



## Policy Review and Development Committee

### Minutes

15 June 2017

#### Committee Terms of Reference

- 1** *To review all existing Bunbury City Council policies within a two year period, in line with the local government election cycle and facilitate the development of new policies for consideration by Council on an ongoing basis.*
- 2** *To make recommendations to Council on matters of policy, policy review and policy development.*
- 3** *To explore opportunities that promote policy development in all areas that are within Council's jurisdiction.*
- 4** *To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.*
- 5** *To provide Bunbury City Councillors with assistance and support to develop new Council policies.*

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# Minutes

15 June 2017

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

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**1. Declaration of Opening**

The Presiding Member declared the meeting open at 10.05am.

**2. Disclaimer**

Not applicable to this committee.

**3. Announcements from the Presiding Member**

Nil

**4. Attendances**

*Committee Members:*

<b>Member Name</b>	<b>Representing</b>
Mayor Gary Brennan	City of Bunbury
Cr Brendan Kelly (Presiding Member)	City of Bunbury
Cr James Hayward	City of Bunbury
Cr Monique Warnock	City of Bunbury

*Support Staff:*

<b>Name</b>	<b>Title</b>
Mr Greg Golinski	Manager Governance
Mr Thor Farnworth	Manager Sustainability, Planning and Development
Mr Chris Widmer	Team Leader Community Safety and Emergency Management

**4.1 Apologies**

Mr Mal Osborne, Acting Chief Executive Officer

**4.2 Approved Leave of Absence**

Cr Wendy Giles until 17 July 2017

**5. Declaration of Interest**

Nil

**6. Public Question Time**

Not applicable

**7. Confirmation of Minutes**

**Committee Decision:**

**Moved: Cr Warnock**

**Seconded: Mayor Brennan**

**The minutes of the Policy Review and Development Committee Meeting held on 21 April 2017 are confirmed as a true and accurate record.**

**CARRIED**

**8. Petitions, Presentations and Deputations**

**8.1 Petitions**

Nil

**8.2 Presentations**

Nil

**8.3 Deputations**

Nil

**9. Method of Dealing with Agenda Business**

Items were dealt with in the order they appeared on the agenda.

## 10. Reports

### 10.1 Review of Council Policy – Media Statements

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Jamie Tatham, Media and Communications Officer
<b>Executive:</b>	Mal Osborne, A/Chief Executive Officer
<b>Attachments:</b>	Appendix 1: Revised Council Policy – Media Statements

#### Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy – Media Statements.

#### Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy – Media Statements as presented.

#### Background

This policy was last reviewed in July 2015, and provides guidance and procedures as to how the City of Bunbury manages its media processes.

#### Council Policy Compliance

This report proposes the revision of an existing Council Policy.

#### Legislative Compliance

Section 2.8 of the *Local Government Act 1995* defines the role of a Mayor, which in part extends to speaking on behalf of the local government. The Media Statements policy expands on the processes around engagement with the media.

#### Officer Comments

Although the *Local Government Act 1995* already prescribes that the Mayor will be the spokesperson for the local government, it is considered that the policy is a useful resource for external parties wishing to undertake media-related enquiries with the City.

Officers have reviewed this policy, and propose some minor amendments which do not affect the broader intent of the policy. A revised version is provided at Appendix 1.

#### Analysis of Financial and Budget Implications

Nil

#### Community Consultation

Nil

**Councillor/Officer Consultation**

The revised policy is presented to the PRDC for consideration and discussion.

**Outcome of Meeting – 15 June 2017**

The Executive Recommendation was moved by Cr Hayward and seconded by Cr Warnock and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy – Media Statements as presented.***

## 10.2 Review of Council Policy – Registration of Freehold Commercial Leases

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Kristen Anderson, A/Manager Major Projects and Property
<b>Executive:</b>	Mal Osborne, A/Chief Executive Officer
<b>Attachments:</b>	Appendix 2: Council Policy – Registration of Freehold Commercial Leases

### Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy – Registration of Freehold Commercial Leases. The policy is scheduled for review as part of Councils biennial review schedule.

### Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of Council Policy – Registration of Freehold Commercial Leases, with no changes recommended.

### Background

This policy was adopted by Council on 7 July 2015, and is presented to the PRDC for discussion and review as part of Council’s policy review schedule.

### Council Policy Compliance

This report facilitates a review of an existing Council Policy.

### Legislative Compliance

*Transfer of Land Act 1893*

### Officer Comments

The Policy was created to maintain consistency with the City’s current processes and procedures, and to ensure that applicable commercial leases on freehold land owned by the City are registered on the Certificate of Title.

The registration with Landgate for “substantial” commercial leases confirms best practice and transparency on behalf the City, whilst providing assurance of continuity of occupancy for both landlord and lessee and consistent asset value, should the property ever be considered for sale.

Based on existing leases, \$40,000 per annum appears to be an appropriate threshold to define a “substantial” lease.

Officers have undertaken a review of this Policy, and propose no amendments. A copy of the current policy is contained at Appendix 2.

### Analysis of Financial and Budget Implications



There are minimal fees payable to Landgate on lodgement of registration forms and associated Western Australian Planning Commission approvals, which can be accommodated from within each year's operating budget.

**Community Consultation**

Nil

**Councillor/Officer Consultation**

This policy is presented to the PRDC for consideration and discussion.

**Outcome of Meeting – 15 June 2017**

The Executive Recommendation was moved by Mayor Brennan and seconded by Cr Warnock and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council note the review of Council Policy – Registration of Freehold Commercial Leases, with no changes recommended.***

### 10.3 Review of Council Policy – Shark Hazard Management

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Chris Widmer, Team Leader Community Safety and Emergency Management
<b>Executive:</b>	Sarah Upton, A/Director Planning and Development Services
<b>Attachments:</b>	Appendix 3A: Council Policy – Shark Hazard Management Appendix 3B: Corporate Guideline – Shark Hazard Management

#### Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy – Shark Hazard Management. The policy is scheduled for review as part of Councils biennial review schedule.

#### Executive Recommendation

That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy – Shark Hazard Management as presented.

#### Background

This policy was adopted by Council on 7 July 2015, and is presented to the PRDC for discussion and review as part of Council’s policy review schedule.

#### Council Policy Compliance

This report facilitates a review of an existing Council Policy.

#### Legislative Compliance

Currently there is no legislation that deals with the issues surrounding shark sightings and shark attacks. If there is a fatality from a shark attack, WA Police (WAPOL) immediately take charge. In accordance with the Emergency Management Act 2005 (EM Act), WAPOL are also responsible for any “hazard” that is not a declared hazard under the EM Act.

#### Officer Comments

There have been very few incidents within the City of Bunbury since the initiation of this Policy and Guideline, and therefore there are no operational after-action reports to indicate any changes that may be required.

Officers have undertaken a review of this Policy and propose only minor amendments as per Appendix 3A. A copy of the associated Corporate Guideline is also contained at Appendix 3B for reference. No changes to the Corporate Guideline are proposed.

Officers remain of the view that the documents are ‘best practice’ and should remain fundamentally unchanged.

### **Analysis of Financial and Budget Implications**

Any costs associated with a beach closure are minimal, and can be absorbed within the annual budget each year.

### **Community Consultation**

Nil

### **Councillor/Officer Consultation**

This policy is presented to the PRDC for consideration and discussion.

### **Outcome of Meeting – 15 June 2017**

General discussion took place in relation to this item, particularly regarding whether there is any merit in undertaking some advocacy (collectively with other coastal local governments) to the WA Government, with a view to broader cooperation at a state-wide level.

The Executive Recommendation was moved by Cr Hayward and seconded by Mayor Brennan and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council adopt the revised Council Policy – Shark Hazard Management as presented.***

#### 10.4 Review of Council Policy – Legal Representation for Council Members and Employees

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Mal Osborne, A/Chief Executive Officer
<b>Attachments:</b>	Appendix 4A: Council Policy – Legal Representation for Council Members and Employees Appendix 4B: Corporate Guideline – Legal Representation for Council Members and Employees Appendix 4C: DLGC Operational Guideline #14

#### Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy – Legal Representation for Council Members and Employees.

#### Executive Recommendation

That the Policy Review and Development Committee note the review of Council Policy – Legal Representation for Council Members and Employees with no changes recommended.

#### Background

This policy was last reviewed in September 2015, and is presented to the PRDC for discussion and review as part of Council’s policy review schedule.

#### Council Policy Compliance

This report facilitates a review of an existing Council Policy.

#### Legislative Compliance

N/A

#### Officer Comments

The policy and associated corporate guideline outline the conditions upon which the City may cover the cost of legal representation for Elected Members and Officers where legal action has been taken against them in relation to their role as either an Elected Member or employee of the City of Bunbury.

The policy and guideline reflect the Department of Local Government Operational Guideline #14 – Legal Representation for Council Members and Employees (Appendix 4C).

Officers have undertaken a review of this policy and associated corporate guideline (appendices 4A and 4B respectively) and recommend no changes, noting that the departmental guideline remains unchanged since the last review of this policy.

### **Analysis of Financial and Budget Implications**

There are no financial or budgetary implications impacting from the recommendations of this report, as the intent of the existing Policy has not been altered.

### **Community Consultation**

Nil

### **Councillor/Officer Consultation**

The policy and corporate guideline is presented to the PRDC for consideration and discussion.

### **Outcome of Meeting – 15 June 2017**

The Executive Recommendation was moved by Cr Hayward and seconded by Mayor Brennan and was carried unanimously as follows:

***That the Policy Review and Development Committee note the review of Council Policy – Legal Representation for Council Members and Employees with no changes recommended.***

## 10.5 Review of Council Policy – Civic Commendations

<b>Applicant/Proponent:</b>	Internal
<b>Author:</b>	Greg Golinski, Manager Governance
<b>Executive:</b>	Greg Golinski, Manager Governance
<b>Attachments:</b>	Appendix 5: Council Policy – Civic Commendations

### Summary

This report is presented to the Policy Review and Development Committee (PRDC) to facilitate a review of current Council Policy – Civic Commendations. The policy is scheduled for review as part of Councils biennial review schedule.

### Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of Council Policy Civic Commendations, with no changes recommended.

### Background

This policy was last reviewed by Council in September 2015, and is presented to the PRDC for discussion and review as part of Council's policy review schedule.

### Council Policy Compliance

This report facilitates a review of an existing Council Policy.

### Legislative Compliance

There is no legislative compliance impacting upon this report.

### Officer Comments

Officers have undertaken a review of the Council Policy Civic Commendations as presented at Appendix 5.

The Policy provides a process for the receipt and assessment of civic commendation and other award nominations on behalf of the City of Bunbury, to enable Council to recognise the efforts and achievements of community members who have contributed to the City.

It is suggested the content of the current policy is appropriate.

### Analysis of Financial and Budget Implications

There are no financial or budgetary implications impacting from the recommendations of this report, as the intent of the existing Policy has not been altered.

### Councillor/Officer Consultation

This policy is presented to the PRDC for consideration and discussion.

**Outcome of Meeting – 15 June 2017**

The Executive Recommendation was moved by Cr Hayward and seconded by Cr Warnock and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council note the review of Council Policy Civic Commendations, with no changes recommended.***

## 10.6 Revised Draft Local Planning Policy: Signage and Advertisements

<b>File Ref:</b>	A04151
<b>Applicant/Proponent:</b>	Internal
<b>Responsible Manager:</b>	Thor Farnworth, Manager Sustainability, Planning and Development
<b>Executive:</b>	Sarah Upton, A / Director Planning and Development Services
<b>Attachments:</b>	Appendix 6 - Revised Draft Local Planning Policy: Signage and Advertisements (31 May 2017)

### Summary

A revised version of the Draft Local Planning Policy: Signage and Advertisements (dated 31 May 2017) is **attached** at Appendix 6 for the committee's noting. This revised draft of the local planning policy is fundamentally unchanged from the version of the document Council resolved to advertise for public comment at its ordinary meeting held on 16 May 2017 (Council Decision 177/17). However, a relatively small number of technical changes to the wording of certain provisions and associated notes are recommended in the interests of public safety and to limit the liability of the local government under both the *Local Government Act 1995* and *Planning and Development Act 2005*.

### Executive Recommendation

That the Policy Review and Development Committee recommends that Council note the proposed changes made to the wording of clauses 1.2, 4.2, 9.6 and 16 and associated notes of the revised draft Local Planning Policy: Signage and Advertisements (31 May 2017) and resolves to support the public advertising of the revised draft local planning policy for community and stakeholder comment, in accordance with Part 2, Division 2, Regulation 5 under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### Background

Council, at its ordinary meeting held on 16 May 2016, resolved as follows (Decision 177/17):

*That Council notes the proposed changes made to the draft Local Planning Policy: Signage and Advertisements and resolves to publicly advertise the revised draft of the Local Planning Policy: Signage and Advertisements for community comment, in accordance with Part 2, Division 2, Regulation 5 under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

### Legislative Compliance

The following statutory planning instruments of the State Planning Framework and Local Planning Framework are applicable to this matter:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Bunbury Town Planning Scheme No. 7 (TPS7);
- Draft City of Bunbury Local Planning Scheme No. 8 (LPS8); and



- Local Planning Policy: Signage and Advertisements (adopted 19 April 2016).

Proposals to amend local planning policies are required to be undertaken in accordance with Part 2, Division 2, Regulation 5 under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### Officer Comments

Public advertising of the original draft version of the local planning policy (dated 6 April 2017) has been delayed due to the need for consideration of feedback received from applicants regarding recent development approvals for large digital billboard signage proposals. Specifically, in relation to a condition of development approval requiring the indemnification of the local government from any public liability.

As such, the condition applied to development approvals granted by Council to date was based on the wording provided in the original draft of the policy, which included the following note:

*Note: 1. The applicant / owner of an animated or digital format sign or advertisement is to provide the City of Bunbury with indemnity from prosecution and exemption from any legal liability resulting from claims due to driver distraction that may be caused by the sign, with the applicant / owner of the sign accepting all responsibility for any such claims.*

This policy note and related planning condition was based upon an approach taken by other local governments, such as the City of South Perth, when accommodating the desire of Council to approve large format digital signage proposals.

The City of Bunbury has since obtained legal opinion from McLeods Barristers & Solicitors advising that this is not a *bona fide* planning condition and that an alternative approach needs to be taken. Nevertheless, that an appropriate condition should be placed on all new applications for large format digital signage in the interest of public safety and to both limit the liability of the local government and to protect its elected members and employees from personal liability under section 9.56.(2) and (4) of the *Local Government Act 1995* and section 267 of the *Planning and Development Act 2005*.

Consequently, the attached revised Draft Local Planning Policy: Signage and Advertisements (31 May 2017) has been augmented by a limited number of recommended changes to the text showing the proposed wording that is to be:

- (a) deleted shown in ~~red-strikethrough~~; and
- (b) added shown in blue.

The recommended changes being as outlined in the summary table below:

<b>Modification</b>	<b>Justification</b>
A. Replacement of the terms 'City Centre Zone Signage Control Area' and 'Central Business District Signage Control Area' with the updated and less ambiguous terminology of	In anticipation of the revised draft Local Planning Scheme No. 8 (LPS8) being gazetted this year, an opportunity is presented to update the terminology used

Modification	Justification
<p>'Regional Centre Signage Control Area' and 'Commercial Core Signage Area' respectively in clause 1.2 on page 2 and in Map 1 of Annex 1 on page 30.</p>	<p>in the policy, as the existing 'City Centre Zone' will be replaced with the model provision title of 'Regional Centre Zone'.</p>
<p>B. Deletion of subclause (c) of clause 4.2 on page 5 dealing with third party signage, which stated that:</p> <p><del>(e) — Third party signs will only be permitted with time-limited development approvals of up to 12 months. Any request for extension of a time-limited development approval will be determined at the discretion of the local government and is required to be formally requested in writing, signed by both the land owner and applicant (if applicable) and the payment of the appropriate application fee at least two months prior to the expiration of the development approval.</del></p>	<p>Development approvals granted by Council to date for large format digital signage throughout the city has not been time limited, and therefore, are not temporary by their nature. It is consequently anticipated that this provision is now considered to be redundant by Council and can be deleted without implication.</p>
<p>C. Insertion of a new subclause (a) under clause 9.6 on page 10 regarding road safety, stating that:</p> <p>(a) The local government will require that a Road Safety Audit Report be submitted for assessment in accordance with section 16 of this local planning policy as part of any application for development approval for an animated sign or variable digital sign where it is proposed to be located within and/or may be visible from -</p> <p>(i) a public road; and/or</p> <p>(ii) 50 metres of traffic signals or a road intersection.</p>	<p>It is advised that all applications for development approval involving large format digital signage should be supported by a Road Safety Audit Report where it is proposed to be seen from a public road. As the emerging technology has outpaced established scientific opinion, legal precedents and policy guidance as to whether or not large format digital signage causes driver distraction or that the degree of any distraction is also dangerous.</p> <p>Consequently, independent expert professional opinion is required for determining what the safe minimum dwell time and maximum luminance levels may be in each circumstance, so that the local government can be confident that it has acted in 'in good faith' when approving or recommending approval of large format digital signage in light of the need to exercise a 'duty of care' and the application of the 'precautionary principle' in decision-making.</p>
<p>D. Deletion of subclause (g) of clause 9.6 on page 11 dealing with the location of animated and variable digital signage, which stated that:</p> <p><del>(g) — Where it is proposed to locate an animated sign or variable digital sign within 50 metres of traffic signals or a road intersection, and/or visible from within 50 metres of traffic signals or a road intersection; then the local government may require a Road Safety Audit to be submitted for assessment as part of any application for development approval in accordance with Section 16 of this local planning policy.</del></p>	<p>This subclause is proposed to be replaced by a new more general sub-clause (a) above, and would hence be redundant.</p>
<p>E. Deletion of notes on page 13, which stated</p>	<p>The information provided in the notes is</p>

Modification	Justification
<p>accordingly:</p> <p><i>Note: <del>1. The applicant / owner of an animated or digital format sign or advertisement is to provide the City of Bunbury with indemnity from prosecution and exemption from any legal liability resulting from claims due to driver distraction that may be caused by the sign, with the applicant / owner of the sign accepting all responsibility for any such claims.</del></i></p> <p><i><del>2. Where an application for an animated or digital format sign or advertisement is proposed to be located within and/or may be visible from within 50m of traffic signals or a road intersection, the local government may require that a Road Safety Audit be submitted in accordance with Section 16 of this local planning policy as part of the application for development approval.</del></i></p>	<p>now no longer considered correct or relevant based on legal opinion provided by McLeods Barristers &amp; Solicitors. Instead additional notes have been proposed under section 16 to expand upon the need for road safety audit reporting, which provides details on how and where to procure the services of a Senior Road Safety Auditor accredited by the Institute of Public Works Engineering Australasia – Western Australia (IPWEA WA) and Main Roads Western Australia (MRWA).</p>
<p>F. Under a revised section heading of 16 Road Safety Audit Report on page 25, deletion of the provisions under clauses 16.1 and 16.2, which stated that:</p> <p><del>16.1 Where an application for an Animated Sign or Variable Digital Sign is proposed to be located within 50 metres of traffic signals or a road intersection and/or may be visible from within 50 metres of traffic signals or a road intersection, the local government may require a Road Safety Audit to be submitted for assessment as part of any application for development approval, unless the requirement has been waived by the local government.</del></p> <p><del>16.2 Where a Road Safety Audit is required, the report is to be undertaken by an appropriately qualified person or body to the specifications and satisfaction of the local government at the applicant's expense; and as determined by the local government, must contain but is not limited to the following information in sufficient detail to permit the local government to make a proper development assessment of any proposed variation as part of a planning application –</del></p> <p>And their replacement with revised provisions that state accordingly:</p> <p>16.1 Where a Road Safety Audit Report is required to be submitted as part of an application for development approval, the report is to be undertaken by an appropriately qualified person or body holding adequate Professional Indemnity Insurance, and is to be prepared to the specifications and satisfaction of the local government at the applicant's own cost.</p> <p>16.2 A Road Safety Audit Report must contain but is not limited to the following information, which is to be provided in sufficient detail to permit the local government to make a proper assessment as to whether or not the presence and operation of any proposed animated sign or variable digital sign (including any proposed variations to this policy) will potentially cause or contribute towards a risk of driver or pedestrian distraction or otherwise endanger public</p>	<p>A Road Safety Audit Report should be undertaken as part of any application for new large format digital signage where proposals can be seen from a public road, so that a recognised expert can independently substantiate upfront what the safe minim dwell times and maximum luminance levels may be in each circumstance. The recommendations and specifications of which can then be confidently conditioned by the local government as part of any development approval.</p>

Modification	Justification
<p>safety -</p>	
<p>G. Insertion of additional notes that explain the requirements of revised clauses 16.1 and 16.2 accordingly:</p> <p>2. <i>In determining from a Road Safety Audit Report whether the impact of proposed animated or variable digital signage will involve an acceptable or unacceptable risk of danger to the public, the local government will rely upon the professional advice of an appropriately qualified person or body that must:</i></p> <p>(a) <i>be an accredited Institute of Public Works Engineering Australasia – Western Australia (IPWEA WA) and Main Roads Western Australia (MRWA) Senior Road Safety Auditor; and</i></p> <p>(b) <i>carry adequate Professional Indemnity Insurance, to the satisfaction of the local government.</i></p> <p>3. <i>The appropriately qualified person or body shall effect and keep in effect a Professional Indemnity Insurance policy with an Insurer approved by the Australian Prudential Regulation Authority (APRA) as per their list of Insurers Authorised to Conduct New or Renew Insurance Business in Australia. The policy of Professional Indemnity Insurance taken out by the consulting expert is to have a limit of Liability of not less than \$2 million (AUD \$2,000,000). The consulting expert is to provide the local government with certificates of currency and/or a copy of the policy with the submitted Road Safety Audit Report for compliance purposes.</i></p> <p>4. <i>The appropriately qualified person or body is to detail in the Road Safety Audit Report guidance to the local government on the adoption of appropriate criteria and specifications that would enable a reasonable decision to be made as to whether the potential impact of a proposed animated or variable digital sign will involve an acceptable or unacceptable risk to the public. The consulting expert is to advise as to the range of measures that are required to be conditioned as part of any development approval in order to ameliorate the impacts/risks of a proposed animated or variable digital sign which, without the ameliorating measures, may involve an unacceptable risk to the public.</i></p>	

<b>Modification</b>	<b>Justification</b>
<p>5. <i>The IPWEA WA / MRWA accredited auditors meet accreditation requirements of the Road Safety Audit Panel. The local government will only accept audits undertaken by an accredited IPWEA WA / MRWA Senior Road Safety Auditor. It is expected that an audit team have two or more experienced and qualified members and that it is independent of any planning, design, construction or maintenance of proposed large format digital signage under consideration. In accordance with MRWA's Policy and Guidelines for Road Safety Audit (October 2015) as amended, audit teams must be made up of an IPWEA WA / MRWA accredited Senior Road Safety Auditor to lead the audit team and a minimum of one IPWEA WA/ MRWA accredited Road Safety Auditor team member.</i></p> <p>6. <i>The register of accredited road safety auditors and further information can be obtained by visiting the Road Safety Audit Portal at <a href="http://www.ipwea.asn.au/portal/">www.ipwea.asn.au/portal/</a> or at <a href="http://www.road-safety-audit-wa.org">www.road-safety-audit-wa.org</a>, or alternatively by visiting the MRWA website at <a href="http://www.mainroads.wa.gov.au/OurRoads/RoadSafety/Audits/Pages/Audits.aspx">www.mainroads.wa.gov.au/OurRoads/RoadSafety/Audits/Pages/Audits.aspx</a>.</i></p>	

### **Analysis of Financial and Budget Implications**

There are no consequential financial or budgetary implications associated with the local planning policy amendment procedure other than the costs related to staff and public advertising.

### **Community Consultation**

The procedure for making amendments to Local Planning Policy: Signage and Advertisements is required to be carried out in accordance with Part 2, Division 2, Regulation 5 under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

It is considered that the changes proposed to clauses 1.2, 4.2, 9.6 and 16 of the draft local planning policy, post Council's resolution to publicly advertise, are of a technical nature only and do not affect the intent of the draft policy and its proposed reforms that seek to facilitate and responsibly manage the growth in digital signage and advertising within the City of Bunbury.

The revised Draft Local Planning Policy: Signage and Advertisements (31 May 2017) will now be publicly advertised for comment from 20 June 2017 to 14 July 2017. During which time, it is proposed that community consultation will occur in conjunction with signage businesses and other industry stakeholders, including the Bunbury Geographe Chamber of Commerce and Industry (BGCCI).

### **Councillor/Officer Consultation**

The proposed revised draft of the local planning policy has been referred to the City of Bunbury’s Development Coordination Unit (DCU) for noting and professional advice.

### **Outcome of Meeting – 15 June 2017**

General discussion took place in relation to this item. The Manager Sustainability, Planning and Development (MSPD) provided a brief overview of some of the proposed modifications to the policy (as depicted within the report) based on legal advice received.

There was some concern expressed about the requirement for a road safety audit (RSA) for applications for digital signage within a certain distance of a road or intersection. The concerns were primarily related to the unknown cost of obtaining an RSA (to be borne by the Applicant), as well as the availability locally of suitability qualified road safety auditors. The MSPD cited a recent SAT determination in this regard which will be distributed with the minutes of this meeting.

Accordingly, the Committee sought to amend this clause from “will require” to “may require”, as well as suggesting the development of some guidelines for use by both Officers and Applicants to provide some parameters around when a RSA might actually be required.

The following motion was moved by Cr Kelly and seconded by Mayor Brennan. With 2 votes for and 2 votes against, the motion was carried by the casting vote of the Presiding Member as follows:

#### ***That the Policy Review and Development Committee recommend that Council:***

- 1. Note the following changes made to the wording of clauses 1.2, 4.2, 9.6 and 16 and associated notes of the revised draft Local Planning Policy: Signage and Advertisements (31 May 2017) and resolves to support the public advertising of the revised draft local planning policy for community and stakeholder comment, in accordance with Part 2, Division 2, Regulation 5 under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.***

<b>Modification</b>	
A.	Replacement of the terms ‘City Centre Zone Signage Control Area’ and ‘Central Business District Signage Control Area’ with the updated and less ambiguous terminology of ‘Regional Centre Signage Control Area’ and ‘Commercial Core Signage Area’ respectively in clause 1.2 on page 2 and in Map 1 of Annex 1 on page 30.
B.	Deletion of subclause (c) of clause 4.2 on page 5 dealing with third party signage, which stated that: <del>(e) — Third party signs will only be permitted with time-limited development approvals of up to 12 months. Any request for extension of a time-limited development approval will be determined at the discretion of the local government and is required to be formally requested in writing, signed by both the land owner and applicant (if applicable) and the payment of the appropriate application fee at least two months prior to the expiration of the development approval.</del>

<b>Modification</b>	
C.	<p>Insertion of a new subclause (a) under clause 9.6 on page 10 regarding road safety, stating that:</p> <p>(a) The local government may require that a Road Safety Audit Report be submitted for assessment in accordance with section 16 of this local planning policy as part of any application for development approval for an animated sign or variable digital sign where it is proposed to be located within and/or may be visible from -</p> <ul style="list-style-type: none"> <li>(i) a public road; and/or</li> <li>(ii) 50 metres of traffic signals or a road intersection.</li> </ul>
D.	<p>Deletion of subclause (g) of clause 9.6 on page 11 dealing with the location of animated and variable digital signage, which stated that:</p> <p><del>(g) Where it is proposed to locate an animated sign or variable digital sign within 50 metres of traffic signals or a road intersection, and/or visible from within 50 metres of traffic signals or a road intersection; then the local government may require a Road Safety Audit to be submitted for assessment as part of any application for development approval in accordance with Section 16 of this local planning policy.</del></p>
E.	<p>Deletion of notes on page 13, which stated accordingly:</p> <p><del>Note: 1. The applicant / owner of an animated or digital format sign or advertisement is to provide the City of Bunbury with indemnity from prosecution and exemption from any legal liability resulting from claims due to driver distraction that may be caused by the sign, with the applicant / owner of the sign accepting all responsibility for any such claims.</del></p> <p><del>2. Where an application for an animated or digital format sign or advertisement is proposed to be located within and/or may be visible from within 50m of traffic signals or a road intersection, the local government may require that a Road Safety Audit be submitted in accordance with Section 16 of this local planning policy as part of the application for development approval.</del></p>
F.	<p>Under a revised section heading of 16 Road Safety Audit Report on page 25, deletion of the provisions under clauses 16.1 and 16.2, which stated that:</p> <p><del>16.1 Where an application for an Animated Sign or Variable Digital Sign is proposed to be located within 50 metres of traffic signals or a road intersection and/or may be visible from within 50 metres of traffic signals or a road intersection, the local government may require a Road Safety Audit to be submitted for assessment as part of any application for development approval, unless the requirement has been waived by the local government.</del></p> <p><del>16.2 Where a Road Safety Audit is required, the report is to be undertaken by an appropriately qualified person or body to the specifications and satisfaction of the local government at the applicant's expense; and as determined by the local government, must contain but is not limited to the following information in sufficient detail to permit the local government to make a proper development assessment of any proposed variation as part of a planning application –</del></p> <p>And their replacement with revised provisions that state accordingly:</p> <p>16.1 Where a Road Safety Audit Report is required to be submitted as part of an application for development approval, the report is to be undertaken by an appropriately qualified person or body holding adequate Professional Indemnity Insurance, and is to be prepared to the specifications and satisfaction of the local government at the applicant's own cost.</p> <p>16.2 A Road Safety Audit Report must contain but is not limited to the following information, which is to be provided in sufficient detail to permit the local government to make a proper assessment as to whether or not the presence and operation of any proposed animated sign or variable digital sign (including any proposed variations to this policy) will potentially cause or contribute towards a risk of driver or pedestrian distraction or otherwise endanger public safety -</p>
G.	<p>Insertion of additional notes that explain the requirements of revised clauses 16.1 and 16.2 accordingly:</p> <p>2. In determining from a Road Safety Audit Report whether the impact of proposed animated or variable digital signage will involve an acceptable or unacceptable risk of danger to the public, the local government will rely upon the professional advice of an appropriately qualified person or body that must:</p> <ul style="list-style-type: none"> <li>(a) be an accredited Institute of Public Works Engineering Australasia – Western Australia (IPWEA WA) and Main Roads Western Australia (MRWA) Senior Road Safety Auditor; and</li> </ul>

**Modification**

*(b) carry adequate Professional Indemnity Insurance, to the satisfaction of the local government.*

- 3. The appropriately qualified person or body shall effect and keep in effect a Professional Indemnity Insurance policy with an Insurer approved by the Australian Prudential Regulation Authority (APRA) as per their list of Insurers Authorised to Conduct New or Renew Insurance Business in Australia. The policy of Professional Indemnity Insurance taken out by the consulting expert is to have a limit of Liability of not less than \$2 million (AUD \$2,000,000). The consulting expert is to provide the local government with certificates of currency and/or a copy of the policy with the submitted Road Safety Audit Report for compliance purposes.*
- 4. The appropriately qualified person or body is to detail in the Road Safety Audit Report guidance to the local government on the adoption of appropriate criteria and specifications that would enable a reasonable decision to be made as to whether the potential impact of a proposed animated or variable digital sign will involve an acceptable or unacceptable risk to the public. The consulting expert is to advise as to the range of measures that are required to be conditioned as part of any development approval in order to ameliorate the impacts/risks of a proposed animated or variable digital sign which, without the ameliorating measures, may involve an unacceptable risk to the public.*
- 5. The IPWEA WA / MRWA accredited auditors meet accreditation requirements of the Road Safety Audit Panel. The local government will only accept audits undertaken by an accredited IPWEA WA / MRWA Senior Road Safety Auditor. It is expected that an audit team have two or more experienced and qualified members and that it is independent of any planning, design, construction or maintenance of proposed large format digital signage under consideration. In accordance with MRWA's Policy and Guidelines for Road Safety Audit (October 2015) as amended, audit teams must be made up of an IPWEA WA / MRWA accredited Senior Road Safety Auditor to lead the audit team and a minimum of one IPWEA WA/ MRWA accredited Road Safety Auditor team member.*
- 6. The register of accredited road safety auditors and further information can be obtained by visiting the Road Safety Audit Portal at [www.ipwea.asn.au/portal/](http://www.ipwea.asn.au/portal/) or at [www.road-safety-audit-wa.org](http://www.road-safety-audit-wa.org), or alternatively by visiting the MRWA website at [www.mainroads.wa.gov.au/OurRoads/RoadSafety/Audits/Pages/Audits.aspx](http://www.mainroads.wa.gov.au/OurRoads/RoadSafety/Audits/Pages/Audits.aspx).*

- 2. Request the Chief Executive Officer develop some assessment guidelines to assist Officers and Applicants in determining whether a Road Safety Audit would be required under the terms of proposed clause 9.6(a).**



**11. Applications for Leave of Absence**

Not applicable to this committee.

**12. Questions from Members**

**12.1 Response to Previous Questions from Members taken on Notice**

Nil

**12.2 Questions from Members**

Nil

**13. Urgent Business**

Nil

**14. Date of Next Meeting**

Thursday, 17 August 2017.

**15. Close of Meeting**

The Presiding Member closed the meeting at 10.55am