



Policy and Legislation Committee Agenda

21 July 2016

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST


CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 21 JULY 2016

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Policy and Legislation Committee will be held in the Meeting Room A, City Administration Site, Harris Road, Busselton on Thursday, 21 July 2016, commencing at 2.00pm.

The attendance of Committee Members is respectfully requested.



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

15 July 2016

CITY OF BUSSELTON

AGENDA FOR THE POLICY AND LEGISLATION COMMITTEE MEETING TO BE HELD ON 21 JULY 2016

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

2. **ATTENDANCE**

Apologies

Approved Leave of Absence

Nil

3. **PUBLIC QUESTION TIME**

4. **DISCLOSURE OF INTERESTS**

5. **CONFIRMATION OF MINUTES**

5.1 **Minutes of the Policy and Legislation Committee Meeting held 21 June 2016**

RECOMMENDATION

That the Minutes of the Policy and Legislation Committee Meeting held 21 June 2016 be confirmed as a true and correct record.

6. REPORTS

6.1 BUSSELTON & DUNSBOROUGH CENTRES FACADE REFURBISHMENT SUBSIDY PROGRAMME APPLICATION: DEPEL PTY LTD, IVAN NASH & BARRY WALSH

SUBJECT INDEX:	City Centre Facade Refurbishment Subsidy Programme
STRATEGIC OBJECTIVE:	A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections.
BUSINESS UNIT:	Development Services and Policy
ACTIVITY UNIT:	Statutory Planning
REPORTING OFFICER:	Planning Officer - Stephanie Izzard
AUTHORISING OFFICER:	Director, Planning and Development Services - Paul Needham
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Location Plans Attachment B Depel Pty Ltd Proposal Attachment C Ivan Nash Proposal Attachment D Al Forno/Barry Walsh Proposal Attachment E Busselton and Dunsborough Centres Facade Refurbishment Subsidy Programme

PRÉCIS

The Council is asked to consider three applications received for the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme in accordance with the programme guidelines adopted.

BACKGROUND

Council resolved on 13 March 2013 to trial a programme for the 2013/14 and 2014/15 financial years by allocating \$20,000 in the 2013/14 financial year and \$50,000 in the 2014/15 financial year towards a façade refurbishment subsidy programme. On 29 January 2014 Council adopted the Busselton City Centre Façade Refurbishment Subsidy Programme and on 10 December 2014 resolved to add a portion of the Dunsborough Town Centre to the 'eligible area.' The amended programme, now called the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme, is provided at **Attachment E**.

The City undertook a round of invitation for expressions of interest for the 2016/2017 round of funding, which closed on 9 July 2016. Three applications were received which are the subject of this report, one in the Dunsborough Town Centre and two in the Busselton City Centre. Location Plans of the applications received is provided at **Attachment A**.

The applications received are as follows:

1. **Depel Pty Ltd - Lots 1, 2 and 3 (245) Naturaliste Terrace, Dunsborough**

The application proposes to upgrade the shop front windows of Lots 1, 2 and 3 (245) Naturaliste Terrace, Dunsborough. The façade extends across three stores currently used for retail purposes. The application is to replace the narrow paneled windows of all three shops with single pane windows. **Attachment B** shows a picture of the existing façade and proposed new windows applied for as part of the subsidy application. This application was previously not supported by the Council as part of the second funding round in early 2015. The applicant is requesting that the Council reconsider the same proposal as part of this year's funding round.

2. Ivan Nash - Lots 1 – 4 (20 -26) Queen Street, Busselton

This application is for an awning addition which will extend along the frontages of Lots 1 – 4 (20 -26) Queen Street, Busselton. The front facade of the building is setback 2.4m from the front property boundary. Currently, there is an existing awning which extends from the front of the building to the front property boundary. The proposed awning will replace this structure and will extend an additional 2.6m beyond the front property boundary over the footpath in front of the property. The development has been designed to allow for the future expansion of the building to bring it in line with the front property boundary. This expansion will form part of future works on the site and does not form part of this proposal. **Attachment C** shows a picture of the existing façade and proposed new awning applied for as part of the subsidy application

3. Al Forno/Barry Walsh - Lot 131 (49) Queen Street, Busselton

This application proposes to replace the existing fixed windows of Lot 131 (49) Queen Street, Busselton with bi-fold doors, fixed panels as well as replace the existing door. **Attachment D** shows a picture of the existing façade and proposed new bi-fold doors and fixed panels applied for as part of the subsidy application. The modifications to the tenancy are to accommodate a new café which is to be a subsidiary of Al Forno on Bussell Highway. It is proposed that this site will operate in addition to the existing premise. The modifications to the front façade will allow for the portion of the tenancy along the front boundary to open on to a possible future alfresco dining area. The City is currently working with the operator of the business to discuss option regarding alfresco dining at the premise.

STATUTORY ENVIRONMENT

The Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and application for subsidy funding is consistent with the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*.

RELEVANT PLANS AND POLICIES

The Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme is a document for the City and Council to consider when assessing applications received for the subsidy funding. It provides clarification and transparency to the public on what will be considered acceptable for an application.

The programme specifies an 'eligible area' and 'eligible' works which will be considered for subsidy funding.

In determining applications for inclusion within the Programme the following criteria are to be taken into consideration:

- Consistency with the adopted Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme (including whether the works are 'eligible' for funding);
- Compliance with the City's Local Planning Scheme and Building Code of Australia;
- Consistency with the objectives and recommendations of the Busselton City Centre Urban Design Policy;
- The degree to which the applicant is financially contributing to the project;
- The extent to which the project contributes to the visual improvement of the façade and is visible from the public domain;
- Integration of the proposed works with the streetscape, adjoining buildings and degree to which the project contributes to the established character of the street; and

- The degree to which the proposed works promote interaction with the streetscape, including the provision of frontages which are inviting, provide points of interest for pedestrians and allow for an efficient use of space, are functional, attractive and pedestrian friendly.

FINANCIAL IMPLICATIONS

A budget of \$50,000 for the subsidy programme is provided for in the draft City budget for the 2016/2017 financial year.

STRATEGIC COMMUNITY OBJECTIVES

The recommendations of this report reflect Community Objective 2.2 of the City's Strategic Community Plan 2013 – 'A City of shared, vibrant and well planned places that provide for diverse activity and strengthen our social connections'.

RISK ASSESSMENT

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

CONSULTATION

Expressions of interest were sought from 9 May 2016 to 9 July 2016. Three applications were received.

OFFICER COMMENT

The applications are to be assessed against the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme. All applications are within the eligible areas of the programme which the City has identified as a priority for upgrades. The programme identifies works which will be considered as eligible for funding and excludes works such as general maintenance, which should be occurring regularly without the programme as 'ineligible' for subsidy funding.

The following provides an assessment of the works and consistency with the programme guidelines.

1. Depel Pty Ltd - Lots 1, 2 and 3 (245) Naturaliste Terrace, Dunsborough

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible works	Amount (ex GST)
1. Replace shop front windows, doors and glazing to all three shops	\$13,828.55	Eligible – The modification or creation of windows to provide interaction with the streetscape is considered eligible works.	\$13,828.55
Total Expenditure (ex GST)			\$13,828.55
Potential subsidy contribution (50% of total expenditure (ex GST) above \$5,000)			\$4,141.30

The works proposed meet the assessment criteria of the programme as they will:

- Comply with the City of Busselton Local Planning Scheme No. 21 and will bring the site into compliance with the disable access requirements of the Building Code of Australia;
- The works proposed as part of the façade upgrade will visually improve the façade and view of the building from the streetscape; will promote interaction with the streetscape by improving the visibility into the shop fronts and create a shop front which is functional.

It is noted that the application was previously not supported by the Council on the basis that the works were not consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme. However, it is considered that the proposed façade works are functional, will ensure compliance with disabled access for older buildings and are consistent with the façade subsidy programme guidelines and assessment criteria.

It is recommended that subsidy funding of up to \$4,141.30 be provided.

2. Ivan Nash - Lots 1 – 4 (20 -26) Queen Street, Busselton

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible works	Amount (ex GST)
Install awning	\$10,000	Eligible – The installation of an awning is considered eligible works.	\$40,000.00
Total Expenditure (ex GST)			\$40,000.00
Potential subsidy contribution (50% of total expenditure (ex GST) above \$5,000)			\$17,500.00

A development application for the proposal has been approved by the City under Delegated Authority. It was considered that the proposal met the applicable requirements of the City of Busselton Local Planning Policy 4C – Busselton Town Centre Urban Design Centre Provision in that it provides a pedestrian shelter for the full width of the lot frontage. Despite being consistent with the relevant planning requirements, it is considered that the design of the development will not adequately contribute to the streetscape or provide enough visual interest to be funded by this programme.

It is recommended that the subsidy funding of up to \$17,500.00 not be provided.

3. Al Forno/Barry Walsh - Lot 131 (49) Queen Street, Busselton

The applicant has applied for a subsidy contribution for the works summarised below:

Works Proposed	Quotation (ex GST)	Eligible or Ineligible works	Amount (ex GST)
Materials and construction of bi-fold doors, fixed panels as well as replace the existing door	\$15,856.00	Eligible – Materials and construction of bi-fold doors, fixed panels as well as replace the existing door	\$15,856.00
Installation of shop front	\$1,560.00	Eligible – Installation of shop front	\$1,560.00
Total Expenditure (ex GST)			\$17,416.00
Potential subsidy contribution (50% of total expenditure (ex GST) above \$5,000)			\$6,208.00

The works proposed meet the assessment criteria of the programme as they will:

- Comply with the City of Busselton Local Planning Scheme No. 21;
- The works proposed as part of the façade upgrade will visually improve the façade and view of the building from the streetscape; will promote interaction with the streetscape.

It is recommended that subsidy funding of up to \$6,208.00 be provided.

CONCLUSION

It is considered by Officers that proposals 1 and 3 comply with the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and it is recommended that the subsidy funding of \$4,141.30 and \$6,208.00, respectively, be supported. It is considered by Officers that proposal 2 does not comply with the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and it is recommended that the funding to the amount of \$17,500.00 not be provided.

OPTIONS

Should the Council consider that proposal 1 and/or 3 is not consistent with the programme guidelines objectives and assessment criteria, it may resolve to:

1. Recommend not to provide subsidy funding for the works.

Should the Council consider that proposal 2 is consistent with the programme guidelines objectives and assessment criteria, it may resolve to:

2. Recommend to provide subsidy funding for the works.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The officer recommendation if supported will require the applicant to enter into a legal agreement with the City to complete the works and arrange for the subsidy funding to be paid prior to the end of the 2016/17 financial year.

OFFICER RECOMMENDATION

That the Council resolve:

1. That the application to upgrade the façade of Lots 1, 2 and 3 (245) Naturaliste Terrace, Dunsborough is consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and to contribute \$4,141.30 towards the works.
2. That the application for an awning addition at Lots 1 – 4 (20 – 26) Queen Street, Busselton is not consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and is therefore not supported.
3. That the application to upgrade the façade of Lot 131 (49) Queen Street, Busselton, is consistent with the objectives and assessment criteria of the Busselton and Dunsborough Centres Façade Refurbishment Subsidy Programme and to contribute \$6,208.00 towards the works.
4. To enter into a legal agreement with the owners of the property in the successful

application in Resolution 1 and 3 to provide for the payment of funds once the works are completed to the City's satisfaction and final costs substantiated. The legal agreement shall include the requirements for appropriate recognition of the City's contribution to the City's satisfaction.





DEPEL PTY LTD – LOTS 1, 2 AND 3 (HSE 245) NATURALISTE TERRACE, DUNSBOROUGH

BUSSELTON AND DUNSBOROUGH CENTRES FAÇADE SUBSIDY APPLICATION PROGRAMME

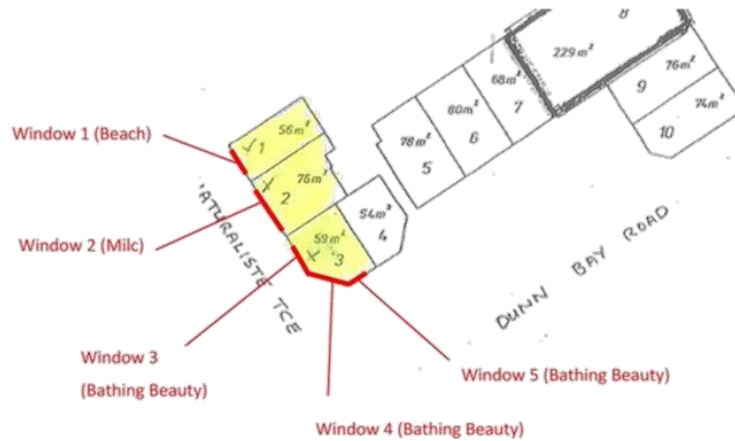
EXISTING FAÇADE



Elevation from Naturaliste Terrace



Elevation from Dunn Bay Road





Window 1 (Beach)



Window 2 (Milc)



Window 3 (Bathing Beauty)

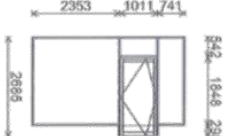


Window 4 (Bathing Beauty)

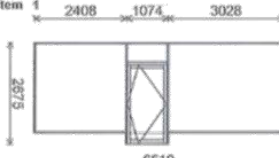


Window 5 (Bathing Beauty)


PROPOSED FACADE – NEW WINDOWS

Item 1		Win/Dr No: SHOP 1 - BEACH	Qty 1
		Product: 400 Series Frame	Drape W/Load : 0
		Size: 2685 x 4105	PUUltimate : 1000
		Finish: Powdercoat as selected	PIServicable : 700
		Glass: 10.38mm Clear Lam	
		6.38mm Clear Lam	
Comment:	*REMOVE EXISTING - SUPPLY & INSTALL *PIVOT DOOR WITH CONCEALED OVERHEAD CLOSER *LOCKWOOD ESCAPE CYLINDER / SNIB *AUSTYLE 300 MM D HANDLES *RAVEN RP4T STORM SEAL		

Window 1 (Beach)

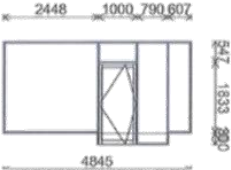
Item 1		Win/Dr No: SHOP 2 - MILC	Qty 1
		Product: 400 Series Frame Size: 2675 x 6510 Finish: Powdercoat as selected	Drape W/Load : 0 PUUltimate : 1600 PIServicable : 700
Comment: *REMOVE EXISTING - SUPPLY & INSTALL *PIVOT DOOR WITH CONCEALED OVERHEAD CLOSER *LOCKWOOD ESCAPE CYLINDER / SNIB *AUSTYLE 300MM D HANDLES *RAVEN RP4T STORM SEAL		Glass: 10.38mm Clear Lam 6.38 mm Clear Lam	

Window 2 (Milc)

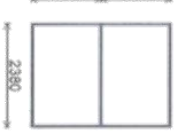
Item 1		Win/Dr No: SHOP 3 - BATHING BEAUTY	Qty 1
		Product: 400 Series Frame Size: 2380 x 4790 Finish: Powdercoat as selected	Drape W/Load : 0 PUUltimate : 1000 PIServicable : 700
		Glass: 10.38mm Clear Lam	

Comment: *REMOVE EXISTING - SUPPLY & INSTALL
*ALUMINIUM PRESSINGS OVER COLUMN TO ADJACENT FRAME

Window 3 (Bathing Beauty)

Item 2			Win/Dr No: SHOP 3 - BATHING BEAUTY	Qty	1
			Product: 400 Series Frame	Days W/Load :	6
			Size: 2690 x 4845	P/U Estimate :	1600
			Finish: Powdercoat as selected	P/Servicable :	700
			Glass: 10.38mm Clear Lam 6.38 Clear Lam		
Comment: *REMOVE EXISTING - SUPPLY & INSTALL *PIVOT DOOR WITH CONCEALED OVERHEAD CLOSER *LOCKWOOD ESCAPE CYLINDER / SNIB *AUSTYLE 300MM D HANDLES *RAVEN RP4T STORM SEAL					

Window 4 (Bathing Beauty)

Item 3		Win/Dr No: SHOP 3 - BATHING BEAUTY	Qty	1
		Product: 400 Series Frame	Days W/Load :	6
		Size: 2380 x 3195	P/U Estimate :	1600
		Finish: Powdercoat as selected	P/Servicable :	700
		Glass: 8.38mm Clear Lam		

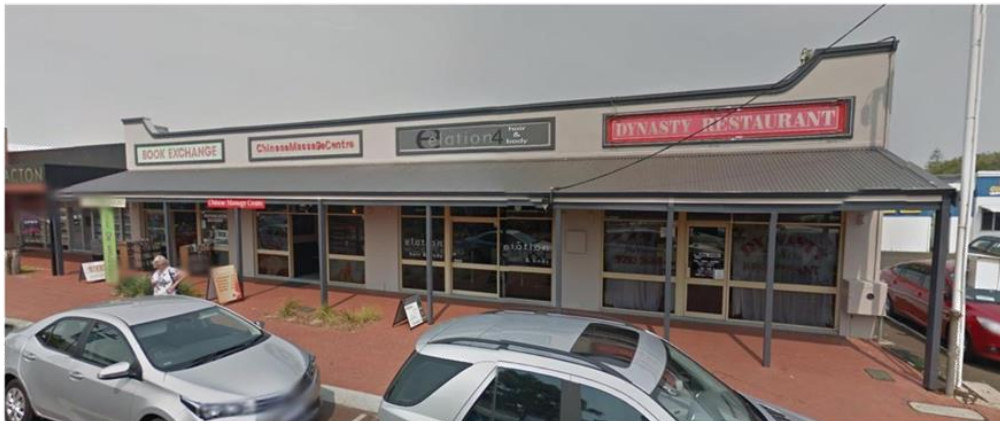
Comment:	*REMOVE EXISTING - SUPPLY & INSTALL *ALUMINIUM PRESSINGS OVER COLUMN TO ADJACENT FRAME
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Window 5 (Bathing Beauty)

IVAN NASH – LOTS 1 – 4 (HSE 20 -26) QUEEN STREET, BUSSELTON

BUSSELTON AND DUNSBOROUGH CENTRES FAÇADE SUBSIDY APPLICATION PROGRAMME

Existing



Proposed

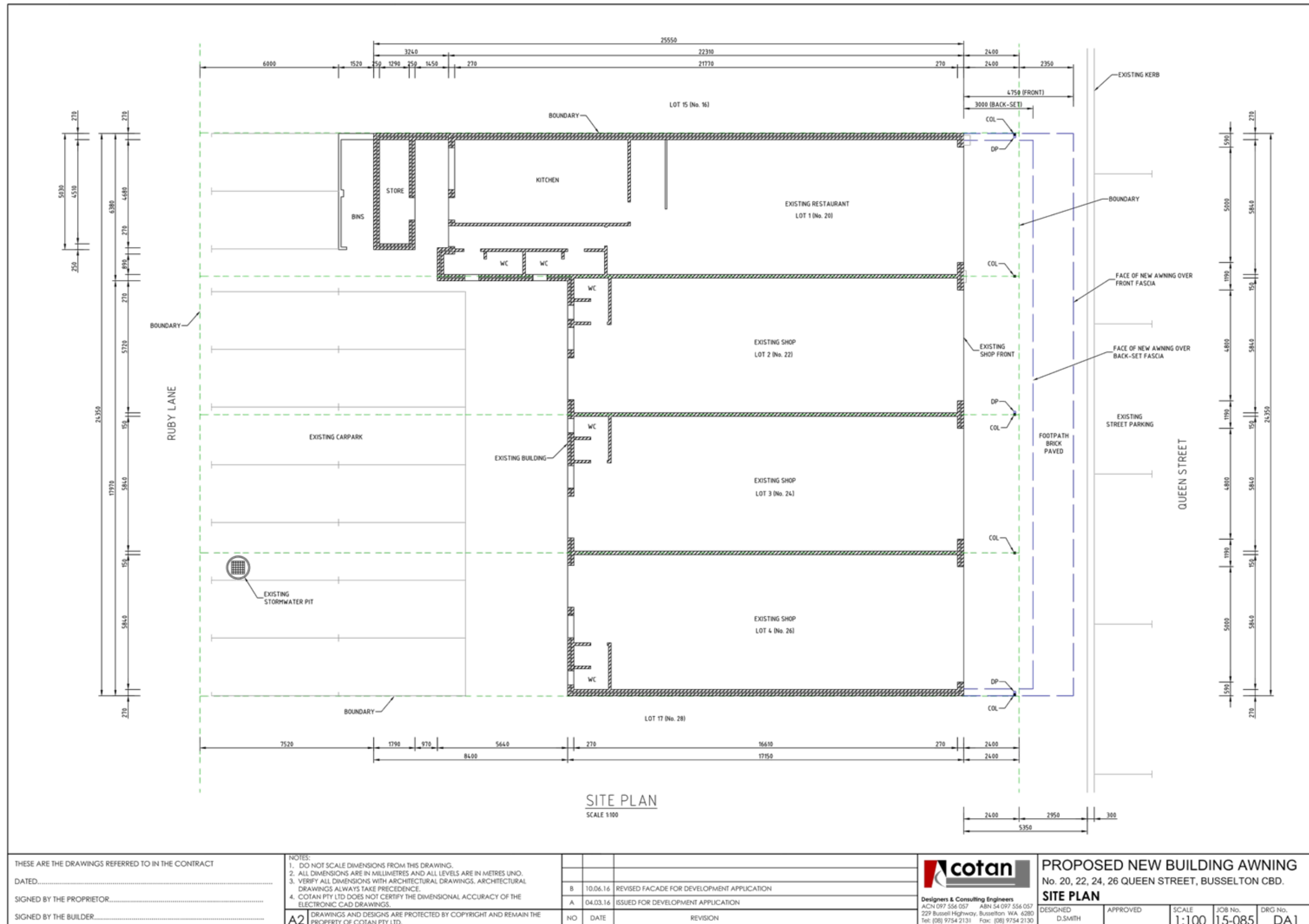


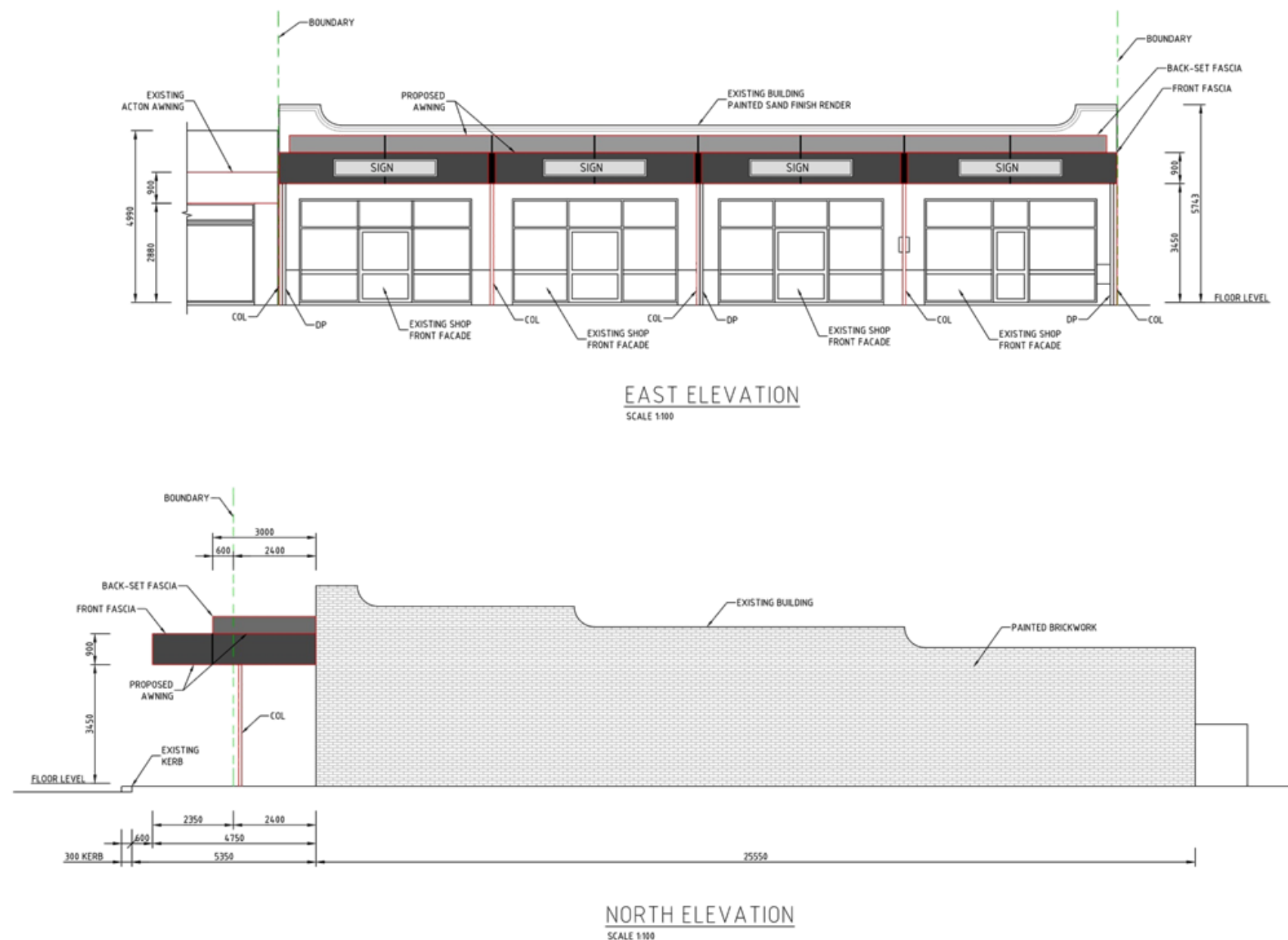
Existing



Proposed







New awning

- 1. Front fascia**
A recess will be formed in the front panel at the separation line between each shop. The recess will be approximately 200mm wide x 100mm deep to provide a clearly visible separation between shops. This feature will create shadowlines in the front fascia of the awning to interrupt the visual overall length of the structure.
- 2. Back-set fascia**
The back-set fascia will provide elevation above the front fascia of the awning to provide extra dimension to the facade of the building.
- 3. Fascia lining**
The fascias will be lined with fibre cement sheeting with expressed joints. Paint finish will be to-shine and provide a border to the signage.
- 4. Signage**
Signage on the front panel of the fascia is proposed to be relatively minimalistic to simply identify the tenant.
- 5. Refurbishment of exterior of existing building**
The external walls of the existing building will be repainted in a colour scheme to complement the new awning and provide freshness to the building. The existing aluminium framing on the shopfront windows will be painted a new colour to blend with the new appearance.

THESE ARE THE DRAWINGS REFERRED TO IN THE CONTRACT
DATED.....
SIGNED BY THE PROPRIETOR.....
SIGNED BY THE BUILDER.....

NOTES:
1. DO NOT SCALE DIMENSIONS FROM THIS DRAWING.
2. ALL DIMENSIONS ARE IN MILLIMETRES AND ALL LEVELS ARE IN METRES UNO.
3. VERIFY ALL DIMENSIONS WITH ARCHITECTURAL DRAWINGS. ARCHITECTURAL DRAWINGS ALWAYS TAKE PRECEDENCE.
4. COTAN PTY LTD DOES NOT CERTIFY THE DIMENSIONAL ACCURACY OF THE ELECTRONIC CAD DRAWINGS.
A2 DRAWINGS AND DESIGNS ARE PROTECTED BY COPYRIGHT AND REMAIN THE PROPERTY OF COTAN PTY LTD.

NO	DATE	REVISION
B	10.06.16	REVISED FACADE FOR DEVELOPMENT APPLICATION
A	04.03.16	ISSUED FOR DEVELOPMENT APPLICATION

cotan
Designers & Consulting Engineers
ACN 097 556 057 ABN 54 097 556 057
229 Busset Highway, Busseton, WA 6280
Tel: (08) 9754 2131 Fax: (08) 9754 2130

PROPOSED NEW BUILDING AWNING
No. 20, 22, 24, 26 QUEEN STREET, BUSSETON CBD.
ELEVATIONS

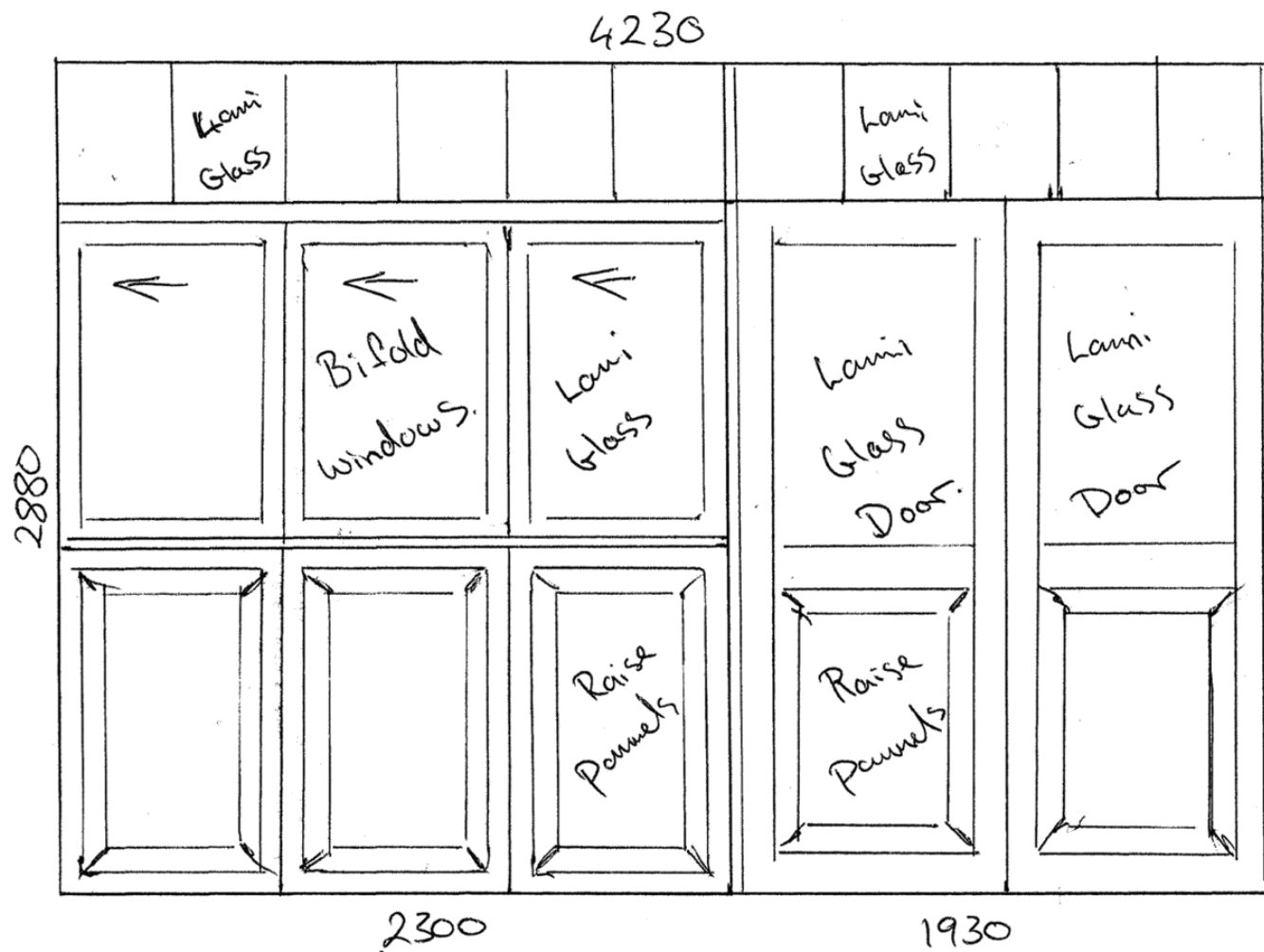
DESIGNED D.SMITH	APPROVED	SCALE 1:100	JOB No. 15-085	DRG No. DA2
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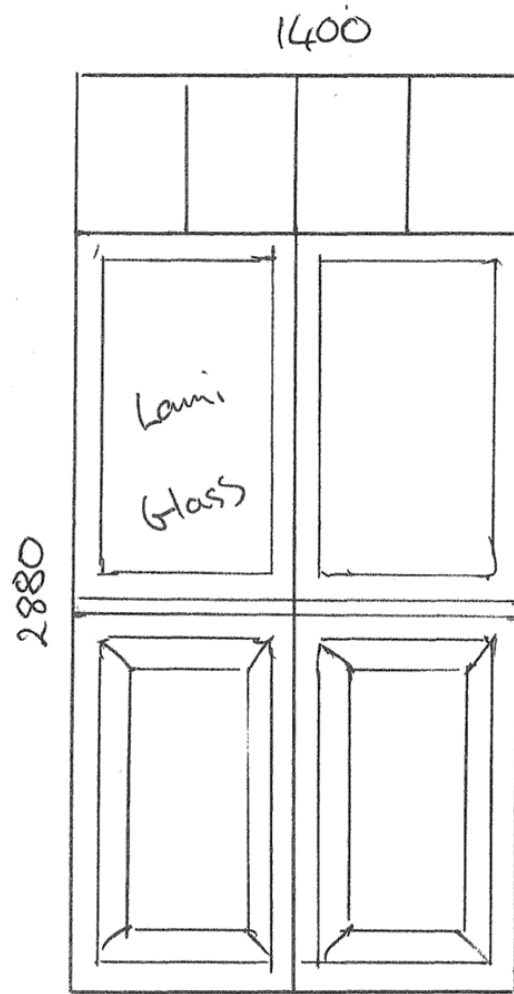
BARRY WALSH – LOT 131 (HSE 49) QUEEN STREET, BUSSELTON

Existing



49 QUEEN ST.





BUSSELTON & DUNSBOROUGH CENTRES FAÇADE REFURBISHMENT SUBSIDY PROGRAMME

1.0 PROGRAM OBJECTIVES

The Council has decided to establish the Busselton & Dunsborough Centres Façade Refurbishment Subsidy Programme. The Programme provides incentives in the form of grants to landowners and business operators to upgrade building facades in the Busselton & Dunsborough Centres. The objectives of the Programme are to:

- Beautify the Centres by improving the streetscape, which will in turn provide benefits to the broader community by making places more attractive, including for business and investment;
- Improve the experience of pedestrians to encourage more people to live, work, play and do business in the Centres;
- Reinforce and build upon the Busselton and Dunsborough Centres as the major retail, social and cultural hub of the City of Busselton and broader region;
- Enhance the physical quality and established character of the Centre's built environment through sensitive and innovative design of buildings and spaces; and
- Supporting building owners and business operators to improve the public impression of their buildings and businesses respectively.

Through providing financial assistance the Programme aims to develop stronger partnerships between the City and local businesses, and the Programme will complement the City's investment of resources into developing strategies and undertaking capital works to improve the function and appearance of the Centres.

The following provides a guide for the City, landowners and business operators in relation to: what buildings are eligible for the grant; how to apply; the application process and criteria for assessment; and general conditions that will be applied to successful applications.

2.0 ELIGIBLE BUILDINGS

The Programme applies to properties fronting Queen Street and Prince Street in the Busselton Centre as outlined in the programme area map at **Attachment 1**.

The Programme applies to properties fronting Naturaliste Terrace, Dunn Bay Road, Hannay Lane and Dunsborough Place in the Dunsborough Centre as outlined in the programme area map at **Attachment 2**.

The Programme area will be reviewed over time to reflect the City's priority areas for improvement and may also correspond with capital works improvements on streetscapes within the Centres.

3.0 HOW TO APPLY

Applicants will need to submit a completed application form and supporting documentation for the City to assess. Applicants should ensure that as part of applying for the grant they have submitted:

- The completed application form;
- A plan demonstrating the works to be undertaken, which as a minimum will include an elevation plan showing the proposed modifications to the building façade; and
- A cost estimate for the eligible works from an appropriate builder. Cost estimates are to be itemised showing a breakdown of the components of the cost estimate.

4.0 APPLICATION PROCESS

Eligible landowners and business operators will be contacted or notified via public consultation that applications are being sought for the programme. The following outlines the general process of how the Programme will be administered.

4.1 Pre-Approval Process

1. Interested landowners and business operators are encouraged to contact the City to arrange a pre application discussion with staff prior to preparing or submitting an application.
2. Applicants complete application form and all relevant documents to submit to the City prior to the closing date for applications to be received.
3. Applications will be assessed by City staff and prioritised in accordance with the assessment criteria of this programme.
4. City staff will prepare a report to the Councils' Policy and Legislative Committee, which will then make recommendations to Council with respect to which applications should be approved.
5. Successful applicants will be notified of the outcome of their application.

4.2 Assessment Criteria

Applications will be prioritised based on the following criteria:

- Compliance with the City's Town Planning Scheme and Building Code of Australia;
- Consistency with the objectives and recommendations of the Busselton City Centre Urban Design Policy;
- The degree to which the applicant is financially contributing to the project;
- The extent to which the project contributes to the visual improvement of the façade, and is visible from the public domain;
- Integration of proposed works with the streetscape, adjoining buildings and degree to which the project contributes to the established character of the street; and
- The degree to which the proposed works promote interaction with the streetscape, including the provision of frontages which are inviting, provide points of interest for pedestrians and allow for an efficient use of space, are functional, attractive and pedestrian friendly.

4.2.1 Eligible Works

Works eligible for grant funding are:

- Restoration of exterior finishes;
- Repainting of building façade and windows (does not include works that can be considered as general maintenance);
- Removal of opaque roller shutters/security grilles to be replaced with more appropriate transparent or inset behind shop display roller shutters;

- Works required, as a result of a building permit and compliance with disabled access in accordance with the *Building Act 2011* and *Building Regulations 2012*;
- The modification or creation of windows which will provide interaction with the streetscape;
- Properties adjoining a laneway may apply for upgrade works for the visible portion from the streetscape; however these works are to complement façade works fronting the endorsed project area;
- Under awning lighting (excluding illuminated signage);
- Skinning of existing awning structure and fascia with new material; and
- Repair or replace awning structure.



Works shall only include upgrades to the façade of the building (includes awning and posts). Applicants are encouraged to outline any desired works, landscaping etc on public land, and subject to consideration at the annual budget review the works may be included in the City's capital works program.

4.2.2 Ineligible works

Works not eligible for grant funding include:

- Removal of non-compliant signage or any new signage;
- Internal alterations and additions to a building;
- General maintenance;
- Any works required to satisfy conditions of planning consent, building or health which are not a result of this program;
- Works that have already been completed, or have been commenced;
- Works necessary only to accommodate relocation of a new business and/or replace signage/paint;
- Preliminary design work to complete application;
- Upgrades and/or works to laneways which are not visible from the streetscape, are not identified within the programme area and do not form a complimentary function to upgrade of a property fronting a public street;
- Infrastructure associated with alfresco areas. Applicants should be aware that alfresco areas may be permitted in existing car parking spaces subject to planning approval (Whilst applications for new alfresco areas will not be considered for grant funding within this program, applicants are encouraged to discuss any future ideas with the City, which may be able to be included within the capital works programme or future plans for the streetscape).



4.3 Implementation of successful grant applications

Successful grant applications will need to be implemented in accordance with the following general process:

1. Applicant is required to source minimum of two quotations from appropriate builders for endorsed works and required to sign agreement prepared by the City. The agreement will finalise the maximum sum to be paid by the City on completion of the agreed works.
2. Applicant is to complete works in accordance with signed agreement by the end of the financial year following the year in which the grant is approved (i.e. currently, by the end of the 2014/15 financial year), unless otherwise agreed to by the City in writing.
3. Applicant to provide written notification to the City once works have been completed, including receipt for payment of works (payment will only be authorised to persons in the signed agreement).
4. City of Busselton inspects works to determine if they are satisfactory to the agreement signed.
5. Applicant to prepare tax invoice to the City of Busselton for agreed grant sum.

6.0 GRANT FUNDING

The City will provide successful applicants grants of up to 50% of the agreed project cost (ex GST) above \$5,000.00, up to a maximum grant of \$20,000.00 per building. Grants are only available to projects with a minimum total value of \$10,000 (ex GST). Three worked examples of the maximum grant available for projects are set out below.

Example A: \$60,000.00 total project value. Project value above \$5,000.00 is \$55,000.00, 50% of which is \$27,500.00. Maximum grant is \$20,000.

Example B: \$45,000.00 total project value. Project value above \$5,000.00 is \$40,000.00, 50% of which is \$20,000.00. Maximum grant is \$20,000.00.

Example C: \$15,000.00 total project value. Project value above \$5,000.00 is \$10,000.00, 50% of which is \$5,000.00. Maximum grant is \$5,000.00.

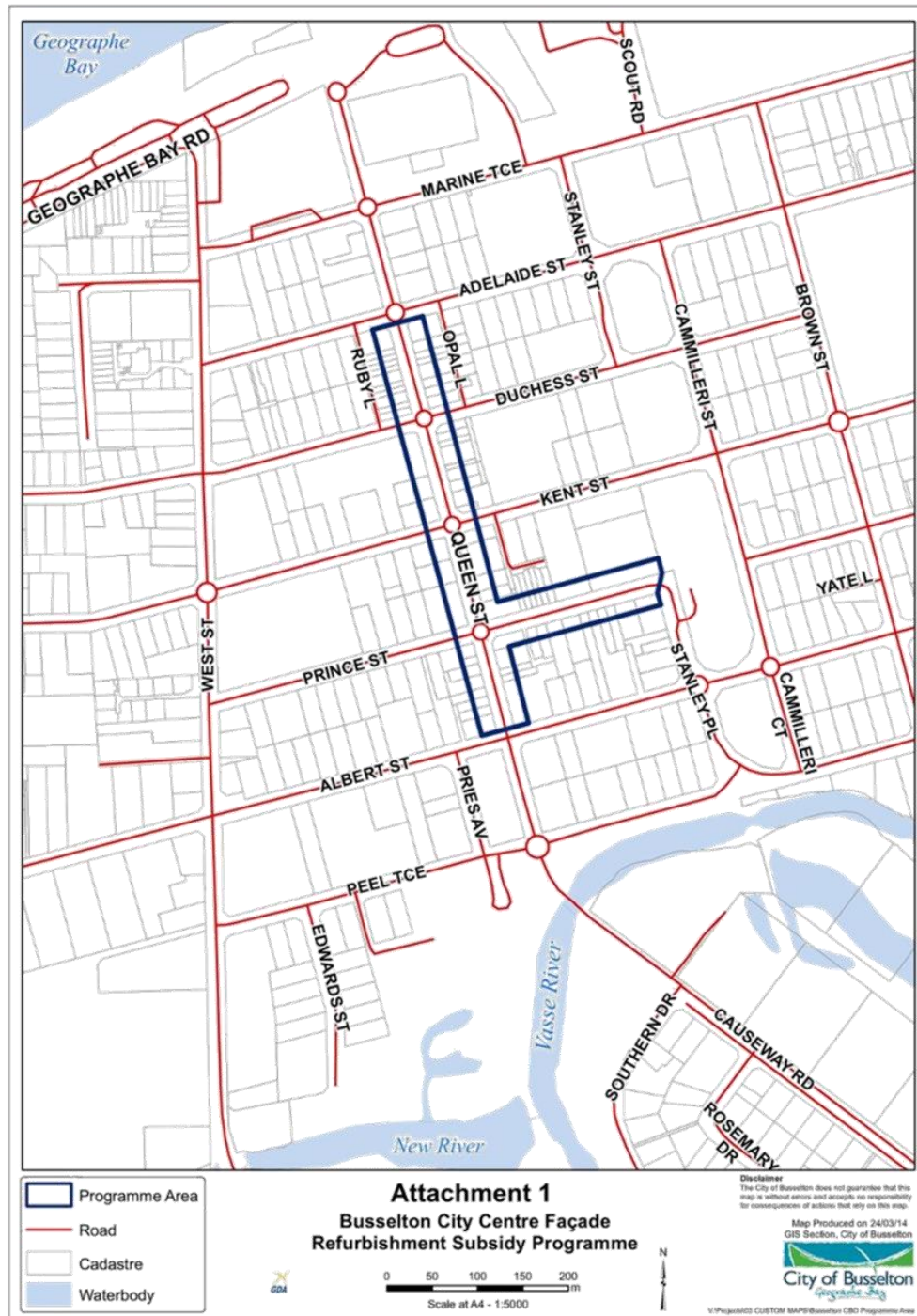
The number of applications that are successful will be dependent on the number and total cost of supported applications. The Programme has a maximum of \$50,000.00 allocated for the first round, with a review of the Programme to occur annually. Funds will be allocated once a year, however should there be sufficient funds after the initial funding round in any given year, a second round of applications may be considered at the City's discretion.

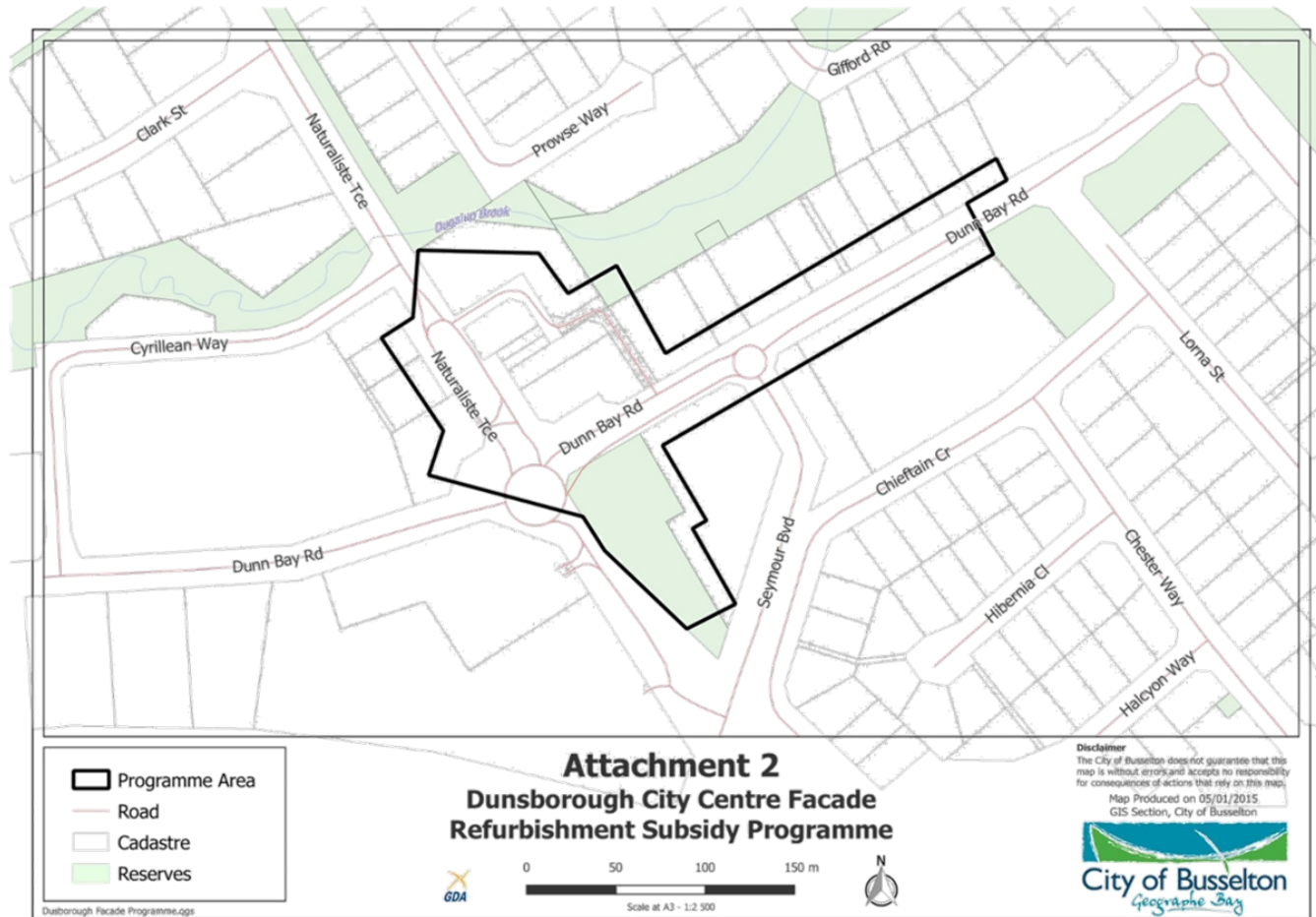
Unsuccessful applicants will be eligible to apply for a contribution towards design work required to prepare their application. Contributions will be available from a pool of \$3,000.00 and will be allocated based on the number of unsuccessful applications received. Contributions for preliminary design work to unsuccessful applicants will only be provided subject to a written request being received and a copy of the invoice for design work being provided.

7.0 GENERAL CONDITIONS

Successful applicants will be required to sign an agreement with the City acknowledging that the grant will only be available subject to complying with general conditions. To provide transparency of the City's expectations prior to landowners or business operators submitting an application, the following outlines general conditions that will be contained within the agreement:

1. Applicants will be required to remove any illegal signage as part of façade improvements.
2. The applicant is to be responsible for obtaining all necessary planning and building approvals prior to commencement of works.
3. The City of Busselton will waive any planning fees required to commence successful works on successful grant applications. Building permit application fees are to be paid by the applicant.
4. Works are to be undertaken by licenced contractors.
5. Cost estimates and quotations are to be sourced from suitably qualified local (City of Busselton municipal boundary) businesses wherever possible. Cost estimates and quotations are to provide costs for each component being applied for.
6. The applicant if successful is to enter into an agreement with the City setting out the agreed schedule of works, timeline and grant sum.
7. Funds will not be reimbursed until after the completion of the project and the City has agreed that all work has been carried out satisfactorily and within the specified time frame.
8. Any overrun in costs is not the responsibility of the City and the City will only be liable to reimburse the costs as per the agreement.





6.2 REVIEW OF FEES, ALLOWANCES AND EXPENSES FOR ELECTED MEMBERS POLICY

SUBJECT INDEX:	Councillors
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Governance Services
ACTIVITY UNIT:	Council and Councillor Services
REPORTING OFFICER:	Manager, Governance Services - Lynley Rich
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Absolute Majority
ATTACHMENTS:	Attachment A Existing Fees, Allowances and Expenses Policy

PRÉCIS

The City of Busselton was recently increased to a Band 1 local government by the Salaries and Allowances Tribunal (SAT), requiring the updating of the policy in relation to fees, allowances and expenses. All Councillors are entitled to a fee for attending Council and Committee meetings and a range of other reimbursements, while the Mayor and Deputy Mayor are also eligible for an allowance for the performance of those duties.

BACKGROUND

The policy was last reviewed in 2014 as no adjustments were made by the Salaries and Allowances Tribunal in 2015.

STATUTORY ENVIRONMENT

Division 8 of Part 5 of the *Local Government Act 1995* establishes the entitlement of elected members to receive allowances and to be reimbursed for costs incurred in the performance of their duties. The actual allowances, or range of allowances, is established by the SAT in Local Government Elected Council Members Determinations.

In accordance with the Act, any decision to pay elected members an annual allowance instead of a fee per meeting and any decision to pay an allowance to a Deputy Mayor, requires an absolute majority.

RELEVANT PLANS AND POLICIES

The information relating to the banding and the amounts of the allowances has been removed from the policy and it is proposed that this will be included in a schedule after the adoption of the City's annual budget.

FINANCIAL IMPLICATIONS

The draft budget was developed with the capacity to increase allowances into the Band 1 range.

Long-term Financial Plan Implications

The Long-term Financial Plan provides for the payments to which elected members are entitled.

STRATEGIC COMMUNITY OBJECTIVES

The Strategic Community Plan includes the community objective of having an effectively managed organisation that achieves positive outcomes for the community. One of the key ways for this to

occur is to provide financial recognition of the extensive responsibilities performed by elected members.

RISK ASSESSMENT

Not required for this policy review.

CONSULTATION

The actual levels of fees and allowances within the relevant band are established through the annual budget development process.

OFFICER COMMENT

The City of Busselton was recently increased to Band 1 by the Salaries and Allowances Tribunal. Meeting fees made available to elected members need to be set within the Band established by the tribunal. Other allowances are also provided for in order to enable elected members to perform their role effectively. These are all described in the policy.

CONCLUSION

The policy is presented for updating, noting that the Absolute Majority is required in order to pay an annual allowance and to establish the percentage of the Mayor's allowance to which the Deputy Mayor will be entitled.

OPTIONS

Other changes to the policy can be considered, however, the budget has been developed in accordance with the allowances described, such as clothing and travel reimbursement.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Band 1 determination requires fees to be available within that band from 1 July, 2016. As elected members are paid in arrears, payments will be adjusted accordingly from that time.

OFFICER RECOMMENDATION

ABSOLUTE MAJORITY DECISION OF COUNCIL REQUIRED

That the Council adopts the updated Fees, Allowances and Expenses policy:

001	Fees, Allowances and Expenses for Elected Members	V8 Draft
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1. PURPOSE

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

2. SCOPE

"Elected member" - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

"Schedule" – Information describing the current Local Government Band Allocation and fees and allowances established within that Band in accordance with any *Local Government Elected Council Members Determination* under the *Salaries and Allowances Act 1975*.

The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

3. POLICY CONTENT

3.1 Elected members

3.1.1 Provision of equipment

Without limiting the application of any other clause in this policy, the local government will provide to elected members of the City of Busselton access to resources to enable them to carry out their duties efficiently and effectively. In accordance with Section 3.1 of the *Local Government Act 1995*, in order to provide for the good government of persons in the District, any newly elected member will have the opportunity to be furnished with the following equipment:

- A standard-issue mobile telephone;
- A standard City-owned laptop computer or tablet that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the laptop computer or tablet.

The laptop computer or tablet provided remains at all times the property of the City of Busselton. Any mobile telephone purchased in accordance with this policy can be retained by the elected member at the completion of their term of office if they serve a minimum of 12 months as an elected member.

3.1.2 Meeting attendance fees

An elected member is entitled to receive an annual fee for attending Council and Committee meetings in accordance with the *Local Government Act 1995*. This payment is in lieu of any entitlement established for a fee per meeting under that Act.

The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination*.

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in

accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.3 Information and Communications Technology allowance

In accordance with the relevant *Local Government Elected Council Members Determination*, all elected members are eligible to claim an annual information and communications technology allowance the amount of which will be included in the Schedule. This allowance is to cover an elected member's costs in relation to the following equipment and services:

- Telephone rental charges;
- Any other expenses that relate to information and communications technology, for example telephone call charges and internet service provider fees, and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

The information and communications technology allowance will be paid monthly or quarterly in arrears. The allowance will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim the information and communications technology allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

3.1.4 Reimbursement of childcare expenses

In accordance with the *Local Government Act 1995* an elected member who incurs childcare expenses due to their attendance at a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. The extent to which the childcare expenses incurred will be reimbursed will be in accordance with the relevant *Local Government Elected Council Members Determination*. For the purposes of this section, the number of hours claimed shall be limited to the actual length of the meeting, with a nominal time allowance for partaking in refreshments and travel to and from the place of care.

3.1.5 Reimbursement of travel expenses

In accordance with the *Local Government Act 1995* an elected member who incurs expenses to travel to a Council meeting or a meeting of a formally constituted Council Committee of which they are a member is entitled to be reimbursed. Elected members can also be reimbursed for other types of travel in accordance with Regulation 32 of the *Local Government (Administration) Regulations 1996*. The extent to which travel expenses can be reimbursed is in accordance with the *Public Service Award 1992*. The following list represents the meetings and events at which the attendance of an elected member is required for which the elected member will be able to claim reimbursement in accordance with the *Public Service Award 1992* for incurring travel expenses.

- Council meetings - ordinary and special;
- Committee meetings of a formally constituted Council committee of which they are a member or a deputy member acting in the capacity of a member;
- Electors' meetings - annual general and special;
- Civic receptions hosted by the City of Busselton;
- Visits by Ministers of the Crown;

- Inspection tours of matters arising before the Council;
- Any City-convened meeting requiring elected member attendance, including briefing sessions, workshops and other forums;
- Elected member training courses;
- Officially convened meetings with ratepayers;
- Attendance at community functions with a formal invitation as an elected member;
- Seminars and conferences attended in the capacity of an elected member;
- Meetings of community groups or other external organisations of which the elected member has been appointed the Council's representative by Council resolution (except where the other body pays the elected member for meeting attendance and/or travel eg ministerial appointment to State Advisory Boards).

The reimbursement will be made available to the elected member on the receipt of a certified claim form and in accordance with the rates set out in the *Public Service Award 1992*. Nothing in this section prevents an elected member from utilising a City-owned motor vehicle for the types of travel approved under this section and this is encouraged where practical for the elected member's purposes. Subject to the approval of the Chief Executive Officer, the elected member is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Where a City vehicle is utilised, the travel reimbursement or travel allowance cannot be claimed.

3.1.6 Reimbursement of expenses while away from home on sanctioned activities

Expenses incurred for conferences, training, seminars and similar occasions requiring an elected member to stay overnight away from their place of residence will be reimbursed to the elected member or paid directly by the City in accordance with the following guidelines.

Air travel and accommodation will be arranged and paid for by the City in consultation with the elected member and the key considerations will be cost effectiveness and for accommodation also proximity to the location at which the conference, training, seminar or similar occasion is being held.

While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

Expenses and Restrictions	Elected Member	Spouse
Laundry > 2 nights	Y	Y
Taxi fares or other public transport - only where these directly relate to the activity and no other transport is provided	Y	Y
Daily sustenance per day allowance in accordance with the <i>Public Service Award 1992</i> (1)	Y	N
Specific conference related dinners/meals	Y	Y
(1) Limited authority exists (refer to Mayor for prior approval) to purchase alcohol for networking purposes in a similar manner to the way the Council offers community members an invitation to share a drink after a Council meeting.		

3.1.7 Reimbursement of other expenses

3.1.7.1 Reimbursement of hospitality expenses

Elected members may seek reimbursement of the reasonable costs of beverages or snack items provided during any meeting or networking opportunity that relates to City activities, subject to the provision of receipts to the CEO.

3.1.7.2 Corporate attire reimbursement

Each elected member is eligible to claim up to \$1,000 reimbursement for the purchase of corporate attire, which may include a brief case or travel case. Payment will be made on the production of receipts for clothing, shoes or a case, but will be limited to \$500 for the period November to April and a further \$500 for the period May to October.

3.2 Mayor

3.2.1 Mayoral allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Mayor is eligible for a Mayoral allowance in accordance with the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Mayor of the City of Busselton shall be paid an allowance within the Band established, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

3.2.2 Provision of a City-owned vehicle

The Mayor shall be provided with a City-owned motor vehicle for use in his or her official capacity. The Mayor is entitled to use the City-owned motor vehicle for travel for personal reasons during the time when the vehicle is being used for City purposes, provided such use does not go beyond use of a minor incidental nature. Nothing in this section prevents the vehicle from being utilised in accordance with City fleet guidelines by other elected members or officers with the agreement of the Mayor.

3.3 Deputy Mayor

3.3.1 Deputy Mayor's allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

4. APPLICATION OF THE POLICY

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt.

Policy Background

Policy Reference No. - 001

Owner Unit – Governance

Originator – Manager, Governance Services

Policy approved by – Council

Date Approved – For consideration

Review Frequency – As required following determinations

Related Documents –

Local Government Act 1995

Local Government (Administration) Regulations 1996

Local Government Elected Council Members Determinations

Background/History - Initiated June 2008 to replace former policies:

054/1 - Councillors' Travelling Expenses;

055/1 - Attendance at Conferences, Training and Seminars;

193 - Communications Allowances - Councillors;

212/1 - Vehicle for Use by Shire President and Councillors;

226 - Laptop Computers - Councillors and Officers;

227 - Printer Consumables.

History

Council Resolution	Date	Information
		Adjustments to schedule fees and allowances determined in accordance with any <i>Local Government Elected Council Members Determination</i> Version 8
C1411/292	12 November, 2014	Adjustments to recognise increases made in determinations of the Salaries and Allowances Tribunal via the <i>Local Government Elected Council Members Determination No. 1 of 2014</i> Version 7
C1307/182	10 July, 2013	Adjustments to recognise the determinations made by the Salaries and Allowances Tribunal via the <i>Local Government Elected Council Members Determination No. 1 of 2013</i> Version 6
C1206/168	27 June, 2012	Increase to the Mayor and Deputy Mayor's allowances to maximums available under the Act; change of terminology to City / Mayor / Deputy Mayor; and removal of outdated reimbursement proposals for mobiles and internet connections Version 5
C1111/362	23 November, 2011	Ability provided for Councillors to be remunerated monthly Version 4
C1007/238	14 July, 2010	Clarification regarding use of the vehicle assigned to the Shire President Version 3

C1005/157	12 May, 2010	Increase to the allowance payable to the Shire President (and therefore Deputy) to be effective from 1 July, 2010 Version 2
C0808/267	27 August, 2008	New policy to replace former policies 054/1; 055/1; 193; 212/1; 226 and 227 Version 1

001	Fees, Allowances and Expenses for Elected Members	V8 Draft
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1. PURPOSE

In accordance with Division 8 of Part 5 of the *Local Government Act 1995* elected members are entitled to receive a fee for meeting attendance, be reimbursed for expenses and/or be paid an allowance for certain types of expenses. Certain payments are an automatic entitlement in accordance with the Act, while others require specific local government approval. The Fees, Allowances and Expenses for Elected Members policy provides the approval framework under which all fees, allowances and reimbursements to elected members will be made.

2. SCOPE

"Elected member" - Any person who holds the office of Councillor on the Council of the City of Busselton, including the Mayor and Deputy Mayor;

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The Fees, Allowances and Expenses for Elected Members policy is to apply to the purchase of all local government-owned equipment for the specific and individual use of an elected member, the reimbursement of any expenses incurred by an elected member in the performance of their functions and duties, and fees and allowances provided to all elected members.

This policy provides the approval framework to enable the provision of equipment and certain payments to be made to elected members to enable them to carry out their role as an elected member effectively. All matters approved in this policy are in accordance with the relevant legislation and determinations, being the *Local Government Act 1995* and *Local Government Elected Council Members Determinations* in accordance with the *Salaries and Allowances Act 1975*.

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- A standard-issue mobile telephone;
- A standard City-owned laptop computer or tablet that will be upgraded from time to time, inclusive of standard equipment associated with the day-to-day use of the laptop computer or tablet.

The laptop computer or tablet provided remains at all times the property of the City of Busselton. Any mobile telephone purchased in accordance with this policy can be retained by the elected member at the completion of their term of office if they serve a minimum of 12 months as an elected member.

3.1.2 Meeting attendance fees

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The annual fee will be established during the annual budget process within the Band established in the relevant *Local Government Elected Council Members Determination* . .

The annual meeting attendance fee is full and final satisfaction of an elected member's meeting entitlements and no other claims can be made for attendance at meetings, with the exception that an elected member's expenses incurred for travelling to and from the meeting can be reimbursed in accordance with clause 3.1.5 of this policy or childcare expenses incurred can be reimbursed in accordance with clause 3.1.4 of this policy.

Meeting attendance fees will be paid monthly or quarterly in arrears. The fee will be calculated on a pro-rata basis for any elected member who commences or ceases office during the month or quarter. Upon commencement of office, elected members, for the purposes of budget development, will be requested to indicate whether it is their intention to claim meeting attendance fees and their preferred payment method. Nothing in the relevant legislation or this policy prevents an elected member from changing their intention at any time.

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While staying in the accommodation provided by the City for the purpose of enabling attendance at the approved conference, training or seminar, the expenses to be met by the City will be:

Expenses and Restrictions	Elected Member	Spouse
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Specific conference related dinners/meals	Y	Y

(1) Limited authority exists (refer to Mayor for prior approval) to purchase alcohol for networking purposes in a similar manner to the way the Council offers community members an invitation to share a drink after a Council meeting.

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3.1.7.1 Reimbursement of hospitality expenses

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3.2 Mayor

3.2.1 Mayoral allowance

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The allowance will be calculated on a pro-rata basis for any Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Mayor, for the purposes of budget development, will be requested to indicate whether it is their intention to claim a Mayoral allowance and their preferred payment method. Nothing in the relevant legislation or this policy prevents the Mayor from changing their intention at any time.

3.2.2 Provision of a City-owned vehicle

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3.3 Deputy Mayor

3.3.1 Deputy Mayor's allowance

In addition to their entitlements as an elected member under Section 3.1 of this policy, the Deputy Mayor may be paid a Deputy Mayor's allowance in accordance the *Local Government Act 1995*. In accordance with the relevant *Local Government Elected Council Members Determination* the Deputy Mayor can be paid up to 25% of the Mayoral allowance. The Deputy Mayor of the City of Busselton shall be paid the maximum percentage of the Mayoral allowance of 25%, payable monthly or quarterly in arrears.

The allowance will be calculated on a pro-rata basis for any Deputy Mayor who commences or ceases office during the month or quarter. Upon commencement of office, the Deputy Mayor, for the purposes

of budget development, will be requested to indicate whether it is their intention to claim a Deputy Mayor's allowance and their preferred payment schedule. Nothing in the relevant legislation or this policy prevents the Deputy Mayor from changing their intention at any time.

4. APPLICATION OF THE POLICY

Any request for reimbursement in accordance with the relevant clauses of this policy must be accompanied by an original supplier receipt.

Policy Background

Policy Reference No. - 001

Owner Unit – Governance

Originator – Manager, Governance Services

Policy approved by – Council

Date Approved – For consideration

Review Frequency – As required following determinations

Related Documents –

Local Government Act 1995

Local Government (Administration) Regulations 1996

s Local Government Elected Council Members Determination of June 2014

Background/History - Initiated June 2008 to replace former policies:

054/1 - Councillors' Travelling Expenses;

055/1 - Attendance at Conferences, Training and Seminars;

193 - Communications Allowances - Councillors;

212/1 - Vehicle for Use by Shire President and Councillors;

226 - Laptop Computers - Councillors and Officers;

227 - Printer Consumables.

History

Council Resolution	Date	Information
		Adjustments to schedule fees and allowances determined in accordance with any <i>Local Government Elected Council Members Determination</i> Version 8
C1411/292	12 November, 2014	Adjustments to recognise increases made in determinations of the Salaries and Allowances Tribunal via the <i>Local Government Elected Council Members Determination No. 1 of 2014</i> Version 7
C1307/182	10 July, 2013	Adjustments to recognise the determinations made by the Salaries and Allowances Tribunal via the <i>Local Government Elected Council Members Determination No. 1 of 2013</i> Version 6

C1206/168	27 June, 2012	Increase to the Mayor and Deputy Mayor's allowances to maximums available under the Act; change of terminology to City / Mayor / Deputy Mayor; and removal of outdated reimbursement proposals for mobiles and internet connections Version 5
C1111/362	23 November, 2011	Ability provided for Councillors to be remunerated monthly Version 4
C1007/238	14 July, 2010	Clarification regarding use of the vehicle assigned to the Shire President Version 3
C1005/157	12 May, 2010	Increase to the allowance payable to the Shire President (and therefore Deputy) to be effective from 1 July, 2010 Version 2
C0808/267	27 August, 2008	New policy to replace former policies 054/1; 055/1; 193; 212/1; 226 and 227 Version 1

7. GENERAL DISCUSSION ITEMS

7.1 PLANNING DELEGATIONS

SUBJECT INDEX:	Authorised Delegation of Power / Authority
STRATEGIC OBJECTIVE:	Governance systems that deliver responsible, ethical and accountable decision-making.
BUSINESS UNIT:	Planning and Development Services
ACTIVITY UNIT:	Planning
REPORTING OFFICER:	Director, Planning and Development Services - Paul Needham
AUTHORISING OFFICER:	Director, Finance and Corporate Services - Matthew Smith
VOTING REQUIREMENT:	Simple Majority
ATTACHMENTS:	Attachment A Development Control Delegation

The delegation to the CEO relating to planning and development matters is attached for discussion purposes to lead into a forthcoming review. The Council has delegated a range of powers to the CEO, however, there are also mechanisms in place for matters to be determined by the Council.

Additionally, planning matters may also be determined by a Joint Development Assessment Panel.

- **Mandatory DAP Applications**

An application for development where the estimated cost of the development is \$10 million or more, and which is not an excluded development application.

- **Optional DAP Applications**

An application for development of a total more than \$2 million but less than \$10 million which is not an excluded development application and has not been delegated to the DAP by the relevant local government.

- **Excluded development application**

Means a development application for approval of –

(a) construction of –

- (i) a single house and any associated carport, patio, outbuilding and incidental development;
- (ii) less than 10 grouped dwellings and any associated carport, patio, outbuilding and incidental development;
- (iii) less than 10 multiple dwellings and any associated carport, patio, outbuilding and incidental development;

or

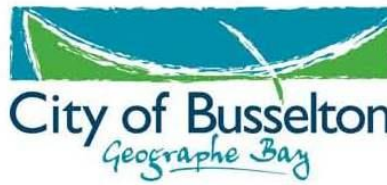
(b) development in an improvement scheme area; or

(c) development by a local government or the Commission;

or

(d) development in a district for which –

- (i) a DAP is not established at the time the application is made; or
- (ii) a DAP has been established for less than 60 days at the time the application is made.



INSTRUMENT OF DELEGATION

Del Ref No	Act Ref	Delegate	Delegation Subject
PDR 1	s.162 Planning and Development Act 2005 cl. 82 Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 <i>Deemed Provisions for local planning schemes</i> cl. 12.2 City of Busselton Local (Town) Planning Scheme 21	Chief Executive Officer	Development Control

Delegator

Council.

Power/Duty

To undertake the powers and duties of local government under cl. 82 Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 *Deemed Provisions for local planning schemes* and cl 12.2 of the City of Busselton Local (Town) Planning Scheme 21, subject to the following *Exemptions, Limitation and Conditions*.

Statutory Framework

Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995* to delegate to the CEO the discharge of its powers and duties provided for in:

- Section 162 of the *Planning and Development Act 2005*;
- Clause. 82 Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 *Deemed Provisions for local planning schemes* and
- Clause 12.2 in the City of Busselton Local (Town) Planning Scheme 21.

Planning and Development Act 2005

162. No development except with approval

- (1) subject to this act, where a planning scheme or interim development order provides that development referred to in the planning scheme or interim development order is not to be commenced or carried out without approval being obtained upon the making of a development application, a person must not commence or carry out that development on land to which the planning scheme or interim development order applies unless —
1. (a) the approval has been obtained and is in force under the planning scheme or interim development order; and
2. (b) the development is carried out in accordance with the conditions subject to which the approval was granted.

Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions for local planning schemes

82. Delegations by local government

- (1) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.
- (2) A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.
- (3) The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.

83. Local government CEO may delegate powers

- (1) The local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than this power of delegation.
- (2) A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.

City of Busselton Local (Town) Planning Scheme 21

12.2 Delegation of Functions

- 12.2.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee, the Chief Executive Officer (CEO), within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

7.1 Attachment A Development Control Delegation

12.2.2	The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 12.2.1.
12.2.3	The exercise of the power of delegation under clause 12.2.1 requires a decision of an absolute majority as if the power had been exercised under the <i>Local Government Act 1995</i> .

Exemptions

The following items, are exempted from the affect of this delegation and are matters in the *Description* to be determined by Council, or as required by *Conditions* to be determined by Council.

Schedule 2	Scheme clause	21 Description	Conditions
	2.1	Initiate preparation or amendment of a local (planning) policy.	Nil
4.1		Initiate preparation or amendment of a local (planning) policy and forward to the WAPC	
	2.2.3	Adopt a local (planning) policy and determine to forward to WAPC (2.3.3 (b)).	Nil
4.3		Resolves to proceed/adopt a local (planning) policy	
6	2.4	Determine to revoke a local (planning) policy	Nil
	4.14	Termination of a non-conforming use	Nil
	7.4.10	Determine to adopt a Structure Plan and determine, if it affects subdivision, to forward it to WAPC for endorsement	Nil
19(1)		Structure Plans - consider submissions - <i>does not include 29(3) minor amendments</i>	2
20(2)(e)		Structure Plans - make report and recommendations to the WAPC - <i>does not include 29(3) minor amendments condition 2 applies</i>	2
35(1)		Activity Centre Plan- consider submissions - <i>does not include 45(3) minor amendments condition 2 applies</i>	2
36(2)(e)		Activity Centre Plan - make report and recommendations to the WAPC - <i>does not include 45(3) minor amendments condition 2 applies</i>	2
51		Local Development Plan- consider submissions - <i>does not include 59(4) minor amendments condition 2 applies</i>	2
52(1)		Local Development Plan determination <i>does not include 59(4) minor amendments condition 2 applies</i>	2
	7.7.6	Adopt a Developer contribution plan and determine if affecting subdivision to forward to WAPC for endorsement	Nil
8.3	8.1.1	Identify places and establish a Heritage List, advise the Heritage Council of Western Australia 8.1.4	Nil

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8.4	8.1.6	Remove or modify the entry of a place on the heritage list	Nil
9	8.2.1	Designate a Heritage Area, advise the Heritage Council of Western Australia 8.2.6	Nil
10	8.3	Enter in to heritage agreement about land or building with agreement of the owner	Nil.
60(a)	11.3	Determination of Applications	1.1 & 1.2
	11.10	Reviews (SAT). Upon being invited by the Tribunal to reconsider a decision to either affirm, vary or substitute a new decision	1.3
	12.1.1(b)	Determine to acquire land or buildings	Nil
	12.1.1(c)	Determine to dispose of land	Nil
	12.4	Determination of compensation for injurious affection	Nil
	12.5	Determine the purchase or the taking of land	Nil

Limitations

1. Application for the subdivision of land (WAPC), but all other powers and duties of local government leading to the determination by the WAPC are delegated including the power to impose Council's accepted Standards Specifications and Financial Contributions relating to subdivision.
2. Application for determination by the JDAP, but all other powers and duties of local government leading to the determination by the J DAP are delegated.

Conditions

1. Determination of applications

1.1 Call ins

- a. The CEO may determine an item to be of significance or public interest and refer the matter for Council's determination.
- b. The Mayor may consider an item is of significance or public interest and *request* the CEO, in writing, to refer it for Council's determination.

7.1 Attachment A Development Control Delegation

1.2 Reconsiderations

Prior to the determination of an application for reconsideration the CEO shall ensure that a copy of the reconsideration request, together with a delegated Officers report and Recommendation, is circulated to all Councillors, giving a period of not less than **seven (7)** days for any Councillor to *request* the reconsideration be referred for Council's determination.

A Councillor's *request* is to be made in writing to the CEO.

Any *request* will cause the matter to be submitted to the first practicable Council meeting for debate and determination.

If no *request* is received, within the time provided, the matter will proceed to be determined as Recommended in the Officer's report.

Minor Amendments - Structure Plan, Activity Centre Plan, and Local Development Plans

The CEO may refer minor amendments to Council determination, or otherwise is delegated to make a determination once having completed the following procedure.

Prior to determining any application or amendment, for adoption or endorsement of a Development Guide Plan and/or Detailed (Local) Area Plan the CEO shall ensure that a copy of the respective Plan, together with a delegated Officers report and Recommendation, is circulated to all Councillors, giving a period of not less than **fourteen (14)** days for any Councillor to *request* it be referred for Council's determination.

A Councillor's *request* is to be made by notice in writing to the CEO.

Any *request* will cause the matter to be submitted to the first practicable Council meeting for determination.

If no *request* is received, within the time provided, the matter will proceed to be determined as recommended in the officer report.

1.3 SAT Reviews

The CEO may determine a Tribunal request, to reconsider a decision, but if the decision is of significance or public interest the CEO may refer the matter for Council's determination.

Verification

Council Resolution
C1509/273

Review Requirements

At Council's discretion as necessary (no statutory requirement).

Review Dates

Note: Effective as at 19 October 2015 to coincide with the effective date of the Planning and Development (Local Planning Schemes) Regulations 2015.

23 September 2015 – implementation, to replace entirely TPD01

8. NEXT MEETING DATE

Thursday, 18 August 2016

9. CLOSURE