

Please note: These minutes are yet to be confirmed as a true record of proceedings

CITY OF BUSSELTON

MINUTES FOR THE POLICY AND LEGISLATION COMMITTEE MEETING

HELD ON 9 DECEMBER 2020

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MINUTES

MINUTES OF POLICY AND LEGISLATION COMMITTEE HELD IN COMMITTEE ROOM, ADMINISTRATION BUILDING, SOUTHERN DRIVE, BUSSELTON, ON 9 DECEMBER 2020 AT 10.00AM.

1. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Presiding Member opened the meeting at 10.07am.

2. ATTENDANCE

Presiding Member:

Cr Ross Paine

Members:

Cr Grant Henley
Cr Kate Cox
Cr Kelly Hick
Cr Lyndon Miles

Officers:

Mr Oliver Darby, Director, Engineering and Works Services
Mr Tony Nottle, Director, Finance and Corporate Services
Mr Ronald Wildschut, Development Control Coordinator
Mrs Emma Heys, Governance Coordinator
Ms Stephanie Navarro, Senior Development Planner
Ms Melissa Egan, Governance Officer

Apologies:

Nil

3. PUBLIC QUESTION TIME

Nil

4. DISCLOSURE OF INTERESTS

Nil

5. CONFIRMATION AND RECEIPT OF MINUTES

5.1 Minutes of the Policy and Legislation Committee Meeting held 28 October 2020

COMMITTEE DECISION


PL2012/372 Moved Councillor K Hick, seconded Councillor K Cox

That the Minutes of the Policy and Legislation Committee Meeting held 28 October 2020 be confirmed as a true and correct record.

CARRIED 5/0

6. REPORTS

6.1 RESCISSION OF COUNCIL POLICY: ENGINEERING TECHNICAL STANDARDS AND SPECIFICATIONS

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Council Policies
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Coordinator - Emma Heys Development Control Coordinator - Ronald Wildschut
AUTHORISING OFFICER	Director, Engineering and Works Services - Oliver Darby
NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Council Policy 179: Engineering Technical Standards and Specifications ↓ 

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL2012/373 Moved Councillor K Hick, seconded Councillor K Cox

That the Council rescinds Council Policy 179: Engineering Technical Standards and Specifications (Attachment A), effective immediately.

CARRIED 5/0

EXECUTIVE SUMMARY

This report recommends the rescission of Council policy 179: Engineering Technical Standards and Specifications (the Policy) (Attachment A), with the Policy having been reviewed as part of the City's overall review of its Council policies. It is recommended the Policy be rescinded.

BACKGROUND

The Policy was initially development in July 2009 and provided direction that the City's Engineering Technical Standards and Specifications (Standards) were to be maintained along with a short description of the 10 different sections contained within the Standards.

The Policy was reviewed again in June 2012 and December 2017 in accordance with the City's ongoing Policy Review cycle. The Policy was updated to the newest policy format, with no change made to the intent of the Policy.

In response to the Governance Services Review carried out in 2017, the City has developed a policy framework to clearly establish the strategic nature and intent of Council policies, as opposed to operational documents. Since then, Council has been reviewing its Council policies to ensure that they align to the policy framework and that they provide strategic, and not operational, guidance.

OFFICER COMMENT

The Standards apply a range of standards and specifications to all civil works designed and carried out by consultants, contractors, developers and the City. Some standards are reflective of Australian Standards and standards set by agencies such as Main Roads WA, and others are requirements of the City.

The Policy, in its current form, serves as a list of contents of the Standards, and does not provide a strategic statement or strategic direction. The maintenance and application of the Standards to works undertaken by the City is an administrative matter, with the Standards being updated by officers as required.

The effective head of power for the decisions to which the Standards are applied is in the planning framework, rather than the local government legislation, and a policy made under the local government legislation cannot form part of the planning framework. The Standards do address some matters that are directly addressed in the planning framework, and would not be determinative if there was a dispute as to the standard that should apply in a particular case.

The planning framework itself does not provide direct or complete guidance, but there are a range of standards or documents that would be given weight, including the Standards, as well as *Austroads*, *Liveable Neighbourhoods* or various Australian Standards. Ultimately, the weight given to the Standards would be determined by the robustness of their rationale and the consistency of their application; adoption of the Standards by the Council (or otherwise), would not add to that weight.

Officers are therefore of the view that the rescission of the Policy would have no effect on the application of the Standards.

Statutory Environment

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

The Standards are applied as part of the process of clearing conditions of subdivisions approvals issued under the *Planning and Development Act 2005*.

Relevant Plans and Policies

The City has a policy framework which sets out the intent of Council policies. The recommendation to rescind the Policy is in line with that framework.

Financial Implications

There are no financial implications associated with the Officer Recommendation.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation, the Council could choose not to rescind the Policy and to request that the Policy be further reviewed to provide a statement of strategic intent.

CONCLUSION

The Policy in its current form provides a list of contents of the Standards and is not considered to provide strategic direction. The Standards are an administrative document, maintained under the direction of the CEO and applied either under the direction of the CEO or as a condition of development approvals issued by the Council or officers under delegation. Rescission of the Policy does not impact on the application of the Standards and is therefore recommended.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Policy will be rescinded and removed from the website within one week of Council's endorsement.

Last updated 13 December 2017

179	Engineering Technical Standards and Specifications	V2 Current
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1. PURPOSE

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

2. SCOPE

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

3. POLICY CONTENT

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

Section 1 - Guidelines and Administration Requirements for Subdivisions and Developments

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

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

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

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

Applies to all subdivisions, developments and City construction works.

Section 4 - Vehicle Crossovers

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

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

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

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

6.1 Attachment A Council Policy 179: Engineering Technical Standards and Specifications

Last updated 13 December 2017

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

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

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

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

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

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

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

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

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

Review of Engineering Technical Standards and Specifications

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

4. APPLICATION OF THE POLICY

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

Policy Background


Policy Reference No. - 179
Owner Unit – Engineering Services Originator
– Historical
Policy approved by – Council Date
Approved – 13 Dec 2017
Review Frequency – As required
Related Documents – Section 1 to 9 standards

Last updated 13 December 2017

Council Resolution	Date	Information
C1712/323	13 December 2017	Reviewed
	27 June, 2012	Update to new policyformat Version 2
C0907/266	22 July, 2009	Policy update with introduction of new and updated standards

10.11am: At this time, Mr Darby and Mr Wildschut left the meeting.

6.2 ANNUAL STATUTORY REVIEW OF DELEGATED AUTHORITIES

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Delegations
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Coordinator - Emma Heys
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Attachment A Amended Delegated Authorities - Tracked Changes 



COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL2012/374 Moved Councillor G Henley, seconded Councillor K Hick

That the Council adopts the City of Busselton Delegations of Authority as contained in the table below, and shown in Attachment A.

DELEGATION	CHANGES
DA1 – 01 Issuing Notices	Expanded references and added 'the power to'.
DA1 – 02 Entry in an Emergency	Amended title for clarity of delegation purpose and power. Expanded references and added 'the power to'. Removed reference to section 3.31 of the Act as this can be dealt with through an Authorisation under section 9.10 of the Act, which now provides for the CEO, as the prescribed decision maker, to make appointments. Included new condition to provide parameters of use of delegation and included updated reference document.
DA1 – 03 Abandoned vehicle wreck	Amended title for clarity of delegation purpose and power. Expanded references and added 'the power to'. Removed reference to section 3.39 of the Act as this can be dealt with through an Authorisation under section 9.10 of the Act, which provides for the CEO, as the prescribed decision maker, to make appointments. This reasoning also applies to section 3.40A(1), therefore only section 3.40A(4) 'the local government <i>may</i> declare that a vehicle is an abandoned vehicle wreck' has a decision making function and can be delegated to the CEO.
DA1 – 04 Confiscated or Uncollected Goods	Amended title for clarity of delegation purpose and power. Expanded references and added 'the power to'.

DA1 – 05 Closure of Thoroughfares	Expanded references and added 'the power to'. Removed reference to Regulation 6 of the <i>Local Government (Functions and General) Regulations 1996</i> , as this was a transitional provision about road closures and does not apply beyond 30 June 2002 (Regulation 6(2)). Amended function to include words 'the power to'.
DA1 – 06 Meelup Regional Park Management Committee	Amended, see DA11 – 01.
DA1 – 07 Inviting, Rejecting and Accepting Tenders	Expanded references and added 'the power to'. Reformatted detail from under Power/Duty Delegated to under Function for the consistency.
DA1 – 08 Expression of Interest for Goods and Services	Amended title for clarity of delegation purpose and power. Expanded references and added 'the power to'.
DA1 – 09 Airport Redevelopment Project – Inviting, Rejecting and Accepting Tenders	Removed. Advice from Airport Redevelopment Business Unit that this delegation is no longer required and tenders relating to the BMRA can be dealt with under delegation DA1 - 07 or through the usual course of Council business.
DA1 – 10 Panels of Pre-Qualified Suppliers	Expanded references and added 'the power to'.
DA1 – 11 Amendments to the Consolidated Parking Scheme	Change to date of Local Law.
DA1 – 12 Disposing of Property (Leases at the Busselton Margaret River Airport)	Simple tidy up of format and inclusion of section 3.18 of the <i>Local Government Act 1995</i> to capture the performing of executive functions. Amended function to include words 'the power to'.
DA1 – 13 Dispose of sick or injured animals	Amended title for clarity of delegation purpose and power. Expanded references and added 'the power to'. Included new condition to provide parameters of use of delegation and included updated Council policy reference.
DA1 – 14 Power to Defer, Grant Discounts, Waive or Write-Off Debts	Expanded references and added 'the power to'.
DA1 – 15 Rates and Service Charges	Updated and included all functions relevant to rates and services. Expanded references and added 'the power to'.
DA1 – 16 Investment of Surplus Funds	Expanded references and added 'the power to'.
DA1 – 17 Meeting with the Auditor	Amended – see DA11 – 02.

DA1 – 18 Appointment of Authorised Persons	Removed. Due to amendments made to section 9.10 of the <i>Local Government Act 1995</i> . The <i>Building Act 2011</i> and the <i>Building Regulations 2012</i> , the <i>Criminal Procedure Act 2004</i> and the <i>Criminal Procedure Regulations 2005</i> , and the <i>Graffiti Act 2016</i> all still require a delegation to provide the power to the CEO to appoint authorised persons and these delegations have remained in place unchanged.
DA1 – 19 Urgent Legal Representation	Amendment to Council Policy and Council Resolution for power of delegation to CEO.
DA1 – 20 Administer Local Laws	Update year to <i>Parking Local Law</i> in anticipation of draft <i>Parking Local Law 2020</i> being gazetted. Amended function to include words ‘the power to’.
DA1 – 21 Acquisition of Property	Removed s.3.55 as there is no decision making ability. Included s.3.18 with conditions regarding limits imposed. Amended function to include words ‘the power to’.
DA1 – 22A Disposition of Property: Other than by Lease	Expanded references and added ‘the power to’.
DA1 – 22B Disposition of Property: Leasing and Licensing of Land and Buildings	Expanded references and added ‘the power to’.
DA1 – 23 Payments from Municipal Fund or Trust Fund	Expanded references and added ‘the power to’.
DA1 – 24 Affixing of the Common Seal	Deleted subsection (2) from Power/Duty Delegated as referenced in Function. Amended function to include words ‘the power to’.
DA2 – 01 The Powers and Duties of the Local Government pursuant to the Building Act 2001	No changes
DA3 – 01 The Powers and Duties of the Local Government pursuant to the Bush Fires Act 1954	No changes
DA3 – 02 Appointment of Bush Fire Control Officers	No changes
DA3 – 03 To Institute a Prosecution, or to Issue an Infringement	No changes
DA3 – 04 Variation of Prohibited and Restricted Burning Times	No changes

DA4 – 01 The Powers and Duties of the Local Government pursuant to the Cat Act 2011	No changes
DA5 – 01 The Powers and Duties of the Local Government pursuant to the Dog Act 1976	No changes
DA6 – 01 The Powers and Duties of a Local Government pursuant to the Graffiti Vandalism Act 2016	No changes
DA7 – 01 Development Control	No changes
DA7 – 02 Unauthorised Development	Expanded references and added 'the power to'.
DA8 – 01 Certificate of Approval pursuant to the Strata Titles Act 1985	No changes
DA9 – 01 Criminal Procedure Act 2004 – Authorised Persons	Combined DA9 - 02, which is an amendment to include Approved as well as Authorised persons under the <i>Criminal Procedure Act 2004</i> , for the <i>Health (Asbestos) Regulations 1992</i>
DA9 – 02 Criminal Procedure Act 2004 – Approved Persons	Deleted and combined with DA9 - 01.
DA 10 – 01 Public Health Act 2016 – Authorised Persons of	No changes
NEW DELEGATION	DETAILS
DA11 – 01 Meelup Regional Park Management Committee	Corrected the Power/Duty Delegated and Function of delegation to section 3.18 Performing Executive Functions of the <i>Local Government Act 1995</i> to correctly reflect the power to be delegated to the Committee. Updated the Conditions of the delegation to correctly reflect the Committee Terms of Reference. Amended function to include words 'the power to'.
DA11 – 02 Audit Committee	Corrected the 'Delegated To' from the Chief Executive Officer to the Audit Committee. Expanded subsections of the delegation function to improve alignment with specific delegated powers and the understanding of the powers and duties being delegated. Improved the Conditions of the delegation to include limitations of the Committee powers in relation to sections 7.12A(3) and 7.12A(4).

CARRIED 5/0

BY ABSOLUTE MAJORITY

EXECUTIVE SUMMARY

The *Local Government Act 1995* (the Act) requires all delegations of authority to the CEO under the Act to be reviewed by the delegator at least once every financial year. Additionally, delegations made under the *Cat Act 2011* and the *Dog Act 1976* are required to be reviewed once every financial year. This review is to fulfil those requirements.

BACKGROUND

Delegations of authority are an integral part of the City's governance functions. Delegations of authority are an effective and efficient means of carrying out the functions or discharging the duties of the local government, by allowing decisions of Council to be made by the Chief Executive Officer, who in turn can delegate to other staff where appropriate.

Section 5.46(2) of the Act requires all delegations by Council to the CEO to be reviewed at least once each financial year. A review has been completed of the City's delegations. This report details the outcomes of that review and seeks Council's endorsement of the continuing and amended delegations of authority.

OFFICER COMMENT

Through the review of the City's delegations, opportunities to improve the level of information contained within the delegations have been identified. As part of the 2019 review officers streamlined the delegations register, which, at that time, had not been reviewed in terms of its presentation and functionality for a number of years. As a result of the review, officers developed a new template, renumbered the delegations and linked them through to relevant legislation.

Since that time, officers have formed the view that the delegations should be expanded to clearly identify the powers and duties that are being delegated, by reference to both relevant sections and subsections. This ensures transparency with respect to the powers that are being delegated within a section, where there is more than one, and assists with officer understanding, noting that the City's register of sub-delegations flows from these head delegations.

It also assists with clarity in relation to any future amendments to the Act or associated regulations, as it clearly shows which powers the Council has chosen to delegate. Where only the higher lever section has been delegated, and in instances where a new delegable sub-section is introduced, it is not readily clear from a review of the register as to whether Council has delegated that new sub-section.

This view aligns with advice from WALGA who advise that each provision that can be delegated should be delegated separately, to ensure clarity in Council's decision-making process. Accordingly the approach officers have taken is that where a section of the Act has only one delegable subsection, no subsections are listed under Function, just the head section. For example, section 3.50A of the Act has no subsections, and therefore no subsections are listed under Function:

s.3.50A The power to partially close a thoroughfare for repairs or maintenance.

Where a section of the Act has more than one subsection and several of those subsections can be delegated, each delegable subsection is listed and expanded upon. For example, section 3.26 of the Act includes subsections (1) through to (7), however only subsections (2) and (3) are delegable, so only these subsections are listed under Function:

s.3.26(2) The local government may do anything that is considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

s.3.26(3) The local government may recover the cost of any anything it does under subsection (2).

Where a section or subsection of the Act is clear and concise in its terminology, officers have verbatim included those sections when describing the function. Where a section or subsection of the Act is less clear and concise, officers have summarised the function, using in some instances the WALGA Delegations Register Template as a guide.

Each of the delegations below has been amended in accordance with this rationale. Additionally, the words ‘the power to’ have been added to the function, e.g ‘the power to affix the common seal’.

These and additional amendments, where applicable, are detailed in the table below:

DELEGATION	CHANGES
DA1 – 01 Issuing Notices	Expanded references and added ‘the power to’.
DA1 – 02 Entry in an Emergency	Amended title for clarity of delegation purpose and power. Expanded references and added ‘the power to’. Removed reference to section 3.31 of the Act as this can be dealt with through an Authorisation under section 9.10 of the Act, which now provides for the CEO, as the prescribed decision maker, to make appointments. Included new condition to provide parameters of use of delegation and included updated reference document.
DA1 – 03 Abandoned vehicle wreck	Amended title for clarity of delegation purpose and power. Expanded references and added ‘the power to’. Removed reference to section 3.39 of the Act as this can be dealt with through an Authorisation under section 9.10 of the Act, which provides for the CEO, as the prescribed decision maker, to make appointments. This reasoning also applies to section 3.40A(1), therefore only section 3.40A(4) ‘the local government <i>may</i> declare that a vehicle is an abandoned vehicle wreck’ has a decision making function and can be delegated to the CEO.
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DA1 – 06 Meelup Regional Park Management Committee	Amended, see DA11 – 01.
DA1 – 07 Inviting, Rejecting and Accepting Tenders	Expanded references and added ‘the power to’. Reformatted detail from under Power/Duty Delegated to under Function for the consistency.
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DA1 – 15 Rates and Service Charges	Updated and included all functions relevant to rates and services. Expanded references and added ‘the power to’.
DA1 – 16 Investment of Surplus Funds	Expanded references and added ‘the power to’.
DA1 – 17 Meeting with the Auditor	Amended – see DA11 – 02.
DA1 – 18 Appointment of Authorised Persons	Removed. Due to amendments made to section 9.10 of the <i>Local Government Act 1995</i> . The <i>Building Act 2011</i> and the <i>Building Regulations 2012</i> , the <i>Criminal Procedure Act 2004</i> and the <i>Criminal Procedure Regulations 2005</i> , and the <i>Graffiti Act 2016</i> all still require a delegation to provide the power to the CEO to appoint authorised persons and these delegations have remained in place unchanged.
DA1 – 19 Urgent Legal Representation	Amendment to Council Policy and Council Resolution for power of delegation to CEO.
DA1 – 20 Administer Local Laws	Update year to <i>Parking Local Law</i> in anticipation of draft <i>Parking Local Law 2020</i> being gazetted. Amended function to include words ‘the power to’.
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DA3 – 01 The Powers and Duties of the Local Government pursuant to the Bush Fires Act 1954	No changes
DA3 – 02 Appointment of Bush Fire Control Officers	No changes
DA3 – 03 To Institute a Prosecution, or to Issue an Infringement	No changes
DA3 – 04 Variation of Prohibited and Restricted Burning Times	No changes
DA4 – 01 The Powers and Duties of the Local Government pursuant to the Cat Act 2011	No changes
DA5 – 01 The Powers and Duties of the Local Government pursuant to the Dog Act 1976	No changes
DA6 – 01 The Powers and Duties of a Local Government pursuant to the Graffiti Vandalism Act 2016	No changes
DA7 – 01 Development Control	No changes
DA7 – 02 Unauthorised Development	Expanded references and added 'the power to'.
DA8 – 01 Certificate of Approval pursuant to the Strata Titles Act 1985	No changes

DA9 – 01 Criminal Procedure Act 2004 – Authorised Persons	Combined DA9 - 02, which is an amendment to include Approved as well as Authorised persons under the <i>Criminal Procedure Act 2004</i> , for the <i>Health (Asbestos) Regulations 1992</i> .
DA9 – 02 Criminal Procedure Act 2004 – Approved Persons	Deleted and combined with DA9 – 01.
DA 10 – 01 Public Health Act 2016 – Authorised Persons of	No changes
NEW DELEGATION	DETAILS
DA11 – 01 Meelup Regional Park Management Committee	Corrected the Power/Duty Delegated and Function of delegation to section 3.18 Performing Executive Functions of the <i>Local Government Act 1995</i> to correctly reflect the power to be delegated to the Committee. Updated the Conditions of the delegation to correctly reflect the Committee Terms of Reference. Amended function to include words ‘the power to’.
DA11 – 02 Audit Committee	Corrected the ‘Delegated To’ from the Chief Executive Officer to the Audit Committee. Expanded subsections of the delegation function to improve alignment with specific delegated powers and the understanding of the powers and duties being delegated. Improved the Conditions of the delegation to include limitations of the Committee powers in relation to sections 7.12A(3) and 7.12A(4).

Statutory Environment

Section 5.42 of the Act provides the Council with the ability to delegate powers and duties to its CEO. Some powers and duties cannot be delegated in accordance with Section 5.43 of the Act, such as matters that require an Absolute Majority decision of Council. Council has the right to impose conditions on any delegation it grants.

Section 5.16 of the Act provides the ability for powers and duties to be delegated to Committees.

Section 44 of the *Cat Act 2011* provides the power for the CEO to delegate the exercise of its functions and discharge of its duties to the CEO.

Section 10AA of the *Dog Act 1976* provides Council with the ability to delegate powers and duties to the CEO.

The *Local Government Act 1995*, the *Cat Act 2011* and the *Dog Act 1976* require the review of delegations at least once every financial year.

Section 5.46 of the *Local Government Act 1995* requires that all delegations are contained within a Register. The *Local Government (Administration) Regulations 1996* require that where a decision has been made under delegated authority, records of that decision must be kept in accordance with the Regulations.

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

There are no financial implications associated with the Officer Recommendation.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council may choose:

1. Not to accept any amendments to the delegations; or
2. To request further amendments are made to the delegations.

CONCLUSION

The statutory review of delegations has been completed and it is recommended that Council adopt the continuing and amended delegations as per the Recommendation.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Delegation of Authority Register will be amended immediately following adoption by Council.

City of Busselton

Delegations to the Chief Executive Officer

THE LOCAL GOVERNMENT ACT 1995	
DA 1 – 01	Issuing Notices

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.25(1), s.3.26(2), s.3.26(3)
FUNCTION	s.3.25 The power to give notices requiring certain things to be done by owner or occupier of land s.3.26(2) The power to do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given s.3.26(3) The power to recover the cost of anything from an action under subsection (2)
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3D - Notices requiring certain things to be done by owner or occupier of land and additional powers when notice is given	

City of Busselton

DA 1 – 02	General Procedure for Entering Property Entry in an Emergency
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.34 s.3.31(2)
FUNCTION	s.3.34(1) The power to lawfully enter s.3.34(3) The power to use reasonable force s.3.34(4) To exercise the power of entry s.3.31 – General procedure for entering property
CONDITIONS	Nil Delegated authority may only be used where there is imminent or substantial risk to public safety or property
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1808/150
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG3E – General procedure for entering property	

City of Busselton

DA 1 – 03	Power to Remove and Impound Abandoned vehicle wreck
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.39 , s.3.40A
FUNCTION	s.3.39 – Power to remove and impound s.3.40A(4) The power to declare that the vehicle is an abandoned vehicle wreck
CONDITIONS	Disposal of a declared abandoned vehicle wreck is to be undertaken in accordance with Delegation DA1 – 04 Disposing of Uncollected Goods
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	S1 – 03 Power to Remove and Impound

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1806/188	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3F – Power to Remove and Impound; Abandoned Vehicle Wrecks may be taken	

City of Busselton

DA 1 – 04	Disposing of Uncollected Goods Confiscated or Uncollected Goods
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.46, s.3.47(2), s.3.487, (2a)
FUNCTION	s.3.46(1) The power to refuse to allow impounded goods to be collect until costs are paid s.3.46(2) The power to refuse to allow removed goods to be collect until costs are paid s.3.47(1) The power to sell or otherwise dispose of goods under s.3.43 s.3.47(2) The power to sell or otherwise dispose of any vehicle s.3.47(2a) The power to sell or otherwise dispose of impounded goods s.3.48 The power to recover impounding expenses
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	S1 – 04 Disposing of Uncollected Goods

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1808/150
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG3G – Disposing of Uncollected Goods	

City of Busselton

DA 1 – 05	Closure of Thoroughfares
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.50(1), s.3.50(1a), s.3.50(4), s.3.50(6), s.3.50A Local Government (Functions and General) Regulations 1996 Regulation 6
FUNCTION	s.3.50(1) The power to close any thoroughfare, for a period not exceeding 4 weeks s.3.50(1a) The power to close any thoroughfare for a period exceeding 4 weeks s.3.50(6) The power to revoke an order s.3.50A The power to partially close a thoroughfare for repairs or maintenance Regulation 6 Transitional provisions about road closures
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil
POWER / DUTY ASSIGNED TO	Local Government
SUB DELEGATION	S1 – 05 Closure of Thoroughfares

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3H – Closing of Certain Thoroughfares to Vehicles and Partial Closure of Thoroughfare for Repairs or Maintenance	

City of Busselton

~~DA 1 – 06 Meelup Regional Park Management Reserve Under the Control of the Local Government Committee~~

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO s.5.16 Delegation of some powers and duties to certain committees s.5.17 Limits on delegation of powers and duties to certain committees
DELEGATED TO	Meelup Regional Park Management Committee <u>Chief Executive Officer</u>
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.53 s.3.54(1)
FUNCTION	s.353 Control of certain unvested facilities s.3.54 Reserves under control of local government
CONDITIONS	The above power or duty is other than where those plans, policies or documents require adoption pursuant to a particular statutory power, and the Committee may not make any decision that would require expenditure of fund contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council. <u>Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.</u>
POLICY	<u>Council Policy: Asset Management</u> <u>Council Policy: Al Fresco Trading in the Busselton City Centre</u> <u>Council Policy: Commercial Use of City Land and Facilities</u> <u>Council Policy: Community Hire of City Property</u> <u>Council Policy: Leasing of City Premises Governance of Meelup Regional Park</u>
REFERENCE DOCUMENTS	-and (INSERT HYPERLINKS)
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1808/150
RECENT ALTERATIONS	July 2018	
PREVIOUS DELEGATION REFERENCE	LG31 – Reserve Under the Control of the Local Government	

City of Busselton

DA 1 – 07	Inviting, Rejecting and Accepting Tenders
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.18, s.3.57 Power to enter into a contract for the purchase of goods and services Local Government (Functions and General) Regulations 1996 Regulations 11 (including the power to determine that a relevant exception under Regulation 11(2) applies) , 13, 14, 18, 20, 21A
FUNCTION	<p>s.3.18 The power to perform executive functions Power to enter into a contract for the purchase of goods and services</p> <p>s.3.57 Tenders for providing goods or services</p> <p>Regulation 11(1) The power to determine when tenders have to be publicly invited</p> <p>Regulation 11(2) The power to determine that a relevant exemption applies</p> <p>Regulation 13 Requirements when local government invites tenders when not required to do so</p> <p>Regulation 14(2a) The power to determine in writing, before tenders are called, the criteria for acceptance of tenders</p> <p>Regulation 14(4)(a) The power to determine the information that is to be disclosed</p> <p>Regulation 14(5) The power to vary tender information after public notice and provide notice of variation to information</p> <p>Regulation 18(4) The power to evaluate tenders, by written evaluation, and decide which is the most advantageous</p> <p>Regulation 18(4a) The power to seek clarification from tenderers in relation to information contained in their tender submission</p> <p>Regulation 18(5) The power to decline any tender</p> <p>Regulation 18(6), (7) The power to accept another tender where within 6 months of either accepting a tender, a contract has not been entered into or the successful tenderer agrees to terminate the contract.</p> <p>Regulation 20 The power to vary the requirements before entry into contract</p> <p>Regulation 21A The power to vary a contract for the supply of goods or services</p>

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CONDITIONS	This delegation is subject to: (a) Complying with the requirements of the City of Busselton's Purchasing Policy as it relates to tendering; (b) Following any applicable staff management practices and operational procedures; and (c) Not accepting any tender or entering into any contract having a value exceeding \$500,000
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	Tender Register
SUB DELEGATION	S1 – 07 Inviting, Rejecting and Accepting Tenders

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1103/179	Recent Council Resolution C2006/049
RECENT ALTERATIONS	June 2020 - Legislative amendments to purchasing requirements	
PREVIOUS DELEGATION REFERENCE	LG3J – Inviting Tenders and Rejecting and Accepting Tenders	

City of Busselton

DA 1 – 08	Preliminary Selection of Tenderers Expression of Interest for Goods and Services
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.57 <i>Local Government (Functions and General) Regulations 1996</i> Regulations 21 (1) , 23 (3)
FUNCTION	s.3.57 The power to call tenders for providing goods or services Regulation 21 The power to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services. Regulation 23(2) The power to determine when an Expression of Interest may be rejected Regulation 23(3) The power to consider an expression of interest that has not rejected
CONDITIONS	Nil Expressions of interest for goods and services may only be called where there is an adopted budget for the proposed goods or services.
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1606/139	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3K – Preliminary Selection of Tenderers	

City of Busselton

~~DA 1 – 09 – Airport Redevelopment Project – Inviting, Rejecting and Accepting Tenders~~

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.57 Local Government (Functions and General) Regulations 1996 Regulation 11, 13, 14, 18, 20, 21A
FUNCTION	s.3.57 – Tenders for providing goods or services Regulation 11 – When tenders have to be publicly invited Regulation 13 – Requirements when local government invites tenders though not required to do so Regulation 14 – Publicly inviting tenders, requirements for Regulation 18 – Rejecting and accepting tenders Regulation 20 – Variation of requirements before entry into contract Regulation 21A – Varying a contract for the supply of goods or services
CONDITIONS	This delegation is subject to: (a) Complying with the requirements of the City of Busselton’s Purchasing Policy as it relates to tendering; (b) Following any applicable operational practices and operational procedures; (c) Acceptance of a tender is not to exceed a contract value of \$1,000,000; (d) Any contract variation is not to exceed 10% of the contract value; and (e)(a) The delegation to accept a tender can only be exercised with agreement from the Chief Executive Officer of the South West Development Commission.
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1508/219	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3L – Airport Redevelopment Project – Inviting Tenders and Rejecting and Accepting Tenders	

City of Busselton

DA 1 – 10	Panels of Pre-Qualified Suppliers
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government (Functions and General) Regulations 1996</i> Part 4, Division 3
FUNCTION	<u>Regulation 24AB The power to establish panels of pre-qualified suppliers</u> <u>Regulation 24AC The power to set the requirements before establishing panels of pre-qualified suppliers</u> <u>Regulation 24AD The power to set the requirements when inviting persons to apply to join panel of pre-qualified suppliers</u> <u>Regulation 24AH The power to reject and accept applications to join panel of pre-qualified suppliers</u> <u>Regulation 24AJ The power to enter into contracts with pre-qualified suppliers</u>
CONDITIONS	This delegation is subject to: (a) Compliance with the requirements of the City of Busselton's Purchasing Policy as it relates to panels of pre-qualified suppliers; and (b) The contract value of any particular goods or services to be procured from a particular supplier or in connect with a particular project is not to exceed \$500,000.
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1508/219	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3M – Establishment of Panels of Pre-Qualified Suppliers	

City of Busselton

DA 1 – 11	Amendments to the Consolidated Parking Scheme
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>City of Busselton Parking Local Law 2011</i> Section 1.10
FUNCTION	s.1.10 Powers of Council
CONDITIONS	The Chief Executive Officer shall ensure Councillors are provided with details of all proposed amendments to the Scheme, and given a period of not less than 14 days to submit a written request to the CEO for the matter to be presented to Council before a delegation is exercised. Any two or more Councillors may consider a proposed amendment to the Consolidated Parking Scheme to be of strategic significance and/or high community interest and request the CEO in writing, to present the proposal to Council for consideration. If the request is supported, the proposed amendment shall be present to the first practicable Council meeting for consideration. <i>Note: any Councillor may also submit a notice-of-motion in relation to the withdrawal of delegation in relation to a particular proposal, but it would generally be expected that they would first seek to exercise the call-in provision as outlined above.</i>
POLICY	Council Policy: Ranger and Emergency Services Approach to Regulator Functions
REFERENCE DOCUMENTS	City of Busselton Parking Local Law 2011 2020
SUB DELEGATION	S1 – 11 Amendments to the Consolidated Parking Scheme

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1802/021	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3N – Amendments to the Consolidated Parking Scheme	

City of Busselton

DA 1 – 12	Disposing of Property (Leases at the Busselton Margaret River Airport)
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18, s.3.58(2), (3), (4)
FUNCTION	s.3.18 The power to perform executive functions s.3.58 The power to dispose of property
CONDITIONS	This delegation is subject to: <ol style="list-style-type: none"> 1. The property being located at the Busselton Margaret River Airport; 2. The means of disposal being a lease; 3. The term of the lease (including options) being up to a maximum of 20 years; 4. The initial annual market rental value of the lease being less than: <ol style="list-style-type: none"> a. \$10,000.00 per annum for a ground lease; and b. \$50,000.00 per annum for any other lease; 5. The disposition not being of a significant commercial and strategic nature; and 6. At least every six months City officers must provide Councillors a summary and update of leases entered into under this delegation.
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1811/244	Recent Council Resolution C1811/244 C1908/168
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG30 – Disposing of Property (Leases at Busselton Margaret River Airport)	

City of Busselton

DA 1 – 13	Authority to destroy an impounded Dispose of sick or injured animals
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.47A (1), (2), (3)
FUNCTION	s.3.47A _____ The power to humanely destroy an animal and dispose of the carcass
CONDITIONS	This delegation is only to be used where the all reasonable efforts to identify and contact an owner have been exhausted Nil
POLICY	Council Policy: Ranger and Emergency Services Approach to Regulatory Functions Council Policy: Rehoming of Impounded Dogs and Cats Nil
REFERENCE DOCUMENTS	Cat Act 2011 Keeping and Control of Cats Local Law 2014 Dog Act 1976 Dogs Local Law 2014
SUB DELEGATION	S1 – 13A _____ Authority to destroy an impounded sick or injured animal S1 – 13B _____ Authority to destroy an impounded sick or injured animal

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1812/264	Recent Council Resolution C1812/264 C1908/168
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG3Q – Authority to destroy an impounded sick or injured animal	

City of Busselton

DA 1 – 14	Power to Defer, Grant Discounts, Waive or Write-Off Debts
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.6.12(1)(b), s.6.12(1)(c), s.6.12(3)
FUNCTION	s.6.12(1)(b) The power to waive or grant concessions in relation to any amount of moneys s.6.12(1)(c) The power to write off any amount of money s.6.12(3) The power to determine conditions imposed on the granting of a concession
CONDITIONS	<ol style="list-style-type: none"> Any waiver or granting of concession shall only be up to \$2,000 and considered solely on its merits; and any debt write-off approved shall be less than \$2,000. Any waiver or granting of concession as it applies to any COVID-19 Financial Hardship application, shall only be up to \$50,000 and considered solely on its merits; and any COVID-19 Financial Hardship application approved for debt write-off shall be less than \$50,000 and will take into account the COVID-19 Financial Hardship Policy. The power to defer, grant discounts, waive or write-off debts as it relates to any COVID-19 Financial Hardship application is applicable only until the cessation date of the Western Australian State of Emergency Declaration or any extension thereof.
POLICY	Council Policy: COVID-19 Financial Hardship
REFERENCE DOCUMENTS	City of Busselton COVID-19 Financial Hardship Brochure and FAQ's City of Busselton COVID-19 Financial Hardship Application Form WALGA Template COVID-19 Financial Hardship Policy
<u>SUB DELEGATION</u>	S1 – 14A Power to Defer, Grant Discounts, Waive or Write-Off Debts S1 – 14B Power to Defer, Grant Discounts, Waive or Write-Off Debts S1 – 14C Power to Defer, Grant Discounts, Waive or Write-Off Debts

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'
<u>VERIFICATION</u>	Initial Council Resolution C0806/188 Recent Council Resolution C2007/075
<u>RECENT ALTERATIONS</u>	29 July 2020 – Amended to ensure financial hardship requests can be processed into the 20/21 financial year.

City of Busselton

PREVIOUS DELEGATION REFERENCE	<u>LG6B – Power to Defer, Grant Discounts, Waive or Write-off Debts</u>	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2004/104
RECENT ALTERATIONS	1-April-2020 – Amended monetary amounts due to the City’s response to the COVID-19 Crisis.	
PREVIOUS DELEGATION REFERENCE	<u>LG6B – Power to Defer, Grant Discounts, Waive or Write-off Debts</u>	

City of Busselton

DA 1 – 15 Rates and Service Charges	
POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<u>Local Government Act 1995</u> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<u>Local Government Act 1995</u> s.6.45, s.6.49, s.6.50, s.6.56, s.6.60, s.6.64, s.6.71, s.6.74, s.6.76
FUNCTION	<p><u>s.6.45(3) The power to impose an additional charge for instalments</u></p> <p><u>s.6.49 The power to enter into an agreement for the payment of rates and service charges</u></p> <p><u>s.6.50 The power to set rates or service charges due and payable</u></p> <p><u>s.6.56 The power to recover, in court, rates or service charges due</u></p> <p><u>s.6.60(4) The power to recover the amount of the rate or service charge as a debt from the lessee if the rent is not paid in accordance with a notice</u></p> <p><u>s.6.64(1) The power to take possession of land and hold land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years</u></p> <p><u>s.6.69(2) The power to agree to the terms and conditions between parties and accept payment of the outstanding rates or service charges</u></p> <p><u>s.6.71 The power to transfer land to Crown or local government</u></p> <p><u>s.6.74 The power to have land vested in Crown if rate in arrears 3 years</u></p> <p><u>s.6.76(4) The power to extend the time for a person to make an objection to a rate records</u></p> <p><u>s.6.76(5) The power to consider any objection and disallow or allow it, wholly or in part</u></p>
CONDITIONS	Nil
POLICY	Proposed: Debt Recovery Policy
REFERENCE DOCUMENTS	<u>Rates and Charges (Rebates and Deferments) Act 1992</u> <u>Transfer of Land Act 1893</u>
SUB DELEGATION	<u>S1 – 15 Rates and Service Charges</u>

City of Busselton

RECORD KEEPING	<u>ECM – GOVN001 'Authorised Delegation of Power/Authority'</u>	
VERIFICATION	<u>Initial Council Resolution C0806/188</u>	<u>Recent Council Resolution C1908/168</u>
RECENT ALTERATIONS	Nil	

City of Busselton

DA 1 – 16	Investment of Surplus Funds
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.6.14
FUNCTION	<u>s.6.14(1)</u> The power to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose Power to invest
CONDITIONS	Council approval is required for any investment in Managed Investments
POLICY	Council Policy: Investment
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	S1 – 16 Investment of Surplus Funds

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1808/150 C1908/168
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG6D – Investment of Surplus Funds	

City of Busselton

DA 1 – 19	Urgent Legal Representation
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.9.56 Certain persons protected from liability for wrongdoing Council Policy: <u>Legal Representation for Council Members and Employees</u>
FUNCTION	s.9.56 Certain persons protected from liability for wrongdoing
CONDITIONS	<ol style="list-style-type: none"> 1. The authority to approval applications for urgent legal representation for Council members and employees is limited to a maximum of \$10,000; 2. An application approved by the CEO is to be submitted at the next ordinary meeting of Council; 3. The determination must be made pursuant to Council Policy 'Legal Representation for Council Members and Employees'.
POLICY	Council Policy: <u>Legal Representation for Council Members and Employees</u>
REFERENCE DOCUMENTS	<u>Local Government Operational Guideline Number 14 April, 2016</u>
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1808/150
RECENT ALTERATIONS	March 2017	
PREVIOUS DELEGATION REFERENCE	LG5A – Provision of Urgent Legal Services	

City of Busselton

DA 1 – 20	Administer Local Laws
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18
FUNCTION	s.3.18 The power to perform executive functions
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	<p>City of Busselton Local Laws:</p> <ul style="list-style-type: none"> • Activities in Thoroughfares and Public Places and Trading Local Law 2015 • Busselton Regional Airport Local Law 2012 • Keeping and Control of Cats Local Law 2014 • Cemeteries Local Law 2015 • Waste Local Law 2016 • Dogs Local Law 2014 • Dust and Building Waste Control Local Law 2010 • Health Local Law 1997 • Holiday Homes Local Law 2012 • Jetties Local Law 2014 • Local Government Property Local Law 2010 • Parking Local Law 2011 Parking Local Law 2020 • Standing Orders Local Law 2018
SUB DELEGATION	S1 – 20 Administer Local Laws

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3A – Executive Function – Determining Applications Under Local Laws and Enforcement of Local Law Provisions	

City of Busselton

DA 1 – 21A	Acquisition of Property
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18 s.3.55, s.3.59 Local Government (Financial Management) Regulations 1996 Regulation 12
FUNCTION	s.3.18 The power to perform executive functions Regulation 12 Payments from municipal fund or trust fund, restrictions on making
CONDITIONS	In accordance with s.5.43(d) of the Local Government Act 1995, the value of the property to be acquired shall not exceed \$100,000
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	S1 – 21 Acquisition of Property

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1706/151	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	LG3B – Acquisition of Property	

City of Busselton

DA 1 – 22A	Disposition of Property: Other than by Lease
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Local Government Act 1995 s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Local Government Act 1995 s.3.18, s.3.58 Power to dispose of property, other than by lease Requirements before disposing Local Government (Functions and General) Regulations 1996 Regulations 30-(2)(a)
FUNCTION	s.3.18 The power to perform executive functions s.3.58(2) The power to dispose of property at a public auction or by public tender s.3.58(3) The power to dispose of property by private treaty -Regulation 30 (2)(a) The power to determine an insignificant benefit
CONDITIONS	1. The value of the land to be disposed of shall not exceed \$20,000 other than if paragraph (2) applies; or 2. Where the property is land valued at less than \$100,000 and has been put to public auction or put out to tender and not sold, the land may be disposed of in accordance with Regulation 30 (2)(a) of the Local Government (Functions and General) Regulations 1996; and 3. The value of property other than land to be disposed of shall not exceed \$100,000; and 4. Where the value of property other than land does not exceed \$20,000 the property may be disposed of in accordance with Regulation 30 (3)(a) of the Local Government (Functions and General) Regulations 1996.
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C2006/050	Recent Council Resolution C2006/050
RECENT ALTERATIONS	June 2020 Rescission of DA 1 – 22: Adoption of DA 1 – 22A and DA 1 – 22B	

City of Busselton

PREVIOUS DELEGATION REFERENCES	DA 1 – 22 – Disposing of Property LG3C – Disposing of Property
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City of Busselton

DA 1 – 22B Disposition of Property: Leasing and Licensing of Land and Buildings

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18, s.3.58 Power to lease and license land and buildings; Requirements before disposing
FUNCTION	s.3.18 The power to perform executive functions s.3.58(2) The power to dispose of property at a public auction or by public tender s.3.58(3) The power to dispose of property by private treaty <u>Requirements before disposing of property</u> Leasing and licensing of land and buildings, including assignments of existing leases and licences and the renewal of a lease by a lessee, where – (a) The land and/or buildings are established sporting or community facilities (including on managed reserve land) and where any part of the land or building has been leased or licensed before by the City: or (b) The land and/or buildings are for the purpose of storage only and are of an area of not more than 100 square metres.
CONDITIONS	1. The permitted use of the land or buildings must be consistent with: (a) The designated purpose of the property; or (b) The general or ancillary use of the land or buildings immediately prior to the entering into of a lease; or (c) If the land or building has recently been acquired or a new or amended management order has been made in respect of a managed reserve, the purpose for which the property has been acquired or is to be managed. 2. The value of the lease or licence (inclusive of all options or rights to renew or extend, but not including any provisions for holding over on a month by month basis) must not exceed \$25,000). 3. The maximum term of the lease or licence, including any right by a lessee to assign the lease or licence or to sublease or sublicense the land and/or buildings shall not exceed 10 years (inclusive of all options or rights to renew or extend, but not including any provisions for holding over on a month by month basis). 4. At least every six months and more frequently if required by the Mayor or CEO , City officers shall provide Councillors a summary and update of leases or licences entered into under this delegation.

City of Busselton

POLICY	Nil
REFERENCE DOCUMENTS	
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	<u>Initial Council Resolution C2006/050</u>	<u>Recent Council Resolution C2006/050</u>
RECENT ALTERATIONS	<u>June 2020</u> Rescission of DA 1 – 22: Adoption of DA 1 – 22A and DA 1 – 22B	
PREVIOUS DELEGATION REFERENCES	<u>DA 1 – 22 – Disposing of Property</u> <u>LG3C – Disposing of Property</u>	

City of Busselton

DA 1 – 23	Payments from Municipal Fund or Trust Fund
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.6.10 <i>Local Government (Financial Management) Regulations 1996</i> Regulation 12
FUNCTION	<u>s.6.10 Financial management regulations</u> <u>Regulation 12(1) The power to make payments from</u> <u>municipal fund or trust fund,</u>
CONDITIONS	With respect to allocation of donations and sponsorship from the fund established for this purpose in accordance with the Council's tiered funding scheme, individual payments from this fund are not to exceed \$1,000 unless prior consultation with the Finance Committee has occurred.
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATON	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C1808/150
RECENT ALTERATIONS	August 2017	
PREVIOUS DELEGATION REFERENCE	LG6A – Payments from the Municipal Fund or Trust Fund	

City of Busselton

DA 1 – 24	Affixing of the Common Seal
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.9.49A(2)
FUNCTION	s.9.49A(2) The power to affix the common seal Execution of documents
CONDITIONS	The CEO is authorised to affix the Common Seal to all documents that require it to be legally effective and to carry out the functions of a CEO.
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1005/169	Recent Council Resolution C1808/150
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG9B – Authorising the Affixing of the Common Seal to Documents	

City of Busselton

BUILDING ACT 2011	
DA 2 – 01	The Powers and Duties of the Local Government pursuant to the Building Act 2011

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Building Act 2011</i> Part 8, Division 2, Section 96 Part 10, Section 127
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Building Act 2011</i>
FUNCTION	<u>The powers and duties of the local government pursuant to the <i>Building Act 2011</i></u>
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	S2 – 01 Building Act 2011 and Building Regulations 2012

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1110/334	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	BA1 – Powers of the Local Government pursuant to the Building Act 2011	

City of Busselton

BUSH FIRES ACT 1954

DA 3 – 01 The Powers and Duties of the Local Government pursuant to the Bush Fires Act 1954

POWER / DUTY ASSIGNED TO	Local Government	
POWER TO DELEGATE	<i>Bush Fires Act 1954</i> Part V, Section 48	
DELEGATED TO	Chief Executive Officer	
POWER / DUTY DELEGATED	<i>The Bush Fires Act 1954</i>	
FUNCTION	All powers of the local government pursuant to the Bush Fires Act 1954	
CONDITIONS	<ol style="list-style-type: none"> 1. Excludes the powers and duties that are subject to separate delegated authority within this Register as set out below: <ol style="list-style-type: none"> (a) DA 3 – 02 Appointment of Bush Fire Control Officers; (b) DA 3 – 03 Prosecutions and Infringements; (c) DA 3 – 04 Variation of Prohibited and Restricted Burning Times 2. A delegation as per s.48 does not include the power to sub-delegate 	
POLICY	Council Policy: Bush Fire Brigade Accounting Council Policy: Bush Fire Brigade Grievance Process Disciplinary Action Council Policy: Meetings of Bush Fire Brigades Council Policy: Membership of Bush Fire Brigades Council Policy: Qualifications of Bush Fire Brigades Officers Council Policy: Roles of Bush Fire Brigade Officers Council Policy: Code of Conduct, Bush Fire Brigade Objectives and Values	
REFERENCE DOCUMENTS	Annual Firebreak and Fuel Hazard Reduction Notice	
SUB DELEGATION		
RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C969/0425	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	BF1 – The performance of any of the functions of the local government under the Act	

City of Busselton

DA 3 – 02	Appointment of Bush Fire Control Officers
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Bush Fires Act 1954</i> Part V, Section 48 Delegation by Local Governments
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Bush Fires Act 1954</i> Part IV, Section 38
FUNCTION	s.38 Local government may appoint bush fire control officer
CONDITIONS	<ol style="list-style-type: none"> 1. This delegation is limited to the appointment of members of volunteer bush fire brigades and the City Ranger and Emergency Services Staff; 2. In the case of appointment of members of volunteer bush fire brigades, the delegation shall only be exercised where there is a recommendation to appoint from the Bush Fire Advisory Committee; and 3. This delegation does not extend to the appointment of Chief or Deputy Bush Fire Control Officers.
POLICY	Council Policy: Membership of Bush Fire Brigades Council Policy: Qualifications of Bush Fire Brigades Officers Council Policy: Roles of Bush Fire Brigade Officers Council Policy: Code of Conduct, Bush Fire Brigade Objectives and Values
REFERENCE DOCUMENTS	Annual Firebreak and Fuel Hazard Reduction Notice
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C969/0425	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	BF2 – Appointment of Bush Fire Control Officers	

City of Busselton

DA 3 – 03	To Institute a Prosecution, or to Issue an Infringement
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Bush Fires Act 1954</i> Section 48 Delegation by Local Governments
DELEGATED TO	Chief Executive Officer Bush Fire Control Officer/s Director Planning and Development Manager Environmental Services Ranger and Emergency Services Coordinator Senior Ranger/s Ranger/s
POWER / DUTY DELEGATED	The <i>Bush Fires Act 1954</i>
FUNCTION	s.59 Prosecution of offences s.59A Alternative procedure – infringement notices
CONDITIONS	<ol style="list-style-type: none"> 1. Rangers and Senior Rangers are prohibited from commencing a prosecution for an offence against the <i>Bush Fire Act 1954</i>; 2. Rangers and Senior Rangers are prohibited from instituting legal proceedings pursuant to s.59A(3) of the <i>Bush Fire Act 1954</i>; and 3. A delegation as per s.48 of the <i>Bush Fire Act 1954</i> does not include the power to sub-delegate
POLICY	Council Policy: Ranger and Emergency Services Approach to Regulatory Functions
REFERENCE DOCUMENTS	Bush Fire (Infringement) Regulations 1978 Annual Firebreak and Fuel Hazard Reduction Notice
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1812/264	Recent Council Resolution C1812/264
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	BF3 – To Institute a Prosecution, or to Issue an Infringement	

City of Busselton

DA 3 – 04	Variation of Prohibited and Restricted Burning Times
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Bush Fires Act 1954</i> Section 48 Delegation by Local Governments
DELEGATED TO	Mayor Chief Bush Fire Control Officer
POWER / DUTY DELEGATED	The <i>Bush Fires Act 1954</i>
FUNCTION	s.17 Prohibited burning times may be declared by Minister s.18 Restricted burning times may be declared by FES Commissioner
CONDITIONS	<ol style="list-style-type: none"> 1. The powers and duties pursuant to sections 17 and 18 of the <i>Bush Fires Act 1954</i> are jointly delegated to the Mayor and Chief Bush Fire Control Officer; and 2. Decisions under s.17 (7) must comply with the requirements of s.17(7B) and s.17(8).
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1812/264	Recent Council Resolution C1812/264
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	BF4 – Variation of Prohibited and Restricted Burning Times	

City of Busselton

CAT ACT 2011	
DA 4 – 01	The Powers and Duties of the Local Government pursuant to the <i>Cat Act 2011</i>

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Cat Act 2011</i> Part 4, Division 2, Section 44
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Cat Act 2011</i>
FUNCTION	All powers and duties of a local government pursuant to the <i>Cat Act 2011</i>
CONDITIONS	Nil
POLICY	Council Policy: Rehoming of Impounded Dogs and Cats Council Policy: Ranger and Emergency Services Approach to Regulatory Functions
REFERENCE DOCUMENTS	Keeping and Control of Cats Local Law 2014
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1310/285	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	CA1 – The Powers and Duties of the <i>Cat Act 2011</i>	

City of Busselton

DOG ACT 1976

DA 5 – 01 The Powers and Duties of the Local Government pursuant to *Dog Act 1976*

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Dog Act 1976</i> Section 10AA
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Dog Act 1976</i>
FUNCTION	All the powers and duties of the local government pursuant to the <i>Dog Act 1976</i>
CONDITIONS	Nil
POLICY	Council Policy: Rehoming of Impounded Dogs and Cats Council Policy: Ranger and Emergency Services Approach to Regulatory Functions
REFERENCE DOCUMENTS	Dogs Local Law 2014
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1310/285	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	DA1 – The powers and duties of the <i>Dog Act 1976</i> including the authority to further delegate	

City of Busselton

GRAFFITI VANDALISM ACT 2016

DA 6 – 01 The Powers and Duties of a Local Government pursuant to the *Graffiti Vandalism Act 2016*

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Graffiti Vandalism Act 2016</i> Section 16
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Graffiti Vandalism Act 2016</i>
FUNCTION	All the powers and duties of a local government pursuant to the <i>Graffiti Vandalism Act 2016</i>
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Department of Local Government and Communities Circular No.18-2016 'Graffiti Vandalism Act 2016'
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1706/131	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	GV1 – Exercise of any of the local governments powers or the discharge of any of its duties under Part 3 of the <i>Graffiti Vandalism Act 2016</i>	

City of Busselton

PLANNING AND DEVELOPMENT ACT 2005	
DA 7 – 01	Development Control

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<p><i>Planning and Development Act 2005</i> s.162</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2</p> <p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO</p>
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>The Planning and Development (Local Planning Schemes) Regulations 2015</i>
FUNCTION	<u>The powers and duties of the local government able to be delegated under clause 82, Schedule 2 – Deemed Provisions for local planning schemes.</u>
CONDITIONS	<p>1. 'Call-in' provisions Any two or more Councillors may consider an application or proposal to be of strategic significance and/or high community interest and <i>request</i> the CEO in writing, to present the application or proposal to the Council for consideration. If the request is supported, the application shall be presented to the first practicable Council meeting for consideration.</p> <p><i>Note: Any Councillor may also submit a notice of motion in relation to the withdrawal of delegation in relation to a particular application, but it would generally be expected that they would first seek to exercise the call-in provision outlined above.</i></p> <p>2. Reconsideration of applications for development approval Prior to the determination of an application for reconsideration of an application for development approval (other than where a reconsideration is occurring pursuant to section 31 of the State Administrative Tribunal Act 2004 – see below), the CEO shall ensure that a copy of the reconsideration request, together with a report assessing the application, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.</p> <p>"Reconsideration" is a not a defined term in the City of Busselton Local Planning Scheme No. 21 or the Planning and Development (Local Planning Scheme) Regulations 2015, however for the purposes of this delegation, the term relates to applications to: a) a request to amend or delete conditions of a development approval, where City officers are not supportive of that request and informal discussion with the applicant has not resolved the issue; and b) to new development applications which are substantially the same as an earlier application refused under delegation</p>

City of Busselton

	<p>This condition relates to applications to amend an approval where reconsideration of conditions is being requested, and also to new applications which are substantially the same as an earlier application refused under delegation (where the request is made within 60 days of the original determination date).</p> <p>3. Structure Plans, Activity Centre Plans, Local Development Plans, Developer Contribution Plans</p> <p>Prior to making a recommendation to the Western Australian Planning Commission regarding adoption or amendment of a Structure Plan, Activity Centre plan and/or Local Development Plan, the CEO shall ensure that a copy of the respective plan, together with a report, setting out and explaining the recommendation proposed to be made under delegation, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.</p> <p>These delegations do not extend to the making of recommendations to the Western Australian Planning Commission regarding adoption or amendment to the Developer Contribution Plans.</p> <p>4. Local Planning Policies, Local Heritage List, Heritage Precincts</p> <p>Decisions relating to adoption, revocation or amendment of local Planning Policies, the Local Heritage List and/or Heritage Precincts are not delegated.</p> <p>5. Applications for review by the State Administrative Tribunal (SAT)</p> <p>Where the original decision was made under delegation, a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 may also be made under delegation.</p> <p>Where the original decision was made by the Council, a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 shall be presented to the Council for consideration, unless officers have briefed Councillors and Councillors have indicated a general willingness to allow the decision to be made under delegation, in which case a decision may be made under delegation, provided that the 'call-in' provisions set out at Condition 1 above have not been exercised before the decision is made, and that Councillors have also been briefed on the matter as per Condition 6 below, to provide an opportunity for Councillors to exercise the 'call-in' provisions.</p> <p>6. Briefing and Reporting</p> <p>Generally on a monthly basis (as agreed/determined by the Mayor and CEO), officers shall provide Councillors with an informal briefing on planning matters of strategic significant and/or high community interest, and on issues raised by Councillors. Each Friday, or in the case of Fridays which are public holidays, the next working day, a summary of applications received and determined in the preceding period (usually the preceding Friday to Thursday) shall be published on the City's website.</p>
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	Generally on a monthly basis, and generally as part of the agenda for every second ordinary Council meeting in any given month, a summary and update of planning and development-related State Administrative Tribunal matters involving the City shall be presented to Councillors as part of the 'Councillors Information Bulletin'.
POLICY	Nil
REFERENCE DOCUMENTS	Nil
SUB DELEGATION	S7 – 01A PDR1 Planning and Development (Local Planning Schemes) Regulations 2015 S7 – 01B PDR2 Planning and Development (Local Planning Schemes) Regulations 2015 S7 – 01C PDR3 Planning and Development (Local Planning Schemes) Regulations 2015 S7 – 01D PDR4 Planning and Development (Local Planning Schemes) Regulations 2015 S7 – 01E PDR5 Planning and Development (Local Planning Schemes) Regulations 2015

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1703/042	Recent Council Resolution C2009/109
RECENT ALTERATIONS	September 2020	
PREVIOUS DELEGATION REFERENCE	PDR1 – Development Control	

City of Busselton

DA 7 – 02	Unauthorised Development
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Planning and Development Act 2005</i> s.214(2),(3) and (5)
FUNCTION	s.214(2) The power to give written direction to stop or not recommence s.2.14(3) The power to give written direction to remove or restore s.2.14(5) The power to given written direction to execute the work Illegal development, responsible authority's power as to
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	
SUB DELEGATION	S7 – 02 Unauthorised Development

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1106/199	Recent Council Resolution C1808/150
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	LG5B – Directions regarding unauthorised development	

City of Busselton

STRATA TITLES ACT 1985	
DA 8 – 01	Certificate of Approval pursuant to the <i>Strata Titles Act 1985</i>

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Strata Titles Act 1985</i> s.25 <i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Strata Titles Act 1985</i>
FUNCTION	s.25 Certificate of Commission
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Planning Bulletin 52/2009
SUB DELEGATION	S8 – 01 Certificate of Approval

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1409/235	Recent Council Resolution C1908/168
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	STA1 – Certificate of Approval	

City of Busseton

CRIMINAL PROCEDURE ACT 2004

DA 9 – 01 Criminal Procedure Act 2004 - ~~Authorised Persons of~~ **Authorised and Approved Persons**

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Criminal Procedure Act 2004</i> Part 2, Section 7
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Health (Asbestos) Regulations 1992</i>
FUNCTION	<u>All the powers of an authorised person pursuant to the Health (Asbestos) Regulations 1992</u> <u>All the powers of an approved persons pursuant to the Health (Asbestos) Regulations 1992</u>
CONDITIONS	<u>Authorised Persons:</u> Authorised p Persons can issue infringement notices under the Criminal Procedure Act 2004 for breaches of the Health (Asbestos) Regulations 1992. Authorised Persons cannot withdraw or extend the pay period of an infringement notice issued under this legislation. <u>Approved Persons:</u> <u>Approved persons can withdraw or extend the pay period of infringement notices issues under the Criminal Procedure Act 2004 for breaches of the Health (Asbestos) Regulations 1992. Approved Persons cannot issue infringement notices under this legislation.</u>
POLICY	Nil
REFERENCE DOCUMENTS	Criminal Procedure Act 2004 Health (Asbestos) Regulations 1992
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1703/061	Recent Council Resolution C1703/061
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	CPA1 – Authorised Persons of the Criminal Procedure Act 2004	

City of Busselton

DA 9 – 02 ~~Criminal Procedure Act 2004 – Approved Persons of~~

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	Criminal Procedure Act 2004 Part 2
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	Health (Asbestos) Regulations 1992
FUNCTION	Part 2 – Dealing with alleged offenders without prosecuting them
CONDITIONS	Approved Persons can withdraw or extend the pay period of infringement notices issues under the Criminal Procedure Act 2004 for breaches of the Health (Asbestos) Regulations 1992. Approved Persons cannot issue infringement notices under this legislation.
POLICY	Nil
REFERENCE DOCUMENTS	Criminal Procedure Act 2004 Health (Asbestos) Regulations 1992
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1703/061	Recent Council Resolution C1703/061
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	CPA2 – Approved Persons of the Criminal Procedure Act 2004	

City of Busselton

PUBLIC HEALTH ACT 2016	
DA 10 – 01	Public Health Act 2016 - Authorised Persons of

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Public Health Act 2016</i> Section 21
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Public Health Act 2016</i> Section 24
FUNCTION	s.24 Designation of authorised officers
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	
SUB DELEGATION	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1706/061	Recent Council Resolution C1703/061
RECENT ALTERATIONS		
PREVIOUS DELEGATION REFERENCE	PHA1 – Section 21 under the Public Health Act 2016, Authorised Persons of the Public Health Act 2016	

City of Busselton

Delegations to the Committees

LOCAL GOVERNMENT ACT 1995

DA 11 – 01 Meelup Regional Park Management Committee

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<u>Local Government Act 1995</u> s.5.16 Delegation of some powers and duties to certain committees s.5.17 Limits on delegation of powers and duties to certain committees
DELEGATED TO	<u>Meelup Regional Park Management Committee</u>
POWER / DUTY DELEGATED	<u>Local Government Act 1995</u> s.3.5184(1)
FUNCTION	<u>s.3.18 Performing executive functions</u> ⁵⁴ <u>Reserves under control of local government</u>
CONDITIONS	The above power or duty is to adopt plans, policies or documents that relate to the management of the park other than where those plans, policies or documents require adoption pursuant to a particular statutory power. The Committee may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council.
POLICY	Council Policy: Governance of Meelup Regional Park
REFERENCE DOCUMENTS	<u>Meelup Regional Park Management Committee's Terms of Reference and Working Group Terms of Reference</u>
SUB DELEGATION	

RECORD KEEPING	<u>ECM – GOVN001 'Authorised Delegation of Power/Authority'</u>	
VERIFICATION	<u>Initial Council Resolution C0806/188</u>	<u>Recent Council Resolution C1808/150</u>
RECENT ALTERATIONS	<u>July 2018</u>	
PREVIOUS DELEGATION REFERENCE	<u>LG3I – Reserve Under the Control of the Local Government</u>	

City of Busselton

DA 11 – 02 Audit Committee
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POWER / DUTY ASSIGNED TO	<u>Local Government</u>
POWER TO DELEGATE	<u>Local Government Act 1995</u> <u>s.5.16 Delegation of some powers and duties to certain committees</u> <u>s.5.17-1B Limits on delegations-Delegation of some powers and duties to audit certain committees</u> <u>s.7.1B Delegation of some powers and duties to audit committees</u> <u>s.7.1C Decisions of audit committees</u>
DELEGATED TO	<u>Audit Committee</u>
POWER / DUTY DELEGATED	<u>Local Government Act 1995</u> <u>s.7.12A</u>
FUNCTION	<u>s.7.12A (2)</u> <u>Authority to meet with the City’s Auditor at least once every year on behalf of the Council</u> <u>s.7.12A (3)</u> <u>Authority to:</u> <u>a. Examine the report of the Auditor and determine matters that require action to be taken by the City; and</u> <u>b. Ensure that appropriate action is taken in respect of those matters.</u> <u>s.7.12A (4)</u> <u>Authority to review and endorse the City’s report on any actions taken in response to the Auditor’s report, prior to it being forwarded to the Minister.</u>
CONDITIONS	<u>Delegation of s.7.12A(3) and s.7.12A(4) is not to be used where a Management Letter or Audit Report raises significant issues and the local governments meeting with the Auditor must be directed to the Council.</u>
POLICY	<u>Nil</u>
REFERENCE DOCUMENTS	<u>Terms of Reference: Audit Committee</u>
SUB DELEGATION	

RECORD KEEPING	<u>ECM – GOVN001 ‘Authorised Delegation of Power/Authority’</u>	
VERIFICATION	<u>Initial Council Resolution C1001/015</u>	<u>Recent Council Resolution C1808/150</u>
RECENT ALTERATIONS	<u>July 2018</u>	
PREVIOUS DELEGATION REFERENCE	<u>LG7A – Meeting with the Auditor</u>	

10.28am: At this time, Mrs Heys left the meeting.

10.28am: At this time, Mr Needham and Ms Navarro entered the meeting.

6.3 LOCAL PLANNING POLICY REVIEW - ADOPTION OF LOCAL PLANNING POLICIES FOLLOWING PUBLIC CONSULTATION - LPP 1.3: PRIVATE JETTIES AND BOAT LIFTING STRUCTURES; AND LPP 6.1: STORMWATER MANAGEMENT; AND LPP XX: ADVERTISEMENTS AND ADVERTISING SIGNS

STRATEGIC GOAL	2. PLACE AND SPACES Vibrant, attractive, affordable
STRATEGIC OBJECTIVE	2.3 Creative urban design that produces vibrant, mixed-use town centres and public spaces.
SUBJECT INDEX	Development Control Policy
BUSINESS UNIT	Statutory Planning
REPORTING OFFICER	Senior Development Planner – Policy - Stephanie Navarro
AUTHORISING OFFICER	Director, Planning and Development Services - Paul Needham
NATURE OF DECISION	Legislative: to adopt legislative documents e.g. local laws, local planning schemes, local planning policies
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A LPP 1.3 - Private Jetties and Boat Lifting Structures ↓ 
	Attachment B LPP 6.1 - Stormwater Management (with track changes) ↓ 
	Attachment C LPP 6.1 - Stormwater Management (final - no track changes) ↓ 
	Attachment D LPP XX Advertisements and Advertising Signs (with track changes) ↓ 
	Attachment E LPP XX Advertisements and Advertising Signs (final - no track changes) ↓ 

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL2012/375 Moved Councillor G Henley, seconded Councillor L Miles

That the Council:

1. Pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt as final:
 - (a) *LPP 1.3 : Private Jetties and Boat Lifting Structures*, as set out at Attachment A; and
 - (b) *LPP 6.1 : Stormwater Management*, as set out at Attachment C; and
 - (c) *LPP XX : Advertisements and Advertising Signs*, as set out at Attachment E.
2. Publish a notice of adoption in a newspaper circulating within the Scheme area in accordance with clause 4 of Part 2 of Schedule 2 – Deemed Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015* of those Policies set out in 1 above.

CARRIED 5/0

EXECUTIVE SUMMARY

Council is asked to consider final adoption of the following local planning policies ('Policies' or 'Policy', as appropriate to the context) which, since being initiated by Council, have been publicly advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* ('Regulations'):

- *LPP 1.3 : Private Jetties and Boat Lifting Structures*, as set out at Attachment A; and
- *LPP 6.1 : Stormwater Management*, as set out at Attachment C; and
- *LPP XX : Advertisements and Advertising Signs*, as set out at Attachment E.

BACKGROUND

The Regulations provide that policies may be prepared by a local government in respect of any matter relating to planning and development subject to the *City of Busselton Local Planning Scheme No. 21* ('Scheme').

The intention of a policy is to provide guidance to applicants/developers and the community in regards to the decision-making process, as well as to the local government when exercising discretion under the Scheme. Policies must be consistent with the intent of the relevant Scheme provisions, including *State Planning Policy 7.3 - Residential Design Codes* ('R-Codes'), and cannot vary development standards or requirements set out in a Scheme or impose any mandatory requirements upon development.

Policies are to be given due regard in the assessment of development applications and are listed as a "matter to be considered" when making a determination of a development application under clause 67 of Schedule 2 of the Regulations.

It is proposed as part of this report that Council adopts as final the following Policies:

- *LPP 1.3 : Private Jetties and Boat Lifting Structures*, as set out at Attachment A; and
- *LPP 6.1 : Stormwater Management*, as set out at Attachment C; and
- *LPP XX : Advertisements and Advertising Signs*, as set out at Attachment E.

The Policies were advertised via a notice placed in the local newspaper for four consecutive weeks and a portal was created on the City's *Your Say* platform website for the online lodgement of submissions.

LPP 1.3 : Private Jetties and Boat Lifting Structures and LPP 6.1 : Stormwater Management were advertised from 2 September to 30 September 2020. LPP XX : Advertisements and Advertising Signs was advertised from 1 October 2020 to 29 October 2020.

A description of the Policies being considered is set out in the 'Officer Comment' section of this report.

OFFICER COMMENTLPP 1.3 : Private Jetties and Boat Lifting Structures

This Policy is an amended version of the City's current LPP 1.3 : Private Jetties and Boat Lifting Structures. The purpose of the amendments are as follows:

- Formatting changes to simplify and shorten the LPP;
- Modification to the LPP to allow for the consideration of mechanical boat lifting structures where it can be demonstrated that the structure will not detrimentally impact on the amenity of adjoining owners or the navigability, accessibility and usability of the canal.

During the public consultation period, no submissions were received. It is recommended that the Policy as set out in Attachment A be adopted as final.

LPP 6.1: Stormwater Management

This LPP is an amended version of the City's current LPP 6.1 : Stormwater Management. The purpose of the amendments are as follows:

- Formatting changes to simplify and shorten the LPP;
- Remove reference to a revoked LPP 6.2 : Drainage Infill Contributions Provisions;
- No change to the volumetric requirements for on-site storm water management systems however clarification provided when a Drainage Property Connection is provided at subdivision stage.

During the public consultation period, no submissions were received. Some minor administrative changes are proposed to this version of the Policy in response to further officer review to provide additional clarity. A copy of the Policy with track changes included in red is provided at Attachment B. It is recommended that the Policy as set out in Attachment C be adopted as final.

LPP XX: Advertisements and Advertising Signs

This a new Policy that is proposed to introduce controls regarding permanent advertisements and advertising signs, as defined by the Policy. Currently, the only controls applicable to Advertising Signs are contained with clauses 4.36.4, 4.41 and Schedule 11 of the Scheme as outlined below:

- Clause 4.36.4 outlines requirements for entry statements within the Rural and Viticulture and Tourism zones; and
- Clause 4.41 outlines that Advertisements are prohibited if they advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located; and
- Schedule 11 includes specific types and requirements for Advertising Signs that if met are exempt under clause 6.1 Permitted Development of the Scheme from requiring development approval.

The purpose of this Policy is follows:

- Introduce provisions relating to the maximum number and dimensions for signs that are not otherwise exempted by Schedule 11 of the Scheme;
- Provide guidance regarding what the City considers to be generally acceptable when considering advertising signs that require development approval; and
- Set requirements for signage that incorporate illumination and animation.

During the public consultation period, one submission was received which queried the need for consolidation of existing signage in a Local Centre should a new animated sign be proposed. Given that a Policy provides guidance and is not an inflexible control, no changes to the Policy are considered necessary in response to this submission as any application will be considered on its individual merits. It is noted however that some minor administrative changes are proposed to this version of the Policy in response to further officer review to provide additional clarity.

It is recommended that the Policy as set out in Attachment E be adopted as final.

Statutory Environment

The key statutory environment is set out in the *Planning and Development Act 2005* and related subsidiary legislation, including the City of Busselton Local Planning Scheme No. 21 (the Scheme) and the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), especially Schedule 2 (Deemed Provisions) of the Regulations, which form part of the Scheme.

Division 2 — Local planning policies

3. Local planning policies

- (1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.***
- (2) A local planning policy —***
 - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and***
 - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.***
- (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.***
- (4) The local government may amend or repeal a local planning policy.***
- (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.***

4. Procedure for making local planning policy

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —***
 - (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —***
 - (i) the subject and nature of the proposed policy; and***
 - (ii) the objectives of the proposed policy; and***
 - (iii) where the proposed policy may be inspected; and***
 - (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;***

- (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
 - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
 - (2) *The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).*
 - (3) *After the expiry of the period within which submissions may be made, the local government must —*
 - (a) *review the proposed policy in the light of any submissions made; and*
 - (b) *resolve to —*
 - (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not to proceed with the policy.*
 - (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*
 - (5) *A policy has effect on publication of a notice under subclause (4).*
 - (6) *The local government —*
 - (a) *must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and*
 - (b) *may publish a copy of each of those local planning policies on the website of the local government.*

6. Revocation of local planning policy

A local planning policy may be revoked —

- (a) *by a subsequent local planning policy that —*
 - (i) *is prepared in accordance with this Part; and*
 - (ii) *expressly revokes the local planning policy;*
- Or*
- (b) *by a notice of revocation —*
 - (i) *prepared by the local government; and*
 - (ii) *published in a newspaper circulating in the Scheme area.*

Relevant Plans and Policies

Local Planning Strategy 2019

The purpose of the LPS is to:

- set out the long-term (25 years-plus) broad planning direction for the whole of the District of the City of Busselton;
- provide a strategic rationale for decisions related to the planning and development of the District;
- apply State and regional planning policies relevant to the strategy; and
- provide a strategic rationale for decisions related to the planning and development of the District. The LPS consists of five 'planning themes' with Theme 4 : Environment, landscape and heritage relating to the natural, rural and urban landscapes of the District.

Financial Implications

There are no financial implications associated with the Officer Recommendation.

Stakeholder Consultation

In accordance with the Regulations, it is proposed that a notice be placed in the local newspaper advising that the LPPs subject to this report have been adopted as final.

Risk Assessment

An assessment of the risks associated with the implementation of the Officer Recommendation has been undertaken using the City's risk assessment framework. No risks of a medium or greater level have been identified.

Options

As an alternative to the Officer Recommendation, the Council could:

1. Modify one or more of the Policies recommended to be adopted as final; and/or
2. Not to adopt one or more of the Policies recommended to be adopted as final.

CONCLUSION

It is recommended that Council support the proposed adoption and revocation of the Policies as described in this report.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Implementation of the Officer Recommendation would involve notification of the adopted Policies as outlined in the consultation section of this report above. It is expected that this will commence within one month of the Council decision.

Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to all private Jetties and boat lifting structures across the whole of the City.

2. PURPOSE

The purpose of this Policy is to outline the minimum requirements for the construction of Jetties and boat lifting structures with the intention of ensuring that:

- 2.1 Structures are appropriate in scale, structural design and context to the surrounding environment; and
- 2.2 Matters of safety and navigation are appropriately considered; and
- 2.3 The amenity of the waterway and surrounding residents is maintained.

3. INTERPRETATION

Terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, other than those terms defined below:

"Canal Cul-de-sac Head" means the terminus of a canal with only one entrance.

"Davit" means a structure located on a jetty and which is capable of mechanically moving a vessel from a waterway to a dry lot.

"Floating Boat Lifting Structure" means a floating structure, attached to mooring piles assuring the vessel is out of the water, i.e. a floating pontoon/boat dock.

"Floating Jetty" means a moveable structure, constructed on mooring piles on a floating pontoon.

"Jetty" means a structure connected to a body of water that, wholly or in part, may be used for the purpose of launching or landing a vessel and the configuration can be one of the following arrangements-

- a) Finger shaped;
- b) Floating Jetty;
- c) Land Backed;
- d) 'L' shaped; or
- e) 'T' shaped.

"Jetty Envelope" means a designated area as defined by an endorsed envelope plan in which the jetty is to be wholly constructed and contained within.

"Land Backed Jetty" means a Jetty constructed parallel to the canal wall.

"Mechanical Boat Lifting Structure" means a solid metal structure, on pylons which lifts a vessel out of water.

"Mooring Piles" means steel piles to secure a vessel by attaching the vessel to the piles.

"Primary Walkway" means the walkway the vessel is moored at.

"Revetment Mattress" means the sloped rock section of a canal wall which protects the vertical limestone block retaining wall from scour and undermining.

Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



“Scheme” means the *City of Busselton Local Planning Scheme No. 21* (as amended).

“Secondary Walkway” means a walkway which is not intended to support the mooring of a vessel.

4. POLICY STATEMENT

4.1 JETTIES

Note 1 : Under Part 6 Clause 6.1.1(c) of the Scheme, development approval is not required to be obtained from the City for a Jetty on a canal in the ‘Port Geographe Development Special Control Area’ where it is contained wholly within a specified mooring envelope and is in accordance with the design standards approved by the local government, as outlined below.

Where a Jetty is not located within a Mooring Envelope (as defined by the Scheme) and/or does not satisfy any of the policy provisions below, a development application will be required. As part of the assessment of the development application the development will be assessed against, and required to meet, the Purpose of this Policy.

- 4.1.1 Jetties should be designed such that all vessels moored when parked at the Jetty will be wholly contained within the lots designated Mooring Envelope (where one exists); and
- 4.1.2 Jetties should have no structures built on them and should not have a roof structure; and
- 4.1.3 Jetties should not place a horizontal surcharge load on a canal wall. This will be required to be demonstrate through engineering details at the building permit stage; and
- 4.1.4 Piles associated with a Jetty are to be located so as not to penetrate any Revetment Mattress. Where piles are proposed to penetrate a Revetment Mattress, certification from a structural engineer will be required to be provided at the building permit stage confirming there will be no associated structural impact; and
- 4.1.5 The Primary Walkway should be limited to a minimum width of 1.2m and a maximum width of 2.0m, except for a Land Backed Jetty which has an allowable maximum width of 2.5m; and
- 4.1.6 The Secondary Walkway should be limited to a minimum width of 0.9m and a maximum width of 2.0m, except for a Floating Jetty which has an allowable maximum width of 2.5m; and
- 4.1.7 Jetties should be used for the purpose of accessing a moored or stored vessel only; and
- 4.1.8 With the exception of structures contained wholly within private land (i.e. jetties within dams on private properties), there is a general presumption against any Jetty or boat lifting structure being supported outside the Port Geographe Development Area given the likely significant adverse impacts on local character, coastal amenity and environmental values. In addition, any such structure is likely to require at least partial construction over Crown land managed by the City. There is a general presumption against private development on City land, except as outlined in the ‘Private Works on City Land, including private coastal protection works on City land Policy’.

Note 2: Notwithstanding the above, a Building Permit is required for the construction of all Jetties which should include a certification of structural integrity by a certified structural engineer. In addition, all jetties require a Jetty Licence issued by the Department of Transport. The City may seek comment from the Department of Transport during the assessment process.

Local Planning Policy No. 1.3 PRIVATE JETTIES AND BOAT LIFTING STRUCTURES



4.2 BOAT LIFTING DEVICES AND STRUCTURES

The term boat lifting structure includes a Davit, Floating Boat Lifting Structure and Mechanical Boat Lifting Structure. All boat lifting structures require development approval and should have regard to the following provisions and the Purpose of this Policy:

- 4.2.1 Prior to an application for a boat lifting structure being submitted to the City, an associated Jetty is to be constructed or otherwise approved by the City and licenced by the Department of Transport; and
- 4.2.2 Boat lifting structures should be wholly located within the designated Jetty and/or Mooring Envelope (where one exists); and
- 4.2.3 No boat lifting structure should place a horizontal surcharge load on a canal wall. This will be required to be demonstrate through engineering details at the building permit stage; and
- 4.2.4 Piles associated with a boat lifting structure are to be located so as not to penetrate any Revetment Mattress. Where piles are proposed to penetrate a Revetment Mattress, certification from a structural engineer will be required to be provided at the building permit stage confirming there will be no associated structural impact; and
- 4.2.5 Floating boat lifting structures are preferred for use in Canal Cul-de-sac Heads; and
- 4.2.6 Mechanical Boat Lifting Structures will only be supported where it can be demonstrated by the Applicant that the structure will not detrimentally impact on the amenity of adjoining owners, the navigability, accessibility and useability of the canal; and
- 4.2.7 Davits will only be supported in Marinas and where it can be demonstrated by the Applicant that the structure will not detrimentally impact on the amenity of surrounding properties; and
- 4.2.8 No boat should be suspended from the Davit or Mechanical Boat Lift Structure at any time.

5. RELATED DOCUMENTATION / LEGISLATION

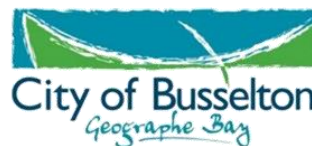
- 5.1 *Private Works on City Land, including private coastal protection works on City land Policy.*

6. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE	10/3/2010	Resolution #	C1003/069

* Policy number changed from LPP 11 to LPP 1.3 on the 11th May 2020. The change is administrative only, no resolution by Council required.

Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



For

1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to development across the whole of the City.

2. PURPOSE

The purpose of this Policy is to outline the minimum requirements for ~~S~~stormwater ~~m~~Management to ~~help~~ ensure:

- 2.1 Safe and effective management of the quantity and quality of stormwater runoff; and
- 2.2 ~~Adequate~~ ~~The~~ protection ~~of development on a for people and~~ property, ~~and adjoining properties,~~ from flooding; and
- 2.3 Stormwater runoff does not adversely impact the quality of the receiving waters, including groundwater, waterways, wetlands, Lower Vasse River and the Geographe Bay.

3. INTERPRETATION

Terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, other than those terms defined below:

“Average Recurrence Interval (ARI)” means the average or expected value of the periods between exceedances of a given rainfall total, accumulated over a given duration (for the purpose of this policy should be taken as one hour duration unless otherwise specified).

“1 Year ARI” means the one year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 16.5mm of rainfall. The volume of stormwater runoff from Impervious Surfaces equates to 1m³ per 60m², although 1m³ per 65m² is required in these provisions.

“5 Year ARI” means the five year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 25mm of rainfall. The volume of stormwater runoff from Impervious Surfaces equates to 1m³ per 40m².

“Drainage Property Connection” means a device to discharge stormwater from a private lot directly into an integrated street conveyance and treatment system and normally includes a maintainable silt trap prior to street system entry.

[Note 1 : To confirm if a lot has a Drainage Property Connection please contact the City.](#)

“Impervious Surfaces” means built surfaces that prevent absorption of water into the ground, such as roads, parking areas, paved areas and rooftops.

“R-codes” means *State Planning Policy 7.3: Residential Design Codes Volume 1* (as amended).

“Stormwater Management” is the control of surface water runoff from Impervious Surfaces ~~such as roofs,~~ ~~roads, driveways and paved areas~~ which prevent the absorption of water into the ground.

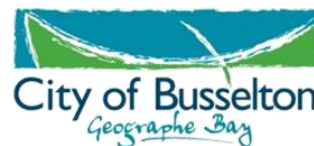
For

For

For

For

Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



For

4. POLICY STATEMENT

4.1 SYSTEMS REQUIREMENTS

4.1.1 Stormwater shall be managed on-site by one or a combination of the following means:

- a) Above ground storage and infiltration systems (e.g. water tanks, rainwater gardens, detention basins); and/or
- b) Below ground storage and infiltration systems (e.g. soakwells, sumps or infiltration cells).

Note 12: Development within a 'Wetland Special Control Area' are encouraged to use 'above ground storage and infiltration systems' only due to the high ground water table.

4.1.2 Notwithstanding 4.1.1 above, on lots greater than 4,000m² stormwater is not required to be contained within a storage and/or infiltration system, however, the applicant shall be required to demonstrate, to the satisfaction of the City, that stormwater can be suitably managed and contained within the Lot such that it does not cause erosion to the building/s or adjoining properties. This can be achieved through the provision of sufficient setbacks and pervious landscaped areas.

4.1.3 Where a Lot has a Drainage Property Connection overflow from the below ground storage and infiltration system, as required under Part 4.1.1 of this Policy, is required to be connected to the Drainage Property Connection via a silt trap.

Note 2-3: A Drainage Property Connection is generally provided within areas with poor soil permeability, high clay content or high winter groundwater table. Please contact the City of Busselton to determine if a lot has a Drainage Property Connection.

4.2 VOLUMETRIC REQUIREMENTS

4.2.1 This Policy sets different volumetric requirement to manage Stormwater based on 1 Year ARI or 5 Year ARI rainfall events. Development should satisfy the applicable volumetric requirements specified in Table 1 below, as follows;

~~(a) Single Houses (including associated outbuildings) should satisfy the volumetric requirements specified in Table 1 below; and~~

~~(b) All other development should satisfy the volumetric requirements specified in Table 2 below.~~

4.2.2 Where the R-codes are applicable, the Stormwater Management volumetric requirement prescribed in Tables 1 and 2 below sets the minimum standard for Stormwater Management to meet the deemed-to-comply criteria of clause 5.3.9 Stormwater Management of the R-codes.

4.2.3 Where an approved District, Local or Urban Water Management Plan/Strategy provides for the management of stormwater (1 Year ARI and 5 Year ARI) within a lot, the standards set out in those provisions prevail over this Policy to the extent of any inconsistency.

Local Planning Policy No. 6.1 STORMWATER MANAGEMENT

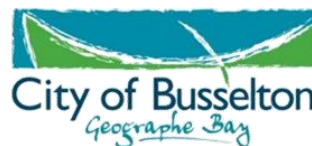


TABLE 1 : VOLUMETRIC REQUIREMENTS FOR STORMWATER MANAGEMENT

TABLE 1- SINGLE HOUSE (INCLUDING ASSOCIATED OUTBUILDINGS) ON A LOT LESS THAN 4,000M²	
All lots other than canal lots within Port Geographe with an overflow pipe within canal wall.	Stormwater runoff is retained for use and/or infiltration within the lot at a rate of 1m³ of storage per 65m² of Impervious Surfaces area to accommodate 1 Year ARI.
Canal lots within Port Geographe with an overflow pipe within canal wall. <i>Note 4 : Developers must confirm on site the location/existence of the overflow pipe.</i>	No on-site Stormwater Management is required and can be discharged in to the canal via the overflow pipe which is required to be connected to a silt-trap.
TABLE 2- ALL OTHER DEVELOPMENT ON A LOT LESS THAN 4,000M²	
All lots	Stormwater runoff is retained for use and/or infiltration within the lot at a rate of 1m³ of storage per 40m² of Impervious Surfaces area to accommodate 5 Year ARI. W-except where an approved urban water management plan is in place stormwater management is to be in accordance with that plan.

Note 3: Where the R-codes are applicable, the Stormwater Management volumetric requirement prescribed in Tables 1 and 2 above sets the minimum standard for Stormwater Management to meet the deemed to comply criteria of clause 5.3.9 Stormwater Management of the R-codes.

5. RELATED DOCUMENTATION/ LEGISLATION

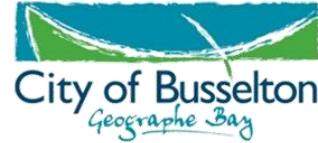
- 5.1 City of Busselton Engineering Technical Specifications (Section 6 – Property Development Technical Requirements and Guidelines)
- 5.2 AS/NZS 3500.3:2003 Plumbing and Drainage: Part 3 - Stormwater Drainage

6. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	DATE	8/10/2014	Resolution #	C1410/243
Previous Adoption	DATE	8/10/2014	Resolution #	C1410/243

* Policy number changed from LPP 8C to LPP 6.1 on the 11th May 2020. The change is administrative only, no resolution by Council required.

Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to development across the whole of the City.

2. PURPOSE

The purpose of this Policy is to outline the minimum requirements for Stormwater Management to help ensure:

- 2.1 Safe and effective management of the quantity and quality of stormwater runoff; and
- 2.2 The protection of development on a property, and adjoining properties, from flooding; and
- 2.3 Stormwater runoff does not adversely impact the quality of the receiving waters, including groundwater, waterways, wetlands, Lower Vasse River and the Geographe Bay.

3. INTERPRETATION

Terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, other than those terms defined below:

“Average Recurrence Interval (ARI)” means the average or expected value of the periods between exceedances of a given rainfall total, accumulated over a given duration (for the purpose of this policy should be taken as one hour duration unless otherwise specified).

“1 Year ARI” means the one year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 16.5mm of rainfall. The volume of stormwater runoff from Impervious Surfaces equates to 1m³ per 60m², although 1m³ per 65m² is required in these provisions.

“5 Year ARI” means the five year average recurrence interval, of a one hour duration, which for Busselton and Dunsborough areas equates to 25mm of rainfall. The volume of stormwater runoff from Impervious Surfaces equates to 1m³ per 40m².

“Drainage Property Connection” means a device to discharge stormwater from a private lot directly into an integrated street conveyance and treatment system and normally includes a maintainable silt trap prior to street system entry.

Note 1 : To confirm if a lot has a Drainage Property Connection please contact the City.

“Impervious Surfaces” means built surfaces that prevent absorption of water into the ground, such as roads, parking areas, paved areas and rooftops.

“R-codes” means *State Planning Policy 7.3: Residential Design Codes Volume 1* (as amended).

“Stormwater Management” is the control of surface water runoff from Impervious Surfaces which prevent the absorption of water into the ground.

4. POLICY STATEMENT

4.1 SYSTEMS REQUIREMENTS

4.1.1 Stormwater shall be managed on-site by one or a combination of the following means:

- a) Above ground storage and infiltration systems (e.g. water tanks, rainwater gardens, detention basins); *and/or*
- b) Below ground storage and infiltration systems (e.g. soakwells, sumps or infiltration cells).

Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



Note 2 : Development within a 'Wetland Special Control Area' are encouraged to use 'above ground storage and infiltration systems' only due to the high ground water table.

- 4.1.2 Notwithstanding 4.1.1 above, on lots greater than 4,000m² stormwater is not required to be contained within a storage and/or infiltration system, however, the applicant is required to demonstrate, to the satisfaction of the City, that stormwater can be suitably managed and contained within the Lot such that it does not cause erosion to the building/s or adjoining properties. This can be achieved through the provision of sufficient setbacks and pervious landscaped areas.
- 4.1.3 Where a Lot has a Drainage Property Connection overflow from the below ground storage and infiltration system, as required under Part 4.1.1 of this Policy, is required to be connected to the Drainage Property Connection via a silt trap.

Note 3 : A Drainage Property Connection is generally provided within areas with poor soil permeability, high clay content or high winter groundwater table. Please contact the City of Busselton to determine if a lot has a Drainage Property Connection.

4.2 VOLUMETRIC REQUIREMENTS

- 4.2.1 This Policy sets different volumetric requirement to manage Stormwater based on 1 Year ARI or 5 Year ARI rainfall events. Development should satisfy the applicable volumetric requirements specified in Table 1 below.
- 4.2.2 Where the R-codes are applicable, the Stormwater Management volumetric requirement prescribed in Tables 1 and 2 below sets the minimum standard for Stormwater Management to meet the deemed-to-comply criteria of clause 5.3.9 Stormwater Management of the R-codes.
- 4.2.3 Where an approved District, Local or Urban Water Management Plan/Strategy provides for the management of stormwater (1 Year ARI and 5 Year ARI) within a lot, the standards set out in those provisions prevail over this Policy to the extent of any inconsistency.

TABLE 1 : VOLUMETRIC REQUIREMENTS FOR STORMWATER MANAGEMENT

SINGLE HOUSE (INCLUDING ASSOCIATED OUTBUILDINGS) ON A LOT LESS THAN 4,000M ²	
All lots other than canal lots within Port Geographe with an overflow pipe within canal wall.	Stormwater runoff is retained for use and/or infiltration within the lot at a rate of 1m³ of storage per 65m² of Impervious Surfaces to accommodate 1 Year ARI.
Canal lots within Port Geographe with an overflow pipe within canal wall. <i>Note 4 : Developers must confirm on site the location/existence of the overflow pipe.</i>	No on-site Stormwater Management is required and can be discharged in to the canal via the overflow pipe which is required to be connected to a silt-trap.

Local Planning Policy No. 6.1 STORMWATER MANAGEMENT



ALL OTHER DEVELOPMENT ON A LOT LESS THAN 4,000M ²	
All lots	Stormwater runoff is retained for use and/or infiltration within the lot at a rate of 1m³ of storage per 40m² of Impervious Surfaces to accommodate 5 Year ARI. Where an approved urban water management plan is in place stormwater management is to be in accordance with that plan.

5. RELATED DOCUMENTATION/ LEGISLATION

- 5.1 *City of Busselton Engineering Technical Specifications (Section 6 – Property Development Technical Requirements and Guidelines)*
- 5.2 *AS/NZS 3500.3:2003 Plumbing and Drainage: Part 3 - Stormwater Drainage*

6. REVIEW DETAILS

Review Frequency		2 yearly		
Council Adoption	DATE	8/10/2014	Resolution #	C1410/243
Previous Adoption	DATE		Resolution #	

* Policy number changed from LPP 8C to LPP 6.1 on the 11th May 2020. The change is administrative only, no resolution by Council required.

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions) and applies to all Advertisements and Advertising Signs not defined as a Portable Signs located across the whole of the City.

Note 1: This Policy does not apply to Portable Signs, refer to Council Policy 'Portable Advertising Signs in Public Places' for provisions relating to Portable Signs.

2. PURPOSE

The purpose of this Policy is to:

- 2.1 Set standards relating to the design and placement of Advertisements and Advertising Signs within the City. Where Advertisements and Advertising Signs do not meet these standards they are to be:
 - (a) Designed, constructed and maintained to a high aesthetic standard and quality of presentation; and
 - (b) Integrated within the design of the development and are consistent with the character of the local area; and
 - (c) Designed such that they do not result in visual clutter and/or have a detrimental impact on the streetscape or visual amenity of the surrounding area and present a visually attractive appearance to public areas; and
 - (d) Consistent with the heritage values of a place (where applicable); and
 - (e) Integrated and rationalised where a site contains multiple tenancies; and
 - (f) Designed, constructed, secured and maintained so that they do not pose a hazard to motorists, pedestrians, cyclists and the public at large; and
- 2.2 In addition to the above, where Static Illumination and/or Animation are proposed, illumination levels should not have an adverse impact on the amenity of the area or cause a nuisance to occupiers of surrounding residential premises.

3. INTERPRETATION

Other than those terms defined below, and in Appendix 1 : 'Types of Advertising Signage' of this Policy, terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, including those terms defined in the deemed provisions and Schedule 11 of the Scheme -

"Advertisement" as defined by the Deemed Provisions and provided below -

means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes —

- a) *any hoarding or similar structure used, or adapted for use, for the display of advertisements; and*
- b) *any airborne device anchored to any land or building used for the display of advertising; and*
- c) *any vehicle or trailer or other similar object placed or located so as to serve the purpose of*

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



displaying advertising.

“Advertising Sign” means a permanent structure used for the purpose of Advertisement, or to draw attention to, a product, business, person or event.

“Animation” means the movement or the appearance of movement through the use of patterns of lights, changes in color or light intensity, computerized special effects, video displays, or through any other method.

“Local Activity Centre” means lot(s) which are zoned Local Centre under the Scheme and are identified within Table 3 : Activity Centre Framework of the City’s *Local Planning Strategy* as a Local Centre.

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“Main Roads WA Roads” means any road which is under the care and control of Main Roads WA, including Primary Distributor & Regional Distributor Roads, and includes the following roads within the City;

- (a) Caves Road;
- (b) Bussell Highway from the southern boundary of the Shire of Capel to Causeway Road;
- (c) Bussell Highway from the intersection with Caves Road to the northern boundary of the Shire of Augusta Margaret River;
- (d) Busselton Bypass;
- (e) Vasse Highway; and
- (f) Sues Road.

“Portable Sign” means an Advertising Sign that is made from lightweight materials which can be easily moved and includes but is not limited to:

- (a) ‘A’ frame of ‘T’ frame sign;
- (b) Garage Sale Sign;
- (c) Home Open Sign;
- (d) Horizontal banner sign;
- (e) City project sign;
- (f) Vertical banner sign; and
- (g) Variable message sign.

“Scheme” means the *City of Busselton Local Planning Scheme No. 21* (as amended).

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“Static Illumination” means an internal or external light source that lights any type of sign.

4. POLICY STATEMENT

4.1 BACKGROUND

Clause 6.1 ‘Permitted Development’ of the Scheme outlines development which is exempt from requiring development approval. Clause 6.1.1(d) of the Scheme exempts; “the erection, placement or display of any advertisement and the use of land or buildings for that purpose as exempted by Schedule 11, except in respect of a place included in the Heritage List or in a heritage area.”

In addition to Clause 6.1.1(d) of the Scheme, the following Scheme provisions are also relevant

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



to Advertising Signage within the City:

- (a) Clause 4.36.4 of the Scheme outlines requirements for entry statements within the Rural and Viticulture and Tourism zones;
- (b) Clause 4.41 'Prohibited Advertisements' states; "Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, are prohibited".

Where not exempted by Schedule 11 of the Scheme, Advertising Signage requires a development approval and an assessment against the Scheme and this Policy.

4.2 SIGN TYPE AND ZONE SPECIFIC REQUIREMENTS

Advertisements should comply with 'Appendix 2: Zoning Specific Provisions - Free Standing Signs' or 'Appendix 3: Zoning Specific Provisions - Signs Attached to a Building'.

4.3 GENERAL REQUIREMENTS

In addition to the requirements above, the following considerations are relevant to all development applications for all Advertisements:

- (a) Advertisements should generally be integrated into the architectural design of all new development; and
- (b) All Advertisements should be contained wholly within the lot to which it relates with the exception of Cantilever and Verandah/Awning Signs which may project into the adjoining road reserve or other public land (with the appropriate consent of the agency responsible for managing that land); and
- (c) A minimum clearance of 2.75m (in accordance with the *Building Code of Australia*) should be provided underneath Pylon Sign - Large, Cantilever and Verandah/Awning signs unless it can be demonstrated that 2.75m clearance cannot reasonably be achieved and a lower clearance, should that be proposed, is unlikely to have any significant impact on pedestrian amenity or safety; and
- (d) The City does not support more than one "Pylon Sign – Large", "Pylon Sign – Small" or "Commercial Flag Sign" per road frontage.

4.4 STATIC ILLUMINATION OF ADVERTISEMENTS AND ANIMATION

- (a) Advertisements that incorporate Animation will only be considered for not-for-profit organisation, school and/or other authority where used to display community messages.
- (b) Notwithstanding the above, the City may approve up to one Advertisement that incorporates Animation for commercial purposes per Local Activity Centre where the City is satisfied of the following:
 - (i) There is no more than one Free Standing Signs (i.e. Pylon – Large or Pylon – Small sign) per lot. Where there is more than one Free Standing Sign, the City will require that they be consolidated into a single sign; and
 - (ii) All other signage on the lot is consolidated and kept to a minimum to the satisfaction of the City; and
 - (iii) Where a Local Activity Centre is in multiple ownership a signage strategy for all lots

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**Local Planning Policy No. X
ADVERTISEMENTS AND ADVERTISING SIGNS**



within that Local Activity Centre has been prepared and approved by the City.

- (c) Where Advertisements proposes Static Illumination and/or Animation, as part of the development application, the applicant will be required to demonstrate to the satisfaction of the City that the proposal will not cause a nuisance to occupiers of surrounding residential premises, cause a traffic hazard or distraction to drivers on the adjacent public road or be confused with traffic signals.

Static Illumination and/or Animation ~~shall~~will be required to comply with the following if granted development approval:

- (i) Only be permitted to be in use when the business is operating and ~~shall~~will not be ~~permitted to operate~~ between the hours of 9pm and 7am; and
- (ii) Cannot chase, flash or have any moving features or animations effects such as 'fade', 'zoom' or 'fly-in' for the change of messages or images; and
- (iii) The minimum dwell time of each message or image ~~shall is not to~~ be less than 45 seconds.

Note 2: In addition to the City's requirements, approval from Main Roads WA is required for all advertisements on, in the vicinity of or visible from a Main Road. In addition, all illuminated signs within 50m of traffic signals require approval from Main Roads WA.

Note 3: Some Advertising Signs may require a Building Permit in addition to Development Approval.

5. RELATED DOCUMENTATION/ LEGISLATION

- 5.1 *Activities in Thoroughfares and Public Places and Trading Local Law 2015.*
- 5.2 *Council Policy - Portable Advertising Signs in Public Places.*

6. REVIEW DETAILS

Review Frequency	2 yearly			
Council Adoption	DATE		Resolution #	
Previous Adoption	DATE		Resolution #	

**Local Planning Policy No. X
ADVERTISEMENTS AND ADVERTISING SIGNS**



APPENDIX 1 - TYPES OF ADVERTISING SIGNS	
Freestanding signs	
<p>"Pylon Sign – Large" means an Advertising Sign supported by one or more pole that is not attached to a building and is greater than 1.2m in overall height.</p>	
<p>"Pylon Sign – Small" means an Advertising Sign supported by one or more poles and not attached to a building and is no greater than 1.2m in overall height.</p>	
<p>"Entry Statement Sign" as defined by the Scheme and provided below: <i>"a structure placed at, and denoting, the entry point to a defined area or site and includes associated landscaping and structures."</i></p>	
<p>"Commercial Flag Sign" means a piece of cloth, or other flexible material, which is used to advertise a business and is attached to a pole that is permanently installed into the ground.</p>	
Signs attached to building	
<p>"Cantilever Sign" means an Advertising Sign that is affixed to a building or structure at or by one of its ends.</p>	
<p>"Verandah/Awning Sign" means an Advertising Sign affixed on, above or under a verandah and includes a sign that is affixed to cantilevered awnings and balconies.</p>	

**Local Planning Policy No. X
ADVERTISEMENTS AND ADVERTISING SIGNS**



“Window Sign” means an Advertising Sign painted or affixed to either the interior or exterior surface of the glazed area of a window.



“Wall Sign” as defined in Schedule 11 of the Scheme and provided below:

“a sign attached to or otherwise displayed on a building or a structure no part of which projects further than 0.3m from that building or structure other than an advertisement that is displayed on, above or below a verandah or a verandah fascia.”



“Roof Sign” means an Advertising Sign that is erected or painted directly on the roof of a building.



LPP XX Advertisements and Advertising Signs (with track changes)

APPENDIX 2 : ZONING SPECIFIC PROVISIONS - FREE STANDING SIGNS

	<ul style="list-style-type: none"> Residential Tourism lots without vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Regional Centre Centre Local Centre Tourism lots with vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Service Commercial Light Industry General Industry 	<ul style="list-style-type: none"> Rural Landscape Conservation Bushland Protection 	<ul style="list-style-type: none"> Rural Viticulture and Tourism Rural Residential
Pylon – Large	Not permitted.	<ul style="list-style-type: none"> One per Lot – multi tenancy sites should combine into one sign. Maximum Height : 6m or the height of the associated building whichever is lesser. Maximum Area : 10m² Shall be located so as to not impede sightlines. 	<ul style="list-style-type: none"> One per Lot – multi tenancy sites should combine into one sign. Maximum Height : 6m or the height of the associated building whichever is lesser. Maximum Area : 10m² Shall be located so as to not impede sightlines. 	Not permitted.	Not permitted.
Pylon – Small	<ul style="list-style-type: none"> One per lot when associated with an approved non-residential use. Maximum height : 1.2m Maximum area : 2m² Shall be located so as to not impede sightlines. 	<ul style="list-style-type: none"> One per Lot Maximum height : 1.2m Maximum area : 2m² <p>Shall be located so as to not impede sightlines.</p>	<ul style="list-style-type: none"> One per Lot Maximum height : 1.2m Maximum area : 2m² <p>Shall be located so as to not impede sightlines.</p>	Not permitted.	Not permitted.
Entry Statement	Estate signage – case by case	Not permitted.	Not permitted.	<ul style="list-style-type: none"> One per lot when associated with an approved non-residential use. Average height : 1.2m Maximum height : 1.8m Maximum length : 9m 	<ul style="list-style-type: none"> One per lot when associated with an approved non-residential use. Average height : 1.2m Maximum height : 1.8m Maximum length : 9m
Commercial Flag	Not permitted.	Not permitted.	<ul style="list-style-type: none"> One per Lot Maximum height : 6m Maximum area of flag: 4.5m² 	Not permitted.	Not permitted.

LPP XX Advertisements and Advertising Signs (with track changes)

APPENDIX 3: ZONING SPECIFIC PROVISIONS - SIGNS ATTACHED TO BUILDINGS

	<ul style="list-style-type: none"> Residential Tourism lots without vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Regional Centre Centre Local Centre Tourism lots with vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Service Commercial Light Industry General Industry 	<ul style="list-style-type: none"> Rural Landscape Conservation Bushland Protection 	<ul style="list-style-type: none"> Rural Viticulture and Tourism Rural Residential
Cantilever sign	Not permitted.	<ul style="list-style-type: none"> One per tenancy To be wholly located under the roofline and/awning. Maximum area : 2m² 	<ul style="list-style-type: none"> One per tenancy To be wholly located under the roofline and/awning. Maximum area : 2m² 	Not permitted.	Not permitted.
Verandah/ Awning	Not permitted.	<ul style="list-style-type: none"> One per tenancy Must be contained within the outline of the Verandah/ Awning 	<ul style="list-style-type: none"> One per tenancy Maximum height & Area : Must be contained within the outline of the Verandah/Awning 	Not permitted.	Not permitted.
Window⁵	Not permitted	<ul style="list-style-type: none"> Maximum 25% of the glazing or 10m² per tenancy, whichever is lesser. Must not be solid or prevent two way vision. 	<ul style="list-style-type: none"> Maximum 25% of the glazing or 10m² per tenancy, whichever is lesser. Must not be solid or prevent two way vision. 	Not permitted.	Not permitted.
Wall⁶	Residential Use <ul style="list-style-type: none"> Indicate the name of the building only Maximum letter and number height of 300mm. Non Residential Use/s <ul style="list-style-type: none"> Indicate the name & contact details of the business only Maximum letter and number height of 300mm. 	<ul style="list-style-type: none"> Maximum 25% of the façade or 10m² per tenancy, whichever is lesser. 	<ul style="list-style-type: none"> Maximum 25% of the façade or 10m² per tenancy, whichever is lesser. 	Not permitted.	Not permitted.
Roof	Not permitted.	Not permitted.	Not permitted.	Not permitted.	Not permitted.

Note 5: Advertisements affixed inside or painted on a shop window are exempt under Schedule 11 of the Scheme.

Note 6: Wall signage below the top of an awning or in the absence of an awning below a line measured at 5 metres from the ground floor level of any shop/bulky goods showroom.

Local Planning Policy No. X : Advertisements and Advertising Signs

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions) and applies to all Advertisements and Advertising Signs not defined as a Portable Signs located across the whole of the City.

Note 1: This Policy does not apply to Portable Signs, refer to Council Policy 'Portable Advertising Signs in Public Places' for provisions relating to Portable Signs.

2. PURPOSE

The purpose of this Policy is to:

- 2.1 Set standards relating to the design and placement of Advertisements and Advertising Signs within the City. Where Advertisements and Advertising Signs do not meet these standards they are to be:
 - (a) Designed, constructed and maintained to a high aesthetic standard and quality of presentation; and
 - (b) Integrated within the design of the development and consistent with the character of the local area; and
 - (c) Designed such that they do not result in visual clutter and/or have a detrimental impact on the streetscape or visual amenity of the surrounding area and present a visually attractive appearance to public areas; and
 - (d) Consistent with the heritage values of a place (where applicable); and
 - (e) Integrated and rationalised where a site contains multiple tenancies; and
 - (f) Designed, constructed, secured and maintained so that they do not pose a hazard to motorists, pedestrians, cyclists and the public at large; and
- 2.2 In addition to the above, where Static Illumination and/or Animation are proposed, illumination levels should not have an adverse impact on the amenity of the area or cause a nuisance to occupiers of surrounding residential premises.

3. INTERPRETATION

Other than those terms defined below, and in Appendix 1 : 'Types of Advertising Signage' of this Policy, terms should be interpreted in the same way as they would be interpreted if they were contained or within the Scheme, including those terms defined in the deemed provisions and Schedule 11 of the Scheme -

"Advertisement" as defined by the Deemed Provisions and provided below -

means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, that is used wholly or partly for the purposes of advertising, announcing or directing, and includes —

- a) *any hoarding or similar structure used, or adapted for use, for the display of advertisements; and*
- b) *any airborne device anchored to any land or building used for the display of advertising; and*
- c) *any vehicle or trailer or other similar object placed or located so as to serve the purpose of*

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



displaying advertising.

“Advertising Sign” means a permanent structure used for the purpose of Advertisement, or to draw attention to, a product, business, person or event.

“Animation” means the movement or the appearance of movement through the use of patterns of lights, changes in color or light intensity, computerized special effects, video displays, or through any other method.

“Local Activity Centre” means lot(s) which are zoned Local Centre under the Scheme and are identified within Table 3 : Activity Centre Framework of the City’s *Local Planning Strategy* as a Local Centre.

“Main Roads WA Roads” means any road which is under the care and control of Main Roads WA, including Primary Distributor & Regional Distributor Roads, and includes the following roads within the City;

- (a) Caves Road;
- (b) Bussell Highway from the southern boundary of the Shire of Capel to Causeway Road;
- (c) Bussell Highway from the intersection with Caves Road to the northern boundary of the Shire of Augusta Margaret River;
- (d) Busselton Bypass;
- (e) Vasse Highway; and
- (f) Sues Road.

“Portable Sign” means an Advertising Sign that is made from lightweight materials which can be easily moved and includes but is not limited to:

- (a) ‘A’ frame of ‘T’ frame sign;
- (b) Garage Sale Sign;
- (c) Home Open Sign;
- (d) Horizontal banner sign;
- (e) City project sign;
- (f) Vertical banner sign; and
- (g) Variable message sign.

“Scheme” means the City of Busselton *Local Planning Scheme No. 21* (as amended).

“Static Illumination” means an internal or external light source that lights any type of sign.

4. POLICY STATEMENT

4.1 BACKGROUND

Clause 6.1 ‘Permitted Development’ of the Scheme outlines development which is exempt from requiring development approval. Clause 6.1.1(d) of the Scheme exempts; “the erection, placement or display of any advertisement and the use of land or buildings for that purpose as exempted by Schedule 11, except in respect of a place included in the Heritage List or in a heritage area.”

In addition to Clause 6.1.1(d) of the Scheme, the following Scheme provisions are also relevant

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



to Advertising Signage within the City:

- (a) Clause 4.36.4 of the Scheme outlines requirements for entry statements within the Rural and Viticulture and Tourism zones;
- (b) Clause 4.41 'Prohibited Advertisements' states; "Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, are prohibited".

Where not exempted by Schedule 11 of the Scheme, Advertising Signage requires a development approval and an assessment against the Scheme and this Policy.

4.2 SIGN TYPE AND ZONE SPECIFIC REQUIREMENTS

Advertisements should comply with 'Appendix 2: Zoning Specific Provisions - Free Standing Signs' or 'Appendix 3: Zoning Specific Provisions - Signs Attached to a Building'.

4.3 GENERAL REQUIREMENTS

In addition to the requirements above, the following considerations are relevant to all development applications for Advertisements:

- (a) Advertisements should generally be integrated into the architectural design of all new development; and
- (b) All Advertisements should be contained wholly within the lot to which it relates with the exception of Cantilever and Verandah/Awning Signs which may project into the adjoining road reserve or other public land (with the appropriate consent of the agency responsible for managing that land); and
- (c) A minimum clearance of 2.75m (in accordance with the *Building Code of Australia*) should be provided underneath Pylon Sign - Large, Cantilever and Verandah/Awning signs unless it can be demonstrated that 2.75m clearance cannot reasonably be achieved and a lower clearance, should that be proposed, is unlikely to have any significant impact on pedestrian amenity or safety; and
- (d) The City does not support more than one "Pylon Sign – Large", "Pylon Sign – Small" or "Commercial Flag Sign" per road frontage.

4.4 STATIC ILLUMINATION OF ADVERTISEMENTS AND ANIMATION

- (a) Advertisements that incorporate Animation will only be considered for not-for-profit organisation, school and/or other authority where used to display community messages.
- (b) Notwithstanding the above, the City may approve up to one Advertisement that incorporates Animation for commercial purposes per Local Activity Centre where the City is satisfied of the following:
 - (i) There is no more than one Free Standing Signs (i.e. Pylon – Large or Pylon – Small sign) per lot. Where there is more than one Free Standing Sign, the City will require that they be consolidated into a single sign; and
 - (ii) All other signage on the lot is consolidated and kept to a minimum to the satisfaction of the City; and
 - (iii) Where a Local Activity Centre is in multiple ownership a signage strategy for all lots within that Local Activity Centre has been prepared and approved by the City.

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



- (c) Where Advertisements proposes Static Illumination and/or Animation, as part of the development application, the applicant will be required to demonstrate to the satisfaction of the City that the proposal will not cause a nuisance to occupiers of surrounding residential premises, cause a traffic hazard or distraction to drivers on the adjacent public road or be confused with traffic signals.

Static Illumination and/or Animation will be required to comply with the following if granted development approval:

- (i) Only be permitted to be in use when the business is operating and will not be permitted to operate between the hours of 9pm and 7am; and
- (ii) Cannot chase, flash or have any moving features or animations effects such as 'fade', 'zoom' or 'fly-in' for the change of messages or images; and
- (iii) The minimum dwell time of each message or image is not to be less than 45 seconds.

Note 2: In addition to the City's requirements, approval from Main Roads WA is required for all advertisements on, in the vicinity of or visible from a Main Road. In addition, all illuminated signs within 50m of traffic signals require approval from Main Roads WA.

Note 3: Some Advertising Signs may require a Building Permit in addition to Development Approval.

5. RELATED DOCUMENTATION/ LEGISLATION

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

5.2 *Council Policy - Portable Advertising Signs in Public Places.*

6. REVIEW DETAILS

Review Frequency	2 yearly		
Council Adoption	DATE		Resolution #
Previous Adoption	DATE		Resolution #

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



APPENDIX 1 - TYPES OF ADVERTISING SIGNS	
Freestanding signs	
<p>“Pylon Sign – Large” means an Advertising Sign supported by one or more pole that is not attached to a building and is greater than 1.2m in overall height.</p>	
<p>“Pylon Sign – Small” means an Advertising Sign supported by one or more poles and not attached to a building and is no greater than 1.2m in overall height.</p>	
<p>“Entry Statement Sign” as defined by the Scheme and provided below: <i>“a structure placed at, and denoting, the entry point to a defined area or site and includes associated landscaping and structures.”</i></p>	
<p>“Commercial Flag Sign” means a piece of cloth, or other flexible material, which is used to advertise a business and is attached to a pole that is permanently installed into the ground.</p>	
Signs attached to building	
<p>“Cantilever Sign” means an Advertising Sign that is affixed to a building or structure at or by one of its ends.</p>	
<p>“Verandah/Awning Sign” means an Advertising Sign affixed on, above or under a verandah and includes a sign that is affixed to cantilevered awnings and balconies.</p>	

Local Planning Policy No. X ADVERTISEMENTS AND ADVERTISING SIGNS



<p>“Window Sign” means an Advertising Sign painted or affixed to either the interior or exterior surface of the glazed area of a window.</p>	A line drawing of a storefront with two windows. Each window has a rectangular sign affixed to its exterior surface.
<p>“Wall Sign” as defined in Schedule 11 of the Scheme and provided below:</p> <p><i>“a sign attached to or otherwise displayed on a building or a structure no part of which projects further than 0.3m from that building or structure other than an advertisement that is displayed on, above or below a verandah or a verandah fascia.”</i></p>	A line drawing of a building facade with several signs attached to the wall above the windows. One sign is a horizontal rectangular sign, and another is a vertical rectangular sign.
<p>“Roof Sign” means an Advertising Sign that is erected or painted directly on the roof of a building.</p>	A line drawing of a building with a sign mounted on its roof. The sign is a rectangular panel with the word "SIGN" written on it.

APPENDIX 2 : ZONING SPECIFIC PROVISIONS - FREE STANDING SIGNS

	<ul style="list-style-type: none"> Residential Tourism lots without vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Regional Centre Centre Local Centre Tourism lots with vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Service Commercial Light Industry General Industry 	<ul style="list-style-type: none"> Rural Landscape Conservation Bushland Protection 	<ul style="list-style-type: none"> Rural Viticulture and Tourism Rural Residential
Pylon – Large	Not permitted.	<ul style="list-style-type: none"> One per Lot – multi tenancy sites should combine into one sign. Maximum Height : 6m or the height of the associated building whichever is lesser. Maximum Area : 10m² Shall be located so as to not impede sightlines. 	<ul style="list-style-type: none"> One per Lot – multi tenancy sites should combine into one sign. Maximum Height : 6m or the height of the associated building whichever is lesser. Maximum Area : 10m² Shall be located so as to not impede sightlines. 	Not permitted.	Not permitted.
Pylon – Small	<ul style="list-style-type: none"> One per lot when associated with an approved non-residential use. Maximum height : 1.2m Maximum area : 2m² Shall be located so as to not impede sightlines. 	<ul style="list-style-type: none"> One per Lot Maximum height : 1.2m Maximum area : 2m² <p>Shall be located so as to not impede sightlines.</p>	<ul style="list-style-type: none"> One per Lot Maximum height : 1.2m Maximum area : 2m² <p>Shall be located so as to not impede sightlines.</p>	Not permitted.	Not permitted.
Entry Statement	Estate signage – case by case	Not permitted.	Not permitted.	<ul style="list-style-type: none"> One per lot when associated with an approved non-residential use. Average height : 1.2m Maximum height : 1.8m Maximum length : 9m 	<ul style="list-style-type: none"> One per lot when associated with an approved non-residential use. Average height : 1.2m Maximum height : 1.8m Maximum length : 9m
Commercial Flag	Not permitted.	Not permitted.	<ul style="list-style-type: none"> One per Lot Maximum height : 6m Maximum area of flag: 4.5m² 	Not permitted.	Not permitted.

APPENDIX 3: ZONING SPECIFIC PROVISIONS - SIGNS ATTACHED TO BUILDINGS

	<ul style="list-style-type: none"> Residential Tourism lots without vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Regional Centre Centre Local Centre Tourism lots with vehicular access from Bussell Highway. 	<ul style="list-style-type: none"> Service Commercial Light Industry General Industry 	<ul style="list-style-type: none"> Rural Landscape Conservation Bushland Protection 	<ul style="list-style-type: none"> Rural Viticulture and Tourism Rural Residential
Cantilever sign	Not permitted.	<ul style="list-style-type: none"> One per tenancy To be wholly located under the roofline and/awning. Maximum area : 2m² 	<ul style="list-style-type: none"> One per tenancy To be wholly located under the roofline and/awning. Maximum area : 2m² 	Not permitted.	Not permitted.
Verandah/ Awning	Not permitted.	<ul style="list-style-type: none"> One per tenancy Must be contained within the outline of the Verandah/ Awning 	<ul style="list-style-type: none"> One per tenancy Maximum height & Area : Must be contained within the outline of the Verandah/Awning 	Not permitted.	Not permitted.
Window⁵	Not permitted	<ul style="list-style-type: none"> Maximum 25% of the glazing or 10m² per tenancy, whichever is lesser. Must not be solid or prevent two way vision. 	<ul style="list-style-type: none"> Maximum 25% of the glazing or 10m² per tenancy, whichever is lesser. Must not be solid or prevent two way vision. 	Not permitted.	Not permitted.
Wall⁶	Residential Use <ul style="list-style-type: none"> Indicate the name of the building only Maximum letter and number height of 300mm. Non Residential Use/s <ul style="list-style-type: none"> Indicate the name & contact details of the business only Maximum letter and number height of 300mm. 	<ul style="list-style-type: none"> Maximum 25% of the façade or 10m² per tenancy, whichever is lesser. 	<ul style="list-style-type: none"> Maximum 25% of the façade or 10m² per tenancy, whichever is lesser. 	Not permitted.	Not permitted.
Roof	Not permitted.	Not permitted.	Not permitted.	Not permitted.	Not permitted.

Note 5: Advertisements affixed inside or painted on a shop window are exempt under Schedule 11 of the Scheme.

Note 6: Wall signage below the top of an awning or in the absence of an awning below a line measured at 5 metres from the ground floor level of any shop/bulky goods showroom.

10.33am: At this time, Mr Needham and Ms Navarro left the meeting.

10.33am: At this time, Mrs Heys re-entered the meeting.

6.4 PROPOSED COMMITTEE MEETING DATES 2021

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
SUBJECT INDEX	Committee Meetings
BUSINESS UNIT	Governance Services
REPORTING OFFICER	Governance Officer - Melissa Egan
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Executive: substantial direction setting, including adopting strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Nil

COMMITTEE RECOMMENDATION AND OFFICER RECOMMENDATION

PL2012/376 Moved Councillor K Cox, seconded Councillor L Miles

That the Policy and Legislation Committee adopts the following Committee meeting dates for 2021:

- **Wednesday 27 January 2021**
- **Wednesday 24 February 2021**
- **Wednesday 24 March 2021**
- **Wednesday 28 April 2021**
- **Wednesday 26 May 2021**
- **Wednesday 28 July 2021**
- **Tuesday 24 August 2021**
- **Wednesday 22 September 2021**
- **Wednesday 27 October 2021**
- **Wednesday 8 December 2021**

CARRIED 5/0

EXECUTIVE SUMMARY

This report is presented to the Policy and Legislation Committee to enable the Committee to schedule and advertise its meeting dates for the 2021 calendar year.

BACKGROUND

The Council of the City of Busselton has established a standing committee known as the Policy and Legislation Committee pursuant to section 5.8 of the *Local Government Act 1995* (the Act). The Policy and Legislation Committee is established for the purpose of assisting Council to fulfil its role under section 2.7(2)(b) of the Act, namely to determine the local government's policies and its legislative function in accordance with Division 2 of Part 3 of the Act.

Under its terms of reference, the Policy and Legislation Committee must meet at least six times per year and report to Council in accordance with clause 2.10 of the *City of Busselton Standing Orders 2018*, that is, when and to the extent required by Council.

Following a Committee resolution made in October 2015, the Policy and Legislation Committee has been meeting on a monthly basis and the meeting schedule has been prepared accordingly. In October 2019, Councillors indicated a preference for the Committee meetings be held on the same day as Council Meetings or Briefings, being a Wednesday. On balance, this arrangement has worked well and it is recommended that it be continued for future Policy and Legislation Committee meetings.

OFFICER COMMENT

It is proposed that the Policy and Legislation Committee meetings be held on the fourth week of each month, so that the Finance Committee meetings may be held on the alternate fortnight.

To accommodate the Council mid-year recess, there will not be a Policy and Legislation Committee meeting scheduled for 23 June 2020. Due to statutory timelines applicable to the Finance Committee, the schedules will require a Finance Committee meeting to be held on 21 July 2021 and a Policy and Legislation Committee will be held on the following week of 28 July 2021.

Again, to accommodate statutory timelines in relation to financial reporting, a Policy and Legislation Committee will not be held in November, to allow a second Finance Committee meeting to be held on 24 November 2021. November's Policy and Legislation Committee meeting will instead be held on 9 December 2021, and the reports from this meeting will be considered at Council's first meeting in January 2022. If any policy or legislative matters arise in this period that require urgent consideration, the item may be placed directly on the Agenda of an Ordinary Council meeting.

Under regulation 12 of the *Local Government (Administration) Regulations 1996*, if a committee meeting is open to the public or proposed to be open to the public, the local government must give public notice of the dates, times and place at which the committee meetings are to be held in the next 12 months. Once adopted by the Policy and Legislation Committee, the meeting dates will be publicly advertised.

It is proposed that the Policy and Legislation Committee meetings for 2021 be held at 10.00am, in the Wannerup Committee Room, at the City of Busselton Administration Building on the following dates:

- Wednesday 27 January 2021
- Wednesday 24 February 2021
- Wednesday 24 March 2021
- Wednesday 28 April 2021
- Wednesday 26 May 2021
- Wednesday 28 July 2021
- Tuesday 24 August 2021
- Wednesday 22 September 2021
- Wednesday 27 October 2021
- Wednesday 8 December 2021

Statutory Environment

The legislation relevant to this report is:

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

There are no financial implications associated with the Officer Recommendation.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the Officer Recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation, the Policy and Legislation Committee could propose different dates or times for its meetings to be held.

CONCLUSION

Regulation 12 of the *Local Government (Administration) Regulations 1996* requires the City to give notice of the dates of its committee meetings that are open, or proposed to be open, to the public. The proposed 2021 Policy and Legislation Committee meeting dates are presented to the Committee for adoption. Once adopted by the Policy and Legislation Committee, the 2021 meeting dates, and its times and location, will be publicly advertised.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The schedule of the Policy and Legislation Committee 2021 meetings will be advertised and published prior to the end of 2020.

7. GENERAL DISCUSSION ITEMS

Nil

8. NEXT MEETING DATE

Wednesday, 27 January 2021

9. CLOSURE

The meeting closed at 10.37am.

THESE MINUTES CONSISTING OF PAGES 1 TO 100 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON WEDNESDAY, 27 JANUARY 2021.

DATE: _____ PRESIDING MEMBER: _____