



TOWN OF
VICTORIA PARK



Policy Committee Agenda – 21 September 2020



WE'RE OPEN
VIC PARK

Please be advised that an **Policy Committee** will be held at **5:30 pm** on **Monday 21 September 2020** in **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer
17 September 2020

Table of contents

Item	Page no
1 Declaration of opening	3
2 Attendance.....	4
2.1 Apologies.....	5
2.2 Approved leave of absence.....	6
3 Declarations of interest.....	7
4 Confirmation of minutes.....	8
5 Presentations.....	9
6 Method of dealing with agenda business.....	10
7 Reports.....	12
7.1 Adoption of Policy 011 Elections.....	12
7.2 Adoption of Policy 261 Sustainable events.....	18
8 Motion of which previous notice has been given.....	24
9 Meeting closed to the public.....	24
9.1 Matters for which the meeting may be closed.....	24
9.2 Public reading of resolutions which may be made public.....	24
10 Closure	25

1 Declaration of opening

Acknowledgement of Country (by Presiding Member)

I am not a Nyungar man, I am a non-Indigenous man. I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

Ngany yoowart Noongar maam, ngany wadjella maam. Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.

I acknowledge the traditional custodians of this land and respect past, present and emerging leaders, their continuing cultural heritage, beliefs and relationship with the land, which continues to be important today.

Ngany kaaditj Noongar moort keny kaadak nidja Wadjak Noongar boodja. Ngany kaaditj nidja Noongar birdiya – koora, ye-ye, boorda, baalapiny moorditj Noongar kaaditjin, moort, wer boodja ye-ye.

I thank them for the contribution made to life in the Town of Victoria Park and to this region.

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

2 Attendance

Mayor	Mayor Karen Vernon
Banksia Ward	Cr Wilfred Hendriks Cr Ronhhda Potter Cr Luana Lisandro
Jarrah Ward	Cr Jesvin Karimi Cr Brian Oliver (Presiding Member) Cr Vicki Potter (Deputy Presiding Member) Deputy Mayor Bronwyn Ife
Chief Executive Officer	Mr Anthony Vuleta
Chief Operations Officer	Mr Ben Killigrew
Manager Governance and Strategy	Mrs Bana Brajanovic
Manager Technical Services	Mr John Wong
Environment Officer	Mr Brendan Nock
Secretary	Mr Liam O'Neill

2.1 Apologies

2.2 Approved leave of absence

Banksia Ward

Cr Wilfred Hendriks

3 Declarations of interest

Declarations of interest are to be made in writing prior to the commencement of the meeting.

Declaration of financial interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees can continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

Declaration of proximity interest

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are to declare an interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5)) of land that adjoins the persons' land.

Land, the proposed land adjoins a person's land if: a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land. A person's land is a reference to any land owned by the person or in which the person has any estate or interest.

Declaration of interest affecting impartiality

Elected members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

4 Confirmation of minutes

Recommendation

That the Policy Committee confirms the minutes of the Policy Committee held on 24 August 2020.

5 Presentations

6 Method of dealing with agenda business

Recommendation

That Policy Committee in accordance with clause 58 of the *Meeting Procedures Local Law 2019* suspends clause 50 - Speaking twice of the *Meeting Procedures Local Law 2019* for the duration of the meeting.

7 Reports

7.1 Adoption of Policy 011 Elections

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Bana Brajanovic
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Policy 011 Elections [7.1.1 - 6 pages]2. Policy 011 Caretaker [7.1.2 - 8 pages]3. Policy 012 Street listing of owners and occupiers [7.1.3 - 2 pages]4. Policy 013 Electoral signs [7.1.4 - 2 pages]

Recommendation

That the Policy Committee recommends that Council:

1. adopt Policy 011 Elections as at attachment 1; and
2. repeals:
 - a. Policy 011 Caretaker, as at attachment 2;
 - b. Policy 012 Street listing of owners and occupiers, as at attachment 3; and
 - c. Policy 013 Electoral signs as at attachment 4.

Purpose

To review Policy 011 Caretaker, Policy 012 Street listing of owners and occupiers and Policy 013 Electoral signs.

In brief

- At the April 2020 Ordinary Council Meeting, Council resolved for the Chief Executive Officer to conduct a review of the three (3) policies relating to elections.
- The caretaker policy was adopted in 2016, with the other two policies being policies carried over from the City of Perth in 1994.
- It is proposed to merge the policies together into one election policy and focus on, where possible, simplifying and clarifying the policy.
- The Town's policy on electoral signs was inconsistent with its own local law in respect of electoral signage and this inconsistency needs to be addressed.

Background

1. At its meeting on 21 April 2020, Council adopted a work plan to complete the review of several policies. Policies 011 Caretaker, 012 Street listing of owners and occupiers and 013 electoral signs were policies identified for review.
2. Policy 011 Caretaker was adopted by Council at its meeting on 8 November 2016, however it previously existed as a different policy regarding publishing matters about elected members during an election year.

3. Policies 012 and 013 based upon the Council report of 28 September 1999 were part of the City of Perth Policy Manual of 1994 and have remained broadly unchanged since then.
4. The caretaker policy establishes a caretaker period prior to an ordinary election to help promote appropriate decision making and use of public resources prior to an election.
5. A street listing of owners and occupiers is also known as a rates roll and can be sourced by any member of the public for a \$190 fee after they make a statutory declaration that it will not be used for commercial purposes.
6. The Town has provisions relating to electoral signs in the *Activities on Throughfares and Trading on Throughfares and in Public Places Local Law 2000*.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Ensuring the appropriate use of public resources and sound decision making during an election ensures the delivery of this strategic outcome.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	Ensuring proper promotion of the election helps to inform the community of their opportunity to vote.

Engagement

Internal engagement	
Stakeholder	Comments
Stakeholder relations	Feedback, particularly in relation to media and communications was provided.
Street improvement	Feedback relating to electoral signs was provided.
Rangers and parking	Feedback relating to electoral signs was provided.
C-Suite	C-Suite members supplied general feedback in relation to the proposed policy.

Legal compliance

The Town sought legal advice about the extent to which it could prohibit election signs. Based upon a series of court decisions and the Town's current local law it is not proper for policy to prohibit signs on thoroughfares. It can however utilise the permit system required under the *Activities on Thoroughfares and Trading on Thoroughfares and in Public Places Local Law 2000*.

[Section 2.7 of the Local Government Act 1995](#)

[Activities on Thoroughfares and Trading on Thoroughfares and in Public Places Local Law 2000](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable				Low	
Environmental	An extensive amount of unregulated election signs litter throughfares.	Minor	Likely		Medium	Accept It is still a breach of the local law to display electoral signs without a permit and it would be unlikely that the Town would grant such an extensive number of permits for electoral signs.
Health and safety	An extensive amount of unregulated election signs creates hazards for motorists.	Minor	Likely		Low	Accept It is still a breach of the local law to display electoral signs without a permit and infringements can be issued if a significant hazard is created.
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	The resources of the Town are used for electoral purposes.	Insignificant	Possible	Low	Low	Accept as the Rules of Conduct provide that this is a minor breach.
Reputation	The Council makes decisions in the lead up to the election that influence the election outcome.	Moderate	Possible	Medium	Low	Treat by maintaining a caretaker period.
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Not applicable.

Analysis

Review of Policy 011 Caretaker

1. The version of the caretaker policy adopted by Council in 2016 was a copy of the template policy produced by the Western Australian Local Government Association (WALGA). This template has since been changed by WALGA which has been considered in this review. The WALGA template policy is quite complex and in undertaking the review the opportunity was taken to simplify the policy where possible.
2. The current policy is unclear in how it applies to a number of digital communication methods. This has been identified as an opportunity for improvement in the current policy.
3. Queries arose this year as to if the policy applies to an extraordinary election. It is recommended to resolve this question through this review. The Town did not apply the policy to this year's extraordinary election because:
 - (a) The adopted policy did not specify that it applied to extraordinary elections and the report adopting it and clauses direct themselves at an ordinary election;
 - (b) At other levels of government, a caretaker policy does not apply to a 'by-election';
 - (c) the primary goal of the policy it can be seen that it is intended to prevent 'decisions that would bind an incoming council' and 'promoting the re-election of sitting members or new candidates'. There is no sitting member in an extraordinary election and the majority of members had already been elected.

Review of Policy 012 Street listing of owners and occupiers

4. In examining this policy, the Town an elected member has not requested a street listing in a number of years. The street listing or rates roll is available for members of the public to buy for \$190. However, members of the public also have to supply a statutory declaration that they are not utilising it for a commercial purpose, such as a real estate agent using it to contact property owners.
5. In considering the review of this policy the Town considered if it is right for elected members to receive free of charge, without the statutory declaration, the ratepayers roll. Having examined other neighbouring local governments, and those local governments created by the splitting up of the City of Perth in 1994, none of these councils have a similar policy.
6. Given that a policy such as this is not kept by other local governments and creates an entitlement for elected members that other persons have to supply payment and a statutory declaration for, it is recommended that this policy be repealed.
7. Elected members and candidates can always access a copy of the electoral roll from the CEO or Returning Officer which is updated following the close of rolls at each election. If an elected member sought a copy of a street listing/rates roll they would be able to access it on the same basis as any other member of the public.

Review of Policy 013 Electoral Signs

8. There were a number of complaints given to the Town and Returning Officer during the last ordinary election in relation to election signs. These signs were displayed along a mixture of thoroughfares as well as parks. No permit was issued to display these signs on public property.
9. In preparing the *Amendment (Signs on Thoroughfares) Local Law 2020* and preparing the review of the electoral signs policy the Town identified that the policy was inconsistent with the local law. The Town cannot have a policy that overrides a local law. In preparing both documents, legal advice was obtained that the Town could not prohibit electoral signs on thoroughfares as this would likely be struck down by the Joint Standing Committee on Delegated Legislation.

Proposed Policy 011 Elections

10. It is proposed as a result of the review to repeal the three policies and adopt one policy to replace it. This policy combines portions of the original three policies but provides one guideline for all matters relating to elections.

Caretaker period

11. This policy establishes the caretaker period which is moved to start one week earlier on the day nominations open. In 2021 this will be 1 September. This move is made to capture the period where nominees are being announced as they come in. It also means that it will likely cover, on the current election and meeting calendars, the entire meeting cycle of September.
12. The caretaker period seeks to prevent, where possible, four key things from occurring during the caretaker period:
 - (a) Major policy decisions;
 - (b) Community engagement;
 - (c) Civic events; and
 - (d) Media and publications that promote sitting elected members
13. The caretaker period does not apply in an extraordinary election unless half or more councillors are up for election.

Major policy decisions

14. This section establishes how major policy decisions are to be dealt with in the caretaker period.

Community engagement

15. This section supports how community engagement occurs during the caretaker period.

Events

16. This section sets out how events occur during the caretaker period.

Media

17. This section sets out a number of provisions around the Town's media and communications materials during the caretaker period. It is changed from the current provisions to be clearer about what is and isn't allowed in communications materials. A specific example is the Council outcomes video, which is proposed during a mayoral election where the Mayor seeks re-election to be done by the Deputy Mayor, or if they are up for election as a Councillor, by the CEO. This is to avoid any perception that the Council outcomes video gives rise to free promotional material for a sitting Mayor.

Promotion of the election

18. These clauses establish that the Town should promote in a suitable and a-political way elections to remind community members to vote, and promote nominating for the local government elections.
19. These clauses also establish that the promotion should reach as many people and demographic groups as possible.
20. Finally, it is expected that the Town will arrange a candidate information session for local government elections.

Use of Town resources

21. These two clauses reinforce the principle that the Town's resources are not to be used for electoral purposes. This is proposed to include federal and state elections in addition to local government elections.

Election signs

22. The following five clauses capture the relevant rules about elections signs, which are:
- (a) They are not allowed on parks, administrative or recreational facilities;
 - (b) They are allowed on throughfares, with a permit;
 - (c) If they are in a place they are not allowed, they will be removed and if appropriate, an infringement will be issued to the person who authorised the material.
 - (d) The CEO will ensure this is communicated to candidates.
 - (e) These clauses apply to all elections including local, state, or federal.

Electoral roll and rates roll

23. These two clauses deal with the ability of candidates and other people to obtain copies of the electoral roll and rates roll.

Relevant documents

Not applicable.

7.2 Adoption of Policy 261 Sustainable events

Location	Town-wide
Reporting officer	Brendan Nock
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	1. Policy 261 Sustainable Events [7.2.1 - 4 pages]

Recommendation

That the Policy Committee recommends to Council that it adopts Policy 261 Sustainable events.

Purpose

In response to a Council Resolution in December 2019 and June 2020, this report seeks Committee and Council endorsement for the proposed Sustainable Events Policy.

In brief

- The Town investigated the feasibility of developing a Sustainable Events Policy for the Town relating primarily to environmental sustainability.
- A proposed Sustainable Events Policy was drafted for consideration by the Policy Committee and Council.
- Applying to all Council-run events and Council-approved external events on Town land or in Town-owned facilities, the Sustainable Events Policy aims to reduce waste, improve resource recovery and promote sustainable transport options for events coordinated or approved by the Town.
- The draft policy was advertised for community consultation, the outcomes of which are presented in the body of this report.

Background

1. At the 17 December 2019 Council meeting, in response to a notice of motion put forward to remove balloons from Town public open spaces and events, the following resolution was passed:

That Council:

1. Requests the Policy Committee to investigate the merits of a Sustainable Events policy and provide a recommendation back to Council.
2. Requests the Chief Executive Officer to present a report to the Policy Committee to assist the Committee with recommendation 1 by June 2020.

2. Historically the Town itself has explored environmentally sustainability in events run or supported by the Town. In 2016 the Town piloted a Sustainability Fair. This event was the first of its kind to focus on sustainability and to be run sustainably.

3. The Town has also established as a part of core business other environmental sustainability initiatives related to events, such as non-permissible balloon releases and a policy banning single-use plastic and polystyrene on Town land or at Town events.
4. The Town has researched what other Councils are undertaking in the sustainable event space. The City of Fremantle has a dedicated Sustainable Events Policy (attached).
5. At the 16 June 2020 Council meeting the following resolution was made:

That Council:

1. *Receives the report and draft Sustainable Events Policy for consideration*
2. *Advertises the draft Sustainable Events Policy for public comment, with the following changes made to the Policy:*
 - a. *removal of clauses 2(c) and 2(d) and the Policy renumbered accordingly; and*
 - b. *amendment of clauses 2(a)(ii) and 6(a)(ii) to delete the words "bottled water or".*
3. *Requests that the Chief Executive Officer presents a further report back to the Policy Committee with the results of the public comment and any proposed amendments to the Sustainable Events Policy by October 2020.*

6. The draft Sustainable Events Policy was released for public comment from 9th July – 2nd August 2020.

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	<ul style="list-style-type: none"> • Reduction in the amount of waste generated from events and subsequently disposed to landfill or ending up as litter in our community. • Reduction of the impacts on the Town's environment and human health.

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	<ul style="list-style-type: none"> • Education of the Town's community to integrate sustainable practices into everyday life. • Support and encourage businesses to embrace sustainable practices. • Help to reduce the degradation of our environment. • Reduce the carbon emissions associated with creating unsustainable products.

Engagement

Internal engagement

Stakeholder	Comments
Community Development	Community development team have been engaged in the investigation into the feasibility of a Sustainable Events policy. The team are supportive of the development of said Policy.
Town of Victoria Park staff	Town staff were invited to comment during the public comment period 9th July – 2nd August 2020.

External engagement

Stakeholders	What groups of people within the community did you engage with? E.g. business owners, residents.				
Period of engagement	9 th July – 2 nd August 2020.				
Level of engagement	2. Consult				
Methods of engagement	Written submissions invited.				
Advertising	Newspaper advertisement, Town website, social media, Your Thoughts.				
Submission summary	Two submissions received, both in support of policy.				
Key findings	Below is a summary of information resulting from engagement:				
	Policy Statement	Policy Scope	Town Events	Approved Events	Encouraged Provisions
	The Sustainable Events Policy should be supported by all residents, so that they join in the whole item to reduce waste matter at events	The scope should be to encourage all the residents of the area to take leading action in maintaining the matter of waste management.	All town events should follow the Sustainable Events Policy and it should be emphasised at all times, including in pre-advertising	Whether events are held by the Council or approved by Council, the events should be under the same policy.	Any possible provision which may assist in getting the message across should be promoted, especially if the Town is serious about dropping its waste

held in the district.		material.		management overall.
-----------------------	--	-----------	--	---------------------

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Reputational	Negative public perception towards the Town by vendors, public with the implementation of the Policy; or if there is little community buy-in.	Moderate	Likely	High	Low	Robust community education, communication about the Policy and acceptable sustainable options. Allow an appropriate transition period before implementing the Policy.
Environmental	Not Applicable				Medium	
Health and safety	Not Applicable				Low	
Infrastructure/ ICT systems/ utilities	Not Applicable				Medium	
Legislative compliance	Not Applicable				Low	

Service delivery	Not Applicable	Medium
------------------	----------------	--------

Financial implications

Current budget impact	<p>The extent of financial impact depends on the cost difference to transition to the alternative that is available. As part of event planning in the current fiscal year, these costs could be accommodated.</p> <p>It is anticipated that there will not be a significant financial impact to service areas across the Town. For instance, bans on single-use plastic and polystyrene are now part of the Town's core business and budget, so alternatives have already been sourced in accordance with the Town's Policy 260 Single Use Plastic and Polystyrene.</p>
Future budget impact	<p>If the Town implements a Sustainable Events Policy then it is likely that costs will be incurred. It is suggested that the relevant operating budgets reflect this and be considered during the annual budget process.</p> <p>There is evidence that the cost of sustainable alternatives are reducing as their demand rises.</p>

Analysis

7. The proposed Sustainable Events Policy builds on the principles from the 2016 Sustainability Fair and the provisions of Policy 260 Single-use Plastic and Polystyrene.
8. Applying to all Council-run events and Council-approved external events on Town land or in Town-owned facilities – except those events that do not require Town approval or activities operating under a current lease agreement from the Town – the Sustainable Events Policy will help the Town to reduce its ecological footprint and minimise impacts on the environment by incorporating:
 - a. Sustainability principles into event planning and management.
 - b. Implementing waste avoidance strategies and maximising resource recovery for events.
 - c. Implementing efficiency measures to reduce water consumption.
 - d. Reducing greenhouse gas emissions through sustainable transport options.
 - e. Enhancing environmental awareness and fostering environmentally responsible behaviour in all relevant stakeholders to build their capacity to plan, organise, deliver or participate in a sustainable event.
9. The feedback from public consultation was supportive of the policy. The community commentary has been considered. Whilst the Town acknowledges the suggestion that the policy scope encourage to all residents to take the lead in waste management, the policy in question is currently focused on events only.

Relevant documents

[Local Government Act 1995 \(WA\)](#)

Town of Victoria Park Activities and Trading Thoroughfares Public Places Local Law 2000 Amended.

RECN1 RECREATION RESERVES – HIRE
Policy 260 Single-use Plastic and Polystyrene
Plastic Free Vic Park guideline
Strategic Waste Management Plan.

8 Motion of which previous notice has been given

9 Meeting closed to the public

9.1 Matters for which the meeting may be closed

9.2 Public reading of resolutions which may be made public

10 Closure