. MRWA HVS introduced the *“Standard RAV Route Assessment Guidelines”* to ensure consistency in road suitability assessments and access conditions at a state wide level. Notwithstanding this the City maintains the ability to include specific conditions when assessed to be in the best interest of the City or Community including limiting hours of operation and school bus curfews.

MRWA HVS have introduced to specific RAV assessment frameworks, being: *“Framework for Applying for Adding Local Government Roads to Restricted Access Vehicle Networks”* and *“Framework for Downgrading Local Roads on the Restricted Access Vehicle Networks”*. This allows the City to manage access to its road network in manner to maximise the benefits to the community as a whole.

In addition to the new frameworks there is also avenues within the Local Government Act to restrict access immediately should significant issues be identified such as road degradation or safety issues.

As a result of the review officers are recommending that this policy be revoked.

Council Policy 179 – Engineering Technical Standards and Specifications

The policy was last reviewed on 27 June 2012. The purpose of this policy is to provide a framework for the range of standards and specifications to be applied to civil infrastructure works within the City of Busselton. That the Council has adopted and requires the implementation of a series of standards and specifications as set out in this policy.

The proposed to the existing policy includes minor additions and recommends that these Engineering Technical Standards and Specifications not be referred to the Council when they get updated due as a result of new Australian Standards and/or any other Industry Standards. In order to negate the need of numerous reports to Council, its recommended by officers that the if any changes are to be made to these Standards and Specifications the Chief Executive Officer will implement them without referral to the Council.

If the changes to the Engineering Technical Standards and Specifications are deemed to have an adverse effect on the Council, the Chief Executive Officer will refer these changes to the Council for consideration.

Council Policy 185/3 – Verge and Public Open Space Improvement - Subdivision

The policy was last reviewed on 25 July 2007. The intention of this policy is to establish the City's minimum landscaping standard and to provide guidance to the Council if considering any proposal from a developer to implement a higher standard of landscaping, including associated maintenance agreements and arrangements.

Officers have reviewed the current policy and have made some minor changes, these changes are listed as follows:-

- For clarity a definition of 'verge' has been included at the beginning of the Policy.
- A requirement under Option A has been added stating 'a Landscape Maintenance Agreement may be required for Option A at the discretion of the City.'
- Roundabouts and drainage basins have been added requiring verge plantings by the developer in the 'Verge Landscaping' section of the Policy.
- A requirement in Downgrade Items/ Entry Statements section has been added stating 'at the City's discretion, Entry Statements may form part of Landscape Option A or C subdivisions' Landscape Maintenance Agreement'. This is an alternative option to a specific stand-alone (short form) Entry Statement Maintenance Agreement required under this policy.

CONCLUSION

The three policies have provided consistent guidance to City decision-making processes, however other than minor updates there are no substantial changes.

OPTIONS

The Committee may recommend and the Council may determine that a policy or policies are not required or that further changes are necessary.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The policies remain effective and the updated versions will take effect as soon as a decision is made by the Council.

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL1711/171 Moved Councillor R Paine, seconded Councillor L Miles

That the Council:

1. Revoke Policy 140/3 – Roads – Extra Mass Permit Conditions as shown in Attachment A.
2. Adopts the changes and updates to Policy 179 – Engineering Technical Standards and Specifications as shown in Attachment B.
3. Adopts the changes and updates to Policy Council Policy 185/3 – Verge and Public Open Space Improvement - Subdivision as shown in Attachment D.

Various suggested changes were made to Policies 179 and 185/3 which were later circulated to members for information

CARRIED 5/0

140/3	Roads - Extra Mass Permit Conditions	Current
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The Chief Executive Officer shall advise Main Roads WA (MRWA) of the route plan and conditions recommended to be imposed by MRWA on all applications seeking heavy and/or multi-combination permit (HVP) approval to use Council's roads.

Any or all of the following standard conditions, and other specific conditions relevant to a situation are to be imposed on all HVP Applications. HVPs will only be approved for issue where the transported item results from an activity which is legally approved by Council.

Definition:

The term "Applicant" shall mean the Owner/Operator of the vehicle to which the application refers; and

The term "Heavy Vehicle Permit Plan"(HVPP) refers to those roads approved for Heavy Haulage by Council and for which application can be referred to MRWA with standard conditions by the Chief Executive Officer;

The term "Truck" shall mean an HVP vehicle (over 42.5 tonne gross mass or over 19m in total length).

Conditions:

1. Compliance with the "Shire of Busselton - HVP Conditions" as quoted on the permit at all times. Non-compliance may result in Council at its discretion requesting that MRWA to withdraw the HVP.
2. Approval has only been given for the roads shown on Council's HVPP. Roads not shown on the HVPP require Council approval.
3. The Applicant shall observe, at all times, all provisions contained in the Road Traffic Act and Regulations, the Local Government Act 1994 and all Local Laws.
4. Approval is granted for cartage during sunrise to sunset hours 7:00 am - 6:00 pm, whichever is the shorter, Mondays to Saturdays, excluding Sundays and public holidays.
5. Where roads are designated school bus routes, applicants shall not operate between the times 7:30 am and 9:00 am and 3:00 pm and 4:30 pm on school days. Alternately, operating times may be other than within 15 minutes of scheduled school bus times where the applicant has determined, for affected roads, the accurate times and achieved agreement to the arrangement from school bus coordinator. (Enquiries can be made with the School Bus Liaison Officer on 9755 4476 or South West Coachlines on 9754 2977).

6. Unless for direct property access on an occasional or intermittent basis, HVPs may not be recommended to Main Roads WA on 3.6m/4.0m seal width roads not listed on the HVPP for HVP vehicles due to safety risks and potential for road edge damage.
7. Trucks are restricted to a maximum speed of 80 kpm on local roads at all times unless a lesser speed limit is recommended to MRWA for reasons of safety.
8. Some roads are subject to regular cattle crossings. The Applicant is to identify the location of these and the normal crossing times and exercise appropriate caution.
9. Entries to properties being serviced by the Applicant must be constructed for sight distance and width standards to Council's satisfaction for safety, to prevent road base or earth spill onto sealed surfaces and damage to sealed edges and road verges. Approval may be withdrawn if damage occurs and is not closed or repaired to the satisfaction of the Chief Executive Officer.
10. Where more than four return trips per day occur on local roads, the Applicant is required to provide approved temporary Australian standard, black on yellow, HVP warning signs, except where these signs already exist. The signs shall be located at entry/exit from properties, at intersections and at not greater than 2km intervals for the duration of the permit approval.
11. All Permits will be suspended where the road surface has deteriorated and is determined by the Chief Executive Officer to be unsafe for heavy haulage or any form of transport or that continuing use will cause a safety risk and/or significant damage to occur. MRWA is to administer a Council request of this nature and issue suspension notices to permit holders.
12. To minimise the potential for road damage safety hazards the Chief Executive Officer may request MRWA to suspend HVPs on Shire roads, where more than 50 mm of rain has fallen in any 24 hours or lesser period. Such notice shall remain in effect until a re-commencement advice is issued by Council to MRWA who will issue notices to permit holders to recommence transport.
13. The Applicant shall, at its own cost, produce a weighbridge docket at any time upon request of a Department of Transport Officer, Main Roads WA Officer or Police Officer who may accompany the unit to the nearest facility.
14. All weights and measures conditions as determined by the Main Roads WA Permit must be adhered to.
15. No bridges with posted load limits are to be crossed by an HVP unless by prior arrangement of the Main Roads WA's Bridge Section and so stated on the permit.

16. On receipt of a formal application from MRWA for special consideration, the Chief Executive Officer, may set heavy haulage conditions for roads which are not shown on the HVPP but are necessary to provide safe access on approved activity under the following circumstances:
 - (a) The road is safe for use by HVP vehicles;
 - (b) The road is in good condition and of safe standard and the Applicant proposes less than 100 return trips on one year and not more than six return trips in any week or part thereof;
 - (c) Compliance with all condition imposed; and/or
 - (d) Where the road is unsatisfactory and the Applicant undertakes to upgrade the road and access to the satisfaction of the Chief Executive Officer; or
 - (e) Otherwise where the matter has been determined by Council.
17. A HVPP depicting roads suitable for use by HV's shall be maintained by the Chief Executive Officer who shall carry out a complete review of Council's HVPP for heavy haulage routes on an annual basis.

Last updated 27 June 2012

179	Engineering Technical Standards and Specifications	V2 Current
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1. PURPOSE

This policy is to provide a framework for the range of standards and specifications to be applied to civil infrastructure works within the City of Busselton. The Council has adopted and requires the implementation of a series of standards and specifications as set out in this policy.

2. SCOPE

The policy applies to all civil works designed and carried out by consultants, contractors, developers and the City.

3. POLICY CONTENT

The following standards and specifications have been adopted for the City of Busselton and are to be applied:

Section 1 - Guidelines and Administration Requirements for Subdivisions and Developments

This will be used for processing subdivision and development applications, plan approvals and control of works.

Section 2 - Designs and Plans for Roads, Earthworks, Paths and Stormwater Drainage

Provides guidance for preparing plans for road reserve and drainage works.

Section 3 – Construction - Earthworks, Storm Water Drainage, Roads and Other Pavements

Applies to all subdivisions, developments and City construction works.

Section 4 - Vehicle Crossovers

Applies to the construction of vehicle crossovers and will be used for processing vehicle crossover applications.

Section 5 - Bushfire Protection and Prevention Facilities - Rural and Special Rural Areas

Provides guidance for strategic fire protection in all rural and special rural areas (where required).

Section 6 - Property Development - Technical Requirements and Guidelines for Earthworks, Drainage and Parking

Applies for all property development, earthworks, drainage and parking works.

Last updated 27 June 2012

Section 7 - Requirements and Guidelines for Road, Drain and Path Maintenance and Reinstatements

Applies to all road, drain and path maintenance and reinstatement works.

Section 8 - Requirements and Guidelines for Reserve and Foreshore Works, and Tree Management

Applies to all reserve developments and foreshore works approved by Council.

Section 9 - Subdivisions and Developments - Landscaping, Revegetation and Stabilisation

Applies to all clearing, landscaping and revegetation works for subdivisions and developments.

Section 9b - Street and Road Verge - Landscaping, Revegetation and Stabilisation

Applies to all clearing, landscaping and revegetation works for streets and road verges.

Review of Engineering Technical Standards and Specifications

All relevant Engineering Standards and Specifications are continuously reviewed by City Officers. It is acknowledged that accepted industry standards will continuously evolve over time. If any proposed changes to content are deemed to be as a result of industry changes and will not have a significant effect on the Council, the Chief Executive Officer may implement those without referral to Council.

4. APPLICATION OF THE POLICY

The policy will be maintained and applied, under authority of the Council, by the Chief Executive Officer and the Director, Engineering and Works Services.

Policy Background

Policy Reference No. - 179
Owner Unit – Engineering Services
Originator – Historical
Policy approved by – Council
Date Approved – 27 June 2012
Review Frequency – As required
Related Documents – Section 1 to 9 standards

Last updated 27 June 2012

Council Resolution	Date	Information
	27 June, 2012	Update to new policy format Version 2
C0907/266	22 July, 2009	Policy update with introduction of new and updated standards

Last updated 27 June 2012

179	Engineering Technical Standards and Specifications	V2 Current
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Applies to the construction of vehicle crossovers and will be used for processing vehicle crossover applications.

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Last updated 27 June 2012

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Deleted: ¶
Section 10 - Bonds, Contributions and Fees for Subdivisions and Developments¶

¶
Section 10 was deleted as the bonds were no longer taken, contributions were deleted and some of the items (supervision fees, maintenance bonds) now appear in Section 1 - Admin section¶

Deleted: Applies to all subdivisions and developments.

Deleted: progressively

Deleted: and presented to Council for approval.

Deleted: change

Deleted: In order to accommodate such changes, the specifications will be reviewed regularly.

Deleted: minor

Deleted: 10

Last updated 27 June 2012

Council Resolution	Date	Information
	27 June, 2012	Update to new policy format Version 2
<u>C0907/266</u>	<u>22 July, 2009</u>	<u>Policy update with introduction of new and updated standards</u>

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Last Updated 25 July, 2007

185/3	Verge and Public Open Space Improvement - Subdivision	V3 Current
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Policy Revision Date: July 2007

Definition: 'Verge' means road verges, roundabouts and medians within the road reserve

A. Policy: Verge Improvement and Public Open Space

It is the Council Policy to seek a verge and public open space improvement to a minimum standard that makes areas functional, aesthetic and usable, as part of the urban subdivision process, prior to subdivision clearance. Improvements should comply with minimum landscaping standards in Western Australia Planning Commission's (WAPC's) current "Liveable Neighbourhoods Edition" Operational Policy and shall also be financially, socially and environmentally sustainable.

The intention of this policy is to establish the City of Busselton's minimum landscaping standard and to provide guidance to the Council when considering any proposal from a developer to implement a higher standard of landscaping, including associated maintenance agreements and arrangements.

Scope of Policy

This policy applies to passive recreation parks, reserves, and verges. Active sports fields that are designed and developed for organized sport are excluded from the policy provisions but the surrounds to such areas shall be included and assessed as passive recreation areas.

Applicable areas shall include all reserves that are to be landscaped or rehabilitated as part of the subdivision, that are intended to be vested in the City as reserves for recreation, landscape protection, foreshore management, drainage or other purposes, including verges.

Landscape Categories

Three categories of Verge and Public Open Space (POS) are adopted for reference:

Category 1

This category relates to reserves that have a high profile which require a high level of maintenance for whole of community benefit.

Category 2

These are passive activity areas with a medium level of maintenance required and include elements or all of the following; trees, shrubs, lawned areas, mulched gardens, infrastructure and reticulation.

Category 3

These areas are not reticulated and require minimum maintenance.

Last Updated 25 July, 2007

The use of native plants and waterwise designs is encouraged in all categories.

It should be noted that a single reserve or area might contain more than one category of landscape treatment.

Landscaping to Be Provided By Developers

For all options A, B & C that follow, irrigation demand (if any), whether from bore or scheme water, shall be minimal and shall be from a secure, adequate and sustainable supply source.

Option A

This is the preferred option for maintenance of reserves following developer handover as reflected in the City of Busselton's Engineering Technical Standards and Specifications – Section 9 – Subdivisions and Developments – Landscaping, Revegetation and Stabilisation which sets out that the City will not accept maintenance liability for intensively developed open space.

The City's preference is that POS areas and verges ~~areas~~ created by subdivision should consist predominantly of Category 3 landscaping, with consideration of limited Category 2 treatments (if any) in key areas. The total annual maintenance cost of all landscaping in the subdivision should not exceed the "Option A standard percentage" of "nominal general rate" revenue from the fully developed subdivision that is nominated by the City to reflect the normal sustainable maintenance spending by the City each year on Public Open Space Maintenance. The Option A standard percentage was set at 15% back in the 2007/08 Financial Year but may be revised by the City each year based on adopted City budgets. The term "Nominal general rate revenue" as applicable to this policy is defined in the guidelines that follow.

Under Option A, basic public open space low maintenance facilities such as playground equipment in addition to the improvement to the landform, appearance and/or vegetation is encouraged. High maintenance landscaping such as artificial water bodies, extensive reticulated lawn, garden bed, exotic vegetation or barbecues is discouraged. This is to avoid the expectation of residents that the Council will accept the cost of high maintenance facilities.

Option A requires:

- * A landscape maintenance period of 2 years.
- * A landscape maintenance performance bond equal to two years of estimated maintenance cost (with no margin or loading).
- * Refer to the Option A example calculation elsewhere in this Policy.

A Landscape Maintenance Agreement is may be required for Option A at the discretion of the City.

Last Updated 25 July, 2007

Alternatives for a Higher Standard of Landscaping

If a developer wishes for a higher standard than Option A, where annual maintenance costs exceed the Option A standard percentage of nominal general rates, the proposal shall be referred for the Council's approval, prior to the approval for construction of landscape treatments or clearance of subdivision. The proposal shall be an Option B or Option C Proposal as described below, or an alternative "high standard" proposal that the developer might seek to implement based on similar principles.

Proposals shall be considered by the City on individual merit. Arrangements accepted for other subdivisions shall not be construed to establish a precedent. The Council may withhold approval at its discretion, in which case the developer may fall back to Basic Landscape Option A, or may canvass the Council in respect of other High Standard Options not previously canvassed.

Note that the ability to pay for high quality Option B or C landscape treatments in the foreseeable future should not be the sole consideration as to its acceptance and will not over-ride other sustainability considerations. Those considerations will include compliance with Water Sensitive Urban Design (WSUD) guidelines, retention of biodiversity values, use of endemic landscape species and general resource consumption issues.

Option B – Specified Area Rate (SAR) Proposal

Option B (SAR Proposals) require:

- * Council approval;
- * A Landscape Maintenance Agreement;
- * Identification of the areas to be landscaped, annual maintenance budgets for each area, the total annual landscape maintenance budget for the whole subdivision as well as the whole of life cost;
- * Details of the proposed SAR. The SAR should:
 - fund the extra-over landscape maintenance cost that exceeds the Option A standard percentage of the nominal general rate revenue;
 - include an additional minor allowance to cover City expense costs for administering the SAR (amount to be advised by Shire);
 - aim to be no more than a 20% addition to the general rate levy per property (i.e. a SAR limit of about \$329 per lot based on average rate levy of \$1615 in 2017/18 dollars) to support longer term acceptability to ratepayers;
 - identify the proposed SAR commencement date, to be within the developer's landscape maintenance period and as soon as possible following clearance of initial stages of the subdivision;

Last Updated 25 July, 2007

- include a cashflow forecast for the developers maintenance period and beyond, that as a minimum shall account for the SAR accumulations in reserve during the maintenance period and the financial (rating) implications of lots remaining undeveloped (vacant) after the maintenance period. The former would be envisaged to offset the latter.
- identify the SAR Area boundary suitably located to avoid equity objections from ratepayers.
- * A landscape maintenance period of minimum 5 years.
- * A landscape maintenance performance bond equal to 5 years multiplied by the Option A standard percentage of nominal general rate revenue from the subdivision (with no margin or loading).
- * Section 70A Notifications on Title by the developer at clearance, to inform purchasers. Any proposal to establish a SAR must gain the Council's endorsement well ahead of the clearance of the first stage of subdivision as failure to establish section 70A Notices on title would normally make Option B SAR proposals untenable.
- * Provisions to extend the developer's maintenance period (delay handover) until financial and environmental sustainability criteria and other Landscape Maintenance Obligations in the Landscape Maintenance Agreement have been met to the reasonable satisfaction of the City.
- * Refer to the Option B example calculation elsewhere in this Policy.

Note - the 5 year maintenance period for Option B is nominated to:

- * ensure adequate time for the developer to achieve and prove sustainability objectives prior to handover;
- * allow sufficient time to implement the SAR and accumulate SAR revenues in reserve as a buffer against ongoing vacant lots or later cost over-runs; and
- * allows for the ramping up SAR collections from low starting levels in the initial years.

Option C – Developer Funded Landscape Annuity Proposal

Option C proposals should be based on a 40 Year Developer Funded Landscape Maintenance Annuity. Option C proposals require;

- * The Council's approval;
- * Identification of the areas to be landscaped, annual maintenance budgets for each area and the total annual landscape maintenance budget for the whole subdivision;

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- * Funding the extra-over landscape maintenance cost that exceeds the Option A standard percentage of the nominal general rate revenue via a "40-year Developer Funded Landscape Annuity;
- * A developer maintenance period of minimum 2 years.
- * A landscape maintenance performance bond equal to 2 years multiplied by the Option A standard percentage of nominal general rate revenue from the subdivision (with no margin or loading).
- * Refer to the Option C example calculation elsewhere in this Policy.

Option C proposals do not require a formal Landscape Maintenance Agreement from a City perspective. However, it is expected that developers may seek such an agreement to oblige appropriate expenditure of the annuity by the City.

B. Guidelines: Verge and Public Open Space Improvement

Landscaping Generally

- * The extent of works required and approved will ultimately be determined by the Chief Executive Officer.
- * More than one WAPC subdivision approval area may be combined in a single proposal under Option B or C.
- * The works shall be carried out under the direction and the supervision of the Chief Executive Officer.
- * Works shall be carried out as soon as practicable before clearance of subdivision following completion of civil engineering works on the subdivision, except that outstanding works may be bonded under the provisions of the Council's early clearance subdivision policy as applicable.

Verge Landscaping

- * Road verge landscape plantings are normally intended to be established and maintained by the adjoining landowner. Verge plantings provided by the developer should therefore be limited under ALL landscape Options to no greater than the following:
 - Roundabouts and medians of dual carriageways;
 - drainage basins and swales provided in roundabouts, medians or verges;
 - verges immediately abutting POS and reserves (landscaped to the same detail as the adjoining POS or reserve);
 - road verges that have no directly adjoining lot frontage. These are typically higher order roads classified as arterial roads, district

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distributors or local distributors or the Western Australia Planning Commission's (WAPC's) current "Liveable Neighbourhoods Edition" Operational Policy road equivalents that are designed to prevent or limit direct property access; such verges can include the separator or buffer strips between major roads and adjacent parallel local or service roads.

- generally for local roads, only a single street tree per lot frontage (2 for corner lots) should be provided by the developer in verges that adjoin residential or other development lots.
 - verge landscaping (in excess of single street trees) may be supported for the front verge of rear accessed (laneway) lots where the verge is divorced from the lot via a front retaining wall and there is no front driveway.
- * Works scope may extend beyond the immediate frontage of the subdivision. In this way verges of the collector and distributor roads associated with the subdivision, can be improved.

Estimates of Landscape Maintenance Costs

- * Estimates of annual landscape maintenance costs shall be provided on request, to the satisfaction of the City, if the City believes that the annual landscape maintenance cost might exceed the Option A standard percentage of the nominal general rate revenue, for the subdivision and the landscaping proposed.
- * Landscape maintenance costs estimates shall account for all landscape areas developed as part of the subdivision whether internal or external to the subdivision boundary. Estimates and costings may be rejected, accepted or otherwise adjusted at the sole discretion of the City. Estimates shall account for normal annualised operating costs (excluding GST) that include borewater supply costs and license fees, utility (power and water) rates and consumption charges. End of life replacement costs for hard landscaping shall be excluded.
- * Maintenance cost estimates shall reflect the anticipated annual costs occurring after expiry of the developer's maintenance period and should therefore make due allowance for items downgraded (by agreement) prior to handover and should exclude initial maintenance costs that are of an establishment nature.

Definition of "Nominal General Rate Revenue"

- * Nominal general rate revenue is defined as the estimate (to the satisfaction of the City) of the general rates that would theoretically arise from all lots within the subject subdivision boundary, if the lots were fully developed with housing etc. and rated as such at current year values. Actual rate revenues will differ in early years due to vacant lots.

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Downgrade Items/ Entry Statements

- * Landscape elements should generally not be planned to be downgraded prior to handover, as a means of achieving financial sustainability due to problems with managing public expectations.
- * An exception is "Entry Statements" that are developed to category 1 or 2 standard. An Entry Statement is any construction or landscaping arrangement constructed with the express aim of promoting and enhancing the entry and presentation of a subdivision or development. These SHOULD be planned to be downgraded prior to handover. A specific stand-alone (short form) Entry Statement Maintenance agreement is required for Entry Statements proposed as part of Landscape Option A or C subdivisions, consistent with – Section 9 – Subdivisions and Developments – Landscaping, Revegetation and Stabilisation of the City of Busselton's Engineering Technical Standards and Specification. . However, at the City's discretion, Entry Statements may form part of Landscape Option A or C subdivisions' Landscape Maintenance Agreement. In Landscape Option B subdivisions equivalent provisions that are specific to the Entry Statement/s (where one or more is proposed) should form part of the larger Landscape Maintenance Agreement that is required in respect of Option B.

Landscape Maintenance Performance bonds

- * These may be cash bonds or bank guarantees of acceptable format, lodged prior to clearance and held until expiry of the developer's maintenance period for the purpose of securing the performance of the developer's landscape maintenance obligations;
- * Landscape Maintenance Bonds shall be separate to the twelve months maintenance period bonds otherwise provided for subdivision civil works due to the different timeframe for release of bonds; and
- * Landscape Maintenance bonds should be separate and additional to outstanding works bonds that may be lodged in respect of incomplete landscape works at time of clearance under other City of Busselton policies.

Landscape Maintenance Period

- * The date of expiry of the (Developer's) Landscape Maintenance Period in respect of Options A, B & C (notwithstanding other provisions that extend the date for non-compliance) shall be based on applying the Landscape Maintenance Period from the latest of:
- * the clearance date of the subdivision, and
- * the "Date of Practical Completion" of the landscape elements.

In any event, the developer's landscape maintenance period extends from the clearance date until the expiry date. This is significant where early clearance is supported and there is substantial bonding of incomplete landscape works.

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- * "Practical Completion" of landscape elements shall be based on 95% completion of all Landscape Work by value and no less than 95% completion of all "soft landscape" plantings (grass, shrubs & trees), to the satisfaction of the City.
- * For multi-staged subdivisions, the maintenance periods and corresponding expiry dates apply independently to each stage. Alternatively a single landscape maintenance period expiry date may be determined for all stages (for simplicity) relative to the final stage, in which case shortening of the landscape maintenance period relative to the final stage may be supported at the discretion of the Chief Executive Officer, to achieve the normally specified maintenance period as an average across all stages. For example, a subdivision progressively staged and cleared over a two year period that otherwise warrants a 5 year maintenance period could have a maintenance period expiry date set for all stages that is 4 years after the practical completion of the final stage.

Notifications on Title

All lots created in subdivisions with other than Option A landscaping require section 70A Notices (Transfer of Land Act 1893) to warn purchasers of potential downgrading of high maintenance standards provided at subdivision (despite downgrading only being normally intended for entry statements). For Option B proposals the Section 70A Notice shall also warn of the application of Landscape Specified Areas Rates. Typical text follows:

This lot is part of the "<insert>" subdivision which upon original development was provided with a higher standard of landscaping in its parks and road reserves than is normally supported by the Shire of Busselton. Considering this higher standard, there is a potential for the Shire of Busselton to impose a Specified Area Rate in relation to landscape maintenance and there is also potential for the Shire to amend the standard of the landscaping and the amount of any such Specified Area Rate in future."

C. Example Calculations

Option A – Basic Landscaping Calculation:

Example - A 500 lot subdivision anticipates average general rates payable per rated (residential/industrial/commercial) property of \$1,615 (in 2017/18 dollars) per lot when fully developed with housing. The Landscape design is predominantly category 3 with an estimated annual maintenance cost of \$102,625 (at 2017/18 dollars excluding GST);

- * Maintenance cost = \$102,625/500 lots = \$205 per lot per year;
- * Maximum acceptable Option A cost is 15% x \$1,615 per lot = \$242 per lot, (x 500 lots = \$121,000 overall) per year, so the Option A cost criteria is satisfied;

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- * A landscape maintenance performance bond of 2 years x \$102,625 = \$205,250 is required prior to clearance.

Option B – SAR Proposal:

Example - A 500 lot subdivision anticipates average general rates payable per rated (residential/industrial/commercial) property of \$1,615 (in 2017/18 dollars) per lot when fully developed with housing. The higher quality Landscape design has an estimated annual maintenance cost of \$249,232 (at 2017/18 dollars excl GST).

- * Maintenance cost = $\$249,232 / 500 \text{ lots} = \$498 \text{ per lot per year}$. This amount exceeds the Option A limit by $\$498 - \$242 = \$256 \text{ per lot}$ (x 500 lots = \$128,000 in 2017/18 dollars).
- * The Specified Area Rating Proposal must therefore generate the extra-over amount of \$128,000 per year (in 2017/18) dollars at full development of all 500 lots. Actual SAR revenues will be less in early years prior to full development, but will “ramp up” and accumulate in reserve during this period while the developer meets the full landscape maintenance cost;;
- * The \$498 average per lot cost is ultimately to be funded \$242 from general rate revenue and \$256 from SAR revenue. All figures escalate annually for inflation. However, general and Specified Area Rates are expected to escalate simply via escalation of underlying gross rental valuations;
- * A landscape maintenance performance bond of 5 years x 500 lots x \$242 per lot = \$605,000 is to be lodged prior to clearance.
- * The landscape maintenance period will extend until the developer demonstrates that annual maintenance costs lie within the \$249,232 annual target (indexed to the date of handover).

Option C – Developer Landscape Annuity Example:

Example - A 500 lot subdivision anticipates average general rates payable per rated (residential/industrial/commercial) property of \$1,615 (in 2017/18 dollars) per lot when fully developed with housing. The higher quality Landscape design has an estimated annual maintenance cost of \$249,232 (at 2017/18 dollars Excl GST).

- * A landscape maintenance performance bond of 2 years x \$249,232 = \$498,464 is required prior to clearance.
- * The annual Maintenance cost = $\$249,232 / 500 \text{ lots} = \$498 \text{ per lot per year}$. This exceeds the Option A limit by $\$498 - \$242 = \$256 \text{ per lot}$ (x 500 lots = \$128,000 per year in 2017/18 dollars). The developer must pay an annuity amount (a fee) that is the Present Value of the \$128,000 per year extra-over cost, with appropriate inflation and discount allowances for a 40 year period after clearance, less the component of this amount that is

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applicable to the 2 year maintenance period and otherwise covered by the maintenance bond. The fee is calculated in this manner as follows:

$$\text{Present Value} = \left[\frac{1 - (1 + r)^{-n}}{r} \right] \times \$Y$$

In this example,

- * $n = 40$ annual payments of Y ,
- * $Y = \$128,000$ (in FY2017/18 dollars),
- * r = the (real) discount rate which, accounting for inflation of maintenance cost 'Y' at the assumed annual inflation rate "i" is reasonably approximated as the difference between the nominal discount rate "rn" and "i". The nominal discount rate (rn) shall be the interest rate available for City investments. In this example the following rates are assumed,
 - * nominal discount rate, $rn = 8\%$
 - * inflation rate $i = 6\%$
 - * $r = \text{real discount rate (approx)} = rn - i = 2\%$

The formula gives present value = \$2,393,604, for which the corresponding fee to be paid prior to clearance is:

$$\$3,501,500 - \$498,464 = \$3,003,036$$

History

Council Resolution	Date	Information
C0707/162	25 July, 2007	Completely revised version of former policy 185/3 Version 3
C0111/566	28 November, 2001	Substantially revised version of former policy 185/3 Version 2
(W94/0194) C94/0368	28 September, 1994	Date of implementation Version 1

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185/3	Verge and Public Open Space Improvement - Subdivision	V3 Current
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Policy Revision Date: July 2007

Definition: 'Verge' means road verges, roundabouts and medians within the road reserve

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A. Policy: Verge Improvement and Public Open Space

It is ~~the~~ Council Policy to seek a verge and public open space improvement to a minimum standard that makes areas functional, aesthetic and usable, as part of the urban subdivision process, prior to subdivision clearance. Improvements should comply with minimum landscaping standards in ~~Western Australia Planning Commission's~~ (WAPC's) ~~current~~ "Liveable Neighbourhoods Edition" Operational Policy ~~and shall also be financially, socially and environmentally sustainable.~~

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The intention of this policy is to establish the ~~City of Busselton's~~ minimum landscaping standard and to provide guidance to ~~the~~ Council ~~when~~ considering any proposal from a developer to implement a higher standard of landscaping, including associated maintenance agreements and arrangements.

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Scope of Policy

This policy applies to passive recreation ~~parks, reserves, and verges.~~ Active sports fields that are designed and developed for organized sport are excluded from the policy provisions but the surrounds to such areas shall be included and assessed as passive recreation areas.

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Applicable areas shall include all reserves that are to be landscaped or rehabilitated as part of the subdivision, that are intended to be vested in the ~~City,~~ as reserves for recreation, landscape protection, foreshore management, drainage or other purposes, including ~~verges.~~

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Landscape Categories

Three categories of Verge and Public Open Space (POS) are adopted for reference:

Category 1

This category relates to reserves that have a high profile which require a high level of maintenance for whole of community benefit.

Category 2

These are passive activity areas with a medium level of maintenance required and include elements or all of the following; trees, shrubs, lawned areas, mulched gardens, infrastructure and reticulation.

Category 3

These areas are not reticulated and require minimum maintenance.

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The use of native plants and waterwise designs is encouraged in all categories.

It should be noted that a single reserve or area might contain more than one category of landscape treatment.

Landscaping to Be Provided By Developers, _____

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For all options A, B & C that follow, irrigation demand (if any), whether from bore or scheme water, shall be minimal and shall be from a secure, adequate and sustainable supply source.

Option A

This is the preferred option for maintenance of reserves following developer handover as reflected in the City of Busselton's Engineering Technical Standards and Specifications – Section 9 – Subdivisions and Developments – Landscaping, Revegetation and Stabilisation, which sets out that the City will not accept maintenance liability for intensively developed open space.

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The City's preference is that POS areas and verges areas created by subdivision should consist predominantly of Category 3 landscaping, with consideration of limited Category 2 treatments (if any) in key areas. The total annual maintenance cost of all landscaping in the subdivision should not exceed the "Option A standard percentage" of "nominal general rate" revenue from the fully developed subdivision that is nominated by the City, to reflect the normal sustainable maintenance spending by the City, each year on Public Open Space Maintenance. The Option A standard percentage was set at 15% back in the 2007/08 Financial Year but may be revised by the City, each year based on adopted City budgets. The term "Nominal general rate revenue" as applicable to this policy is defined in the guidelines that follow.

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Under Option A, basic public open space low maintenance facilities such as playground equipment in addition to the improvement to the landform, appearance and/or vegetation is encouraged. High maintenance landscaping such as artificial water bodies, extensive reticulated lawn, garden bed, exotic vegetation or barbecues is discouraged. This is to avoid the expectation of residents that the Council will accept the cost of high maintenance facilities.

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Option A requires:

- * A landscape maintenance period of 2 years.
- * A landscape maintenance performance bond equal to two years of estimated maintenance cost (with no margin or loading).
- * Refer to the Option A example calculation elsewhere in this Policy.

A Landscape Maintenance Agreement is may be required for Option A at the discretion of the City, _____

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Alternatives for a Higher Standard of Landscaping

If a developer, wishes for a higher standard than Option A, where annual maintenance costs exceed the Option A standard percentage of nominal general rates, the proposal shall be referred for the Council's approval, prior to the approval for construction of landscape treatments or clearance of subdivision. The proposal shall be an Option B or Option C Proposal as described below, or an alternative "high standard" proposal that the developer might seek to implement based on similar principles.

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Proposals shall be considered by the City on individual merit. Arrangements accepted for other subdivisions shall not be construed to establish a precedent. The Council may withhold approval at its discretion, in which case the developer may fall back to Basic Landscape Option A, or may canvass the Council in respect of other High Standard Options not previously canvassed.

Note that the ability to pay for high quality Option B or C landscape treatments in the foreseeable future should not be the sole consideration as to its acceptance and will not over-ride other sustainability considerations. Those considerations will include compliance with Water Sensitive Urban Design (WSUD) guidelines, retention of biodiversity values, use of endemic landscape species and general resource consumption issues.

Option B – Specified Area Rate (SAR) Proposal

Option B (SAR Proposals) require:

- * Council approval;
- * A Landscape Maintenance Agreement;
- * Identification of the areas to be landscaped, annual maintenance budgets for each area, the total annual landscape maintenance budget for the whole subdivision as well as the whole of life cost;
- * Details of the proposed SAR. The SAR should:
 - fund the extra-over landscape maintenance cost that exceeds the Option A standard percentage of the nominal general rate revenue;
 - include an additional minor allowance to cover City expense, costs for administering the SAR (amount to be advised by Shire);
 - aim to be no more than a 20% addition to the general rate levy per property (i.e. a SAR limit of about \$329, per lot based on average rate levy of \$1615 in 2017/18 dollars) to support longer term acceptability to ratepayers;
 - identify the proposed SAR commencement date, to be within the developer's landscape maintenance period and as soon as possible following clearance of initial stages of the subdivision;

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- include a cashflow forecast for the developers maintenance period and beyond, that as a minimum shall account for the SAR accumulations in reserve during the maintenance period and the financial (rating) implications of lots remaining undeveloped (vacant) after the maintenance period. The former would be envisaged to offset the latter.
- identify the SAR Area boundary suitably located to avoid equity objections from ratepayers.

* A landscape maintenance period of minimum 5 years. _____

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* A landscape maintenance performance bond equal to 5 years multiplied by the Option A standard percentage of nominal general rate revenue from the subdivision (with no margin or loading).

* Section 70A Notifications on Title by the developer at clearance, to inform purchasers. Any proposal to establish a SAR must gain the Council's endorsement well ahead of the clearance of the first stage of subdivision as failure to establish section 70A Notices on title would normally make Option B SAR proposals untenable.

* Provisions to extend the developer's maintenance period (delay handover) until financial and environmental sustainability criteria and other Landscape Maintenance Obligations in the Landscape Maintenance Agreement have been met to the reasonable satisfaction of the City. _____

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* Refer to the Option B example calculation elsewhere in this Policy.

Note - the 5 year maintenance period for Option B is nominated to:

- * ensure adequate time for the developer to achieve and prove sustainability objectives prior to handover;
- * allow sufficient time to implement the SAR and accumulate SAR revenues in reserve as a buffer against ongoing vacant lots or later cost over-runs; and
- * allows for the ramping up SAR collections from low starting levels in the initial years.

Option C – Developer Funded Landscape Annuity Proposal

Option C proposals should be based on a 40 Year Developer Funded Landscape Maintenance Annuity. Option C proposals require;

- * The Council's approval;
- * Identification of the areas to be landscaped, annual maintenance budgets for each area and the total annual landscape maintenance budget for the whole subdivision;

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* Funding the extra-over landscape maintenance cost that exceeds the Option A standard percentage of the nominal general rate revenue via a "40-year Developer Funded Landscape Annuity;

* A developer maintenance period of minimum 2 years.

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* Refer to the Option C example calculation elsewhere in this Policy.

Option C proposals do not require a formal Landscape Maintenance Agreement from a City perspective. However, it is expected that developers may seek such an agreement to oblige appropriate expenditure of the annuity by the City.

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B. Guidelines: Verge and Public Open Space Improvement

Landscaping Generally

* The extent of works required and approved will ultimately be determined by the Chief Executive Officer.

* More than one WAPC subdivision approval area may be combined in a single proposal under Option B or C.

* The works shall be carried out under the direction and the supervision of the Chief Executive Officer.

* Works shall be carried out as soon as practicable before clearance of subdivision following completion of civil engineering works on the subdivision, except that outstanding works may be bonded under the provisions of the Council's early clearance subdivision policy as applicable.

Verge Landscaping

* Road verge landscape plantings are normally intended to be established and maintained by the adjoining landowner. Verge plantings provided by the developer should therefore be limited under ALL landscape Options to no greater than the following:

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- generally for local roads, only a single street tree per lot frontage (2 for corner lots) should be provided by the developer in verges that adjoin residential or other development lots.
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- * the clearance date of the subdivision, and
- * the "Date of Practical Completion" of the landscape elements.

In any event, the developer's landscape maintenance period extends from the clearance date until the expiry date. This is significant where early clearance is supported and there is substantial bonding of incomplete landscape works.

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Notifications on Title

All lots created in subdivisions with other than Option A landscaping require section 70A Notices (Transfer of Land Act 1893) to warn purchasers of potential downgrading of high maintenance standards provided at subdivision (despite downgrading only being normally intended for entry statements). For Option B proposals the Section 70A Notice shall also warn of the application of Landscape Specified Areas Rates. Typical text follows:

This lot is part of the "<insert>" subdivision which upon original development was provided with a higher standard of landscaping in its parks and road reserves than is normally supported by the Shire of Busselton. Considering this higher standard, there is a potential for the Shire of Busselton to impose a Specified Area Rate in relation to landscape maintenance and there is also potential for the Shire to amend the standard of the landscaping and the amount of any such Specified Area Rate in future."

C. Example Calculations

Option A – Basic Landscaping Calculation:

Example - A 500 lot subdivision anticipates average general rates payable per rated (residential/industrial/commercial) property of \$1,615 (in 2017/18 dollars) per lot when fully developed with housing. The Landscape design is predominantly category 3 with an estimated annual maintenance cost of \$102,625 (at 2017/18 dollars excluding GST);

- * Maintenance cost = \$102,625/500 lots = \$205 per lot per year;

- * Maximum acceptable Option A cost is 15% x \$1,615 per lot = \$242 per lot, (x 500 lots = \$121,000 overall) per year, so the Option A cost criteria is satisfied;

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- * A landscape maintenance performance bond of 2 years x \$102,625, = \$205,250, is required prior to clearance.

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Option B – SAR Proposal:

Example - A 500 lot subdivision anticipates average general rates payable per rated (residential/industrial/commercial) property of \$1,615, (in 2017/18 dollars) per lot when fully developed with housing. The higher quality Landscape design has an estimated annual maintenance cost of \$249,232, (at 2017/18 dollars excl GST).

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- * Maintenance cost = \$249,232/500 lots = \$498, per lot per year. This amount exceeds the Option A limit by \$498 - \$242 = \$256, per lot (x 500 lots = \$128,000, in 2017/18 dollars).

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- * The Specified Area Rating Proposal must therefore generate the extra-over amount of \$128,000, per year (in 2017/18 dollars) at full development of all 500 lots. Actual SAR revenues will be less in early years prior to full development, but will "ramp up" and accumulate in reserve during this period while the developer meets the full landscape maintenance cost;

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- * The \$498, average per lot cost is ultimately to be funded \$242, from general rate revenue and \$256, from SAR revenue. All figures escalate annually for inflation. However, general and Specified Area Rates are expected to escalate simply via escalation of underlying gross rental valuations;

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Deleted: 340...average per lot cost is ultimately to be funded \$242165...from general rate revenue and \$256175 ... [4]

- * A landscape maintenance performance bond of 5 years x 500 lots x \$242, per lot = \$605,000, is to be lodged prior to clearance.

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- * The landscape maintenance period will extend until the developer demonstrates that annual maintenance costs lie within the \$249,232, annual target (indexed to the date of handover).

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Option C – Developer Landscape Annuity Example:

Example - A 500 lot subdivision anticipates average general rates payable per rated (residential/industrial/commercial) property of \$1,615, (in 2017/18 dollars) per lot when fully developed with housing. The higher quality Landscape design has an estimated annual maintenance cost of \$249,232, (at 2017/18 dollars Excl GST).

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- * A landscape maintenance performance bond of 2 years x \$249,232, = \$498,464, is required prior to clearance.

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- * The annual Maintenance cost = \$249,232/500 lots = \$498, per lot per year. This exceeds the Option A limit by \$498 - \$242 = \$256, per lot (x 500 lots = \$128,000, per year in 2017/18 dollars). The developer must pay an annuity amount (a fee) that is the Present Value of the \$128,000, per year extra-over cost, with appropriate inflation and discount allowances for a 40 year period after clearance, less the component of this amount that is

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Last Updated 25 July, 2007

applicable to the 2 year maintenance period and otherwise covered by the maintenance bond. The fee is calculated in this manner as follows:

$$\text{Present Value} = \left[\frac{1 - (1+r)^{-n}}{r} \right] \times \$Y$$

In this example,

* n = 40 annual payments of Y,

* Y = \$128,000 (in FY2017/18 dollars),

* r = the (real) discount rate which, accounting for inflation of maintenance cost 'Y' at the assumed annual inflation rate "i" is reasonably approximated as the difference between the nominal discount rate "rn" and "i". The nominal discount rate (rn) shall be the interest rate available for City investments. In this example the following rates are assumed,

* nominal discount rate, rn = 8%

* inflation rate i = 6%

* r = real discount rate (approx) = rn - i = 2%

The formula gives present value = \$2,393,604, for which the corresponding fee to be paid prior to clearance is:

\$3,501,500 - \$498,464 = \$3,003,036

History

Council Resolution	Date	Information
C0707/162	25 July, 2007	Completely revised version of former policy 185/3 Version 3
C0111/566	28 November, 2001	Substantially revised version of former policy 185/3 Version 2
(W94/0194) C94/0368	28 September, 1994	Date of implementation Version 1

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7. GENERAL DISCUSSION ITEMS

The Director of Planning and Development Services advised that officers have begun developing a new Council Policy on 'Private Works (authorised and unauthorised) on City Land (including drainage or access works, coastal protection, bushfire risk mitigation and other vegetation removal)'. To assist with that process, the potential policy scope and direction were informally discussed. A draft Policy would be submitted for consideration in due course.

The proposed meeting dates for 2018 were noted by the Committee..

2018 PROPOSED DATES

MEETING DATE	TIME
Thursday, 1 February	9.30am
Thursday, 1 March	9.30am
Thursday, 5 April	9.30am
Thursday, 3 May	9.30am
Thursday, 7 June	9.30am
Thursday, 19 July	11.30am
Thursday, 2 August	9.30am
Thursday, 6 September	9.30am
Thursday, 4 October	9.30am
Thursday, 1 November	9.30am
Thursday, 6 December	9.30am

8. NEXT MEETING DATE

Thursday, 1 February 2018

9. CLOSURE

The meeting closed at 11.56am.

THESE MINUTES CONSISTING OF PAGES 1 TO 74 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON MONDAY, 25 DECEMBER 2017.

DATE: _____

PRESIDING MEMBER: _____