



TOWN OF
VICTORIA PARK



Policy Committee Minutes – 22 February 2021



WE'RE OPEN
VIC PARK

Please be advised that an **Policy Committee** was held at **5.30pm** on **Monday 22 February 2021** as an electronic meeting.

Cr Brian Oliver – Presiding Member

5 March 2021

Table of contents

Item	Page no
1 Declaration of opening	3
2 Attendance.....	4
2.1 Apologies.....	4
2.2 Approved leave of absence.....	4
3 Declarations of interest.....	5
4 Confirmation of minutes.....	5
5 Presentations.....	6
6 Method of dealing with agenda business	6
7 Reports	7
7.1 Adoption of Policy 011 - Elections	7
7.2 Review of Policy 304 - Disposal of Surplus Assets.....	15
7.4 Review of Policy 205 - Vehicle Crossovers.....	22
7.3 Review of Policy 114 - Community Funding	27
8 Motion of which previous notice has been given.....	44
9 Meeting closed to the public	44
9.1 Matters for which the meeting may be closed	44
9.2 Public reading of resolutions which may be made public.....	44
10 Closure	44

1 Declaration of opening

Cr Brian Oliver opened the meeting at 5.30pm.

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 Claire Anderson

Cr Ronhhda Potter

Cr Luana Lisandro

Jarraah Ward

Cr Jesvin Karimi

Cr Brian Oliver (Presiding Member)

Cr Vicki Potter (Deputy Presiding Member)

Deputy Mayor Bronwyn Ife

Chief Community Planner

Ms Natalie Martin Goode

Chief Financial Officer

Mr Michael Cole

A/Chief Operations Officer

Ms Nicole Annson

A/Chief Operations Officer

Ms Jayde Robbins

Manager Governance and Strategy

Ms Bana Brajanovic

Manager Technical Services

Mr John Wong

Manager Community

Mr Paul Gravett

Acting Financial Controller

Ms Bonnie Hutchins

Secretary

Ms Amy Noon

2.1 Apologies

Chief Executive Officer

Mr Anthony Vuleta

2.2 Approved leave of absence

Nil.

3 Declarations of interest

Declaration of financial interest

Name/Position	Cr Vicki Potter
Item No/Subject	7.3 - Review of Policy 114 - Community Funding
Nature of interest	Financial
Extent of interest	Employee of Connect Victoria Park which receives an operating subsidy under this policy.

Declaration of proximity interest

Nil.

Declaration of interest affecting impartiality

Name/Position	Cr Wilfred Hendriks
Item No/Subject	7.2 - Review of Policy 304 - Disposal of Surplus Assets
Nature of interest	Impartiality
Extent of interest	Member of Rotary Club of Victoria Park and Victoria Park Men's Shed

Name/Position	Cr Wilfred Hendriks
Item No/Subject	7.3 - Review of Policy 114 - Community Funding
Nature of interest	Impartiality
Extent of interest	Member of Rotary Club of Victoria Park and Victoria Park Men's Shed and on the committee of Harold Hawthorn Community Centre

4 Confirmation of minutes

COMMITTEE RESOLUTION:

Moved: Cr Wilfred Hendriks

Seconded: Cr Claire Anderson

That the Policy Committee confirms the minutes of the Policy Committee meeting held on 23 November 2020.

CARRIED (8 - 0)

For: Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife

Against: nil

5 Presentations

Nil.

6 Method of dealing with agenda business

PROCEDURAL MOTION:

Moved: Cr Claire Anderson

Seconded: Cr Vicki Potter

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

CARRIED (8 - 0)

For: Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife

Against: nil

PROCEDURAL MOTION:

Moved: Cr Vicki Potter

Seconded: Cr Luana Lisandro

That item 7.4 - Review of Policy 205 - Vehicle Crossovers be consider prior to item 7.3 - Review of Policy 114 - Community Funding.

CARRIED (8 - 0)

For: Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife

Against: nil

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

Purpose

To review Policy 011 Caretaker, Policy 012 Street listing of owners and occupiers and Policy 013 Electoral signs, and have Council adopt a consolidated policy, Policy 011 – Elections.

In brief

- At the April 2020 Ordinary Council Meeting, Council resolved for the Chief Executive Officer to conduct a review of the three policies relating to elections. The review was conducted and presented to the September Policy Committee. The Policy Committee resolved to defer the proposed policy to the November Concept Forum.
- 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.
- The policy is resubmitted for consideration by the Policy Committee following discussion at November Concept Forum.

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. At its meeting on 28 September 2020, the Policy Committee considered the proposed policy and referred it to the November Concept Forum.
3. 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.
4. 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.
5. 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.
6. A street listing of owners and occupiers is also known as a ratepayer 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.
7. 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.
Elected members	Elected members provided feedback through the September Policy Committee meeting. Elected members provided feedback through the November Concept Forum.

Legal compliance

8. 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 thoroughfares.	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 - 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

9. 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.
10. The current policy is unclear in how it applies to several digital communication methods. This has been identified as an opportunity for improvement in the current policy.
11. 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 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

12. In examining this policy, the Town has established that 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.
13. In considering the review of this policy the Town considered if it is right for elected members to receive free of charge the ratepayers roll, without the statutory declaration. 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.

14. 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.
15. 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

16. 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.
17. 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

18. 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 and provides one guideline for all matters relating to elections.

Caretaker period

19. This policy establishes the caretaker period is starting from the date of the opening of nominations being 44 days prior to Election Day in accordance with Section 4.49(a) of the Local Government Act 1995, until 6pm on Election Day.
20. The caretaker period seeks to prevent, where possible, four key things from occurring during the caretaker period:
 - Major decisions;
 - Community engagement;
 - Town events; and
 - Media and publications that promote sitting elected members

21. The caretaker period does not apply in an extraordinary election unless four or more elected members are up for election.

Major decisions

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

Community engagement

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

Events

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

Media

25. 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.

Promotion of the election

26. 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.
27. These clauses also establish that the promotion should reach as many people and demographic groups as possible.
28. Finally, it is expected that the Town will arrange a candidate information session for local government elections.

Use of Town resources

29. 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.

Elected Member Access to Information

30. This clause notes that during the Caretaker Period, Elected Members can access Council information relevant to their role as an Elected Member. Any Council information accessed must not be used for electoral purposes.

Election signs

31. 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

32. 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.

COMMITTEE DISCUSSION:

The committee discussed:

- why candidate information sessions are held at the City of South Perth
- whether Council decision summary videos featuring the Mayor would still occur during the caretaker period
- what would permit infringements for election signs
- whether it is too prescriptive to state that signs shouldn't be nailed to trees
- if the definition for election signs should be updated to reference the new local law
- whether the definition for extraordinary circumstances should be refined so that all points are under the Chief Executive Officer's opinion
- whether the definition for major decision should reference major trade undertaking rather than commercial enterprise
- if there should be a definition included for events
- whether candidates should be invited to attend events
- whether candidates for state and federal elections should be prohibited from campaigning at Town events.

The committee were advised that:

- the Town can investigate why candidate information sessions are held at the City of South Perth
- it is proposed that Council decision summary videos featuring the Mayor would still occur during the caretaker period
- candidates may be infringed for election signs if they have not obtained a permit
- the policy is not able to override any related local laws
- references to local laws can be updated
- the definition for extraordinary circumstances can be refined
- the definition for major decision can be changed to reference major trade undertakings
- a definition for events can be added.

MOTION:

Moved: Cr Ronhhda Potter

Seconded: Mayor Karen Vernon

That the Policy Committee recommends that Council:

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

AMENDMENT:

Moved: Mayor Karen Vernon

Seconded: Cr Claire Anderson

1. That an addition clause 19 be added to read:

19. Candidates for state and federal elections are not permitted to conduct campaign activities at Town events.

2. That all other clauses be numbered accordingly.

Reason:

To ensure that Town resources are not misused by those running in state and federal elections.

Cr Jesvin Karimi joined the meeting at 6.13pm.

PROCEDURAL MOTION:

Moved: Cr Luana Lisandro

Seconded: Cr Vicki Potter

That the item be referred back to the Chief Executive Officer to be presented at a future concept forum, under clause 89 of the *Town of Victoria Park Meeting Procedures Local Law 2019*.

CARRIED (7 - 2)

For: Cr Brian Oliver, Cr Vicki Potter, Cr Ronhhda Potter, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: Cr Claire Anderson, Mayor Karen Vernon

Reason:

Given that Council are now discussing an additional element in the policy to include state and federal elections, it would be prudent to revisit the policy at a concept forum to discuss further changes to the draft policy.

PROCEDURAL MOTION:

Moved: Cr Brian Oliver

Seconded: Cr Vicki Potter

That the meeting be adjourned to Wednesday 3 March 2021 at 5.30pm under clause 92 of the *Town of Victoria Park Meeting Procedures Local Law 2019*.

CARRIED (9 - 0)

For: Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: nil

Reason:

To facilitate commencement of Audit and Risk Committee at 6pm.

7.2 Review of Policy 304 - Disposal of Surplus Assets

Location	Town-wide
Reporting officer	Bonnie Hutchins
Responsible officer	Michael Cole
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. DRAFT Policy 304 - Disposal of Surplus Assets [7.2.1 - 4 pages]2. Summary of Changes - Policy Review 304 [7.2.2 - 1 page]3. Policy 304 Disposal of disused equipment machinery and other materials - Comments [7.2.3 - 3 pages]

Recommendation

That the Policy Committee recommends that Council:

1. Repeals Policy 304 - Disposal of disused equipment, machinery and other material, as attached.
2. Adopts Policy 304 - Disposal of Surplus Assets, as attached.

Purpose

For Council to adopt the recommended amendments and name change for Policy 304 – Disposal of Surplus Assets.

In brief

- Policy 304 was last reviewed August 2019.
- At its Policy Committee meeting in March 2020, Council resolved to review Policy 304 - Disposal of disused equipment, machinery and other material.
- The recommended Policy 304 - Disposal of Surplus Assets guides the principles for the disposal of assets deemed surplus to the Town's needs.
- This report recommends amendments to the name of the policy, refinement of the policy objective, scope and definitions, and removal of operational directions.

Background

1. At its meeting on 21 April 2020, Council adopted a work plan to complete the review of several policies. Policy 304 - Disposal of disused equipment, machinery and other materials was one of the policies identified for review.
2. Policy 304 is required to be used when the Town identifies surplus assets which cannot otherwise be readily sold or traded in and have little or no residual value.
3. Policy 304 assists with equitable and environmentally conscious disposal of these assets in a way to benefit community and environment.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Any assets which are exempt as per the Local Government (Functions & General) Regulations 1996 are disposed of appropriately. Appropriate due diligence is done to ensure these assets have no, or nominal residual value to the Town and their disposition is transparent. The order of which these assets are disposed is to benefit the community and provide sustainability in their use.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Policy provides clarity on accountability and objective decision making in the way in which surplus assets are disposed.

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	Facilitates disposal of assets in an environmentally conscious way by avoiding unnecessary dumping at landfill and continued use by other parties and members of the community (and others) in a sustainable way.

Engagement

Internal engagement	
Stakeholder	Comments
Operations staff – Assets	Reviewed policy, offered feedback.
Governance	Review of policy and how it currently operates.

Legal compliance

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

[Regulation 30 of the Local Government \(Functions and General\) Regulations 1996](#)

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	Assets with remaining financial value are inappropriately included in this policy.	Medium	Possible	Medium	Medium	Treat risk by ensuring robust asset management systems are in place and recording keeping is of a high standard to ensure due diligence can be conducted easily by Finance and Assets to guide the decision making for disposal and their inclusion for policy use.
Environmental	Assets being inappropriately dumped at landfill.	Low	Possible	Low	Medium	Treat risk by providing clarity in the policy for which assets are included or not, and clarity on the appropriate decision making required to ensure limited refuse dumping.
Health and safety	Town assets are provided to community groups (or others) and cause injury.	High	Low		Medium	Treat risk by ensuring any assets which are not safe and do not comply with health and safety standards are not able to meet the conditions for order of disposal by any other means than disposal at refuse sites.

Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	The Town is not seen to be equitable in their disposal of assets by donation.	Low	Possible	Low	Medium	Treat risk by ensuring robust record keeping is done as per policy to ensure parties which receive donated items are noted and there can be equitable distribution over time. Ensure applications are viewed without bias and follow the same approval requirements.
Service delivery	Not applicable.					

Financial implications

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

Analysis

4. Changes to the policy are set out in the below table.
5. Additional clarity of changes can also be found within the attachments to this report.

Clause	Proposed	Reason
Policy objective	Reworded in more detail	Allow for more clarity around the use of the policy and stronger decision-making ability.
Policy scope	Reworded in more detail	Allow for more clarity around the use of the policy and stronger decision-making ability.
Definitions	Reworded in more detail	Allow for more clarity around the use of the policy and stronger decision-making ability.

Clause 2	Removed	The Town does not install office equipment (owned by the Town) into premises of elected members. Tablets are provided which are returned at the end of their term. This clause has no relevance to the policy and any equipment utilised by elected members (but owned by the Town) would be included in this policy if it meets the objective and scope.
Clause 3	Removed	It is noted that this policy does not apply to land or building/property assets, so this clause is incorrect.
Clause 4b (i to vi)	Removed	Relate to operational procedure which should be included in an accompanying management practice, not within the policy itself.
Clause 4 c (i)	Removed	Relate to operational procedure which should be included in an accompanying management practice, not within the policy itself.
Clause 4 d (i)	Removed	Relate to operational procedure which should be included in an accompanying management practice, not within the policy itself.
Clause 5 b	Removed	It is felt that sale to Elected Members and staff should be conducted as part of sale to other individuals as per Clause 5 c to ensure equity and no advantage given to staff or Elected Members.

6. Research was conducted which found that the name of this policy was outdated and should align with other local governments.
7. Disposal of any property or land should be conducted as per Regulation 30 (1 and 2) of the Local Government (Functions and Regulations) 1996.
8. Disposal of items/assets not within this policy (those with a trade in or sale value or property and land) are dealt with as per the appropriate delegations, Local Government Act and Council approval.

Relevant documents

[Policy 222 Asset Management](#)

The Acting Chief Operations Officer, Ms Jayde Robbins left the meeting at 5.58pm.

Cr Brian Oliver reopened the meeting at 5.32pm on Wednesday 3 March 2021.

The Acting Chief Operations Officer, Ms Nicole Anns joined the meeting at 5.32pm.

The Acting Financial Controller, Ms Bonnie Hutchins joined the meeting at 5.32pm.

COMMITTEE DISCUSSION:

The committee discussed whether:

- clause 1 should be strengthened to apply to surplus assets owned by the Town that do not have residual monetary or useful value to the Town.
- the Town should have a target for e-waste.

The committee were advised that:

- the policy is proposed to apply to surplus assets that may not have residual monetary or useful value to the Town as the monetary value may be less than the amount of effort required to dispose of the asset.
- staff were unaware if there was currently a target for e-waste and the question was taken on notice.

AMENDMENT:

Moved: Cr Brian Oliver

Seconder: Cr Claire Anderson

That the definition of "tender" be amended to read:

"Tender means an externally conducted process to seek interest for the purchase of items by any individual or organisation"

CARRIED (9 - 0)

For: Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronnhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: nil

Reason:

The policy has been changed to exclude the sale to staff and elected members through internal tender or expression of interest. This will ensure the policy is consistent and clear in its definitions and clauses.

AMENDMENT:

Moved: Cr Brian Oliver

Seconded: Cr Vicki Potter

That clause 9 be amended to read:

"Any tenders, expressions of interest or private treaty for the sale of surplus assets, and any associated documentation are to be recorded and kept"

CARRIED (9 - 0)

For: Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: nil

Reason:

The policy has been changed to exclude the sale to staff and elected members through internal tender or expression of interest. This will ensure the policy is consistent and clear in its definitions and clauses.

COMMITTEE RESOLUTION:

Moved: Cr Ronhhda Potter

Seconded: Cr Wilfred Hendriks

That the Policy Committee recommends that Council:

1. Repeals Policy 304 - Disposal of disused equipment, machinery and other material, as attached.
2. Adopts Policy 304 - Disposal of Surplus Assets, as attached, subject to:

a) the definition of "tender" being amended to read:

"Tender means an externally conducted process to seek interest for the purchase of items by any individual or organisation".

b) clause 9 being amended to read:

"Any tenders, expressions of interest or private treaty for the sale of surplus assets, and any associated documentation are to be recorded and kept".

CARRIED (9 - 0)

For: Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: nil

7.4 Review of Policy 205 - Vehicle Crossovers

Location	Town-wide
Reporting officer	Frank Squadrito
Responsible officer	Nicole Anson
Voting requirement	Simple majority
Attachments	1. Current Policy 205 Vehicle crossovers [7.4.1 - 2 pages] 2. Tracked Policy 205 Vehicle crossovers revised [7.4.2 - 3 pages]

Recommendation

That the Policy Committee recommends that Council:

1. Repeals Policy 205 – Vehicle crossovers, as attached.
2. Adopts the amended Policy 205 – Vehicle crossovers, as attached

Purpose

To comply with Council resolution dated 21 April 2020 requiring the review of several policies including Policy 205 – Vehicle crossovers

In brief

- At its meeting on 21 April 2020, Council adopted a work plan to review several policies. Policy 205 was identified as one of the policies to be reviewed.
- Technical Services has reviewed Policy 205 to ensure that it meets current operational needs of the organisation and recommends minor clarification to the basis for determination of contributions for crossovers so that these are adequately endorsed in line with local government regulations.
- The review provides additional advice to applicants regarding the preference of an existing path continuing through the proposed crossover to provide priority for pedestrians where new crossovers abut the footpath network.
- The review also strengthens and discourages applicants applying for a second crossover unless adequate justification is provided.

Background

1. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review several policies. Policy 205 was identified to be completed by March 2021. Technical Services has now completed its review.
2. The last review/amendment to Policy 205 was completed in 2019 and presented to Council on 20 August 2019 which essentially amended the policy to bring it in line with the current policy template.
3. The objective of Policy 205 is to provide guidance for the construction of vehicle crossovers in the Town
4. Prior to the commencement of constructing a crossover in the Town, property owners must refer to the crossover installation package located on the Town's website which details the technical specifications.

Strategic alignment

Environment	
Strategic Outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	To provide appropriate guidelines for the construction and maintenance of vehicle crossovers to properties, including any contributions applicable for construction works.
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	Ensure property access is fit for purpose and standards are adhered to by property owners or their contractors.

Engagement

Internal engagement	
Stakeholder	Comments
Technical Services	Feedback sought by relevant technical staff administering crossover permits. No material changes needed to the policy. Case by case determination of second crossover requests is supported subject to sensible justifications and where the frontage crossover is not able to accommodate the occupier's requirements.
Urban Planning	There is general support for the provision to limit second crossovers to lots. Current planning controls generally unable to control the number of crossovers per lot as the construction of driveways and compliant-carports and garages (for residential properties) are exempt from requiring development approval.
Place Planning	There is general support for the provision to limit second crossovers to lots. Future provisions in the Town's planning policies or guidelines may be able to accommodate clauses to refine the approval criteria to align with the Town's requirements.

Legal compliance

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

[Local Government Act 1995 Schedule 9.1 \(7\)](#)

[Local Government \(Uniform Local Provisions\) Regulations 1996](#)

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	Rebate not provided to customer due to non-conformance.	Insignificant	Possible	Low	Low	TREAT risk by Having Compliance Officer providing clear specifications and continuing random inspections of crossover construction activities.
Environmental	Construction of crossovers can result in removal of trees on the verge.	Major	Possible	High	Medium	Treat risk by continuing to require a stand alone application for crossovers with existing verge trees identified in the proposal.
Health and safety	Crossovers uneven surface such as sunken pavers could be a tripping hazard causing serious injuries.	Major	Possible	High	Low	Treat risk by requiring concrete footpaths to remain and cutting through crossovers as the Town's preference
Infrastructure/ ICT systems/ utilities	Errors in the provision of crossover related advice to lot owners or contractors.	Minor	Possible	Medium	Medium	Treat risk by having the specification and other relevant information on the Town's website relating to crossovers reviewed annually to make sure it is updated and accurate.
Legislative compliance	Delay in the approval process due to staff availability and delegation limits.	Insignificant	Possible	Low	Low	Treat risk by reviewing the sub delegation register to ensure the appropriate number of staff are authorised to assess.

Reputation	Not applicable.	Low
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

5. Policy 205 looks at guidance for the construction and maintenance of vehicle crossovers. Under the Local Government (Uniform Local Provisions) Regulations 1996 (clause 15), the Town is required to meet 50% of the construction cost (as estimated by the local government) of a property's first standard crossing (vehicle crossover). The local government decides (by resolution) what will constitute a standard crossing. As the policy does not currently define this, it is recommended to clarify the policy on what constitutes a standard crossing (vehicle crossover) in order to meet any legislative requirement. Officer recommendation is that a standard crossover is 3m wide by 4m long of 100mm thick and at least standard 20 MPa strength concrete material.
6. Beyond the contribution (subsidy) payable by the Town for eligible crossover construction works (which has current threshold of \$400), the Town also provides contributions for upgrades as described in the policy, and these remain in place.
7. Concerns have been raised by staff regarding applicants wanting a second crossover to their property due to several reasons such as caravan storage on private property or hardstand for vehicle parking. A second crossover is not encouraged by Technical Services as it reduces verge space for planting of trees, on-street parking and creates another conflict point for access onto the public road network. Approvals associated with development applications managed by the Urban Planning service area generally provide a trigger for endorsing crossovers for new or modified residential/commercial buildings. The current policy has been strengthened to discourage a second crossover being built to the same lot unless there is a compelling case to allow multiple access points such as a subdivided corner lot or approved carport structure where no common property exists.

Clause	Proposed	Reason
Added clause 7	Secondary crossover requests to a single lot shall only be considered and approved in exceptional circumstances where the applicant can demonstrate the need for additional vehicular access to a proposed car port/garage or proper circulation as supported by a traffic impact statement, prepared by a suitably qualified transport engineer. These requests may not be approved for reasons including but not limited to loss of verge trees, additional	Compliance requirements, UFS opportunities and avoiding future redundant crossovers.

	contribution to stormwater runoff, planting space, diminished on street parking and safety.	
Added clause 8	In alignment with the requirements of the Town's Disability and Access Inclusion plan, a continuous path of travel through the crossover is preferred to provide clear and legible pedestrian priority.	Disability access improvement. Minimise injury due to uneven surface such as damaged brick paved crossovers.
Amended clause 11	The contribution by the Town is to be determined annually by the Chief Executive Officer through an internal memorandum. This contribution is determined with reference to 50% of the estimated cost of a standard crossing (vehicle crossover) under local government regulations. A standard crossover is defined as an insitu concrete material crossover, 3m wide x 4m long, constructed to the Town's crossover specifications. This amount will subsidise the cost of a property's initial crossover, and the first new crossover to each individually titled lot or strata development.	Better define the description of a standard crossover.
Added weblink of Crossover specification to Related documents	Crossover specification https://www.victoriapark.wa.gov.au/Your-property/House-and-garden/Crossovers-and-driveways?BestBetMatch=crossover d13b95b2-5146-4b00-9e3e-a80c73739a64 4f05f368-ecaa-4a93-b749-7ad6c4867c1f en-AU	To help guide applicants.

Relevant documents

[Crossover Policy 205](#)

[Crossover Specification](#)

COMMITTEE RESOLUTION:

Moved: Cr Ronhhda Potter

Seconded: Cr Vicki Potter

That the Policy Committee recommends that Council:

1. Repeals Policy 205 – Vehicle crossovers, as attached.
2. Adopts the amended Policy 205 – Vehicle crossovers, as attached

CARRIED (9 - 0)

For: Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: nil

7.3 Review of Policy 114 - Community Funding

Location	Town-wide
Reporting officer	Paul Gravett
Responsible officer	Natalie Martin Goode
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Policy-114- Community-funding - 15 Dec 2020 [7.3.1 - 10 pages]2. Policy 114 Community Funding - with Tracked Changes [7.3.2 - 11 pages]3. Policy 114 Community funding - with Tracked Changes Accepted [7.3.3 - 11 pages]

Recommendation

That the Policy Committee recommends that Council:

1. Repeals Policy 114 Community Funding, as Attachment 1.
2. Adopts Policy 114 Community Funding, as at Attachment 3.

Purpose

To review and approve changes to the operating subsidy component of Policy 114 Community Funding.

In brief

- The Town provides a range of community funding programs which are governed by Policy 114 Community Funding.
- Operating subsidies are made available to support the operating capacity of local service providers to deliver a range of programs, services, events, and partnerships, that align with the Town's strategic outcomes to enhance the quality of life of the community.
- At its Ordinary Council Meeting on 17 November 2020, Council requested the Policy 114 Community Funding be reviewed.
- Content derived from internal and external engagement processes has been integrated into the revised Policy 114 Community Funding for Council consideration.

Background

1. At the Ordinary Council Meeting 17 November 2020, Council resolved:
 1. Approves a further extension of the operating subsidy for Connect Victoria Park in the sum of \$50,000 from 1 January 2021 to 30 June 2021;
 2. Approves an operating subsidy for Connect Victoria Park in the sum of \$75,000 to commence on 1 July 2021 for 3 years;
 3. Declines to award an operating subsidy of \$6,000 to The Haven;
 4. Approves a community grant of \$1,000 to The Haven for the provision of a Christmas lunch for 2020;
 5. Approves a community grant of \$5,000 to The Haven for the provision of regular meals for people in need.

6. Requests the Chief Executive Officer to invite the Victoria Park Community Centre and the Victoria Park Centre for the Arts to submit new applications for an operating subsidy to commence on 1 July 2021 for 3 years in accordance with the following timetable:

a. applications to be called for in January 2021;

b. applications to be assessed by the Town's community funding assessment panel in February 2021;

7. Requests the Chief Executive Officer to present a further report back to Council in March 2021 with the recommendations on any applications received from the Victoria Park Community Centre and the Victoria Park Centre for the Arts;

8. Requests the Chief Executive Officer to commence a review Policy 114 – Community Funding in December 2020, beginning with a concept forum for elected members in December 2020;

9. Requests the Chief Executive Officer to bring a report on the review of Policy 114 to the Policy Committee by no later than February 2021.

2. In December 2020, officers presented questions for consideration at a concept forum. It was determined that another workshop session be held in January 2021 to further consider the topic.
3. To assist the January 2021 workshop process, elected members were provided two weeks to provide written responses to the questions presented. These questions and associated workshop responses are outlined in the Analysis below.
4. Responses were subsequently distributed to elected members prior to the January 2021 workshop.
5. The Town currently provides operating subsidies to the following groups:

Organisation	Amount	Timeframe
Harold Hawthorne Community Centre	<ul style="list-style-type: none"> • 3-year operating subsidy • \$132,328 + Perth CPI annually • Peppercorn lease - \$222,000 annually • Financial assistance to contribute to the employment costs of the Centre to deliver programs to community. 	Contract end 30 June 2022
Vic Park Centre for the Arts	<ul style="list-style-type: none"> • 2-year operating subsidy • \$111,200 + Perth CPI annually • Peppercorn lease - \$30,000 annually • Financial assistance to contribute to the employment costs of the Centre of the Arts Director to deliver programs to community. 	Contract end 30 June 2021
Connect Vic Park	<ul style="list-style-type: none"> • 3-year operating subsidy • Contract extension endorsed Nov 2020 • Financial assistance to contribute to the employment costs of the Village Hub Coordinator to deliver programs to community. • \$50,000 to 30 June 2021 • \$75,000 1 July 2021 to 30 June 2024 	Contract end 30 June 2024

Strategic alignment

Civic Leadership

Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	To provide a transparent and accountable framework for the provision of financial assistance to eligible parties.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Improved governance and decision making resulting from integration of continuous improvement feedback

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Community funding can be a relevant tool to support third party providers to enhance overall community health and wellbeing.
S02 - An informed and knowledgeable community.	Through provision of funding not for profits and charitable organisations will have greater capacity to assist community to remain connected and engaged on topics that are of importance to them.
S03 - An empowered community with a sense of pride, safety and belonging.	Through provision of funding not for profits and charitable organisations will have greater capacity to increase interdependence and agency of individuals and the wider community.
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	Through provision of funding not for profits and charitable organisations will have greater capacity to provide community with access to arts, culture and education opportunities.

Engagement

Internal engagement	
Stakeholder	Comments
C-Suite	Provided input into the direction of operating subsidies related to the overarching purpose, intent and associated financial implications.
Community Development	Responsible for administering the policy, as such provided significant input into the policy review.
Property Development and Leasing	Feedback regarding current leasing and licensing arrangements and implications for tenants also receiving an operating subsidy. Leasing and licensing options are being explored that may seek to channel operating subsidy funding to offset costs incurred by tenants associated with outgoings and preventative maintenance. Further discussion / collaboration is still required in this area.
Governance	Feedback on legal advice, lobbying of elected members and managing conflicts of interest.

Elected Members

Feedback included both strategic and operational considerations:

(Strategic) Policy:

- Synchronising the timing of operating subsidy applications with annual budget deliberation cycles to enhance financial planning outcomes;
- Consider implications of the Town's leasing and licensing functions and decision making against operating subsidy decisions including the agreement / lease terms;
- Amount of financial support per group / operating subsidies overall.

(Operational) General Approach:

- Report Attachments
 - o Providing details of both successful and unsuccessful applications in the main Ordinary Council Meeting report;
 - o Provide sufficient detail within the report / attachment related to applications to enable Council the capacity to make an informed determination based on Officers evaluation and assessment.
- Benchmarking with other local governments and Lotterywest regarding:
 - o Types of operating subsidies provided – Cash / Peppercorn Leases / Rental / Maintenance / Outgoings Subsidies;
 - o Level of contribution per group / per round / operating subsidies overall;
 - o Application process, including notification of groups throughout the process.

(Operational) Management Practice:

- Training and development for applicants
 - o Enhance capacity for addressing application criteria by contracting an independent grant writing professional to assist.
- Smarty Grants – types of questions; amount of questions / prompts / use of examples
 - o Review criteria that applicants are required to address based on feedback and level of expertise currently within the system, while positioning for future development in this area;
 - o Further training face to face and online for the Smarty Grants platform.

Elected Member feedback generated during the Concept Forum workshops is provided in the Analysis section below.

External engagement	
Stakeholders	Operating Subsidy Applicants (2020/21);
Period of engagement	November 2020 – January 2021
Level of engagement	Consult
Methods of engagement	Written and verbal feedback was provided directly to Town officers for consideration regarding the Operating Subsidy application process and associated Policy.
Advertising	Nil – stakeholders were directly engaged via phone and or email.
Submission summary	<ul style="list-style-type: none"> • Training and development for applicants <ul style="list-style-type: none"> o Enhance capacity for addressing application criteria by contracting an independent grant writing professional to assist. • Smarty Grants – types of questions; amount of questions / prompts / use of examples <ul style="list-style-type: none"> o Review criteria that applicants are required to address based on feedback and level of expertise currently within the system, while positioning for future development in this area; o Further training face to face and online for the Smarty Grants platform. • Clarifying internal point of contact <ul style="list-style-type: none"> o Operating Subsidies overarching - Manager Community; o Smarty Grants portal and related items - Community Development Officer – Grants, Donations Administration. • Round opening and decision timing / process <ul style="list-style-type: none"> o Further work to occur to align Peppercorn Leasing / Maintenance and Operating Costs approaches; o Timelines to be clearly identified within the Management Practice • Feedback to and from applicants <ul style="list-style-type: none"> o Processes to be refined regarding notification of applicants; • Training and development for assessment panel members <ul style="list-style-type: none"> o Guideline and training for assessors to be developed and implemented.
Key findings	<p>An action plan has been developed to address key findings / relevant feedback.</p> <p>The Policy, Management Procedure, skills, and supporting resources to be updated accordingly.</p>

Other engagement

Stakeholder	Comments
Other local governments	<p>Several Local Government Authorities (LGAs) in Western Australia were approached for information regarding operating subsidies, and consequentially leasing and licensing. This information has been difficult to source as the role of leasing, licensing and funding sits across a number of areas in each individual local government, and the time of year (holiday season). Further data continues to be sourced.</p> <p>Preliminary research indicates support to groups from local governments is mainly in the form for peppercorn rental subsidies, rather than cash based operating subsidies.</p> <p>The approach to leasing and licensing can be adhoc, managed across several areas within a local government, which has made it difficult to gather a comprehensive line of sight related to this topic.</p> <p>Operating subsidies, when provided, are more often focused on arts and cultural groups/performing arts facilities. Local governments can and do manage senior citizen facilities which could also be considered akin to an operating subsidy for this section of the community ie direct service provision by the local government, rather than payment to a third party to provide this service.</p>

Local Government Benchmarking Operating Subsidies Overview

	Armadale	Canning	Joondalup	Rockingham
Operating subsidies for community groups	No However, provide financial support to several Arts groups through their programming (ie. contracting via fee for service)	Yes (2) Brass Band - \$40k – rolled over each year Arts Group - \$30k rolled over each year	No Previously supported the Joondalup Art Gallery but decided not to renew the commercial lease for premises. Concluded April 2020.	No However, the City run the Autumn Centre (over 60's centre) and Rockingham Art Centre.
Operating subsidies for Not for Profit (welfare focused) groups	No	No	No	No
Peppercorn Leases	Yes (3) Group that runs the golf course;	Yes – however varies Unstructured – requires further consideration	Some historical peppercorn leases but majority are on standard lease	Yes (approximately 50)

	Not for Profit DFES	Senior Citizens based clubs x 2 – including maintenance and utilities		
Fee waivers	Junior sports clubs	Rating waivers for community groups and sporting clubs Some groups get free facility use i.e. New City Theatre who use the Town Hall.	Facility Hire Subsidies and some fee waivers Senior centres, art groups and other community groups hire facilities and receive fee waiver up to 10 hours; and seek facility hire subsidy for remaining cost.	All requests encouraged to apply through Community Grants Program
Maintenance costs	Not consistent – moving towards more consistent approach as part of renewal of agreements. Looking to shift to tenant pays all outgoings.	Different agreements in place for different groups depending on who owns the facility.	Structural costs are City's responsibility. Maintenance and outgoings are lease holders responsibility.	City pays some maintenance. All utilities, building insurance and rates are paid by lessee. Grants available up to \$10,000 per year for maintenance costs for incorporated NFP's leasing / license of City owned property.
Tenancy agreements – licenses and leases	Yes (70 total) – management agreements, MOUs and rental classifications (i.e. \$50 per annum for community groups)	Yes – Policy in place and rental scale used.	Yes – 85 agreements (around 36 are community / other / govt departments)	Yes – 80 agreements (around 60 are community) Several grants opportunities including City property, leased property, maintenance and rate subsidy, infrastructure capital, and community infrastructure grants.
Policies	Yes – Property Lease Rentals	Yes – Rating Waivers for Community Groups and Community Grants Program Policy	Facility Hire Subsidy Policy Property Management Framework	Yes – Community Grants Program

Legal compliance

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

6. Independent legal advice was sought regarding the level of detail to be provided by officers for elected member review as part of considering applications for approval, aligned with Policy 114. While not material to changes proposed for the Policy 114, content has been provided below for context and transparency related to the overall process, and its role in the informing future directions.
- *It is appropriate for officers to provide details of applications within Council reports to enhance the decision making / deliberation process of Councillors, as long as it is not seen as duplicating the process of assessment, and or disregarding the assessment and evaluation undertaken by the Town's assessment panel.*
 - *It is appropriate to provide details of unsuccessful applications in Council reports, as long as no personal or commercial in confidence information of an associated individual is also included.*

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 adopting a maximum ceiling to annual contributions could result in cost escalations that impact on the Long Term Financial Plan.	Moderate	Likely	High	Low	TREAT by adopting a maximum ceiling to annual funding amounts to be considered for the Operating Subsidy program.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Conflicts of Interest are not handled appropriately	Major	Possible	Medium	Low	TREAT by including clear directions regarding the management of Conflict of Interest in the Policy.
Legislative compliance	Not clarifying the permissibility of applicant capacity to lobby Elected Members may	Major	Possible	Medium		TREAT by including clear directions regarding lobbying of

	result in adverse decisions or conflicts of interest.					Elected Members and Town staff in the Policy.
Reputation	Not clarifying a maximum ceiling of contributions may result in difficulties managing expectations within the social sector, beyond what the Town is able to provide.	Moderate	Possible	Medium	Low	TREAT by communicating prior to each funding round priority focus areas for the Operating Subsidy program.
	Not providing community / stakeholders a chance to review the revised Policy before adoption may result in reputation risk.	Moderate	Possible	Medium	Low	ACCEPT as organisations impacted have been engaged previously regarding the need to create operating subsidy Exit Plans.
Service delivery	Not clarifying the Town's priority focus areas for operating subsidies through evidential sources may lead to service delivery gaps.	Moderate			Medium	TREAT by undertaking a Service Needs Analysis Study to inform future priority focus areas.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Based on the recommendations within this report and associated policy updates, future budget impacts for operating subsidies is proposed to be up to 1% of rates income. In 2020/21, this equates to \$435,880. This amount is to cover all existing and any future operating subsidy arrangements in any one year. Funding is provided to successful applicants for a three-year period.

Analysis

- In considering refinements to Policy 114 Community Funding with regards to operating subsidies, Officers benchmarked from other local government authorities, reviewed information from applicants and engaged elected members via workshops.

8. As Council are considering applications for the current Operating Subsidy round at the March 2021 Ordinary Council Meeting, the adoption of a revised Policy 114 Community Funding is not intended to come into effect until after these applications have been considered.
9. Below is a summary of elected member feedback provided within the January 2021 Concept Forum workshop:

Question	Elected Member Response
<p>A) <i>Should the Town offer cash based operating subsidies to all groups operating within the Town, or should it be restricted to certain categories of groups, and or restricted to focus on in-kind support such as peppercorn leases / licenses?</i></p> <p>B) <i>If Council support providing operating subsidies as cash contributions, what groups should the policy apply to?</i></p>	<p>Yes, cash based operating subsidies should be limited to those groups / enterprises that align to priority areas identified by the Town, rather than offered to all groups, open ended. Consideration should focus on those services that local government may normally deliver but chooses not to eg arts centre, senior citizens centre; community centre; youth centre / leadership / activities. Focus should be on areas that are unmet within the community, and not delivered by other groups / enterprises / government.</p> <p>Support should avoid cost shifting from other stakeholders.</p> <p>There was also feedback regarding the potential to separate peppercorn leases and operating subsidies. Further exploration is required.</p>
<p>C) <i>Should there be a maximum cash contribution per group, per year, inclusive of in-kind support (currently capped at 50% of total contribution);</i></p>	<p>Yes, overwhelming support for a maximum of \$100,000 (ex GST) per annum.</p> <p>There was also minor support for a proposed reduction to \$20,000 per group, per year (ext GST)</p> <p>Example: applicant seeks \$80,000 cash operating subsidy, while also receiving a \$35,000 peppercorn lease benefit. Total expenditure is \$160,000.</p> <ul style="list-style-type: none"> • \$160,000 + \$35,000 peppercorn = \$195,000 • \$195,000 x 50% of total contribution = \$97,500 is maximum allowable cash operating subsidy. • Applicant is seeking \$80,000 which is beneath both \$100,000 and 50% of total contribution cap.
<p>D) <i>Should there be a maximum Town provided cash contribution per year overall?</i></p>	<p>There was majority support for an amount of up to 1% of annual rates income towards the program. In 2020/21, this equates to \$435,880.</p>
<p>E) <i>Should there be a maximum period groups to receive cash based operating subsidy?</i></p>	<p>A majority felt that there should not be a maximum period however each group would need to re-apply every three years. This was based on the challenges groups within priority sectors face in attracting ongoing funding, and the importance of their service offering in the Town.</p>

<p>F) <i>Should operating subsidies be considered alongside peppercorn leases and licenses?</i></p> <p>G) <i>Should operating subsidies be considered within the same policy as leases and licenses?</i></p>	<p>There were split views as to whether peppercorn leases should be considered alongside / within the same policy as operating subsidies.</p> <p>Further exploration required.</p>
<p>H) <i>Should Elected Members be allowed to be lobbied by groups prior to formal deliberation by Council regarding operating subsidies?</i></p>	<p>Unanimous support that groups should not be permitted to lobby Elected Members prior to formal deliberation, once an application has been submitted.</p>
<p>I) <i>Should provision be made for a Social Needs Analysis study to identify priority themes to inform targeting of future occupancies / tenancies (and social planning more broadly)?</i></p>	<p>There was a split response to this question. Commentary focused on the benefits able to be provided from such a resource, ensuring however that the Town does not duplicate existing resources, is able to link into WACOSS resources / research and outcomes can be measured.</p> <p>Conversely, there was a view the Strategic Community Plan review would provide relevant information to inform future operating subsidy focus areas. This was enhanced by the notion that Council know existing providers.</p>

Managing financial sustainability

10. The Town is well placed to provide cash based operational subsidies to support functional areas that it would normally deliver but chooses not to i.e. arts and cultural centre; senior citizen support; youth development.
11. If these services were not provided by third party entities, there may be an expectation that the Town should provide these services (and or fund) on behalf of the community.
12. The Town needs to be mindful however of the implications of directly funding social welfare agencies to undertake their core work, as this may create ongoing expectations and difficulties should it look to exit from a service once embedded.
13. By introducing a cap to a maximum amount per year, per group, as well as the total pool of program funding available, the Town can be confident of the financial sustainability of the program, managing stakeholder / community expectations, and managing the impacts within the Long-Term Financial Plan.

Guiding focus areas

14. Development of a Community Needs Analysis Study can be used to increase knowledge and awareness of potential focus areas for operating subsidies and or properties becoming available for occupancy / tenancy. That is, an operating subsidy / EOI for properties may target specific demographics and or social conditions such as youth mental health / unemployment, based on study findings.
15. By refining its operating subsidy focus areas for each round based on evidential research / knowledge, the Town will be able to directly target and attract those services identified as a priority. This would also reduce work being undertaken in the sector on initiatives that do not meet the Town's priorities.

Managing conflicts of interest

16. By introducing clarification regarding the lobbying of Elected Members and Town staff, conflicts of interest are reduced, while governance structures and approaches are enhanced.

Overall practice improvements

17. Management Practice Operation Subsidies - 114.4 is currently being updated to reflect changes proposed by stakeholders, and within Policy 114 Community Funding.
18. An action plan has been created to capture areas for improvement and implementation to enhance future outcomes and program success.
19. The below table outlines the proposed changes to Policy 114 Community Funding, based on investigation and findings.

Clause	Proposed	Reason
<i>Lobbying of Elected Members: 12 and 13</i>	<i>Applicants may not lobby, or seek to influence the decision-making of Elected Members, in relation to their submitted funding applications.</i> <i>If, during the period between submitting a funding application and a determination by Council, an applicant seeks to lobby any Elected Member of the Town of Victoria Park, or attempts to provide additional information, either directly or indirectly, on any matter relating to the funding application to an Elected Member, the person/organisation may be disqualified and the grant or donation excluded from being considered for approval.</i>	To provide clarity regarding lobbying of Elected Members and Town staff by applicants
<i>Eligibility 35.d</i>	<i>Operating subsidy request must align with the Town's identified priority focus area(s);</i>	To emphasise the need to align with Town priorities as identified each round.
<i>Ineligibility 36.b</i>	<i>...or does not primarily deliver services within the Town</i>	To enable inclusion of organisations based outside of the Town boundary, who may deliver services of significance and or priority within the Town.
<i>Approval Process: 39</i>	<i>Allocation of up to 1% of the Town's rateable income will be considered to support the Operating Subsidy program annually.</i>	To clarify maximum amount of annual funds to be provided to the program, to enhance financial sustainability.
<i>Approval Process: 41</i>	<i>Operating Subsidies will be capped at \$100,000 (ex GST) cash contribution per organisation per year, and no more than 50% of total operating costs, inclusive of cash, in-kind support relating to subsidised rental value of the lease forfeited under a peppercorn lease.</i>	To clarify maximum amount capped at \$100,000 ex GST per group per year. To enhance the spread of program funding across the community.
<i>Approval Process: 47</i>	<i>Previously successful applicants are eligible to re-apply for an Operating Subsidy.</i>	To clarify that groups are able to re-apply for an operating

		subsidy once their existing agreement has lapsed.
<i>Approval Process: 48</i>	<i>Operating Subsidy applications will be considered alongside Lease / License Agreements, where relevant.</i>	To acknowledge that work is still progressing in the lease and licensing area and cross overs with operating subsidies.
<i>Grammar across the document</i>	<i>Changed spelling from 'Publically' to 'Publicly' throughout</i>	Spelling correction

Relevant documents

Nil.

Cr Vicki Potter left the meeting at 5.45pm.

COMMITTEE DISCUSSION:

The committee discussed:

- whether a conflict of interest should be declared if an applicant provided assistance with their election campaign and whether there is a minimum amount that applies to declarations relating to financial contributions
- if subsidies capped at \$100,000 should receive CPI increases and this would affect the Town's budget
- if previous applicants should be able to reapply for subsequent rounds
- whether the cap for funding of 1% of rates means that the amount of available funding may decrease from year to year
- whether applicants would be advised how much funding is available for a round before they apply
- that the reference to the Local Government (Rules of Conduct) Regulations 2007 needs to be updated to the current legislation
- whether identified priority focus areas should be defined
- what industry benchmarked standard costs of operation are, whether they exist for all industries and whether it is fair to require community organisations to source that information
- how setting a cap of \$100,000 excluding GST would affect existing subsidies that have already been granted or will be granted at the May Ordinary Council Meeting
- whether Harold Hawthorne's operating subsidy is tied to their lease
- whether the annual allocation will be exhausted from the commencement of the policy due to subsidies already being granted
- whether references to year should be financial year
- whether reporting frequency could be change to lessen the burden on community organisations
- when community organisations can reapply for an operating subsidy when their current one is coming to an end
- whether the dates for funding rounds should be included in the policy.

The committee were advised that:

- either an impartiality or financial interest may need to be declared if an applicant provided assistance on an elected members' election campaign
- there is no minimum amount that applies to financial declarations
- the amount of available funding may decrease each year as the total amount should be capped at 1% of rates
- applicants would be advised of how much funding is available for a round before they apply
- priority focus areas will be identified through a community needs analysis that is endorsed by Council prior to a round opening
- industry benchmarked standard costs of operation demonstrate value for money, exist for most industries and are free to obtain in some cases
- the \$100,000 cap would only apply to operating subsidies granted if the proposed policy is adopted by Council
- Harold Hawthorne's operating subsidy is not tied to their lease and they will need to reapply in the future
- the existing operating subsidies already granted mean that available funding would be less than 1% of rates in future rounds unless Council decided to amend policy or make a decision contrary to the policy
- reporting could be changed to half-yearly and annual and still meet the Town's needs
- application rounds will open at the end of the calendar year for community organisations to apply prior to the start of the next financial year
- dates for funding rounds will be included in the management practice.

AMENDMENT:

Moved: Mayor Karen Vernon

Seconder: Cr Brian Oliver

That clause 9 be amended to read:

9. In order to achieve this, in keeping with the requirements of the *Local Government Act 1995*, *Local Government (Model Code of Conduct) Regulations 2021* and *Local Government (Administration) Regulations 1996*, employees and elected members with any involvement in community funding programs shall declare:
 - a. any financial, indirect financial, proximity or gift interests that they have with any applicant for a community funding program; and
 - b. any impartiality interests they have with any applicant for a community funding program.

CARRIED (8 - 0)

For: Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: nil

Reason:

To reflect change in regulations from 2017 to 2021 regulations.

AMENDMENT:**Moved:** Mayor Karen Vernon**Seconder:** Cr Bronwyn Ife

That clause 35(e) be amended to read:

e. operating subsidy request is based upon industry benchmarked standard costs of operation or comparable information.

CARRIED (8 - 0)**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi**Against:** nil**Reason:**

So that this particular eligibility criteria doesn't become too restrictive.

AMENDMENT:**Moved:** Mayor Karen Vernon**Seconder:** Cr Bronwyn Ife

That the policy be amended to include a definition that reads:

year: the financial year from 1 July to 30 June.

CARRIED (8 - 0)**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi**Against:** nil**Reason:**

To make it clear that it is a reference to the financial year.

AMENDMENT:**Moved:** Mayor Karen Vernon**Seconder:** Cr Claire Anderson

That clause 50 be amended to read:

50. Successful applications will be required to provide six-monthly 'output reports' and an annual 'outcome report' to the Town, to be used by the Town as the Town deems fit.

CARRIED (8 - 0)**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi**Against:** nil**Reason:**

To create more flexibility and reduce the burden of reporting.

AMENDMENT:**Moved:** Cr Wilfred Hendriks**Seconded:** Nil

To add clause 41(a) to read:

a) clause 49 overrides this clause in a case where the CPI Perth results in the subsidy amount going over \$100,000.

LAPSED**For:** nil**Against:** nil**Reason:**

To enable the CPI to be applied to clause 41 when the CPI causes the amount of more than \$100,000 to be paid.

Deputy Mayor Bronwyn Ife left the meeting at 6.54pm and returned at 7.02pm.

AMENDMENT:**Moved:** Mayor Karen Vernon**Seconded:** Cr Luana Lisandro

That clause 41 be amended to read:

41. Operating subsidies will be capped at \$100,000 (ex GST and Consumer Price Index Perth all groups) cash contribution per organisation per year, and no more than 50% of total operating costs, inclusive of cash, in-kind support relating to subsidised rental value of the lease forfeited under a peppercorn lease.

CARRIED (8 - 0)**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi**Against:** nil**Reason:**

To make clause 41 synchronised with clause 49.

COMMITTEE RESOLUTION:

Moved: Cr Ronhhda Potter

Seconded: Cr Wilfred Hendriks

That the Policy Committee recommends that Council:

1. Repeals Policy 114 Community Funding, as Attachment 1.
2. Adopts Policy 114 Community Funding, as at Attachment 3, subject to:

a) clause 9 being amended to read:

9. In order to achieve this, in keeping with the requirements of the *Local Government Act 1995*, Local Government (Model Code of Conduct) Regulations 2021 and Local Government (Administration) Regulations 1996, employees and elected members with any involvement in community funding programs shall declare:

- a. any financial, indirect financial, proximity or gift interests that they have with any applicant for a community funding program; and
- b. any impartiality interests they have with any applicant for a community funding program.

b) clause 35(e) being amended to read:

e. operating subsidy request is based upon industry benchmarked standard costs of operation or comparable information.

c) a definition for year being included that reads:

year: the financial year from 1 July to 30 June.

d) clause 50 being amended to read:

50. Successful applications will be required to provide six-monthly 'output reports' and an annual 'outcome report' to the Town, to be used by the Town as the Town deems fit.

e) clause 41 being amended to read:

41. Operating subsidies will be capped at \$100,000 (ex GST and Consumer Price Index Perth all groups) cash contribution per organisation per year, and no more than 50% of total operating costs, inclusive of cash, in-kind support relating to subsidised rental value of the lease forfeited under a peppercorn lease.

CARRIED (8 - 0)

For: Cr Brian Oliver, Cr Claire Anderson, Cr Vicki Potter, Cr Ronhhda Potter, Mayor Karen Vernon, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

Against: nil

8 Motion of which previous notice has been given

Nil.

9 Meeting closed to the public

9.1 Matters for which the meeting may be closed

Nil.

9.2 Public reading of resolutions which may be made public

Nil.

10 Closure

There being no further business, Cr Brian Oliver closed the meeting at 7.19pm.

I confirm these minutes to be true and accurate record of the proceedings of the Committee.

Signed:
.....

Dated this: Day of: 2021