



## **Policy and Legislation Committee Agenda**

***24 March 2016***

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

**CITY OF BUSSELTON**


**MEETING NOTICE AND AGENDA – 24 MARCH 2016**

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**TO: THE MAYOR AND COUNCILLORS**

**NOTICE** is given that a meeting of the Policy and Legislation Committee will be held in the Meeting Room A2, Harris Road Administration Site, Busselton on Thursday, 24 March 2016, commencing at 2.00pm.

The attendance of Committee Members is respectfully requested.



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**MIKE ARCHER**

**CHIEF EXECUTIVE OFFICER**

21 March 2016

**CITY OF BUSSELTON**

**AGENDA FOR THE POLICY AND LEGISLATION COMMITTEE MEETING TO BE HELD ON 24 MARCH 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 on 18 February 2016**

**RECOMMENDATION**

That the Minutes of the Policy and Legislation Committee Meeting held 18 February 2016 be confirmed as a true and correct record.



## 6. REPORTS

### 6.1 PROPOSED ADOPTION OF POLICY ON BEACH SHELTERS

|                             |  |
|-----------------------------|--|
| <b>SUBJECT INDEX:</b>       | Adoption of Policy - Beach Shelters  |
| <b>STRATEGIC OBJECTIVE:</b> | Our natural environment is cared for and enhanced for the enjoyment of the community and visitors. |
| <b>BUSINESS UNIT:</b>       | Environmental Services   |
| <b>ACTIVITY UNIT:</b>       | Ranger & Emergency Services  |
| <b>REPORTING OFFICER:</b>   | Ranger and Emergency Services Coordinator - Dean Freeman   |
| <b>AUTHORISING OFFICER:</b> | A/Director, Planning and Development Services - Martyn Glover                                      |
| <b>VOTING REQUIREMENT:</b>  | Simple Majority  |
| <b>ATTACHMENTS:</b>         | Nil  |

#### PRÉCIS

Council has been seeking to address the buildup of long term beach shelters on local beaches. This report seeks to outline the matters to be considered and recommended policy to provide guidance to City staff and the community on the objectives of Council in this matter.

#### BACKGROUND

At its ordinary meeting of 14 October 2015, the Council received a petition that effectively asked that the Council support allowing the placement of shelters on beaches and to allow those shelters to remain in place for the duration of the summer - rather than having to be put up and taken down each day or as needed, which is what the City's Property Local Law requires (unless a permit has been issued to allow a shelter to remain in place for a longer period).

At the 14 October meeting, the Council resolved that the CEO prepare a report relating to the petition for consideration by the Council or a committee.

Council, at its meeting on 9 December 2015 resolved as follows:

1. *That it does not support the placement of shelters for private purposes on beaches overnight;*
2. *Supports the implementation of the Property Local Law by facilitating removal of shelters placed on beaches (or in any other public place), contrary to the local law; and*
3. *That a draft policy to that effect be prepared for consideration by the Policy and Legislation Committee.*

This report is being presented for the Committee's and Council's consideration pursuant to that Council resolution.

#### STATUTORY ENVIRONMENT

The principal statutory environment is set out in the *City of Busselton Local Government Property Local Law 2010* ('the local law'). The local law contains the following key provision:

3.14 Permit required to camp outside a facility...

3) A person must not without a permit...

(b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

It is clear that a 'beach shelter' or similar can therefore not be placed on local government property without the prior granting of a permit, following the making of an application for such a permit.

Unauthorised structures can be impounded under the provisions of the Local Government Act 1995 and the Local Government (Functions and general) Regulations.

### **RELEVANT PLANS AND POLICIES**

There are no plans or policies currently relevant to this matter.

### **FINANCIAL IMPLICATIONS**

Resources required for implementation of the local law, that is to remove shelters left overnight or longer, are provided for within the City's overall operational budget and can be achieved without any significant effect on other operational areas.

Changing that approach, however, through seeking, assessing and then monitoring compliance with permits allowing shelters to remain overnight or longer would require more resources and would have a discernible effect on other operational areas, unless additional resources were made available. Additionally the City would have a duty of care to ensure that structures were maintained and safe and this would require additional resourcing.

#### **Long-term Financial Plan Implications**

There are no long-term financial plan implications associated with this matter.

### **STRATEGIC COMMUNITY OBJECTIVES**

Consideration of this matter is consistent with Key Goal 5 – Cared for and Enhanced Environment, Community Objective 5.1 - Our natural environment is cared for and enhanced for the enjoyment of the community and visitors – of the City of Busselton Strategic Community Plan 2013.

### **RISK ASSESSMENT**

An assessment of the risks associated with implementing the officer recommendation has been undertaken using the City's risk assessment framework. Only 'downside' risks, rather than 'upside' risks are identified, and risks are only identified where the residual risk, once controls are identified, is assessed as 'medium' or greater. No such risks have been identified.

### **CONSULTATION**

No community consultation has been undertaken in the preparation of this report. The Council could, either in considering this report or at some point in the future, choose to undertake consultation, but this is not considered necessary given Point 1 of Council's resolution from 9 December 2015 as follows:

1. That it does not support the placement of shelters for private purposes on beaches overnight.

### **OFFICER COMMENT**

Over recent summers, the Council has noted an increase in the number and structural complexity of beach shelters erected. It is considered that as beaches are a significant part of the natural

environment, the City needs to ensure that structures are not allowed to any extent that compromises this asset.

Beaches are public open space and should not be allowed to develop a setting more aligned with commercial or material objectives. The nature of semi permanently erected shelters gives the appearance of private use only as it is reasonable for users of the beach to assume that they are unable to use someone else's property.

Matters such as structural integrity and restricting public use of beaches have been previously discussed in other reports to Council. These reports to Council have noted the issues of lack of identification of ownership/responsibility for the current structures and with that, the ability to promptly take any remedial action to remedy risks to public safety.

Previous reporting to Council has also identified the additional impost on City resources in receiving, assessing and then ongoing maintenance of conditions of approval associated with any proposal to allow structures to be erected for longer terms on a permit basis.

While the focus of the City's enforcement of the provisions of the Local Government Property Local law has been aimed at preventing the buildup of long term unauthorised structures on beaches, consideration also needs to be given to permitting structures which are deemed necessary for other authorised activities.

In this regard, structures associated with City supported events such as the Gourmet Escape, Kellogs Nutri Grain ironman Series, or structures relating to the provision of Surf Life Saving WA beach patrols need to be catered for.

Structures for these activities can be adequately assessed as part of the overall assessment of the activity in terms of Policy 231 – Events, which is intended to promote and encourage events that enhance a wide variety of opportunities to residents and visitors to the City of Busselton while ensuring compliance with Regulatory requirements and standards.

## **CONCLUSION**

Adoption of the proposed policy will provide for the consistent enforcement of the Council's objectives relating to structures on beaches. The Policy as proposed seeks to keep our beaches as part of our natural environment while still facilitating structures which are required as part of other authorised activities.

## **OPTIONS**

Should the Council not support the principle behind the officer recommendation; that the draft policy be adopted, Council will then need to consider an alternative strategy for dealing with shelters on beaches. This may include the issuing of permits allowing structures, however this would require resources for receiving and assessing applications as well as on the ground monitoring of structures for permits and public safety. These costs have not been considered in this report and will require further investigation and reporting to Council.

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

This Policy will be implemented immediately following its adoption by Council.

**OFFICER RECOMMENDATION**

That the Council adopts the Policy relating to Shelters and Structures on Beaches:

|  |   |                 |
|--|---|-----------------|
|  | <b>Shelters and Structures on beaches</b> | <b>DRAFT V1</b> |
|--|---|-----------------|

**1. PURPOSE**

The purpose of this Policy is to establish the objectives of the Council in the management of structures erected on beaches within the City of Busselton.

**2. SCOPE**

This policy will guide the community and staff on circumstances when shelters or structures may be permitted to be erected, and the manner in which structures which are erected without authorisation are to be removed.

**3. POLICY CONTENT**

Definition - Beach Shelter - For the purposes of this policy, “beach shelter” shall mean a temporary portable structure which when erected is designed for the purposes of providing shade or shelter from the wind. A beach shelter shall not exceed an area greater than 9m<sup>2</sup> and shall remain erected only during the hours of daylight.

Consistent with the provisions of the City of Busselton Local Government Property Local Law 2011, the City of Busselton does not support the overnight retention of shelters and structures that have been erected on beaches within the City.

Structures may only be erected on the beach and left overnight where this is absolutely necessary for an activity or event authorised by the City under the City of Busselton Local Government Property Local Law 2011.

**4. APPLICATION OF THE POLICY**

Applications to erect shelters or structures on a beach will only be supported if the Applicant satisfactorily addresses the following matters:

1. There is no practical alternative available other than leaving the structure erected,
2. Location – so as to minimise obstruction/conflict
3. Public Liability insurance – (minimum value \$10,000,000)
4. Structural integrity.

Unauthorised structures shall be managed in accordance with the Local Government Act 1995, the Local Government (Functions and General) Regulations and Operating practices and Procedures developed for this purpose.

Such Procedures shall provide for the giving of 72 hours’ notice to remove the structure, after which the structure shall be impounded.

The procedure shall also provide for the immediate removal of the structure if it is considered to be obstructing community access, poses a risk to the public due to structural integrity issues or other factors such as inclement weather which potentially pose a risk to public safety.

**Policy Background**

Policy Reference No. - TBC

Owner Unit – Ranger and Emergency Services

Originator – Ranger and Emergency Services Coordinator

Policy approved by – Council

Date Approved – For Consideration

Review frequency – As required

Related Documents – City of Busselton Local Government Property Local Law

**History**

| <b>Council Resolution</b> | <b>Date</b> | <b>Information</b> |
|---------------------------|-------------|--------------------|
|                           |             | Version 1          |

## 6.2 MINOR UPDATING OF COUNCIL POLICIES FOLLOWING FURTHER REVIEW PROCESS

|                             |  |
|-----------------------------|--|
| <b>SUBJECT INDEX:</b>       | Policies and Procedures  |
| <b>STRATEGIC OBJECTIVE:</b> | Infrastructure assets are well maintained and responsibly managed to provide for future generations.   |
| <b>BUSINESS UNIT:</b>       | Engineering and Works Services   |
| <b>ACTIVITY UNIT:</b>       | Facilities; Operations Services  |
| <b>REPORTING OFFICER:</b>   | Director, Engineering and Works Services - Oliver Darby  |
| <b>AUTHORISING OFFICER:</b> | Director, Engineering and Works Services - Oliver Darby  |
| <b>VOTING REQUIREMENT:</b>  | Simple Majority  |
| <b>ATTACHMENTS:</b>         | Attachment A Asbestos Management Policy With Proposed Changes Tracked<br>Attachment B Rails to Trails Policy With Proposed Changes Tracked<br>Attachment C Private Works Margin Policy With Changes Tracked<br>Attachment D Maintenance Bonds for Subdivisions Policy With Changes Tracked |

### **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 reviewed by the responsible officers and assessed as requiring only minor changes as outlined in this report. While no substantial changes are recommended, the operation of each policy has been examined in detail to ensure no other changes are required.

This report presents a range of policies in the Engineering and Works Services area of responsibility, being Asbestos Management, Rails to Trails, Private Works Margin and Maintenance Bond for Subdivisions.

### **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.

### **RELEVANT PLANS AND POLICIES**

This report proposes the minor 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. This range of policies relates to the objective of well maintained infrastructure assets that are responsibly managed to provide for future generations.

## **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**

This report presents a range of policies that have been reviewed by the responsible officers and assessed as requiring only minor changes. While no substantial changes are recommended, the operation of each policy has been examined in detail to ensure no other changes are required.

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.

### **Asbestos Management Policy 010**

The only changes recommended to this policy are updating Shire to City and the responsible business unit to Engineering and Facilities Services.

### **Rails to Trails Policy 011**

The only changes recommended to this policy are updating Shire to City as required and the responsible business unit to Engineering and Facilities Services.

### **Private Works Margin Policy 063**

Changes recommended to this policy are updating Shire to City and the details of the responsible area and officers. Additionally, it is proposed that the requirement for the payment in advance exception in the second paragraph of the policy content is increased from \$3,000 to \$5,000 for reasons of it not being likely that any works completed in accordance with this policy being less than \$5,000.

### **Maintenance Bond for Subdivisions Policy 180**

This policy has been reviewed and no changes are recommended.

## **CONCLUSION**

The policies have provided consistent guidance to City decision-making processes and it is not considered that any changes are required, other than the minor updates that have been outlined.

## **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.

**OFFICER RECOMMENDATION**

That the Council:

1. Adopts the following updated Asbestos Management Policy:

|            |                            |                 |
|------------|----------------------------|-----------------|
| <b>010</b> | <b>Asbestos Management</b> | <b>V2 DRAFT</b> |
|------------|----------------------------|-----------------|

**1. PURPOSE**

This Policy is developed to assist the City of Busselton to comply with government policy and legislative requirements in the management of Asbestos Containing Materials (ACM) in workplaces.

The City of Busselton as an employer has a responsibility to maintain a safe working environment under provisions of:

- \* Occupational Safety and Health Act 1984.
- \* Regulation 3.1 of the *Occupational Safety and Health Regulations 1996 (OSH Regulations)* which requires an employer to identify hazards at a workplace, assess the risk of harm to a person from each hazard and to take steps to reduce the risk.
- \* Regulation 5.43 (*OSH Regulations 1996*) which specifically requires the presence and location of asbestos at a workplace to be identified and that the process of identification and risk assessment be conducted in accordance with the *Code of Practice for the Management and Control of Asbestos in Workplaces* [NOHSC:2018 (2005)].

**2. SCOPE**

This policy applies to management of ACM in all buildings on City owned or managed land including, but not limited to;

- \* Ablutions and Toilets;
- \* Art and Cultural Buildings;
- \* Commercial and Community Leased Buildings;
- \* Community Buildings;
- \* Community Halls;
- \* Operations Facilities (Depots etc);
- \* Recreation Facilities;
- \* Residential Buildings;
- \* City Offices;
- \* Caravan Parks; and
- \* Camping Reserves (including Locke Estate).

ACM is the general term used to describe all products that contain asbestos; it is defined as any material, object, product or debris containing asbestos.



### 3. POLICY CONTENT

The City of Busselton is committed to ensuring that ACM in all buildings on City owned or managed land is identified, managed and controlled to protect the health and well-being of workers, contractors and the community.

The ultimate long-term aim is for all buildings on City owned or managed land to be free of asbestos materials. The presence of asbestos in premises on City owned or managed land will be identified and a risk to health evaluated.

The programmed removal of ACM will be based on the risk to health as identified by a competent person carrying out an inspection. It is recognised that ACM in sound condition, left undisturbed, presents little risk to the general community. Removal may not be immediately necessary but should be completed prior to demolition or major renovation.

The City will manage the risks from ACM and provide a record of actions undertaken with the ultimate aim being to:

- \* Increase awareness;
- \* Prevent airborne asbestos fibre exposure;
- \* Prevent the spread of asbestos fibres;
- \* Increase competency and experience; and
- \* Control of works likely to disturb ACM.

To achieve these outcomes the City will:

- \* Ensure that clubs / organisations wanting to upgrade buildings or facilities on City owned or managed land will be required to remove ACM as part of any facility upgrade, alteration/improvement where it is necessary to do so to comply with legislative requirements.
- \* In relation to organisations seeking Council support and / or funding support for external works from such bodies as CSRFF etc, any submission will be required to include the removal of ACM as part of the application and/ or scope of works.
- \* Review Council's Lease Documentation to ensure ACM management in accordance with the policy is adequately provided for.
- \* Ensure that during the planning process and before commencement of major upgrades/renovations of any buildings / facility on City owned or managed land that priority is given to the removal of ACM in relation to funding.
- \* Where the building is located on land that the City owns or manages, the City will ensure that an appropriate risk assessment of any identified ACM has been conducted. Where the risk assessment has deemed it necessary, the ACM will be safely removed as per the requirements of the OSH Act 1982 and related Regulations and Codes of Practice.
- \* Ensure that all buildings on City owned or managed land are surveyed to identify ACM, so far as is reasonably practicable, that may be present therein.
- \* Ensure that all appropriate building surveys prior to any demolition or structural alteration of buildings on City owned or managed land being undertaken.

- \* Provide information on ACM to employees, contractors, sub-contractors and any other person who may be affected by the presence of the ACM in their work area.
- \* Promote awareness of the risks from ACM and the City's Management Procedures through training and induction of relevant employees.
- \* Ensure that information regarding the presence of asbestos is contained in tender and Request for Quotation documentation as may be appropriate, and that contractors and sub-contractors have access to assessments, method statements etc., where appropriate for its removal and/or management in place.
- \* Ensure that any ACM that may be present in any buildings on land that it owns or manages is maintained in a condition so as to prevent the possibility of any harm to health occurring.
- \* Monitor the condition of ACM left in situ.
- \* Provide adequate resources to ensure the provision of appropriate information, instruction and training.
- \* The Schedule programmed removal of ACM in buildings on City owned or managed land to achieve the eventual long-term aim of removal of all ACM, will be based on the availability of resources, funding and the prioritisation based on a risk assessment that includes the facilities service hierarchy, assigned level of insurance and the purpose of the facility.

Asbestos management planning will define roles and responsibilities for decisions and address appropriate methodologies for the implementation of these decisions.

The following information shall be collated and documented as a minimum as part of asbestos management planning:

- \* Asbestos Register. This includes details of the location and condition of the known or presumed ACM and the level of risk posed by the identified ACM;
- \* Process involved for the Identification of ACM hazards;
- \* Rationale for conducting risk assessments of ACM hazards;
- \* Control measures required as a result of risk assessments of ACM hazards;
- \* Details of any monitoring and management arrangements in place (i.e. labelling and signage on buildings scheduled for planned removal of ACM);
- \* Safe work methods for working with ACM;
- \* Emergency procedures;
- \* Details of consultation, information sharing and training;
- \* Any operational considerations;
- \* A timetable for review;
- \* Areas of responsibility within the asbestos management process.

This Policy is to act as a guide for the effective identification, risk assessment, monitoring and management of ACM within buildings on City owned or managed land; the guidelines contained within are to ensure the requirements of government policy and legislative requirements are adhered to.

### **Policy Background**

Policy Reference No. - 010

Owner Unit – Engineering and Facilities Services

Originator – Asset Management Officer

Policy approved by – Council

Date Approved - 27 April, 2011

Review Frequency – As required

Related Documents –

*Occupational Safety and Health Act 1984*

### **History**

| <b>Council Resolution</b> | <b>Date</b>    | <b>Information</b>                  |
|---------------------------|----------------|-------------------------------------|
| C1104/126                 | 27 April, 2011 | Date of implementation<br>Version 1 |

2. Adopts the following updated Rails to Trails Policy:

|            |                        |                 |
|------------|------------------------|-----------------|
| <b>011</b> | <b>Rails to Trails</b> | <b>V3 DRAFT</b> |
|------------|------------------------|-----------------|

## **1. PURPOSE**

The government railway network within the region was once extensive and much of the land that formed the railway reserves remains as State land. As part of a statewide railway network, the three lines that ran through the district were:

- (a) Boyanup to Busselton;
- (b) Busselton to Flinders Bay; and
- (c) Wonnerup to Nannup.

The land has recognised heritage and environmental value and given the extent of the land, it also has potential for many uses. This policy provides that the land is retained as State land, as non-motorised transport corridors, and is managed for the purpose of recreation trails.

## **2. SCOPE**

This policy applies to the use of land that formed government railways within the district; to establish a framework for the development and management of recreation trails on that land to form what may be referred to as “rails to trails”; and to link the rails to trails with other recreational and heritage trails within the region.

## **3. POLICY CONTENT**

With respect to the land that formed the government railway network within the region, the Council recognises the significance of the land as a strategic transport corridor, for recreation and for its heritage and environmental values.

It is the position of the Council then that:

- (a) the land is a valuable public asset and should be retained as Crown land;

- (b) unless the Council approves otherwise, the land is to be kept as a contiguous transport corridor;
- (c) under the *Land Administration Act 1997* and with the Minister of Lands approval, the land is to be made Crown Reserve and managed for the primary purpose of 'recreation trail'; and
- (d) where the Council determines that the City is capable of managing sections of the Crown Reserve, the City may advise the Minister that the City would be willing to accept a management order over those sections of Crown Reserve.

It is the intent of the Council that:

- (a) the land be promoted, developed and managed as recreation trails for non-motorised transport, or what may be referred to as "rails to trails";
- (b) within the district, the Busselton Jetty forms the head of the rails to trails;
- (c) the rails to trails network is integrated with other recreational and heritage trails within the district and the broader region;
- (d) the City works openly with neighbouring local governments, landowners and government agencies towards achieving a regional trails scheme of world-class standard;
- (e) the promotion, development and management of the rails to trails be achieved through a strategic plan that has the endorsement of the Council and describes among other things: objectives, priorities, key stakeholders, communications, funding, resourcing and measures of success; and
- (f) the City engages the community in all phases of the development and management of the rails to trails.

That, where practicable:

- (a) a walk-cycle trail is constructed on the alignment of the old railway formation;
- (b) the character of the railway formation mound is retained;
- (c) the walk-cycle trail is made suitable for hiking and for riding of bicycles designed for trails, although where the trail passes through built-up and residential areas, the trail be made more suitable for the expected traffic and usage;
- (d) the heritage characteristics of the heritage railway be retained, particularly for the design of structures such as bridges, crossings and formations;
- (e) at various stages, the trail is designed allowing for access by broad sections of the community;
- (f) the trail provides for a range of interests and experiences including recreation, heritage, environmental and adventure; and
- (g) the landscape of the reserve land be retained and enhanced so that it is in keeping with the natural environment.

**Policy Background**

Policy Reference No. - 011

Owner Unit – Engineering and Facilities Services

Originator – Land and Infrastructure Officer

Policy approved by – Council

Date Approved – 9 March 2011

Review Frequency – As required

Related Documents –

Background/History – Implemented 12 August, 2009

**History**

| <b>Council Resolution</b> | <b>Date</b>     | <b>Information</b>  |
|---------------------------|-----------------|---|
| C1103/072                 | 9 March, 2011   | Reviewed by Council. No changes to content but adopted in revised format. Version 2 |
| C0908/277                 | 12 August, 2009 | Date of implementation Version 1  |

3. Adopts the following updated Private Works Margin Policy:

|            |                             |                 |
|------------|-----------------------------|-----------------|
| <b>063</b> | <b>Private Works Margin</b> | <b>V3 DRAFT</b> |
|------------|-----------------------------|-----------------|

**1. PURPOSE**

The City of Busselton occasionally receives requests for the City to undertake private works. A fee, in the form of cost plus margin, is established to ensure that the community's assets are properly used and applied.

**2. SCOPE**

Private works are defined as those works carried out using Council resources for other organisations, whether on private land or within Council, Crown or other public land.

**3. POLICY CONTENT**

Quotes in writing are given by managerial or supervisory staff of Council's Engineering and Works Services Directorate for private works undertaken by Council's plant and works crews. The quotes are compiled using all Council's internal costing with margins in accordance with this policy added to the total of the whole of Council's internal estimated costs.

The customer is to be charged the quoted price including, where agreed extras occur, the full Council cost plus the margin. Payment shall be in advance by cash or bank guarantee for jobs with the exception that jobs under the estimated cost of \$5,000 may be dealt with by the client or customer signing a form works description in which he/she commits to paying the cost plus the margin, based on the estimate provided by staff.

The following margins are applicable to all quotes for private works and on charges raised for incidental works that were not quoted on (such as small jobs where a customer has agreed to pay all material, plant and labour costs). The margins are:

- On Council's plant, labour and materials charges, not less than 15%;
- On any private works for local community, sporting or school groups, NIL;
- For road reinstatement works, 30%;

- On plant, labour and materials for private works on private land and/or for finishing forfeited outstanding and maintenance bonds for subdivision and development - not less than 15% and up to 30% depending on difficulty and indirect cost implications in each case;
- The Chief Executive Officer will assess the market conditions for individual projects at a value of greater than \$200,000 gross and may vary the above stated margins on those projects in circumstances where he believes that market conditions warrant.

### **Policy Background**

Policy Reference No. - 063

Owner Unit – Operations Services

Originator – Director, Engineering and Works Services

Policy approved by – Council

Date Approved – 8 December 2010

Review Frequency – As required

Related Documents –

*City of Busselton Fees and Charges*

### **History**

| <b>Council Resolution</b> | <b>Date</b>      | <b>Information</b>                                    |
|---------------------------|------------------|---|
| C1012/415                 | 8 December, 2010 | Policy re-adopted in new standard format<br>Version 2 |
|                           |                  | Version 1   |

4. Adopts the Maintenance Bond for Subdivisions Policy in its current form:

|            |  |                 |
|------------|--|-----------------|
| <b>180</b> | <b>Maintenance Bond for Subdivisions</b> | <b>V3 DRAFT</b> |
|------------|--|-----------------|

### **1. PURPOSE**

This policy is to provide a framework for maintenance bonds to be held to ensure the adequate and appropriate completion of any subdivision work.

### **2. SCOPE**

The maintenance bond required under this policy shall be applied to the value of roads and drainage, and associated earthworks, landscaping, footpaths, dual use paths and all works incidental to these items for any subdivision undertaken in the City of Busselton.

### **3. POLICY CONTENT**

A maintenance bond will be applied to subdivision work and held for 12 months from the date of practical completion of a minimum of 95% of the works, excluding final sealing. Maintenance bonds shall not be refunded until the expiration of 12 months and refund is subject to repair, maintenance correction, adjustment, re-alignment and/or clean up of works deemed to be the responsibility of the contractor or the developer.

The bond shall be applied to the value of roads and drainage, and associated earthworks, landscaping, footpaths, dual use paths and all works incidental to these items at the following rate:

|                                  |    |
|----------------------------------|----|
| \$0-\$100,000 work value         | 5% |
| \$100,001 - \$200,000 work value | 4% |

|                                  |      |
|----------------------------------|------|
| \$200,001 - \$400,000 work value | 3.5% |
| \$400,001 - \$600,000 work value | 3%   |
| \$600,001 and over work value    | 2.5% |

If the required works are not carried out, Council may complete the required work, drawing on the maintenance bond following the expiration of a reasonable time to allow the contractor or the developer to carry out the work.

#### **4. APPLICATION OF THE POLICY**

The policy shall be applied by Planning and Development Services and Engineering and Works Services.

##### **Policy Background**

Policy Reference No. - 180

Owner Unit – Planning and Development Services, Engineering and Facilities Services

Originator – Historical

Policy approved by – Council

Date Approved – 27 June 2012

Review Frequency – As required

##### **History**

| <b>Council Resolution</b> | <b>Date</b>  | <b>Information</b>                       |
|---------------------------|--------------|--|
| C1206/155                 | 27 June 2012 | Update to new policy format<br>Version 2 |
|                           |              | Version 1                                |

Last updated 27/04/2011 (Implementation)

|     |                            |          |
|-----|----------------------------|----------|
| 010 | Asbestos Management Policy | V2 DRAFT |
|-----|----------------------------|----------|

### 1. PURPOSE

This Policy is developed to assist the ~~Shire-City~~ of Busselton to comply with government policy and legislative requirements in the management of Asbestos Containing Materials (ACM) in workplaces.

~~Shire-The City~~ of Busselton as an employer has a responsibility to maintain a safe working environment under the provisions of:

- \* Occupational Safety and Health Act 1984.
- \* Regulation 3.1 of the *Occupational Safety and Health Regulations 1996 (OSH Regulations 1996)*, which requires an employer to identify hazards at a workplace, assess the risk of harm to a person from each hazard and to take steps to reduce the risk.
- \* Regulation 5.43 (*OSH Regulations 1996*) which specifically requires the presence and location of asbestos at a workplace to be identified and that the process of identification and risk assessment is conducted in accordance with the *Code of Practice for the Management and Control of Asbestos in Workplaces* [NOHSC:2018 (2005)].

### 2. SCOPE

This policy applies to management of ACM in all buildings on ~~Shire-City~~ owned or managed land including, but not limited to;

- \* Ablutions and Toilets;
- \* Art and Cultural Buildings;
- \* Commercial and Community Leased Buildings;
- \* Community Buildings;
- \* Community Halls;
- \* Operations Facilities (Depots etc);
- \* Recreation Facilities;
- \* Residential Buildings;
- \* ~~CityShire~~ Offices;
- \* Caravan Parks; and
- \* Camping Reserves (including Locke Estate).

ACM is the general term used to describe all products that contain asbestos; it is defined as any material, object, product or debris containing asbestos.

### 3. POLICY CONTENT

The ~~Shire-City~~ of Busselton is committed to ensuring that ACM in all buildings on ~~Shire-City~~ owned or managed land is managed and controlled to protect the health and well-being of workers, contractors and the community.

The ultimate long-term aim is for all buildings on ~~CityShire~~ owned or managed land to be free of asbestos materials. The presence of asbestos in premises on ~~CityShire~~ owned or managed land will be identified and the risk to health evaluated.



6.2 Attachment A Asbestos Management Policy With Proposed Changes Tracked

Last updated 27/04/2011 (Implementation)

The programmed removal of ACM will be based on the risk to health as identified by a competent person carrying out an inspection. It is recognised that ACM in sound condition, left undisturbed, present little risk to the general community. Removal may not be immediately necessary but should be completed prior to demolition or major renovation.

The Shire-City will manage the risks from ACM and provide a record of actions undertaken with the ultimate aim being to:

- \* Increase awareness;
- \* Prevent airborne asbestos fibre exposure;
- \* Prevent the spread of asbestos fibres;
- \* Increase competency and experience; and
- \* Control of works likely to disturb ACM.

To achieve these outcomes the Shire-City will:

- \* Ensure that clubs / organisations wanting to upgrade buildings or facilities on Shire-City owned or managed land will be required to remove ACM as part of any facility upgrade or alteration/improvement where it is necessary to do so to comply with legislative requirements.
- \* In relation to organisations seeking Council support and / or funding support for external funding from such bodies as CSRFF etc, any submission will be required to include the removal of ACM, as part of the application and/ or scope of works.
- \* Review Council's Lease Documentation to ensure ACM management in accordance with the policy is adequately provided for.
- \* Ensure that during the planning process and before commencement of major upgrades or renovations of any buildings / facility on Shire-City owned or managed land that priority is given to the removal of ACM in relation to funding.
- \* Where the building is located on land that the CityShire owns or manages, the ShireCity will ensure that an appropriate risk assessment of any identified ACM has been conducted. Where the risk assessment has deemed it necessary, the ACM will be safely removed as per the requirements of the OHS Act 1982 and related Regulations and Codes of Practice.
- \* Ensure that all buildings on Shire-City owned or managed land are surveyed to identify ACM, so far as is reasonably practicable, that may be present therein.
- \* Ensure that all appropriate building surveys prior to any demolition or structural alteration of any buildings on CityShire owned or managed land being undertaken.
- \* Provide information on ACM to employees, contractors, sub-contractors and any other person who may be affected by the presence of the ACM in their work area.

6.2 Attachment A Asbestos Management Policy With Proposed Changes Tracked

Last updated 27/04/2011 (Implementation)

- | \* Promote awareness of the risks from ACM and the ~~Shire's~~ City's Management Procedures through training and induction of relevant employees.
- \* Ensure that information regarding the presence of asbestos is contained in tender and Request for Quotation documentation as may be appropriate, and that contractors and sub contractors have risk assessments, method statements etc., where appropriate for its removal and/or management in place.
- \* Ensure that any ACM that may be present in any buildings on land that it owns or manages is maintained in a condition so as to prevent the possibility of any harm to health occurring.
- \* Monitor the condition of ACM left in situ.
- \* Provide adequate resources to ensure the provision of appropriate information, instructions and training.
- | \* The Schedule programmed removal of ACM in buildings on ~~City~~Shire owned or managed land to ensure the eventual long-term aim of removal of all ACM, will be based on the availability of resources, funding and the prioritisation based on a risk assessment that includes the facilities service level hierarchy, assigned level of insurance and the purpose of the facility.

Asbestos management planning will define roles and responsibilities for decisions and address appropriate methodologies for the implementation of these decisions.

The following information shall be collated and documented as a minimum as part of asbestos management planning:

- \* Asbestos Register. This includes details of the location and condition of the known or presumed ACM and the level of risk posed by the identified ACM;
- \* Process involved for the Identification of ACM hazards;
- \* Rationale for conducting risk assessments of ACM hazards;
- \* Control measures required as a result of risk assessments of ACM hazards;
- \* Details of any monitoring and management arrangements in place (i.e. labelling and signage and buildings scheduled for planned removal of ACM);
- \* Safe work methods for working with ACM;
- \* Emergency procedures;
- \* Details of consultation, information sharing and training;
- \* Any operational considerations;
- \* A timetable for review;
- \* Areas of responsibility within the asbestos management process.

6.2 Attachment A Asbestos Management Policy With Proposed Changes Tracked

Last updated 27/04/2011 (Implementation)

This Policy is to act as a guide for the effective identification, risk assessment, monitoring and management of ACM within buildings on ~~Shire-City~~ owned or managed land; the guidelines contained within are to ensure that the requirements of government policy and legislative requirements are adhered to.

**Policy Background**

Policy Reference No. - 010

Owner Unit – ~~Engineering and Facilities Services~~ ~~Infrastructure Development~~

Originator – Asset Management Officer

Policy approved by – Council

Date Approved - 27 April, 2011

Review Frequency – As required

Related Documents –

*Occupational Safety and Health Act 1984*

**History**

| Council Resolution | Date           | Information                         |
|--------------------|----------------|-------------------------------------|
| C1104/126          | 27 April, 2011 | Date of implementation<br>Version 1 |

6.2 Attachment B Rails to Trails Policy With Proposed Changes Tracked

Last updated 09/03/2011

|     |                 |                   |
|-----|-----------------|-------------------|
| 011 | Rails to Trails | V3 DRAFT2-Current |
|-----|-----------------|-------------------|

### 1. PURPOSE

The government railway network within the region was once extensive and much of the land that formed the railway reserves remains as State land. As part of a statewide railway network, the three lines that ran through the district were:

- (a) Boyanup to Busselton;
- (b) Busselton to Flinders Bay; and
- (c) Wonnerup to Nannup.

The land has recognised heritage and environmental value and given the extent of the land, it also has potential for many uses. This policy provides that the land is retained as State land, as non-motorised transport corridors, and is managed for the purpose of recreation trails.

### 2. SCOPE

This policy applies to the use of land that formed government railways within the district; to establish a framework for the development and management of recreation trails on that land to form what may be referred to as "rails to trails"; and to link the rails to trails with other recreational and heritage trails within the region.

### 3. POLICY CONTENT

With respect to the land that formed the government railway network within the region, the Council recognises the significance of the land as a strategic transport corridor, for recreation and for its heritage and environmental values.

It is the position of the Council then that:

- (a) the land is a valuable public asset and should be retained as Crown land;
- (b) unless the Council approves otherwise, the land is to be kept as a contiguous transport corridor;
- (c) under the *Land Administration Act 1997* and with the Minister of Lands approval, the land is to be made Crown Reserve and managed for the primary purpose of 'recreation trail'; and
- (d) where the Council determines that the Shire-City is capable of managing sections of the Crown Reserve, the Shire-City may advise the Minister that the Shire-City would be willing to accept a management order over those sections of Crown Reserve.

It is the intent of the Council that:

- (a) the land be promoted, developed and managed as recreation trails for non-motorised transport, or what may be referred to as "rails to trails";
- (b) within the Shire-district, the Busselton Jetty forms the head of the rails to trails;
- (c) the rails to trails network is integrated with other recreational and heritage trails within the Shire district and the broader region;
- (d) the Shire-City works openly with neighbouring local governments, landowners and government agencies towards achieving a regional trails scheme of world-class standard;

6.2 Attachment B Rails to Trails Policy With Proposed Changes Tracked

Last updated 09/03/2011

- (e) the promotion, development and management of the rails to trails be achieved through a strategic plan that has the endorsement of the Council and describes among other things: objectives, priorities, key stakeholders, communications, funding, resourcing and measures of success; and
- (f) the ~~Shire City~~ engages the community in all phases of the development and management of the rails to trails.

That, where practicable:

- (a) a walk-cycle trail is constructed on the alignment of the old railway formation;
- (b) the character of the railway formation mound is retained;
- (c) the walk-cycle trail is made suitable for hiking and for riding of bicycles designed for trails, although where the trail passes through built-up and residential areas, the trail be made more suitable for the expected traffic and usage;
- (d) the heritage characteristics of the heritage railway be retained, particularly for the design of structures such as bridges, crossings and formations;
- (e) at various stages, the trail is designed allowing for access by broad sections of the community;
- (f) the trail provides for a range of interests and experiences including recreation, heritage, environmental and adventure; and
- (g) the landscape of the reserve land be retained and enhanced so that it is in keeping with the natural environment.

**Policy Background**

Policy Reference No. - 011

Owner Unit – ~~Infrastructure Development~~ Engineering and Facilities Services

Originator – Land and Infrastructure Officer

Policy approved by – Council

Date Approved – 9 March 2011

Review Frequency – As required

Related Documents –

Background/History – Implemented 12 August, 2009

**History**

| Council Resolution | Date            | Information   |
|--------------------|-----------------|---|
| C1103/072          | 9 March, 2011   | Reviewed by Council. No changes to content but adopted in revised format. Version 2 |
| C0908/277          | 12 August, 2009 | Date of implementation Version 1  |

6.2 Attachment C Private Works Margin Policy With Changes Tracked

Last updated 08/12/2010

|     |                      |                   |
|-----|----------------------|-------------------|
| 063 | Private Works Margin | V3 DRAFT2-Current |
|-----|----------------------|-------------------|

**1. PURPOSE**

The [Shire City](#) of Busselton occasionally receives requests for the [Shire City](#) to undertake private works. A fee, in the form of cost plus margin, is established to ensure that the community's assets are properly used and applied.

**2. SCOPE**

Private works are defined as those works carried out using Council resources for other organisations, whether on private land or within Council, Crown or other public land.

**3. POLICY CONTENT**

Quotes in writing are given by managerial or supervisory staff of Council's [Community Infrastructure Division Engineering and Works Services Directorate](#) for private works undertaken by Council's plant and works crews. The quotes are compiled using all Council's internal costing with margins in accordance with this policy added to the total of the whole of Council's internal estimated costs.

The customer is to be charged the quoted price including, where agreed extras occur, the full Council cost plus the margin. Payment shall be in advance by cash or bank guarantee for jobs with the exception that jobs under the estimated cost of \$35,000 may be dealt with by the client or customer signing a form works description in which he/she commits to paying the cost plus the margin, based on the estimate provided by staff.

The following margins are applicable to all quotes for private works and on charges raised for incidental works that were not quoted on (such as small jobs where a customer has agreed to pay all material, plant and labour costs). The margins are:

- On Council's plant, labour and materials charges, not less than 15%;
- On any private works for local community, sporting or school groups, NIL;
- For road reinstatement works, 30%;
- On plant, labour and materials for private works on private land and/or for finishing forfeited outstanding and maintenance bonds for subdivision and development - not less than 15% and up to 30% depending on difficulty and indirect cost implications in each case;
- The Chief Executive Officer will assess the market conditions for individual projects at a value of greater than \$200,000 gross and may vary the above stated margins on those projects in circumstances where he believes that market conditions warrant.

**Policy Background**

Policy Reference No. - 063

Owner Unit – [Infrastructure Development Operations Services](#)

Originator – Director, [Engineering and Works Services](#) [Community Infrastructure](#)

Policy approved by – Council

Date Approved – 8 December 2010

Review Frequency – As required

Related Documents –

[Shire City of Busselton Fees and Charges](#)

Last updated 08/12/2010

**History**

| Council Resolution | Date             | Information   |
|--------------------|------------------|---|
| C1012/415          | 8 December, 2010 | Policy re-adopted in new standard format<br>Version 2 |
|                    |                  | Version 1   |



6.2 Attachment D Maintenance Bonds for Subdivisions Policy With Changes Tracked

Last updated 27/06/2012

|     |                                   |                    |
|-----|-----------------------------------|--------------------|
| 180 | Maintenance Bond for Subdivisions | V2-CurrentV3 DRAFT |
|-----|-----------------------------------|--------------------|

**1. PURPOSE**

This policy is to provide a framework for maintenance bonds to be held to ensure the adequate and appropriate completion of any subdivision work.

**2. SCOPE**

The maintenance bond required under this policy shall be applied to the value of roads and drainage, and associated earthworks, landscaping, footpaths, dual use paths and all works incidental to these items for any subdivision undertaken in the City of Busselton.

**3. POLICY CONTENT**

A maintenance bond will be applied to subdivision work and held for 12 months from the date of practical completion of a minimum of 95% of the works, excluding final sealing. Maintenance bonds shall not be refunded until the expiration of 12 months and refund is subject to repair, maintenance correction, adjustment, re-alignment and/or clean up of works deemed to be the responsibility of the contractor or the developer.

The bond shall be applied to the value of roads and drainage, and associated earthworks, landscaping, footpaths, dual use paths and all works incidental to these items at the following rate:

|                                  |      |
|----------------------------------|------|
| \$0-\$100,000 work value         | 5%   |
| \$100,001 - \$200,000 work value | 4%   |
| \$200,001 - \$400,000 work value | 3.5% |
| \$400,001 - \$600,000 work value | 3%   |
| \$600,001 and over work value    | 2.5% |

If the required works are not carried out, Council may complete the required work, drawing on the maintenance bond following the expiration of a reasonable time to allow the contractor or the developer to carry out the work.

**4. APPLICATION OF THE POLICY**

The policy shall be applied by Planning and Development Services and Engineering and Works Services.

**Policy Background**

Policy Reference No. - 180  
Owner Unit – Planning and Development Services, Engineering and Facilities Services  
Originator – Historical  
Policy approved by – Council  
Date Approved – 27 June 2012  
Review Frequency – As required

**History**



Last updated 27/06/2012

| Council Resolution | Date         | Information                              |
|--------------------|--------------|--|
| C1206/155          | 27 June 2012 | Update to new policy format<br>Version 2 |
|                    |              | Version 1                                |

### 6.3 REVIEW OF POLICY 133: DRAINAGE IN RECREATION RESERVES

|                             |  |
|-----------------------------|--|
| <b>SUBJECT INDEX:</b>       | Drainage   |
| <b>STRATEGIC OBJECTIVE:</b> | Infrastructure assets are well maintained and responsibly managed to provide for future generations. |
| <b>BUSINESS UNIT:</b>       | Engineering and Works Services   |
| <b>ACTIVITY UNIT:</b>       | Engineering and Facilities Services  |
| <b>REPORTING OFFICER:</b>   | Director, Engineering and Works Services - Oliver Darby  |
| <b>AUTHORISING OFFICER:</b> | Director, Engineering and Works Services - Oliver Darby  |
| <b>VOTING REQUIREMENT:</b>  | Simple Majority  |
| <b>ATTACHMENTS:</b>         | Attachment A Drainage in Recreation Reserves Policy With Changes Tracked                             |

#### **PRÉCIS**

The Drainage in Recreation Reserves policy is presented for review and updating as part of the ongoing policy review process. It is proposed that a requirement to reduce health risks from mosquitoes is included in the policy.

#### **BACKGROUND**

This report forms part of the rolling review of Council policies that the Policy and Legislation Committee has been charged with. The Drainage in Recreation Reserves policy was last reviewed in 2012.

#### **STATUTORY ENVIRONMENT**

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

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

This report recommends changes to an existing Council policy, the Drainage in Recreation Reserves policy.

#### **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 policy review process is part of the City's governance systems to ensure responsible, ethical and accountable decision-making is delivered. This policy relates to the objective of well maintained infrastructure assets that are responsibly managed to provide for future generations.

#### **RISK ASSESSMENT**

The recommendation is to reduce the health risk associated with mosquitoes.

**CONSULTATION**

NA.

**OFFICER COMMENT**

It is proposed to insert the following additional requirement into the existing policy:

To reduce health risks from mosquitoes, retention and detention treatments should be designed to ensure that between the months of November and May, detained immobile stormwater is fully infiltrated in a time period not exceeding 96 hours. This reflects current standards and practices, however, it is not currently explicitly stated in the policy.

**CONCLUSION**

It is considered that the inclusion of the requirement to detain immobile stormwater to reduce health risks associated with mosquitoes is an important addition to the policy.

**OPTIONS**

The Council could choose not to change the policy or to make additional changes to the policy.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The updated policy would be effective immediately upon adoption by the Council.

**OFFICER RECOMMENDATION**

That the Council adopts the following updated Drainage in Recreation Reserves policy:

|            |  |                 |
|------------|--|-----------------|
| <b>133</b> | <b>Drainage in Recreation Reserves</b> | <b>V3 DRAFT</b> |
|------------|--|-----------------|

**1. PURPOSE**

This policy is to provide the circumstances under which the City of Busselton may agree to the use of a recreation reserve for drainage purposes.

**2. SCOPE**

The policy applies to the proposed use of any recreation reserve in the City of Busselton for the purpose of drainage.

**3. POLICY CONTENT**

The City of Busselton may approve the use of portion of a recreation reserve for the use of a drainage compensation basin, subject to:

- a) it being reasonably demonstrated that there is no other acceptable means of providing an outfall drainage area;
- b) the proposal to use the recreation area for drainage being submitted with the subdivision application;
- c) To reduce health risks from mosquitoes, retention and detention treatments should be designed to ensure that between the months of November and May, detained immobile stormwater is fully infiltrated in a time period not exceeding 96 hours; and
- d) the subdivider undertaking in writing to "Develop" the reserve as required and specified by the City of Busselton. The term "Develop" may include earthworks, establishment of lawns,

landscaping, provision of reticulation, provision of playground equipment, public seating, dual use paths, fencing and carparking etc.

#### **4. APPLICATION OF THE POLICY**

The policy shall be applied by Engineering and Works Services.

##### **Policy Background**

Policy Reference No. - 133

Owner Unit – Engineering and Facility Services

Originator – Historical

Policy approved by – Council

Date Approved – 27 June 2012

Review Frequency – As required

Related Documents – N/A

##### **History**

| <b>Council Resolution</b> | <b>Date</b>   | <b>Information</b>                       |
|---------------------------|---------------|--|
| C1206/155                 | 27 June, 2012 | Update to new policy format<br>Version 2 |
|                           |               | Version 1                                |

Last updated 27 June 2012

|     |                                 |                   |
|-----|---------------------------------|-------------------|
| 133 | Drainage in Recreation Reserves | V3 DRAFT2-Current |
|-----|---------------------------------|-------------------|

#### 1. PURPOSE

This policy is to provide the circumstances under which the City of Busselton may agree to the use of a recreation reserve for drainage purposes.

#### 2. SCOPE

The policy applies to the proposed use of any recreation reserve in the City of Busselton for the purpose of drainage.

#### 3. POLICY CONTENT

The City of Busselton may approve the use of portion of a recreation reserve for the use of a drainage compensation basin, subject to:

- a) it being reasonably demonstrated that there is no other acceptable means of providing an outfall drainage area;
- b) the proposal to use the recreation area for drainage being submitted with the subdivision application;
- c) To reduce health risks from mosquitoes, retention and detention treatments should be designed to ensure that between the months of November and May, detained immobile stormwater is fully infiltrated in a time period not exceeding 96 hours; and
- c) the subdivider undertaking in writing to "Develop" the reserve as required and specified by the City of Busselton. The term "Develop" may include earthworks, establishment of lawns, landscaping, provision of reticulation, provision of playground equipment, public seating, dual use paths, fencing and carparking etc.

#### 4. APPLICATION OF THE POLICY

The policy shall be applied by Engineering and Works Services.

#### Policy Background

Policy Reference No. - 133  
Owner Unit – Engineering and Facility Services  
Originator – Historical  
Policy approved by – Council  
Date Approved – 27 June 2012  
Review Frequency – As required  
Related Documents – N/A

#### History

| Council Resolution | Date          | Information                              |
|--------------------|---------------|--|
| C1206/155          | 27 June, 2012 | Update to new policy format<br>Version 2 |
|                    |               | Version 1                                |

#### 6.4 REVIEW OF POLICY 181: CROSSOVERS

|                             |  |
|-----------------------------|--|
| <b>SUBJECT INDEX:</b>       | Crossovers   |
| <b>STRATEGIC OBJECTIVE:</b> | Infrastructure assets are well maintained and responsibly managed to provide for future generations. |
| <b>BUSINESS UNIT:</b>       | Engineering and Works Services   |
| <b>ACTIVITY UNIT:</b>       | Engineering and Facilities Services  |
| <b>REPORTING OFFICER:</b>   | Director, Engineering and Works Services - Oliver Darby  |
| <b>AUTHORISING OFFICER:</b> | Director, Engineering and Works Services - Oliver Darby  |
| <b>VOTING REQUIREMENT:</b>  | Simple Majority  |
| <b>ATTACHMENTS:</b>         | Attachment A Crossovers Policy With Changes Tracked  |

#### **PRÉCIS**

The Crossovers policy is presented for review and updating as part of the ongoing policy review process. In addition to the necessity to update terminology from Shire to City and updated directorate details, it is proposed that a statement be included relating to footpaths taking priority over crossovers where a footpath exists. It is also proposed to clarify that culvert pipes, if required, be at the cost of the landowner.

#### **BACKGROUND**

This report forms part of the rolling review of Council policies that the Policy and Legislation Committee has been charged with. The Crossovers policy was last reviewed in 2010.

#### **STATUTORY ENVIRONMENT**

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

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

This report recommends changes to an existing Council policy, the Crossovers policy.

#### **FINANCIAL IMPLICATIONS**

None relating to the review of the policy.

#### **STRATEGIC COMMUNITY OBJECTIVES**

The ongoing policy review process is part of the City's governance systems to ensure responsible, ethical and accountable decision-making is delivered. This policy relates to the objective of well maintained infrastructure assets that are responsibly managed to provide for future generations.

#### **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**

NA.

**OFFICER COMMENT**

Where a footpath exists within the road verge the footpath is to take priority over a crossover. The footpath is not to be removed to make way for a crossover, rather the crossover is to butt up to the footpath on both sides. It is also proposed to clarify that culvert pipes, if required, be at the cost of the landowner.

The requirement for a footpath to take priority is standard practice, however, as it is not explicitly stated in the policy, there have been occasions where footpaths have been removed for the construction of a crossover.

The requirement relating to culvert pipes is to provide clarity as to the City's responsibility, which is only for contribution to the crossover, not associated drainage requirements.

**CONCLUSION**

It is considered that the inclusion of the requirements for footpaths to take priority over crossovers and for landowners to be responsible for culvert pipes if required provides further clarity to the application of the Crossovers policy.

**OPTIONS**

The Council could choose not to change the policy or to make additional changes to the policy.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The updated policy would be effective immediately upon adoption by the Council.

**OFFICER RECOMMENDATION**

That the Council adopts the following updated Crossovers policy:

|            |                   |                 |
|------------|-------------------|-----------------|
| <b>181</b> | <b>Crossovers</b> | <b>V3 DRAFT</b> |
|------------|-------------------|-----------------|

**1. PURPOSE**

The City may set the position of the crossover access onto the road, require its construction and/or repair and maintain the crossover as provided for under Regulation 12 of the Local Government (Uniform Local Provisions) Regulations 1996.

The City is required to contribute 50% of the estimated cost of the first "Standard Crossover" to the land, under Regulation 15 Local Government (Uniform Local Provisions) Regulations 1996. This policy provides the standards to be met to establish eligibility for the City contribution and provide guidelines for the safe positioning of vehicle access from private property to the road.

**2. SCOPE**

All crossovers (a constructed traffic way connecting the paved street to the private property) shall be constructed to the approved Council standards and specifications.

**3. POLICY CONTENT****Standard Crossover**

### General Requirements

A standard crossover does not include the value of culverts or alteration to services or tree removal. Applicants in rural and special rural areas are required to request the advice of City staff regarding the need for and the size of pipes for drainage purposes.

The width of a standard crossover at the property line is to be a minimum of 2.75 metres and splay to 4.5 metres wide at the road edge, with 1.0 metre radii or 1.0 metre truncation at the road edge. The total minimum width of opening at the road edge is 6.5 metres. This configuration represents the Standard Crossover, with the length being variable. Extra width is allowable, with approval of the Chief Executive Officer, but no additional subsidy applies.

Full requirements for meeting the standard crossover are detailed in Council's Standards and Specifications. Area specific requirements are as follows:

#### Urban Areas

The crossover shall be sealed utilising sprayed bitumen, bituminous concrete, in-situ concrete, paving bricks or blocks.

#### Rural and Special Rural Areas

All rural and special rural developments require a sealed crossover where a sealed road frontage exists. If the road is gravel Council will allow an unsealed crossover (gravel). The provision of culvert pipes, if required, shall be at cost to the landowner.

#### Special Character Areas

Within special character areas, such as Old Dunsborough and Eagle Bay, crossovers are to be constructed of materials consistent with an earthy tone such as pea gravel or red asphalt seals.

### **Crossover Subsidy**

Council will contribute (or subsidise) half the estimated cost of a standard crossover (one crossover to a property) subject to the crossover being deemed by the Chief Executive Officer to conform with the City's "Standard Crossover".

The crossover subsidy will be determined by the material type and length of the crossover based on the dimensions of a standard crossover.

The subsidy applies to the first crossover to a lot for industrial, business, commercial and all residential buildings. In the case of strata titles, a subsidy will apply to each title for the crossover up to the number of titles.

Crossovers, eligible for subsidy, may be claimed for at the subsidy rate that applies in the financial year construction is completed. Crossovers in excess of one year old shall have a reduced subsidy based on straight line depreciation, for age and type, as per the following: (Crossovers in excess of this life are not eligible for a subsidy claim).

#### Crossover Type Maximum Crossover Life

|             |          |
|-------------|----------|
| 2 Coat Seal | 10 years |
| Asphalt     | 15 years |
| Brick/Block | 20 years |
| Concrete    | 25 years |



## **Construction**

The Owner/Agent is to arrange for construction. Any alterations for the removal/relocation of the conflicting public utilities, such as drainage pits and structures, services inspection pits, power or light poles, traffic medians and street trees will be at the owner's cost and subject to the approval of the service authority concerned. Alternative alignments and/or position of crossovers will be considered by the Shire.

Where a footpath exists within the road verge the footpath is to take priority over a crossover. The footpath is not to be removed to make way for a crossover, rather the crossover is to butt up to the footpath on both sides.

Road safety and turning radii will be taken into account in deciding the position of a crossover. Owners are advised when designing building/s requiring vehicle access from the street to take into account services, public utility services and street trees.

## **Crossover Maintenance**

Council will not be responsible for maintenance of crossovers. Council will not subsidise the maintenance or replacement of crossovers.

## **Policy Background**

Policy Reference No. - 181

Owner Unit – Engineering and Facilities Services

Originator – Director, Engineering and Works Services

Policy approved by – Council

Date Approved – 8 December 2010

Review Frequency – As required

Related Documents –

*Local Government (Uniform Local Provisions) Regulations 1996*

## **History**

| <b>Council Resolution</b> | <b>Date</b>      | <b>Information</b>                                   |
|---------------------------|------------------|--|
| C1012/429                 | 8 December, 2010 | Updated to remove requirement for bonds<br>Version 2 |
|                           |                  | Version 1  |

Last updated 08/12/2010

|     |            |                   |
|-----|------------|-------------------|
| 181 | Crossovers | V3 DRAFT2-Current |
|-----|------------|-------------------|

## 1. PURPOSE

The Shire-City may set the position of the crossover access onto the road, require its construction and/or repair and maintain the crossover as provided for under Regulation 12 of the Local Government (Uniform Local Provisions) Regulations 1996.

The CityShire is required to contribute 50% of the estimated cost of the first "Standard Crossover" to the land, under Regulation 15 Local Government (Uniform Local Provisions) Regulations 1996. This policy provides the standards to be met to establish eligibility for the ShireCity contribution and provide guidelines for the safe positioning of vehicle access from private property to the road.

## 2. SCOPE

All crossovers (a constructed traffic way connecting the paved street to the private property) shall be constructed to the approved Council standards and specifications.

## 3. POLICY CONTENT

### Standard Crossover

#### General Requirements

A standard crossover does not include the value of culverts or alteration to services or tree removal. Applicants in rural and special rural areas are required to request the advice of Shire-City staff regarding the need for and the size of pipes for drainage purposes.

The width of a standard crossover at the property line is to be a minimum of 2.75 metres and splay to 4.5 metres wide at the road edge, with 1.0 metre radii or 1.0 metre truncation at the road edge. The total minimum width of opening at the road edge is 6.5 metres. This configuration represents the Standard Crossover, with the length being variable. Extra width is allowable, with approval of the Chief Executive Officer, but no additional subsidy applies.

Full requirements for meeting the standard crossover are detailed in Council's Standards and Specifications. Area specific requirements are as follows:

#### Urban Areas

The crossover shall be sealed utilising sprayed bitumen, bituminous concrete, in-situ concrete, paving bricks or blocks.

#### Rural and Special Rural Areas

All rural and special rural developments require a sealed crossover where a sealed road frontage exists. If the road is gravel Council will allow an unsealed crossover (gravel). The provision of culvert pipes, if required, shall be at cost to the landowner.

#### Special Character Areas

Within special character areas, such as Old Dunsborough and Eagle Bay, crossovers are to be constructed of materials consistent with an earthy tone such as pea gravel or red asphalt seals.

### Crossover Subsidy

6.4 Attachment A Crossovers Policy With Changes Tracked

Last updated 08/12/2010

Council will contribute (or subsidise) half the estimated cost of a standard crossover (one crossover to a property) subject to the crossover being deemed by the Chief Executive Officer to conform with the ~~Shire's~~ City's "Standard Crossover".

The crossover subsidy will be determined by the material type and surface length-area of the crossover based on the dimensions of a standard crossover.

The subsidy applies to the first crossover to a lot for industrial, business, commercial and all residential buildings. In the case of strata titles, a subsidy will apply to each title for the crossover up to the number of titles.

Crossovers, eligible for subsidy, may be claimed for at the subsidy rate that applies in the financial year construction is completed. Crossovers in excess of one year old shall have a reduced subsidy based on straight line depreciation, for age and type, as per the following: (Crossovers in excess of this life are not eligible for a subsidy claim).

Crossover Type Maximum Crossover Life

|             |          |
|-------------|----------|
| 2 Coat Seal | 10 years |
| Asphalt     | 15 years |
| Brick/Block | 20 years |
| Concrete    | 25 years |

**Construction**

The Owner/Agent is to arrange for construction. Any alterations for the removal/relocation of the conflicting public utilities, such as drainage pits and structures, services inspection pits, power or light poles, traffic medians and street trees will be at the owner's cost and subject to the approval of the service authority concerned. Alternative alignments and/or position of crossovers will be considered by the Shire.

Where a footpath exists within the road verge the footpath is to take priority over a crossover. The footpath is not to be removed to make way for a crossover, rather the crossover is to butt up to the footpath on both sides

Road safety and turning radii will be taken into account in deciding the position of a crossover. Owners are advised when designing building/s requiring vehicle access from the street to take into account services, public utility services and street trees.

**Crossover Maintenance**

Council will not be responsible for maintenance of crossovers. Council will not subsidise the maintenance or replacement of crossovers.

**Policy Background**

Policy Reference No. - 181

Owner Unit – ~~Infrastructure Development~~ Engineering and Facilities Services

Originator – Director, Engineering and Works Services ~~Community Infrastructure~~

Policy approved by – Council

Date Approved – 8 December 2010

Review Frequency – As required

Related Documents –

*Local Government (Uniform Local Provisions) Regulations 1996*

6.4 Attachment A Crossovers Policy With Changes Tracked

Last updated 08/12/2010

**History**

| Council Resolution | Date             | Information  |
|--------------------|------------------|--|
| C1012/429          | 8 December, 2010 | Updated to remove requirement for bonds<br>Version 2 |
|                    |                  | Version 1  |

## 6.5 REVIEW OF POLICY 025: BUILDING CONTROL - STANDARD OF SITE CLASSIFICATION FOR SUBDIVISIONS

|                             |  |
|-----------------------------|--|
| <b>SUBJECT INDEX:</b>       | Subdivisions   |
| <b>STRATEGIC OBJECTIVE:</b> | Infrastructure assets are well maintained and responsibly managed to provide for future generations.         |
| <b>BUSINESS UNIT:</b>       | Engineering and Works Services   |
| <b>ACTIVITY UNIT:</b>       | Engineering and Facilities Services  |
| <b>REPORTING OFFICER:</b>   | Director, Engineering and Works Services - Oliver Darby  |
| <b>AUTHORISING OFFICER:</b> | Director, Engineering and Works Services - Oliver Darby  |
| <b>VOTING REQUIREMENT:</b>  | Simple Majority  |
| <b>ATTACHMENTS:</b>         | Attachment A Building Control - Standard of Site Classification for Subdivisions Policy With Changes Tracked |

### PRÉCIS

The Building Control – Standard of Site Classification for Subdivisions policy is presented for review and updating as part of the ongoing policy review process. In addition to the necessity to update terminology from Shire to City, it is proposed that a requirement for a Section 70A notification where the desired A class site is not practicably achievable is included in the policy.

### BACKGROUND

This report forms part of the rolling review of Council policies that the Policy and Legislation Committee has been charged with. The Building Control – Standard of Site Classification for Subdivisions policy was last reviewed in 2011.

### STATUTORY ENVIRONMENT

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

### RELEVANT PLANS AND POLICIES

This report recommends changes to an existing Council policy, the Building Control – Standard of Site Classification for Subdivisions policy.

### FINANCIAL IMPLICATIONS

None relating to the review of the policy.

### STRATEGIC COMMUNITY OBJECTIVES

The ongoing policy review process is part of the City's governance systems to ensure responsible, ethical and accountable decision-making is delivered. This policy relates to the objective of well maintained infrastructure assets that are responsibly managed to provide for future generations.

### RISK ASSESSMENT

The recommendation to include the requirement for the Section 70A notification in the policy reduces the risk of this requirement not being applied.

**CONSULTATION**

NA.

**OFFICER COMMENT**

The existing policy requires new residential subdivisions within the City of Busselton to be prepared and constructed to a standard where each lot within the subdivision reaches a site classification of 'A' (equivalent to a stable construction site) or a site classification as close to 'A' as practicable.

Where a site classification of 'A' cannot be achieved, a section 70A notification needs to be placed on titles, however, this is not included in the current policy. It is therefore proposed to include this, along with the standard wording for the Section 70A notification as follows:

Landfill has been placed on the lot, or the lot has been identified as requiring a Geotechnical Report which has been prepared and which provides a general site classification for the subdivision area. The nature of undertaking bulk earthworks and the variability of insitu soil conditions means the general classification cannot be guaranteed of individual lots. Further soil investigations will be required prior to housing design as the site classification may affect the design footings and the issue of a Building License for each individual lot. Determination of lot specific site classification for the purposes of footing and slab design remains the responsibility of the individual lot owner who should be aware that lot site classification may be different to the general site classification by the geotechnical consultant at the time of the subdivisional development.

**CONCLUSION**

It is considered that the inclusion of the Section 70A notification requirement into the policy is a relevant addition to the content.

**OPTIONS**

The Council could choose not to change the policy or to make additional changes to the policy.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The updated policy would be effective immediately upon adoption by the Council.

**OFFICER RECOMMENDATION**

That the Council adopts the following updated Building Control – Standard of Site Classification for Subdivisions policy:

|            |  |                 |
|------------|--|-----------------|
| <b>025</b> | <b>Building Control - Standard of Site Classification for Subdivisions</b> | <b>V4 DRAFT</b> |
|------------|--|-----------------|

**1. PURPOSE**

This policy is to ensure that uncontrolled fill is not used in subdivisions and ensures that fill and compaction is adequate. It helps to ensure that potential owners of lots are aware of site conditions.

**2. SCOPE**

This policy applies to new residential subdivisions within the City of Busselton.

### 3. POLICY CONTENT

New residential subdivisions within the City of Busselton are to be prepared and constructed to a standard where each lot within the subdivision reaches a site classification of 'A' (equivalent to a stable construction site) or a site classification as close to 'A' as practicable.

The objective of this policy is to enable purchasers of lots within new subdivisions to build using minimum residential construction standards, without the need for individually engineered footing and slab details. Where a new subdivision has not achieved a class 'A' status for every prospective dwelling site, the policy allows prospective purchasers to be informed of the cost implications and construction requirements for lots within the subdivision before making their decision to purchase.

Site classifications are defined in Australian Standard AS2870.1 - 1988 "Residential Slabs and Footings - Part 1: Construction" and range from 'A' which is stable, through 'S', 'M', 'H', 'E' and 'P', in increasing degree of instability or reactivity. Site classifications are to be certified by a practicing structural engineer in accordance with the provisions of AS2870.1 - 1988.

Conditions of subdivision will be recommended to the Department of Planning for new residential and special rural subdivisions as considered appropriate by the Chief Executive Officer to achieve the objectives of this policy. Conditions may include but are not limited to:

- A requirement to submit a geotechnical report and associated test results to Council with certification of the site classification of the existing un-subdivided property.
- A requirement to provide certification from a practicing structural engineer on completion of the subdivision confirming the site classification that has been achieved for each lot in the subdivision.

Where an applicant is able to demonstrate to the satisfaction of the Chief Executive Officer that achieving a site classification of 'A' is not practicable, then a lesser site classification may be approved.

Where a lesser site classification has been approved, the conditions of subdivision may include but are not limited to:

- A requirement to provide Council with engineer certified footing and slab construction details designed for site classifications that are applicable within the subdivision. The details are to allow for both single and double-storey construction in a range of materials up to full brick. The details are to be provided on the basis that they will be made available by Council to members of the public as approved details for construction within the subdivision.
- A requirement for the developer to notify prospective purchasers of the site classifications within the subdivision and to provide a copy of engineered footing and slab details that are suitable as a minimum standard for the respective site classifications.

Where a site classification of "A" cannot be achieved, a section 70A notification will need to be placed on titles with the following wording:

Landfill has been placed on the lot, or the lot has been identified as requiring a Geotechnical Report which has been prepared and which provides a general site classification for the subdivision area. The nature of undertaking bulk earthworks and the variability of insitu soil conditions means the general classification cannot be guaranteed of individual lots. Further soil investigations will be required prior to housing design as the site classification may affect the design footings and the issue of a Building License for each individual lot. Determination of lot specific site classification for the

purposes of footing and slab design remains the responsibility of the individual lot owner who should be aware that lot site classification may be different to the general site classification by the geotechnical consultant at the time of the subdivisional development.

### **Policy Background**

Policy Reference No. - 025

Owner Unit – Engineering and Works Services

Originator – (Historical)

Policy approved by – Council

Date Approved – 09/03/2011

Review Frequency – As required

Related Documents –

Background/History – Implemented 12 April 1995

### **History**

| <b>Council Resolution</b> | <b>Date</b>      | <b>Information</b>   |
|---------------------------|------------------|--|
| C1103/072                 | 9 March, 2011    | Reviewed by Council and adopted without content change in accordance with the policy template<br>Version 3 |
| C0412/435                 | 8 December, 2004 | Re-resolved as a continuing policy of the Council - no change  |
| C011/037                  | 24 January, 2001 | Minor amendments to policy.<br>Version 2   |
| (P95/0077)<br>C95/0148    | 12 April, 1995   | Date of implementation.<br>Version 1   |



Last updated 09/03/2011

|     |   |                              |
|-----|---|------------------------------|
| 025 | Building Control - Standard of Site Classification for Subdivisions | V4 <del>DRAFT3</del> Current |
|-----|---|------------------------------|

### 1. PURPOSE

This policy is to ensure that uncontrolled fill is not used in subdivisions and ensures that fill and compaction is adequate. It helps to ensure that potential owners of lots are aware of site conditions.

### 2. SCOPE

This policy applies to new residential subdivisions within the ~~Shire-City~~ of Busselton.

### 3. POLICY CONTENT

New residential subdivisions within the ~~Shire-City~~ of Busselton are to be prepared and constructed to a standard where each lot within the subdivision reaches a site classification of 'A' (equivalent to a stable construction site) or a site classification as close to 'A' as practicable.

The objective of this policy is to enable purchasers of lots within new subdivisions to build using minimum residential construction standards, without the need for individually engineered footing and slab details. Where a new subdivision has not achieved a class 'A' status for every prospective dwelling site, the policy allows prospective purchasers to be informed of the cost implications and construction requirements for lots within the subdivision before making their decision to purchase.

Site classifications are defined in Australian Standard AS2870.1 - 1988 "Residential Slabs and Footings - Part 1: Construction" and range from 'A' which is stable, through 'S', 'M', 'H', 'E' and 'P', in increasing degree of instability or reactivity. Site classifications are to be certified by a practicing structural engineer in accordance with the provisions of AS2870.1 - 1988.

Conditions of subdivision will be recommended to the Department ~~for-of~~ Planning and ~~Infrastructure~~ for new residential and special rural subdivisions as considered appropriate by the Chief Executive Officer to achieve the objectives of this policy. Conditions may include but are not limited to:

- A requirement to submit a geotechnical report and associated test results to Council with certification of the site classification of the existing un-subdivided property.
- A requirement to provide certification from a practicing structural engineer on completion of the subdivision confirming the site classification that has been achieved for each lot in the subdivision.

Where an applicant is able to demonstrate to the satisfaction of the Chief Executive Officer that achieving a site classification of 'A' is not practicable, then a lesser site classification may be approved.

Where a lesser site classification has been approved, the conditions of subdivision may include but are not limited to:

Last updated 09/03/2011

- A requirement to provide Council with engineer certified footing and slab construction details designed for site classifications that are applicable within the subdivision. The details are to allow for both single and double-storey construction in a range of materials up to full brick. The details are to be provided on the basis that they will be made available by Council to members of the public as approved details for construction within the subdivision.
- A requirement for the developer to notify prospective purchasers of the site classifications within the subdivision and to provide a copy of engineered footing and slab details that are suitable as a minimum standard for the respective site classifications.

Where a site classification of "A" cannot be achieved, a section 70A notification will need to be placed on titles with the following wording:

Landfill has been placed on the lot, or the lot has been identified as requiring a Geotechnical Report which has been prepared and which provides a general site classification for the subdivision area. The nature of undertaking bulk earthworks and the variability of insitu soil conditions means the general classification cannot be guaranteed of individual lots. Further soil investigations will be required prior to housing design as the site classification may affect the design footings and the issue of a Building License for each individual lot. Determination of lot specific site classification for the purposes of footing and slab design remains the responsibility of the individual lot owner who should be aware that lot site classification may be different to the general site classification by the geotechnical consultant at the time of the subdivisional development.

#### **Policy Background**

Policy Reference No. - 025  
Owner Unit – Engineering and Works Services  
Originator – (Historical)  
Policy approved by – Council  
Date Approved – 09/03/2011  
Review Frequency – As required  
Related Documents –  
Background/History – Implemented 12 April 1995

#### **History**

| Council Resolution     | Date             | Information   |
|------------------------|------------------|---|
| C1103/072              | 9 March, 2011    | Reviewed by Council and adopted without content change in accordance with the policy template Version 3 |
| C0412/435              | 8 December, 2004 | Re-resolved as a continuing policy of the Council - no change   |
| C011/037               | 24 January, 2001 | Minor amendments to policy. Version 2   |
| (P95/0077)<br>C95/0148 | 12 April, 1995   | Date of implementation. Version 1   |

## 6.6 REVIEW OF POLICY 195: REINSTATEMENT OF WORKS IN ROAD RESERVES

|                             |  |
|-----------------------------|--|
| <b>SUBJECT INDEX:</b>       | Road Reserves  |
| <b>STRATEGIC OBJECTIVE:</b> | Infrastructure assets are well maintained and responsibly managed to provide for future generations. |
| <b>BUSINESS UNIT:</b>       | Engineering and Works Services   |
| <b>ACTIVITY UNIT:</b>       | Engineering and Facilities Services  |
| <b>REPORTING OFFICER:</b>   | Director, Engineering and Works Services - Oliver Darby  |
| <b>AUTHORISING OFFICER:</b> | Director, Engineering and Works Services - Oliver Darby  |
| <b>VOTING REQUIREMENT:</b>  | Simple Majority  |
| <b>ATTACHMENTS:</b>         | Attachment A Reinstatement of Works in Road Reserves Policy With Changes Tracked                     |

### PRÉCIS

The Reinstatement of Works in Road Reserves policy is presented for review and updating as part of the ongoing policy review process. It is proposed that the requirement for a Traffic Management Plan is included in the policy, along with other statements clarifying the current application of the policy which are not explicitly included in the existing version.

### BACKGROUND

This report forms part of the rolling review of Council policies that the Policy and Legislation Committee has been charged with. The Reinstatement of Works in Road Reserves policy was last reviewed in 2012.

### STATUTORY ENVIRONMENT

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

### RELEVANT PLANS AND POLICIES

This report recommends changes to an existing Council policy, the Reinstatement of Works in Road Reserves policy.

### FINANCIAL IMPLICATIONS

None relating to the review of the policy.

### STRATEGIC COMMUNITY OBJECTIVES

The ongoing policy review process is part of the City's governance systems to ensure responsible, ethical and accountable decision-making is delivered. This policy relates to the objective of well maintained infrastructure assets that are responsibly managed to provide for future generations.

### 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**

NA.

**OFFICER COMMENT**

Works completed by contractors require the approval of specifications to Council adopted standards. It is proposed to include a requirement for an endorsed of a Traffic Management Plan (TMP).

Where works are carried out by a contractor under the management and supervision of a Public Utility no payment of bonds is applicable subject to there being a 12 months defects period, however, this is not currently explicitly stated in the policy.

It is also proposed to include the following requirements:

- Aftercare signage and delineation in accordance with a City of Busselton endorsed traffic management plan shall remain in place until the reinstatement is complete.
- Pre-works and post-works inspections are to be carried out to determine any existing defects and to ensure any reinstatements are carried out to the City's standards and specifications.
- The replacement of trees and roadside vegetation and minimising disruption and damage to verge vegetation.

**CONCLUSION**

It is considered that the inclusion of the identified requirements is simply to clarify the existing requirements and to ensure that they are explicitly stated.

**OPTIONS**

The Council could choose not to change the policy or to make additional changes to the policy.

**TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION**

The updated policy would be effective immediately upon adoption by the Council.

**OFFICER RECOMMENDATION**

That the Council adopts the following updated Reinstatement of Works in Road Reserves policy:

|     |   |          |
|-----|---|----------|
| 195 | Reinstatement of Works in Road Reserves | V3 DRAFT |
|-----|---|----------|

**1. PURPOSE**

This policy is to provide guidelines to ensure the City of Busselton's expectations are met where road or public utility works are carried out in a road reserve by contractors.

**2. SCOPE**

The policy applies to any occasion when reinstatement of a road reserve is required due to contractor activity.

### **3. POLICY CONTENT**

Where road or public utility works carried out by contractors occurs in a road reserve it is to be ensured that there is full reinstatement and that all costs for reinstatement of drainage to roads, paths, street furniture, lawns, gardens, planting, trees, verge vegetation and drains are met by the contractor.

The contractor will use underground boring construction methods in order to avoid the removal of trees and vegetation.

In exceptional circumstances the City of Busselton may agree to tree removal/vegetation removal where it is not possible to underground bore for technical reasons and no alternative route for the service is available. In this instance the contractor will be required to replant with equivalent plant species and tree species in order to return the verge to pre work standards. Vegetation planting and tree planting/species will be in accordance with the City of Busselton's Technical specifications. If specialist arborist are required this will be at the cost of the contractor.

Works completed by contractors require the approval of specifications to Council adopted standards, endorsement of a Traffic Management Plan (TMP) and payment of a bond according to Council's Standard Fees and Charges prior to commencement and prior to excavations. Where works are carried out by a contractor under the management and supervision of a Public Utility no payment of bonds is applicable subject to there being a 12 months defects period.

Council requires payment in advance, where the reinstatement is undertaken by the City of Busselton, based on standard rates in the Schedule of Fees and Charges. Retention of contractor payments by a recognised public utility for the purpose of securing the reinstatement is acceptable in lieu of a bond.

The contractor shall leave and maintain the site in a safe condition and where excavation and trenching takes place, carry out the backfill and compaction using the appropriate materials, to Council's standards and specifications, until such time as the reinstatement is complete. Aftercare signage and delineation in accordance with a City of Busselton endorsed traffic management plan shall remain in place until the reinstatement is complete.

Pre-works and post-works inspections are to be carried out to determine any existing defects and to ensure any reinstatements are carried out to the City's standards and specifications.

The City of Busselton may carry out surface repairs, such as to paths, drains, road concrete crossovers and kerbing, not completed to its satisfaction and within 14 days of completion of backfill of excavations using the expenses to recover. Bonds shall be retained for a minimum of three months after completion of the reinstatement to ensure failure, subsidence or fault can be rectified.

### **4. APPLICATION OF THE POLICY**

The policy shall be applied by Engineering and Works Services.

#### **Policy Background**

Policy Reference No. - 195

Owner Unit – Engineering and Facility Services

Originator – Historical

Policy approved by – Council

Date Approved – 27 June 2012

Review Frequency – As required

Related Documents – N/A

**History**

| <b>Council Resolution</b> | <b>Date</b>  | <b>Information</b>                       |
|---------------------------|--------------|--|
| C1206/155                 | 27 June 2012 | Update to new policy format<br>Version 2 |
|                           |              | Version 1                                |

Last updated 27 June 2012

|     |   |                   |
|-----|---|-------------------|
| 195 | Reinstatement of Works in Road Reserves | V2-Current3 DRAFT |
|-----|---|-------------------|

### 1. PURPOSE

This policy is to provide guidelines to ensure the City of Busselton's expectations are met where road or public utility works are carried out in a road reserve by contractors.

### 2. SCOPE

The policy applies to any occasion when reinstatement of a road reserve is required due to contractor activity.

### 3. POLICY CONTENT

Where road or public utility works carried out by contractors occurs in a road reserve it is to be ensured that there is full reinstatement and that all costs for reinstatement of drainage to roads, paths, street furniture, lawns, gardens, planting, trees, verge vegetation and drains are met by the contractor.

The contractor will use underground boring construction methods in order to avoid the removal of trees and vegetation.

In exceptional circumstances the City of Busselton may agree to tree removal/vegetation removal where it is not possible to underground bore for technical reasons and no alternative route for the service is available. In this instance the contractor will be required to replant with equivalent plant species and tree species in order to return the verge to pre work standards. Vegetation planting and tree planting/species will be in accordance with the City of Busselton's Technical specifications. If specialist arborist are required this will be at the cost of the contractor.

Where road or public utility works carried out by contractors occurs in a road reserve it is to be ensured that there is full reinstatement and that all costs for reinstatement of drainage to roads, paths, street furniture, lawns, gardens and drains are met by the contractor.

Works ~~completed~~done by contractors require the approval of specifications to Council adopted standards, endorsement of a Traffic Management PolicyPlan (TMP) and payment of a bond according to Council's Standard Fees and Charges prior to commencement and prior to excavations. Where works are carried out by a contractor under the management and supervision of a Public Utility no payment of bonds is applicable subject to there being a 12 months defects period.

Council requires payment in advance, where the reinstatement is undertaken by the City of Busselton, based on standard rates in the Schedule of Fees and Charges. Retention of contractor payments by a recognised public utility for the purpose of securing the reinstatement is acceptable in lieu of a bond.

The contractor shall leave and maintain the site in a safe condition and where excavation and trenching takes place, carry out the backfill and compaction using the appropriate materials, to Council's standards and specifications, until such time as the reinstatement is

6.6                      Attachment A                      Reinstatement of Works in Road Reserves Policy With Changes  
Tracked

Last updated 27 June 2012

complete. Aftercare signage and delineation in accordance with a City of Busselton endorsed traffic management plan shall remain in place until the reinstatement is complete.

Pre-works and post-works inspections are to be carried out to determine any existing defects and to ensure any reinstatements are carried out to the City's standards and specifications.

The City of Busselton may carry out surface repairs, such as to paths, drains, road concrete crossovers and kerbing, not completed to its satisfaction and within 14 days of completion of backfill of excavations using the expenses to recover. Bonds shall be retained for a minimum of three months after completion of the reinstatement to ensure failure, subsidence or fault can be rectified.

#### **4. APPLICATION OF THE POLICY**

The policy shall be applied by Engineering and Works Services.

##### **Policy Background**

Policy Reference No. - 195  
Owner Unit – Engineering and Facility Services  
Originator – Historical  
Policy approved by – Council  
Date Approved – 27 June 2012  
Review Frequency – As required  
Related Documents – N/A

##### **History**

| <b>Council Resolution</b> | <b>Date</b>  | <b>Information</b>                       |
|---------------------------|--------------|--|
| C1206/155                 | 27 June 2012 | Update to new policy format<br>Version 2 |
|                           |              | Version 1                                |



**7. GENERAL DISCUSSION ITEMS**

**8. NEXT MEETING DATE**

Thursday, 21 April 2016

**9. CLOSURE**