



TOWN OF
VICTORIA PARK

Policy Committee Minutes – 28 March 2022



WE'RE OPEN
VIC PARK

Please be advised that a **Policy Committee** was held at **5:30pm** on **Monday 28 March 2022** as an electronic meeting.

Cr Jesvin Karimi - Presiding Member
30 March 2022

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1 Declaration of opening

Cr Jesvin Karimi opened the meeting at 5.32pm.

Acknowledgement of Country (by Presiding Member)

I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

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

Ms Karen Vernon

Banksia Ward

Deputy Mayor Claire Anderson

Cr Peter Devereux

Cr Wilfred Hendriks

Cr Luana Lisandro

Jarrah Ward

Cr Jesse Hamer

Cr Bronwyn Ife (*entered meeting at 6.04pm*)

Cr Jesvin Karimi (Presiding Member)

Cr Vicki Potter

Chief Community Planner

Ms Natalie Martin Goode

Manager Stakeholder Relations

Ms Roz Ellis

Manager Place Planning

Mr David Doy

Manager Technical Services

Mr John Wong

Principal Environmental Health Officer

Mr Steve Kipkurgat

Place Leader – Economic Development

Ms Lisa Harwood

Coordinator Governance and Strategy

Ms Jasmine Bray

Meeting secretary

Ms Natasha Horner

2.1 Apologies

Chief Operations Officer

Ms Natalie Adams

Project Officer – Waste

Mr Jonathan Horne

2.2 Approved leave of absence

Nil.

3 Declarations of interest

Declaration of financial interest

Nil.

Declaration of proximity interest

Nil.

Declaration of interest affecting impartiality

| | |
|--------------------|---|
| Name/Position | Cr Wilfred Hendriks |
| Item No/Subject | Item 7.5 – Minor Review of Council Policies (Policy 114 and 116) |
| Nature of interest | Impartiality |
| Extent of interest | I am a member of the Rotary Club of Victoria Park and the Vic Park Men's Shed. I am also a committee member of the Harold Hawthorne Community Centre. All of the groups receive funds and/or sponsorship from the Town. |

4 Confirmation of minutes

COMMITTEE RESOLUTION:

Moved: Mayor Karen Vernon

Seconded: Deputy Mayor Claire Anderson

That the Policy Committee confirms the minutes of the Policy Committee held on 28 February 2022.

Carried (8 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter, and Cr Wilfred Hendriks

Against: Nil

5 Presentations

Nil.

6 Method of dealing with agenda business

Nil.

7 Reports

7.1 Amendment to Policy 117 - Business Grants

| | |
|----------------------------|---|
| Location | Town-wide |
| Reporting officer | Place Leader (Economic Development) |
| Responsible officer | Manager Place Planning |
| Voting requirement | Simple majority |
| Attachments | 1. Policy 117 Business Grants- tracked changes [7.1.1 - 7 pages] 2. Policy 117 Business Grants [7.1.2 - 7 pages] |

Recommendation

That Policy Committee recommends that Council:

1. Amends Policy 117 Business Grants to allow for emergency relief funding as per Attachment 1.
2. Declares emergency relief is required for the purpose of the business grants program.

Purpose

For Council to amend Policy 117 Business Grants to allow for emergency relief funding when required.

In brief

- At its meeting of 18 August 2020, Council adopted Policy 117 Business Grants (the Policy). This Policy requires Council to make the final decision on whether a grant application is to be approved or rejected following a recommendation from the assessment panel.
- As community transmission of the COVID-19 Omicron variant continues to increase, there is an increasing need to support the business community. Businesses have stated that grants are one way the Town could do this.
- To be able to issue grant funding to businesses in a timely and responsive manner, amendments to the Policy are required. This will allow for the delegation of decision making to administration when it comes to emergency relief funding.

Background

1. At its meeting of 18 August 2020, Council adopted the Policy which provides an overarching policy to establish a business grants program, with project objectives and grant categories being reviewed on an annual basis in response to current trends and needs.
2. This Policy requires Council to make the final decision on whether a grant application is to be approved or rejected following a recommendation from the assessment panel.
3. COVID-19 has been an ongoing pandemic since 2020. In late 2021, a new variant of COVID-19 called Omicron was detected. The World Health Organisation has declared Omicron to be a COVID-19 variant of concern.
4. On 2 January 2022, the Omicron variant was first detected in the WA community. This variant spreads quickly in the community.

5. On 21 February 2022, level 1 public health and social measures were implemented to slow the transmission of Omicron. These included indoor mask requirements, proof of vaccination, contact registration and capacity limits for businesses.
6. On 3 March 2022, level 2 public health and social measures were implemented, which included level 1 measures, as well as capacity limits and seated service only to businesses deemed high risk.
7. Based on these restrictions and evidence of the impact of the Omicron variant on businesses across Australia, business support is required. At a business breakfast on 8 February 2022, the attendees were asked 'Is there anything more you think the Town could do to support small business during the COVID pandemic?'. The most replied answer was 'grants'.

Strategic alignment

| Civic Leadership | |
|---|--|
| Strategic outcome | Intended public value outcome or impact |
| CL09 - Appropriate devolution of decision-making and service provision to an empowered community. | Administration has decision making powers when it comes to awarding grants for emergency relief purposes, allowing businesses to receive financial support to deliver resilience projects. |

| Economic | |
|--|---|
| Strategic outcome | Intended public value outcome or impact |
| EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship. | The amendments to the Policy allow the provision of financial support to businesses, allowing them to build resilience during emergency periods, including the COVID-19 pandemic. |

Engagement

| Internal engagement | |
|---------------------|---|
| Stakeholder | Comments |
| Governance | Provided strategic advice on how to prepare the amended Policy. |
| Place Planning | Provided feedback on the proposed amendments to the Policy. |

Legal compliance

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

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 | Demand for business grants | Minor | Possible | Medium | Low | ACCEPT risk and openly |

| | | | | | | |
|--|--|----------|----------|--------|--------|---|
| | exceeds funding available due to emergency relief amendments to Policy. | | | | | communicate funding availability and the process by which this funding will be allocated. |
| Environmental | Not applicable. | | | | Medium | |
| Health and safety | Not applicable. | | | | Low | |
| Infrastructure/ ICT systems/ utilities | Not applicable. | | | | Medium | |
| Legislative compliance | Not applicable. | | | | Low | |
| Reputation | The perception that the Town is not supporting businesses during COVID-19. | Moderate | Likely | High | Low | TREAT risk by endorsing the amendments to the Policy. |
| | Businesses don't understand the process under which grants are approved by administration. | Moderate | Possible | Medium | Low | TREAT risk by assessing applications on a first come, first serve basis. TREAT risk by making sure reasons for grants being endorsed/not endorsed are documented and communicated when necessary. |
| Service delivery | Administration of business grants exceeds staff capacity. | Moderate | Possible | Medium | Medium | TREAT the risk through considering resourcing at all stages of program planning and budget planning. ACCEPT the risk if administration needs exceed staff capacity. |

Financial implications

| | |
|------------------------------|---|
| Current budget impact | Sufficient funds exist within the annual budget to address this recommendation. |
| Future budget impact | Budget for future business grants rounds will be proposed as part of the annual budget process. |

Analysis

8. In 2020/21, COVID-19 related business grants were launched. There were two categories:
- (a) COVID-19 Small Business Resilience Grants
 - (1) Aim: To support small businesses that were actively engaged in the Town of Victoria Park local economy to adapt, build resilience and grow during COVID-19 recovery.
 - (2) Assessment Criteria:
 - (a) Initiative is intended to directly assist local business/es in recovery from COVID-19 and building ongoing resilience.
 - (b) Applicant can demonstrate an ongoing commitment to the Town of Victoria Park local economy including:
 - (i) Commercial lease agreement with 12 months remaining or own principal place of trading.
 - (ii) Demonstrating genuine, visible engagement with the local economy.
 - (3) Demonstrate the feasibility of the initiative and their capability to deliver it.
 - (b) COVID-19 Economic Development Grants
 - (i) Aim: To support initiatives developed by the local business community that will benefit the Town of Victoria Park local economy.
 - (ii) Assessment Criteria:
 - (1) Initiative will assist the local economy in recovery from COVID-19.
 - (2) Initiative will deliver at least one of the following target benefits:
 - (a) Substantial improvements to the amenity of the public realm that will attract visitors to the area;
 - (b) Substantial activation of underutilised of vacant spaces that will attract visitors or investment to the area;
 - (c) Provide a unique and visible retail or service offering that will attract visitors to the Town;
 - (d) Foster networking and collaboration between local businesses to support COVID-19 recovery;
 - (e) Provide unique, regionally significant promotion, development or investment for the Town's local economy; or
 - (f) Foster innovation industries or innovative business practices.
 - (3) Feasibility of the initiative and their capability to deliver it.
9. There were 42 applicants across both categories in 2020/21. Twenty grants were awarded at a value of \$61,626.

10. It is proposed amendments be made to the Policy to allow for the quick provision of funding to the business community for emergency relief purposes, including COVID-19. These amendments are also designed to provide flexibility for any other emergencies that may arise.
11. A summary of the proposed amendments can be found below:
 - (a) The definition of emergency relief.
 - (b) The assessment criteria for emergency relief funding.
 - (c) The maximum amount of grant funding per applicant for emergency relief purposes is \$4,999.
 - (d) Decision making on who is awarded emergency relief funding is delegated to administration.
12. Delegation to administration is required for emergency relief funding due to the length of time it takes to seek Council approval. Emergency relief funding is not possible if Council endorsement is required.
13. In addition, clause 9 and the Related documents section have been updated to reflect include reference to the Town's codes of conduct and conflict of interest provisions.
14. It is recommended that Council endorse the amendments to the Policy, which will allow the administration to provide grant funding to support businesses through the COVID-19 pandemic.

Relevant documents

[Policy 117- Business Grants](#)

COMMITTEE DISCUSSION:

The committee discussed:

- the recent WA State announcement and its implications for emergency relief funding
- standard operating expenses and retrospective grants
- the wording of 'COVID-19 grant funding' rather than emergency relief funding
- the decision-making framework for Council to determine emergency funding, triggers that can be incorporated into the policy, and potentially having the policy come back to a future Policy Committee
- clarification on the process for Council approving the declaration of emergency
- clarification on why the emergency relief funding is not separated into another policy
- clarification that the grant budget is \$80,000 and \$42,000 has been spent so far
- clarification on the timeframe, assessment and awarding process
- the possibility of the surplus funds returning to the budget.

Cr Bronwyn Ife entered the meeting at 6.04pm.

COMMITTEE RESOLUTION:

Moved: Cr Vicki Potter

Seconded: Deputy Mayor Claire Anderson

That Policy Committee recommends that Council:

1. Amends Policy 117 Business Grants to allow for emergency relief funding as per Attachment 1.
2. Declares emergency relief is required for the purpose of the business grants program.

Lost (0 - 9)

For: Nil

Against: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

7.2 Review of Policy 225 - Hire and use of Town banner and flag sites

| | |
|----------------------------|---|
| Location | Town-wide |
| Reporting officer | Manager Stakeholder Relations |
| Responsible officer | Chief Executive Officer |
| Voting requirement | Simple majority |
| Attachments | 1. Policy-225- Use of Town flag sites [7.2.1 - 2 pages] |

Recommendation

That the Policy Committee recommends that Council adopts the amended Policy 225 Hire and use of Town banner Flag sites as attached.

Purpose

The November Ordinary Meeting of Council referred the review of Policy 225 Hire and use of Town Banner and Flag sites to the future Policy Committee in March 2022 with regards to the continued inclusion of the banner display sites.

In brief

- Policy 225 was identified for review as part of the Council adopted policy work plan.
- The policy sets out the option to hire Town-owned banner and flag sites for promotion and recognition purposes.
- The policy review was completed in November 2021 and was recommended to be repealed by the administration.
- The Policy Committee supported to retain Policy 225 Hire and use of Town banner and flag sites without modification.
- At November 2021 OCM Council requested that administration bring back the policy to March 2022 policy committee to reconsider inclusion of the banner poles.

Background

1. At its meeting on 20 April 2021, Council adopted a work plan to complete the review of a number of policies. Policy 225 was one of the policies identified for review.
2. Policy 225 was last reviewed by Council on 20 April 2021 as part of the minor review of policies. The only amendment made at this time was a change to the responsible officer.
3. Administration recommended repeal of the policy as the use of flag poles should align to Australia Flag laws as set by the Federal Government.
4. Administration recommend to repeal the hiring of the banner poles due to the policy never being enacted and the banner poles not hired in the past five years.
5. Council rejected the changes to flag pole requests, but did note that banner pole hire may not be feasible, it was requested on this basis for administration to review the policy again and reconsider an approach to flags.

Strategic alignment

| Civic Leadership | |
|--|--|
| Strategic outcome | Intended public value outcome or impact |
| CL01 – Everyone receives appropriate information in the most efficient and effective way for them | The public would be supported in requests for use of flag poles for commemoration, acknowledgment or celebration in the community. |
| CL07 - People have positive exchanges with the Town that inspires confidence in the information and the timely service provided. | Community members and groups feel supported in the commemoration, acknowledgement or celebration. |

Engagement

| Internal engagement | |
|-----------------------|--|
| Stakeholder | Comments |
| Community Development | <p>Banner poles will be utilised for periods of significance that aligns to Council decisions (NADIOC, Reconciliation week).</p> <p>Flag raising ceremonies can be requested by the Council for particular days of significance or recognition, as a civic ceremony hosted by the Mayor.</p> |
| Place Planning | The Town would support the delivery of campaigns to support destination marketing, where an external organisation wishes to partner with the Town in the use of banners it would be part of a broader agreement. |

Legal compliance

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

[Australian Flags \(pmc.gov.au\)](http://pmc.gov.au)

[Flags Act 1953 \(legislation.gov.au\)](http://legislation.gov.au)

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 | Have fees and charges that aren't used | Insignificant | Almost Certain | Medium | Low | ACCEPT The banner poles have not been hired in the last financial year. |

| | | | | | | |
|--|--|----------|----------------|------|--------|---|
| Environmental | The banner poles used on Albany Hwy are single use vinyl plastic. | Moderate | Almost Certain | High | Medium | TREAT Future review of the poles to offer a more sustainable option. |
| Health and safety | Banners left on the poles after bad weather can cause a hazard. | Major | Likely | High | Low | AVOID The Town manages banner poles and removes them as soon as any damage is sustained. |
| Infrastructure/ ICT systems/ utilities | N/A | | | | | |
| Legislative compliance | Flag poles cannot be hired for commercial use as they are aligned to Australian Flag Protocol. | Moderate | Almost Certain | High | Low | SHARE fly flags as per the requirements for a government building. |
| Reputation | Incorrect flying of flags. | Moderate | Almost Certain | High | Low | SHARE fly flags as per requirements for a government building. |
| Service delivery | High administration requirement to manage the hire of banner poles. | Minor | Almost Certain | Med | Med | TREAT partner with organisations, include as part of sponsorship support if requested and receive acknowledgement |

Financial implications

| | |
|------------------------------|-----------------|
| Current budget impact | Not applicable. |
| Future budget impact | Not applicable. |

Analysis

| Clause | Proposed | Reason |
|-------------------------|---|--|
| <i>Policy Objective</i> | 1. To provide guidance on the use and hire of Town flag sites for recognition purposes. | <i>Remove reference to banner poles Remove reference to promotion on flag poles and not recognition but remove promotion</i> |
| <i>Policy Objective</i> | 2. <i>Remove objective</i> | <i>Remove need to pay for flags to be raised for recognition purposes</i> |
| <i>Policy Scope</i> | This policy applies to community use of flag poles. | <i>Remove reference to hire and remove reference to banner poles</i> |
| <i>Policy Statement</i> | 1. , The Town may permit requests to fly flags on Town flag poles by community groups or members. In accordance with Australian flag laws. | <i>Reference to banners removed, Inclusion of Australian flag laws, removal of fees and charges</i> |
| <i>Policy Statement</i> | 2. For requests to be accepted they must be either: <ol style="list-style-type: none"> a. Align to a day of significance that is supported by the Council b. Recognition aligned to social advocacy that is supported by Council c. To celebrate or acknowledge achievements of an individual or group | <i>Clarify types of flags that can be considers for the Towns flag poles. Removes reference to banners.</i> |
| <i>Policy Statement</i> | 3. Removed | <i>Priority statement becomes void as banners have been removed and framework for flags is updated as per above.</i> |

| | | |
|------------------|--|---|
| Policy Statement | 4. Removed | Void as framework for inclusion noted in item 2 |
| Policy Statement | 5. The Town has discretion to approve or reject requests for the use of flag poles . | Removed reference to banner poles |

Relevant documents

[Policy 225 Hire and Use of Town Banner and Flag sites - Victoria Park](#)

OFFICER'S RECOMMENDATION:

Moved: Cr Jesvin Karimi

Seconded: Cr Wilfred Hendriks

That the Policy Committee recommends that Council adopts the amended Policy 225 Hire and use of Town banner Flag sites as attached.

PROCEDURAL MOTION

Moved: Mayor Karen Vernon

Seconded: Cr Luana Lisandro

That clause 50 - Speaking twice of the Meeting Procedures Local Law 2019 be suspended, in accordance with clause 58 of the *Meeting Procedures Local Law 2019*.

Carried (9 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

COMMITTEE DISCUSSION:

The committee discussed:

- whether the intent of the policy requires an amendment
- whether the formatting, spelling and grammar issues will be addressed administratively
- the potential to repeal the policy, and whether cases can be brought to Council without the need for a policy
- elected members views on the need for this policy
- whether community groups could still request to fly flags on the Town's poles
- whether the Town will develop a management practice for decision-making on flags and develop the process for high reputational risk requests to be presented to Council if the policy was repealed
- Australian flags and the hierarchy of flags.

Mayor Karen Vernon raised an alternate motion.

COMMITTEE RESOLUTION:

Moved: Mayor Karen Vernon

Seconded: Cr Vicki Potter

That the Policy Committee recommends that Council revokes Policy 225 Hire and use of Town banner Flag sites.

Carried (9 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

Reason:

The policy is not required anymore.

Cr Vicki Potter left the meeting at 6.31pm and returned at 6.32pm.

7.3 Review of Policy 404 - Fireworks management - results of public consultation

| | |
|----------------------------|---|
| Location | Town-wide |
| Reporting officer | Principal Environmental Health Officer |
| Responsible officer | Manager Development Services |
| Voting requirement | Simple majority |
| Attachments | <ol style="list-style-type: none">1. Attachment 1 - Existing Policy 404 [7.3.1 - 3 pages]2. Attachment 2 Draft Policy 404 Fireworks management advertised version [7.3.2 - 4 pages]3. Attachment 3 21 September 2021 Council Report Review of Policy 404 Fireworks m [7.3.3 - 7 pages]4. Attachment 4 - Public submissions redacted [7.3.4 - 6 pages]5. Attachment 5 - Draft Policy 404 - Fireworks management - proposed changes tracked [7.3.5 - 4 pages] |

Recommendation

That the Policy Committee recommends that Council adopt the amended Policy 404 – Fireworks Management as shown in Attachment 5.

Purpose

For Council to consider the draft revised Council Policy 404 - Fireworks Management (Policy 404) following public consultation.

In brief

- Policy 404 has been identified for review as part of Council's adopted policy work plan.
- Applications for fireworks displays are assessed having regard to Policy 404.
- Several amendments are proposed to the policy to provide greater clarity in the assessment of applications, to clarify the Town's role in the process and to address issues that have arisen in relation to the current policy.
- The draft revised policy was advertised for public comment. It is recommended that the policy be adopted with modification from that which was advertised.

Background

1. Background to the review of the Policy is outlined in the previous report presented to Ordinary Council Meeting on 21 September 2021 (see Attachment 3). At this meeting, Council resolved as follows:

"That Council:

1. *Endorse the draft revised policy 404- Fireworks Management (as shown in Attachment 2) for public consultation; subject to the following amendments:*

1. *Amend point 1 of the policy to read as follows:*

"When considering a Fireworks Events Notice, the Town's principal considerations will include:

- a. *The Environmental Health impact of the fireworks event upon the community and surrounding environment (including birds and animal life); including but not limited to the noise impact.*
 - b. *Ensuring the community is reasonably informed of the fireworks event.*
2. *Give local public notice for a period of 28 days that comprises a notice in the local newspaper for three consecutive weeks and via the Town of Victoria Park's social media channels and Your Thoughts. "*
2. It is worth noting that the above resolution amended the draft policy prepared by Officers by including the words *"and surrounding environment (including birds and animal life)"*.
 3. It should also be noted that the following additional comments were provided by Officers in the report presented to the September 2021 Ordinary Council Meeting around advice received from an ornithologist about the impact of fireworks on birdlife:

"In view of the above advice, it is considered necessary to liaise with the DBCA before proceeding further with the policy review, and that further consideration be given to the resourcing and other implications of the ornithologist advice. Accordingly, Officers recommend that further consideration of the item be deferred to the November 2021 Policy Committee."
 4. Council however, resolved to advertise the draft Policy for public comments.

Strategic alignment

| Civic Leadership | |
|---|--|
| Strategic outcome | Intended public value outcome or impact |
| CL01 – Everyone receives appropriate information in the most efficient and effective way for them | Public notification of all fireworks activities that may cause a noise nuisance within the Town. |

| Economic | |
|---|--|
| Strategic outcome | Intended public value outcome or impact |
| EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment, and entrepreneurship. | Streamline the Fireworks Event approval process for anyone that wants to do business in the Town and increase tourism within the Town and ensure that the Town's residents are reasonably informed of the Fireworks Event. |
| EC02 - A clean, safe, and accessible place to visit. | Improved management of noise nuisances relating to fireworks displays. |

Engagement

| Internal engagement | |
|----------------------|--|
| Stakeholder | Comments |
| Environmental Health | The Town's Environmental Health Officers provided input into the revised draft policy. |
| Place Planning | No comments to make. |

| | |
|-----------------------|---|
| Community Development | No comments as they have not had any request for fireworks as part of a booking. |
| Ranger Services | Requested that in assessing an application for a fireworks event, consideration should be given to parking and traffic management. This is not considered necessary, as fireworks are normally associated with an event, already the subject of traffic management, rather than being the primary purpose of an event. i.e., traffic and parking are generated by an event, not fireworks at the event. Also requested that in relation to the public notification provisions for a fireworks event, this includes advice to residents to secure their dogs during events. While the sentiment is understood, in advising residents of an event the resident can already make an informed decision as to whether to secure their dogs.. |

| External engagement | |
|----------------------------|---|
| Stakeholders | Town wide residents |
| Period of engagement | 21 October 2021 until 21 November 2021 |
| Level of engagement | Consult |
| Methods of engagement | Public Notice on a local community newspaper, Your Thoughts Engagement Hub on the Town's website, and the Town's Social Media page |
| Advertising | Newspaper advertisement, Town website and the Town's Social Media page |
| Submission summary | The following number of responses were received: <ul style="list-style-type: none"> Your Thoughts Engagement Hub - 3 responses. Two were unsure and one supported. Social Media - 3 responses. Two objected and one said once a year suits them. Letter response - 1 objection |
| Key findings | The matters raised through the submissions included: <ul style="list-style-type: none"> The Town has a policy banning balloons and should adopt a similar policy to ban fireworks. Toxic pollution from fireworks causing further pollution of the river and riverbeds. The policy is hard to understand and looks like it is allowing more fireworks to happen. The impact of noise and light disruption on domestic animals. The impact on birdlife. The number of fireworks is fine. There are too many fireworks events currently in the Town. |

Other engagement

| Stakeholder | Comments |
|---|---|
| Department of Mines, Industry Regulation and Safety (DMIRS) | DMIRS advised the Town to refer to the Fireworks Code of Practice. The Code of Practice focuses on the Fireworks Event Operators and indicates the minimum separation distances to specific facilities and environmentally sensitive areas for any type of firework. The above applies to the contractors and operators of the fireworks events and has no implication on the Town's amended policy. As part of the assessment and approval process, the Town is not required to check the requirements under DMIRS Code of Practice. |
| Department of Biodiversity, Conservation and Attractions (DBCA) | Department of Biodiversity, Conservation and Attractions (DBCA) advised that if the fireworks are short one-off events, then a scare licence would not be required as the aim of the activity is not to scare/disturb birds, so this effect would be incidental. Their advice is that a fireworks display is unlikely to constitute disturbance, given that it is not repetitive or often enough to alter the behaviour of resident birds to their detriment. |

Legal compliance

[Environmental Protection \(Noise\) Regulations 1997](#)

[Local Government Act 1995](#)

[Dangerous Goods Safety Act 2004](#)

[Dangerous Goods Safety \(Explosives\) Regulations 2007](#)

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 | Noise nuisances disrupting residents and wildlife. | Moderate | Likely | High | Medium | TREAT risk by ensuring that the areas likely to be impacted by fireworks noise are notified. |
| Health and safety | Noise complaints. | Moderate | Likely | High | Low | TREAT risk by ensuring that affected area is notified. |
| Infrastructure/ ICT systems/ Utilities | Not applicable. | | | | Medium | |

| | | | | | | |
|------------------------|--|----------|--------|------|--------|--|
| Legislative compliance | Noise complaints. | Moderate | Likely | High | Low | TREAT risk by approving fireworks events in accordance with Regulation 18 of the <i>Environmental Protection (Noise) Regulations 1997</i> and ensure that the area likely to be impacted by the fireworks noise is notified. |
| Reputation | Town's brand damage due to unhappy ratepayers impacted by fireworks noise. | Moderate | Likely | High | Low | Ensure that all approvals are conditioned to comply with the terms. |
| Service delivery | Additional resources to resolve fireworks related complaints | Moderate | Likely | High | Medium | Improved approval process to ensure that residents are well informed of a fireworks event. |

Financial implications

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

Analysis

5. A review of Policy 404 was completed by Council Officers in mid 2021 with it being recommended that the Policy be amended. The report to the Ordinary Council Meeting of September 2021 outlines the issues around the current policy and the improvements proposed in the draft policy (see Attachment 3).
6. A copy of the proposed draft amended policy, as advertised, is contained at Attachment 2.
7. As per the Council resolution of September 2021, the proposed draft amended policy was advertised for public comments for 28 days between 21 October and 21 November 2021. The consultation was in the local newspaper (PerthNow), the Town's consultation hub (Your Thoughts) and the Town's social media pages.

8. The below table contains a summary of the submissions received and the Officers response. A copy of the submissions in full is provided at Attachment 4.

| Comments from submitters (summarised) | Officer comments |
|---|--|
| The number of fireworks is fine. | Noted. |
| It looks like the Policy is allowing more firework events to happen by rolling the venue into a single event that can have multiple shows on consecutive days. I object to the number of fireworks that currently happen in the Town. | <p>The amended policy does not intend to allow for additional fireworks event. A change to the policy is recommended to clarify that where an event has fireworks over consecutive nights, that is considered to be one event. This situation is already occurring, with Curtin University graduation ceremonies being an example. The amendment to the policy just provides clarity around this.</p> <p>The concern regarding the number of fireworks already occurring is noted.</p> |
| The impact of the noise and light disruption on domestic animals. | Any impact on domestic animals is short-lived and is able to be managed by the pet owner. |
| The Town already has a policy banning balloons at Council approved functions due to the pollution they cause. Can we please have the same criteria applied to Fireworks? | <p>It is open to Council to consider such a policy position. However, such a position would not balance the competing desire for events to bring entertainment and activity to the Town. Furthermore, while Council could adopt such a policy position, DMIRS have the power to issue an approval for a fireworks event regardless of the Town's position.</p> |
| The Town should suggest more environmentally and socially friendly solutions. | Noted. |
| Once a year would suit me. | Noted. |
| Adverse impact on wildlife. | This issue is discussed further below. |
| Toxic pollution from fireworks causing further pollution of the river and riverbeds. | There is no evidence of this. Additionally, DBCA did not raise any concerns in relation to pollution of the river and riverbeds associated with fireworks events. |
| The policy is hard to understand. | The policy has been structured into a number of sub-headings for ease of reading and uses clear language. |

9. Noting the recommendations from the ornithologist, the Town’s officers considered it necessary to seek expert advice from DBCA. Consequently, the DBCA, having reviewed the advice from the ornithologist, advised the Town as follows:

“The Department’s position remains that if the fireworks are reasonably short one-off events, then a licence would not be required. The aim of activity is not to scare/disturb, so this effect would be incidental. It is also unlikely to constitute disturb, given that it is not repetitive or often enough to alter the behaviour of resident birds to their detriment.”

10. At the Policy Committee meeting held on 23 August 2021, questions were raised in relation to the impact of fireworks events on birdlife which resulted in the Policy Committee recommending to amending part 1 of the policy by including the words *“and surrounding environment (including birds and animal life)”* such that part 1 of the policy read in full as follows:

“When considering a Fireworks Events Notice, the Town’s principal considerations will include:

- a. The Environmental Health impact of the fireworks event upon the community and surrounding environment (including birds and animal life); including but not limited to the noise impact.*
- b. Ensuring the community is reasonably informed of the fireworks event.”*

11. In response to the questions raised at the August 2021 Policy Committee meeting, a Technical Advice Note was received from an ornithologist, which was referred to in the report considered at the Ordinary Council Meeting in September 2021. In summary the ornithologist advised that fireworks events can negatively impact on birdlife, and a number of recommendations were provided as shown in the below table.

12. Officers have further considered the advice from the ornithologist and the DBCA, and make the following comments in relation to the ornithologist’s recommendations:

| Ornithologist Advice | Officer’s Comment |
|---|--|
| ToVP begin communications with relevant DBCA section to determine if a scare/disturbance license is required. | The DBCA was contacted, and they have advised that the Town that a scare/disturbance licence is not required (see comments at paragraph 9 above). |
| ToVP apply for the license to scare birds under the DBCA <i>Biodiversity Conservation 2016</i> . | Not applicable. |
| ToVP engage with stake holders (BirdLife Australia, DBCA & WA Museum), to determine the presence of birds and the species in question using the environs of the proposed pyrotechnic display areas. | The recommendation would require considerable additional work to be undertaken by the Town. Any potential impact of fireworks on birdlife is not unique to the Town, and if considered to be an issue that requires attention, should be led by relevant State agencies to ensure consistency. |
| ToVP to maintain a ‘current’ map of all known roost sites for EPBC Act listed species, within the ToVP governance area, allowing for compliance appraisal of future requests from private entities | The recommendation would require considerable additional work to be undertaken by the Town. Any potential impact of fireworks on birdlife is not unique |

| | |
|--|--|
| who wish to engage in pyrotechnic display events. | to the Town, and if considered to be an issue that requires attention, should be led by relevant State agencies to ensure consistency. |
| ToVP to check for presence of birds, of all species, and particularly roost sites at proposed public pyrotechnic display areas. | The recommendation would require additional work to be undertaken by the Town, in relation to a specific event. |
| ToVP post event to check for the presence of birds, or other wildlife that may have been negatively impact, (died), in the immediate vicinity of a pyrotechnic event. | The recommendation would require additional work to be undertaken by the Town, following an event. Additionally, the presence of any dead birds may not necessarily be due to the fireworks. |
| ToVP to establish a data capture system within the environment section of ToVP relating to pyrotechnic displays and possible negative impacts of birds and other wildlife. | The recommendation would require considerable additional work to be undertaken by the Town. |
| ToVP may wish to include wildlife safety issues in their application form relating to private pyrotechnic events. | Noted. |

13. It should also be noted that verbal advice from Officers of the DBCA was that they considered the recommendations of the ornithologist to be onerous and unnecessary.
14. While it is accepted that fireworks events can have an impact upon birdlife, and that any negative impact on birdlife is not desirable, a reasonable balance needs to be struck between this and the desire from some members of the community to use fireworks as part of a celebration or event, as well as noting that many members of the community enjoy fireworks. This should be considered in the context that fireworks events occur over short, irregular periods, and accordingly any impact on birdlife is likely to be short-lived. With respect, the advice from the ornithologist prioritises the consideration of the impact on birdlife and does not take into account the other matters that Council should consider in determining a position on the acceptance of fireworks displays within the Town.
15. As outlined at paragraph 10 above, Council previously amended the draft Policy to include that a principal consideration in the Town's consideration of a fireworks application will be the impact upon the environment including birds and other animals. The Officer's view is that this should not be a principal consideration. Elevating this matter to a principal consideration could mean that no fireworks displays are supported under the Policy, accepting that fireworks display can have an impact on birdlife. Additionally, the policy contains no criteria to assess the impact on birdlife as part of an application.
16. In view of the above, it is recommended that part 1 of the policy be amended to delete those words indicated with a strikethrough as follows:

"When considering a Fireworks Events Notice, the Town's principal considerations will include:

a. *The Environmental Health impact of the fireworks event upon the community ~~and surrounding environment (including birds and animal life); including but not limited to the noise impact.~~*

b. *Ensuring the community is reasonably informed of the fireworks event.*

17. It is therefore recommended that the Policy Committee recommend to Council that the draft amended policy, as modified and contained at Attachment 5, be adopted.

Relevant documents

Not applicable.

COMMITTEE DISCUSSION:

The committee discussed the impact of wildlife and the assessment criteria for events.

AMENDMENT:

Moved: Mayor Karen Vernon

Seconder: Cr Bronwyn Ife

Insert the following words after 'attachment 5':

"subject to the following amendments:

- a. Amend the Policy title to 'Fireworks events' instead of 'Fireworks management';
- b. Amend the Policy objective by replacing the words "applications for fireworks display" with "Fireworks Event Notices";
- c. Amend the Policy scope:
 - i. In paragraph 2, replace the words "Fireworks Event Notice application" with "Fireworks Event Notices"
 - ii. In paragraph 3, replace the words "fireworks applications" with "fireworks events";
- d. Amend clause 4 of the Policy statement by rewording the last sentence to read "A Fireworks Event Notice will not be supported by the Town without the submission of an application under Regulation 18, and the issuing of an approval."
- e. In clauses 8 and 12a, replace "Victoria Park" with "the Town".

Carried (8 - 1)

For: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Cr Luana Lisandro

Reason:

To ensure better alignment between the policy intent and the policy wording.

AMENDMENT:

Moved: Cr Luana Lisandro

Seconded: Cr Peter Devereux

For the words "and surrounding natural environment (including surrounding bird and animal life" to be retained in the policy Attachment 5 at point 1a.

Lost (4 - 5)

For: Cr Luana Lisandro, Cr Peter Devereux, Cr Vicki Potter and Cr Wilfred Hendriks

Against: Deputy Mayor Claire Anderson, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer and Cr Bronwyn Ife

Reason:

Given that our community is concerned about some of the environmental impacts of fireworks and its effects on birdlife, as well as animal life, it should be taken as a consideration that we do retain the wording. Looking at the officer's report saying that it would be time-consuming providing for roosts sites etc, a lot of that data is available through Bird Life. There are impacts on our wildlife and our environment in relation to fireworks. I think in a couple of years, possibly even a decade or more, who knows when fireworks may become redundant. I believe that we need to ensure that there is some level of consideration for our environment, our fauna, and our domestic pets. I would like to see the wording is retained in the policy so that it does provide for some level of assurance to our community that we are listening in relation to those community members who do feel that fireworks are not appropriate for certain events.

COMMITTEE RESOLUTION:

Moved: Cr Vicki Potter

Seconded: Cr Jesse Hamer

That the Policy Committee recommends that Council adopt the amended Policy 404 – Fireworks Management as shown in Attachment 5; subject to the following amendments:

- a. Amend the Policy title to 'Fireworks events' instead of 'Fireworks management';
- b. Amend the Policy objective by replacing the words "applications for fireworks display" with "Fireworks Event Notices";
- c. Amend the Policy scope:
 - i. In paragraph 2, replace the words "Fireworks Event Notice application" with "Fireworks Event Notices"
 - ii. In paragraph 3, replace the words "fireworks applications" with "fireworks events";
- d. Amend clause 4 of the Policy statement by rewording the last sentence to read "A Fireworks Event Notice will not be supported by the Town without the submission of an application under Regulation 18, and the issuing of an approval."
- e. In clauses 8 and 12a, replace "Victoria Park" with "the Town".

Carried (6 - 3)

For: Deputy Mayor Claire Anderson, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter and Cr Bronwyn Ife

Against: Cr Luana Lisandro, Cr Peter Devereux and Cr Wilfred Hendriks

PROCEDURAL MOTION

That the meeting be adjourned for 5 minutes at 7.10pm.

The meeting resumed at 7.15pm.

7.4 Review of Policy 001 - Policy management and development

| | |
|----------------------------|---|
| Location | Town-wide |
| Reporting officer | Coordinator Governance and Strategy |
| Responsible officer | Manager Governance and Strategy |
| Voting requirement | Simple majority |
| Attachments | 1. Policy 001 - Policy management and development - proposed amendments marked up [7.4.1 - 3 pages] |

Recommendation

That the Policy Committee recommends that Council adopts the amended Policy 001 – Policy management and development as attached.

Purpose

To review Policy 001 – Policy management and development (Policy 001).

In brief

- Policy 001 was identified for review as part of the Council adopted policy work plan.
- Policy 001 was adopted by Council on 21 May 2019 and was last reviewed on 20 April 2021.
- Minor changes are proposed that do not alter the intent of the policy.

Background

1. At its meeting on 20 April 2021, Council adopted a work plan to complete the review of a number of policies. Policy 001 was one of the policies identified for review.
2. Policy 001 was adopted by Council on 21 May 2019. It was last reviewed by Council on 20 April 2021 as part of the minor review of policies. Minor administrative amendments were made at this time however, a full review of the policy has not been undertaken since its implementation.

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. | Policy 001 sets out the processes for the making, evaluation and management of policies and management practices. Policies guide the Town's decision-making. |

Engagement

Not applicable.

Legal compliance

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

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 | Not applicable. | | | | Medium | |
| Health and safety | Not applicable. | | | | Low | |
| Infrastructure/ ICT systems/ utilities | Not applicable. | | | | Medium | |
| Legislative compliance | Not applicable. | | | | Low | |
| 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

3. The following amendments are proposed to Policy 001.

| Clause | Proposed | Reason |
|------------------------------|---------------------------------------|--|
| Policy evaluation definition | Included 'content' in the definition. | Policy evaluation should consist of examination of the policy's content, implementation and/or impact. |

4. Other minor amendments are proposed and are marked up in the attached policy.

5. The proposed amendments are minor in nature and do not alter the intent of the policy.

6. It is recommended that the amended policy be adopted.

Relevant documents

Not applicable.

COMMITTEE DISCUSSION:

Nil.

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Cr Vicki Potter

That the Policy Committee recommends that Council adopts the amended Policy 001 – Policy management and development as attached.

Carried (9 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

7.5 2022 Minor review of Council policies

| | |
|----------------------------|--|
| Location | Town-wide |
| Reporting officer | Coordinator Governance and Strategy |
| Responsible officer | Manager Governance and Strategy |
| Voting requirement | Simple majority |
| Attachments | <ol style="list-style-type: none"> 1. Policy 002 Review of decisions [7.5.1 - 2 pages] 2. Policy 003 Legal advice [7.5.2 - 4 pages] 3. Policy 007 Long service leave [7.5.3 - 2 pages] 4. Policy 011 Elections [7.5.4 - 6 pages] 5. Policy 021 Elected member fees, expenses and allowances [7.5.5 - 3 pages] 6. Policy 022 Elected member professional development [7.5.6 - 5 pages] 7. Policy 023 Provision of information and services - elected members [7.5.7 - 5 pages] 8. Policy 024 Event attendance [7.5.8 - 4 pages] 9. Policy 025 Independent committee members [7.5.9 - 3 pages] 10. Policy 026 - Complaints relating to Council Members Committee Members and Candidates [7.5.10 - 7 pages] 11. Policy 051 Agenda Briefing Forum, Concept Forum and workshops [7.5.11 - 5 pages] 12. Policy 053 Meeting of electors [7.5.12 - 3 pages] 13. Policy 101 Governance of Council Advisory and Working Groups [7.5.13 - 7 pages] 14. Policy 103 Communication and engagement [7.5.14 - 3 pages] 15. Policy 104 Customer service delivery [7.5.15 - 2 pages] 16. Policy 105 Advocacy [7.5.16 - 3 pages] 17. Policy 112 Visual arts [7.5.17 - 2 pages] 18. Policy 114 Community funding [7.5.18 - 10 pages] 19. Policy 116 Sponsorship [7.5.19 - 7 pages] 20. Policy 208 Street verges - reinstatement of lawns following works [7.5.20 - 2 pages] 21. Policy 221 Strategic management of land and building assets [7.5.21 - 5 pages] 22. Policy 222 Asset management [7.5.22 - 5 pages] 23. Policy 223 Fleet management light vehicles [7.5.23 - 3 pages] 24. Policy 224 Fences between property owned by the Town and adjoining property [7.5.24 - 2 pages] 25. Policy 253 Water conservation [7.5.25 - 2 pages] 26. Policy 310 Leasing [7.5.26 - 5 pages] 27. Policy 351 Parking permits [7.5.27 - 7 pages] 28. Policy 352 Parking work zones at building sites [7.5.28 - 3 pages] |

Recommendation

That the Policy Committee recommends that Council endorses minor amendments to the following policies, in line with Policy 001 – Policy management and development, as attached:

- a. Policy 002 – Review of decisions
- b. Policy 003 – Legal advice
- c. Policy 007 – Long service leave

- d. Policy 011 – Elections
- e. Policy 021 – Elected member fees, expenses and allowances
- f. Policy 022 – Elected member professional development
- g. Policy 023 – Provision of information and services – elected members
- h. Policy 024 – Event attendance
- i. Policy 025 – Independent committee members
- j. Policy 026 – Complaints relating to Council Members, Committee Members and Candidates
- k. Policy 051 – Agenda Briefing Forum, Concept Forum and workshops
- l. Policy 053 – Meeting of electors
- m. Policy 101 – Governance of Council Advisory and Working Groups
- n. Policy 103 – Communication and engagement
- o. Policy 104 – Customer service delivery
- p. Policy 105 – Advocacy
- q. Policy 112 – Visual arts
- r. Policy 114 – Community funding
- s. Policy 116 – Sponsorship
- t. Policy 208 – Street verges – reinstatement of lawns following works
- u. Policy 221 – Strategic management of land and building assets
- v. Policy 222 – Asset management
- w. Policy 223 – Fleet management light vehicles
- x. Policy 224 – Fences between property owned by the Town and adjoining property
- y. Policy 253 – Water conservation
- z. Policy 310 – Leasing
- aa. Policy 351 – Parking permits
- bb. Policy 352 – Parking work zones at building sites.

Purpose

To conduct a minor review of the policies of Council.

In brief

- Policy 001 – Policy management requires the Town to complete a minor review of all policies of Council each year.
- There are 28 policies with minor changes being presented to Council for consideration. Changes mainly relate to updating responsible officers, updating references to policies and local laws and improving language.

Background

1. At its meeting in May 2019, Council resolved to adopt Policy 001 – Policy management and development. This policy requires the Town to complete a minor review of all policies of Council each year.
2. A minor review of the policies of Council has taken place each year, as required by the policy.

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. | The annual review of policies ensures that policies set by Council set clear, consistent and effective direction for both the community and the Town. |

Engagement

| Internal engagement | |
|----------------------|---|
| Stakeholder | Comments |
| Managers | Managers completed minor reviews of policies that they are responsible for. |
| Service Area Leaders | Service Area Leaders completed minor reviews of policies that they are responsible for. |

Legal compliance

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

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 | Not applicable. | | | | Medium | |
| Health and safety | Not applicable. | | | | Low | |
| Infrastructure/ ICT systems/ utilities | Not applicable. | | | | Medium | |
| Legislative compliance | Policies become out of date/inconsistent with relevant legislation. | Minor | Possible | Medium | Low | TREAT risk by continuing to conduct an annual minor review of policies. |
| Reputation | Policies are not regularly updated/reviewed causing complaints | Insignificant | Unlikely | Low | Low | TREAT risk by continuing to conduct an annual minor review of |

| | | |
|------------------|--|-----------|
| | from the community when content doesn't reflect current processes. | policies. |
| 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

3. All policy managers were asked to complete a minor review of their policies. The review resulted in minor changes to 28 policies. A summary of the key changes has been provided below and amended policies with tracked changes have been attached to this report.

| Policy | Proposed change | Reason |
|---|---|---|
| Policy 002 – Review of decisions | Grammatical and spelling errors corrected. | Not applicable. |
| Policy 003 – Legal advice | <ol style="list-style-type: none"> 1. Introduced acronyms following the first use of Chief Executive Officer and Western Australian Local Government Association. 2. Replaced 'Programs and Sections' in clause 21 to 'responsibility'. | Simplified the content for increased ease of reading. |
| Policy 007 – Long service leave | Included responsible officer. | Responsible officer not identified in the current policy. |
| Policy 011 – Elections | Included additional related document. | The Code of Conduct for Council Members, Committee Members and Candidates is relevant to this policy. |
| Policy 021 – Elected member fees, expenses and allowances | <ol style="list-style-type: none"> 1. Included two additional related documents. 2. Included additional responsible officer. | <ol style="list-style-type: none"> 1. Policy 022 – Elected member professional development and the Code of Conduct for Council Members, Committee Members and Candidates are |

| | | |
|--|--|--|
| | | <p>both relevant to this policy.</p> <p>2. The Mayoral and Governance Support Officer is responsible for processes relating to this policy.</p> |
| Policy 022 – Elected member professional development | <ol style="list-style-type: none"> 1. Clause 28 updated to reference Cabcharge digital passes. 2. Included additional related document. | <ol style="list-style-type: none"> 1. To reflect the Town’s current process. 2. The Code of Conduct for Council Members, Committee Members and Candidates is relevant to this policy. |
| Policy 023 – Provision of information and services – elected members | Included additional related document. | The Code of Conduct for Council Members, Committee Members and Candidates is relevant to this policy. |
| Policy 024 – Event attendance | Included three additional related documents. | Policy 022 – Elected member professional development, the Code of Conduct for Council Members, Committee Members and Candidates and Code of Conduct for employees (in relation to the Chief Executive Officer) are relevant to this policy. |
| Policy 025 – Independent committee members | Included additional related document. | The Code of Conduct for Council Members, Committee Members and Candidates is relevant to this policy. |
| Policy 026 – Complaints Policy for Council Members, Committee Members and Candidates | <ol style="list-style-type: none"> 1. Amended title to Policy 026 – Complaints relating to Council Members, Committee Members and Candidates. 2. Included additional related document. | <ol style="list-style-type: none"> 1. Removing ‘Policy’ from the title will make this policy consistent with the naming convention of all other Council policies. 2. The Code of Conduct for Council Members, Committee Members and Candidates is relevant to this policy. |
| Policy 051 – Agenda Briefing Forum, Concept Forum and workshops | <ol style="list-style-type: none"> 1. Clause 11 amended deputation request deadline to 6.30pm. 2. Clause 15 amended and new clause 16 included. 3. Included additional responsible officer. | <ol style="list-style-type: none"> 1. Clause 11 is amended to be consistent with clause 34 of the <i>Town of Victoria Park Meeting Procedures Local Law 2019</i> which states that deputations must be received at least 24 hours prior to the meeting. |

| | | |
|--|--|--|
| | | <ol style="list-style-type: none"> 2. Clause 15 is amended and a new clause 16 included to enact Council's decision on 15 March 2022 to retain the second public participation time at Agenda Briefing Forums. 3. The Governance Officer is responsible for processes relating to this policy. |
| Policy 053 – Meeting of electors | <ol style="list-style-type: none"> 1. Policy reference in clause 18 and related documents updated. 2. Included additional responsible officer. | <ol style="list-style-type: none"> 1. Reference to Policy 052 corrected to current title and link updated. 2. The Governance Officer is responsible for processes relating to this policy. |
| Policy 101 – Governance of Council Advisory and Working Groups | Policy references updated. | Reference to Policy 103 and 021 corrected to current title. |
| Policy 103 – Communication and engagement | Included responsible officer. | Responsible officer not identified in the current policy. |
| Policy 104 – Customer service delivery | Updated responsible officer. | Responsible officer amended to correct position title. |
| Policy 105 – Advocacy | Policy reference in Council workshop definition and related documents updated. | Reference to Policy 051 corrected to current title and link under relevant documents included for ease of reference. |
| Policy 112 – Visual arts | <ol style="list-style-type: none"> 1. Policy reference in clause 4 and related documents updated. 2. Updated responsible officer. | <ol style="list-style-type: none"> 1. Reference to Policy 301 corrected to current title and link updated. 2. The Coordinator Events, Arts and Funding is now responsible for this policy. |
| Policy 114 – Community funding | <ol style="list-style-type: none"> 1. Reference to <i>Local Government (Rules of Conduct) Regulations 2007</i> and <i>Local Government (Administration) Regulations 1996</i> removed from clause 9. 2. Included two additional related documents. 3. Updated responsible officer. | <ol style="list-style-type: none"> 1. Removed incorrect references and included references to the Code of Conduct for Council Members, Committee Members and Candidates and Code of Conduct for employees as they are both relevant to this policy. |

| | | |
|---|---|---|
| | | <ol style="list-style-type: none"> 2. Codes of conduct and links included under relevant documents for ease of reference. 3. The Coordinator Events, Arts and Funding is now responsible for this policy. |
| Policy 116 – Sponsorship | <ol style="list-style-type: none"> 1. Clause 2d amended and clause 2e deleted. 2. Clause 3ci amended and clause 3e deleted. 3. Reference to <i>Local Government (Rules of Conduct) Regulations 2007 and Local Government (Administration) Regulations 1996</i> removed from clause 7. 4. Included two additional related documents. 5. Updated policy manager and responsible officer. | <ol style="list-style-type: none"> 1. Sponsorship should deliver a product outcome for the Town, not marketing outcomes, we are aiming to supplement events programming, the marketing objectives are secondary to this outcome. 2. Clause 3e duplicated the provisions of clause 3ci. To ensure the intent of clause 3e was not lost, 3ci was amended. 3. Removed incorrect references and included references to the Code of Conduct for Council Members, Committee Members and Candidates and Code of Conduct for employees as they are both relevant to this policy. 4. Codes of conduct and links included under relevant documents for ease of reference. 5. The Manager Stakeholder Relations manages this policy and the Coordinator Communications and Engagement is responsible for processes relating to this policy. |
| Policy 208 – Street verges – reinstatement of lawns following works | Local law reference in clause 4 and related documents updated. | Reference to the Verge Local Law corrected to <i>Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares Local Law 2000</i> and included under relevant documents included for ease of reference. |

| | | |
|---|---|---|
| Policy 221 – Strategic management of land and building assets | <ol style="list-style-type: none"> 1. Included links for relevant documents. 2. Updated policy manager. | <ol style="list-style-type: none"> 1. Included links for the documents listed under relevant documents for ease of reference. 2. Updated policy manager to correct position title. |
| Policy 222 – Asset management | Updated policy manager. | Manager Technical Services manages this policy. |
| Policy 223 – Fleet management light vehicles | Included additional related document. | The Code of Conduct for employees is relevant to this policy. |
| Policy 224 – Fences between property owned by the Town and adjoining property | <ol style="list-style-type: none"> 1. Local law reference in clauses 3, 4, 7 and related documents updated. 2. Clause 7 amended to include a timeframe for the Town to reimburse the owner of a property where they have arranged the fence erection. | <ol style="list-style-type: none"> 1. Reference to the Fencing Local Law corrected to <i>Town of Victoria Park Fencing Local Law 2021</i>. 2. Clause 7 has been amended to ensure the policy is fair and equitable for both parties. |
| Policy 253 – Water conservation | Updated policy manager. | Manager Technical Services manages this policy. |
| Policy 310 - Leasing | Updated policy manager. | Updated policy manager to correct position title. |
| Policy 351 – Parking permits | <ol style="list-style-type: none"> 1. New clause 6 included, allowing for up to three vehicle registrations to be listed on a permit with a limitation that the permit may only be used by one vehicle at a time. 2. Clause 74 and 81 deleted and new clause 82 included. 3. Local law reference in policy objective and related documents updated. 4. Updated responsible officer. | <ol style="list-style-type: none"> 1. This will provide greater flexibility for residents with multiple vehicles. This change is based on common customer feedback received by the Town. 2. The Town has introduced a digital permit system which permit holders can update their details for event permits. This removes the requirement for physical event permits therefore, clauses 74 and 81 are no longer required. 3. Reference to the Parking and Parking Facilities Local Law corrected to <i>Town of Victoria Park Vehicle Management Local Law 2021</i>. 4. Updated responsible officer to correct position title. |

Policy 352 – Parking work zones at building sites

Clause 6g amended.

Requests for work zone permits are often for short periods of one day or less. It is impractical to have a sign erected prior to the commencement of work and removal following. The Town will take a practical approach to the installation of work zone signage depending on the length of the permit.

4. Other minor amendments are proposed and are marked up in the attached policies.
5. No changes are proposed to the remainder of the Council's policies.
6. Following Council adoption, the policies will be updated on the website and changes will be implemented by the relevant officers.
7. The next minor policy review will be scheduled for May 2023.

Relevant documents

[Policy 001 – Policy management and development](#)

COMMITTEE DISCUSSION:

The committee discussed:

- in relation to Policy 053 - Meeting of electors at point 6, the clarification of resolutions being presented separately, and the policy being scheduled to be reviewed in four years.
- whether policies can be called for review by elected members through a Notice of Motion and that elected members can bring forward a Notice of Motion at any time during the year
- whether numbered recommendations can be dealt with separately at a meeting.

AMENDMENT:

Moved: Cr Luana Lisandro

Seconder: Cr Peter Devereux

a) Remove Policy 053 – Meeting of electors from the list and for the policy to be deferred to a future Policy Committee in August 2022.

b) The list be renumbered accordingly.

Lost (1 - 8)

For: Cr Luana Lisandro

Against: Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

Reason:

It will not be reviewed for another four years and there is an Annual Meeting of Electors tomorrow night. I would like to see some nuances of the policy being reviewed in a more timely manner.

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Mayor Karen Vernon

That the Policy Committee recommends that Council endorses minor amendments to the following policies, in line with Policy 001 – Policy management and development, as attached:

- a. Policy 002 – Review of decisions
- b. Policy 003 – Legal advice
- c. Policy 007 – Long service leave
- d. Policy 011 – Elections
- e. Policy 021 – Elected member fees, expenses and allowances
- f. Policy 022 – Elected member professional development
- g. Policy 023 – Provision of information and services – elected members
- h. Policy 024 – Event attendance
- i. Policy 025 – Independent committee members
- j. Policy 026 – Complaints relating to Council Members, Committee Members and Candidates
- k. Policy 051 – Agenda Briefing Forum, Concept Forum and workshops
- l. Policy 053 – Meeting of electors
- m. Policy 101 – Governance of Council Advisory and Working Groups
- n. Policy 103 – Communication and engagement
- o. Policy 104 – Customer service delivery
- p. Policy 105 – Advocacy
- q. Policy 112 – Visual arts
- r. Policy 114 – Community funding
- s. Policy 116 – Sponsorship
- t. Policy 208 – Street verges – reinstatement of lawns following works
- u. Policy 221 – Strategic management of land and building assets
- v. Policy 222 – Asset management
- w. Policy 223 – Fleet management light vehicles
- x. Policy 224 – Fences between property owned by the Town and adjoining property
- y. Policy 253 – Water conservation
- z. Policy 310 – Leasing
- aa. Policy 351 – Parking permits
- bb. Policy 352 – Parking work zones at building sites.

Carried (9 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

7.6 Policy Committee - Terms of Reference review and future meeting dates

| | |
|----------------------------|--|
| Location | Town-wide |
| Reporting officer | Coordinator Governance and Strategy |
| Responsible officer | Manager Governance and Strategy |
| Voting requirement | Simple majority |
| Attachments | <ol style="list-style-type: none">1. Town of Victoria Park - Policy Committee - Terms of Reference proposed amendments tracked [7.6.1 - 2 pages]2. Proposed Policy evaluation schedule 2022-23 - 2026-27 [7.6.2 - 2 pages]3. Policy Evaluation Framework - draft [7.6.3 - 6 pages] |

Recommendation

That the Policy Committee recommends that Council:

1. Adopts the amended Policy Committee Terms of Reference as shown in attachment 1.
2. Endorses the Policy Evaluation Schedule as shown in attachment 2.
3. Requests that the Chief Executive Officer conduct policy evaluations for 2022/2023 as follows:
 - a. By August 2022
 - Policy 023 – Provision of information services – elected members
 - Policy 252 – Nuclear free zone
 - Policy 112 – Visual arts
 - b. By November 2022
 - Policy 004 – Risk management
 - Policy 251 – Rainforest timbers – use in Town construction
 - Policy 303 – Debt collection
 - c. By February 2023
 - Policy 007 – Long service leave
 - Policy 011 – Elections
 - Policy 305 – Loan borrowing limitations
 - d. By May 2023
 - Policy 052 – Recording and live streaming
 - Policy 312 – Transaction card
 - Policy 402 – Extended trading permit applications – licenced premises.
4. Receives the Policy Evaluation Framework as shown in attachment 3.
5. Schedules its future Policy Committee meetings to be held on:
 - a. 23 May 2022
 - b. 22 August 2022
 - c. 28 November 2022
 - d. 27 February 2023
 - e. 22 May 2023.

Purpose

To review the current Policy Committee Terms of Reference, set a policy evaluation schedule for the next four financial years, commencing in 2022/2023, and schedule meeting dates for the remainder of 2021/2022 and 2022/2023.

In brief

- The Policy Committee Terms of Reference have been reviewed and minor changes are proposed.
- Clause 10 of Policy 001 – Policy development and management states “A policy evaluation is to occur for each policy at least once every four years.”.
- A policy evaluation schedule has been prepared which proposes 12 policies for evaluation in 2022/2023.
- Meeting dates have been proposed to ensure the proposed policy evaluation deadlines can be met.

Background

1. The Policy Committee Terms of Reference were adopted on 29 October 2019 and were last reviewed on 16 June 2020.
2. Over recent years, Council has conducted major reviews of its policies.
3. Policy 001 – Policy development and management states “A policy evaluation is to occur for each policy at least once every four years.”.

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. | Clear Terms of Reference assist in allowing the committee to run efficiently and effectively, which in turn helps the community to understand the purpose, structure and function of the committee. |
| CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably. | Planning policy evaluations over the next four financial years allows the Town to ensure the resourcing required to undertake the evaluations can be planned and managed appropriately. |

Engagement

| Internal engagement | |
|---------------------|--|
| Stakeholder | Comments |
| C-Suite | C-Suite reviewed the list of proposed Policy Evaluation Schedule and had no issues. |
| Managers | Managers reviewed the list of proposed policy reviews and suggested minor changes to scheduling. |

Legal compliance

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

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 | Funds not available to undertake community consultation for applicable policy evaluations. | Insignificant | Possible | Low | Low | TREAT risk by Council adopting the Policy Evaluation Schedule which will assist officer's with forward planning and budgeting. |
| Environmental | Not applicable. | | | | Medium | |
| Health and safety | Not applicable. | | | | Low | |
| Infrastructure/ ICT systems/ utilities | Not applicable. | | | | Medium | |
| Legislative compliance | Policies become out of date/inconsistent with relevant legislation. | Minor | Possible | Medium | Low | TREAT risk by continuing to conduct an annual minor review of policies in addition to policy evaluations. |
| Reputation | Policies are not regularly updated/reviewed causing complaints from the community when content doesn't reflect current processes. | Insignificant | Unlikely | Low | Low | TREAT risk by continuing to conduct an annual minor review of policies in addition to policy evaluations. |

| | | | | | | |
|------------------|---|-------|----------|--------|--------|---|
| Service delivery | High workload of policy evaluations scheduled for service areas within one financial year resulting in a reduction in service levels. | Minor | Possible | Medium | Medium | TREAT risk by Council adopting the Policy Evaluation Schedule which seeks to spread the evaluations over four financial years to reduce workload for the Policy Committee and officers. |
|------------------|---|-------|----------|--------|--------|---|

Financial implications

| | |
|------------------------------|--|
| Current budget impact | Sufficient funds exist within the annual budget to address this recommendation. |
| Future budget impact | Some policy evaluations may involve consultation with the community. The relevant service area will be responsible for considering the financial implications of the evaluation and providing for it in the Annual Budget. |

Analysis

Terms of reference

- The Policy Committee Terms of Reference have been reviewed and proposed amendments are as follows.

| Clause | Proposed amendment | Reason |
|--------|---|---|
| 2(1) | Removed annual and included Policy Evaluation Schedule. | As detailed in this report, a Policy Evaluation Schedule has been developed which sets a four yearly evaluation rotation for all Council policies. This has been reflected in the amended Terms of Reference. |

- Other minor amendments are proposed and are marked up in Attachment 1.
- These changes are to provide further clarity in relation to the Policy Committee process.
- It is recommended that the amended Policy Committee Terms of Reference be adopted.
- In the future, the Policy Committee Terms of Reference are proposed to be reviewed in line with the appointment of elected members to the committee following each ordinary local government election.

Policy evaluation

- In accordance with Policy 001 – Policy development and management, an evaluation schedule (attachment 2) has been developed for all 73 Council policies. This schedule spans over the next four financial years.
- Policies have been scheduled for evaluation taking into consideration when their last major review was completed, feedback from managers, identified need and creating a balanced workload for the Policy Committee and Town officers.

11. In 2022/2023, 12 policies are scheduled to be evaluated as follows.

| Policy | Policy adopted/last reviewed | To be presented to Policy Committee |
|--|---|--|
| Policy 023 – Provision of information and services – elected members | A major review of Policy 023 was completed in August 2020. With new elected members on board, it is proposed to evaluate the effectiveness of the policy. | August 2022 |
| Policy 112 – Visual arts | Policy 112 was adopted in June 2014 and has not had a major review/evaluation since its commencement. | August 2022 |
| Policy 252 – Nuclear free zone | A major review of Policy 252 was presented to Council in March 2022 and was referred to a future Policy Committee. It is intended that this policy will undergo an evaluation in line with the new Policy Evaluation Framework and be represented to the Policy Committee in August 2022. | August 2022 |
| Policy 004 – Risk management | Policy 004 had a major review in February 2020. The Town will be conducting a review of the Risk Management Framework in 2022/2023. It is good practice to review related documents at the same time to ensure the documents align. | November 2022 |
| Policy 251 – Rainforest timbers – use in Town construction | A major review of Policy 251 was presented to Council in March 2022 and was referred to a future Policy Committee. It is intended that this policy will undergo an evaluation in line with the new Policy Evaluation Framework and be represented to the Policy Committee in November 2022. | November 2022 |
| Policy 303 - Debt collection | Policy 303 was adopted in May 2019 and has not had a major review/evaluation since its commencement. | November 2022 |
| Policy 007 – Long service leave | Policy 007 had a major review in March 2020. An evaluation is due in 2023/2024 however, it has been brought forward to balance the Policy Committee's workload. | February 2023 |
| Policy 011 - Elections | Policy 011 was adopted in July 2021. An evaluation is proposed prior to the next ordinary local government elections in November 2023 to ensure its effectiveness. | February 2023 |

| | | |
|---|--|---------------|
| Policy 305 – Loan borrowing limitations | Policy 306 had a major review in February 2020. An evaluation is due in 2023/2024 however, it has been brought forward to balance the Policy Committee’s workload. | February 2023 |
| Policy 052 - Recording and live streaming | Policy 052 was adopted in April 2019 and has not had a major review/evaluation since its commencement. | May 2023 |
| Policy 312 - Transaction card | Policy 312 was adopted in March 2019 and has not had a major review/evaluation since its commencement. | May 2023 |
| Policy 402 – Extended trading permit applications – licenced premises | Policy 402 had a major review in April 2020. An evaluation is due in 2023/2024 however, it has been brought forward to balance the Policy Committee’s workload. | May 2023 |

12. The number of policies scheduled for evaluation in the following three financial years are as follows:

- f. 2023/2024 - 21 policies
- g. 2024/2025 - 20 policies
- h. 2025/2026 - 21 policies

13. To assist staff to conduct evaluations and to ensure there is consistency in the process, a Policy Evaluation Framework has been developed as shown in attachment 3.

Meeting dates

14. In 2021, Council resolved for the following policies to be evaluated and presented to Council by June 2022:

- a. Policy 223 – Fleet management light vehicles
- b. Policy 113 – Homeless – The Town’s role.

15. To ensure the Policy Committee has an opportunity to consider these evaluations, a meeting is proposed to be scheduled for 23 May 2022.

16. Meeting dates for the 2022/2023 financial year have been proposed on a quarterly basis to accommodate the 12 policy evaluations to be presented.

17. Meeting dates and the timing of policy evaluations for the 2023/2024 financial year, will be presented to the May 2023 Policy Committee meeting for consideration.

Relevant documents

[Policy 001 – Policy development and management](#)

COMMITTEE RESOLUTION:

Moved: Cr Vicki Potter

Seconded: Cr Wilfred Hendriks

That the Policy Committee recommends that Council:

1. Adopts the amended Policy Committee Terms of Reference as shown in attachment 1.
2. Endorses the Policy Evaluation Schedule as shown in attachment 2.
3. Requests that the Chief Executive Officer conduct policy evaluations for 2022/2023 as follows:
 - a. By August 2022
 - (i) Policy 023 – Provision of information services – elected members
 - (ii) Policy 252 – Nuclear free zone
 - (iii) Policy 112 – Visual arts
 - b. By November 2022
 - (iv) Policy 004 – Risk management
 - (v) Policy 251 – Rainforest timbers – use in Town construction
 - (vi) Policy 303 – Debt collection
 - c. By February 2023
 - (vii) Policy 007 – Long service leave
 - (viii) Policy 011 – Elections
 - (ix) Policy 305 – Loan borrowing limitations
 - d. By May 2023
 - (x) Policy 052 – Recording and live streaming
 - (xi) Policy 312 – Transaction card
 - (xii) Policy 402 – Extended trading permit applications – licenced premises.
4. Receives the Policy Evaluation Framework as shown in attachment 3.
5. Schedules its future Policy Committee meetings to be held on:
 - a. 23 May 2022
 - b. 22 August 2022
 - c. 28 November 2022
 - d. 27 February 2023
 - e. 22 May 2023.

Carried (9 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

7.7 Amendment (Prescribed Offences) Local Law 2022 - results of public consultation

| | |
|----------------------------|---|
| Location | Town-wide |
| Reporting officer | Coordinator Governance and Strategy |
| Responsible officer | Manager Technical Services |
| Voting requirement | Absolute majority |
| Attachments | <ol style="list-style-type: none">1. Amendment (Prescribed Offences) Local Law 2021 - final version [7.7.1 - 4 pages]2. Amendment (Prescribed Offences) Local Law 2021 - proposed amendments marked up [7.7.2 - 4 pages] |

Recommendation

That Policy Committee recommends that Council:

1. Considers the submissions received in relation to the proposed Town of Victoria Park Amendment (Prescribed Offences) Local Law 2022.
2. Makes the Town of Victoria Park Amendment (Prescribed Offences) Local Law 2022 as shown in attachment 1, in accordance with section 3.12 of the *Local Government Act 1995*.

Purpose and effect

The purpose of this local law is to amend the Schedule 1 of the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* to reflect the correct clause numbers for items 32-44 and move to the penalty units system, in accordance with the *Town of Victoria Park Penalty Units Local Law 2021*.

The effect of this local law is to amend Clause 9.4 and Schedule 1 of the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*.

Purpose

To consider submissions received and make the proposed Town of Victoria Park Amendment (Prescribed Offences) Local Law 2022.

In brief

- At the December 2021 Ordinary Council Meeting, Council resolved to advertise the proposed local law for public consultation.
- Consultation commenced on 17 January 2022 and closed on 4 March 2022.
- One submission was received.
- It is recommended the proposed Town of Victoria Park Amendment (Prescribed Offences) Local Law 2022 be made with the inclusion of the minor administrative amendments as shown in attachment 2.

Background

1. The Joint Standing Committee on Delegated Legislation (JSCDL) requested the Town to give undertakings to amend the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* due to drafting errors in Schedule 1 of the local law.
2. At the Ordinary Council Meeting held 16 November 2021, Council resolved as follows:

That Council resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

 - a. *Within the next six months, correct the reference errors in Schedule 1 to clause 3.6 (items 32 to 44).*
 - b. *Ensure all consequential amendments arising from undertaking 1 will be made.*
 - c. *All copies of the Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2021 and consolidated Town of Victoria Park Activities on Thoroughfares and Trading on Thoroughfares and Public Places Local Law 2000, publicly available whether in hard copy or electronic form, will be accompanied by a copy of the undertaking above.*
3. To correct the drafting errors, an amendment local law was required to be drafted.
4. At the Ordinary Council Meeting held 14 December 2021, Council resolved as follows:

That Council gives notice that it intends to make the Amendment (Prescribed Offences) Local Law 2021, as shown at attachment 1, which will amend the Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000, in accordance with section 3.12 of the Local Government Act 1995.
5. The making of a local law must follow the process prescribed in Section 3.12 of the *Local Government Act 1995*.

Strategic alignment

| Civic Leadership | |
|--|--|
| Strategic outcome | Intended public value outcome or impact |
| CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably. | The proposed local law will correct drafting errors and reflect the new penalty units system for local law offences, ensuring the public has up to date information relating to the <i>Town of Victoria Park Activities on Thoroughfares and Trading on Thoroughfares and Public Places Local Law 2000</i> . |

Engagement

| Internal engagement | |
|---------------------|--|
| Stakeholder | Comments |
| Technical Services | Supportive of the proposed local law and suggested amendments. |

| External engagement | |
|-----------------------|--|
| Stakeholders | All community members |
| Period of engagement | 17 January 2022 to 4 March 2022 |
| Level of engagement | 2. Consult |
| Methods of engagement | Your Thoughts and written submissions |
| Advertising | Perth Now Social Media Website Public noticeboards Your Thoughts |
| Submission summary | No public submissions were received. |
| Key findings | Not applicable. |

| Other engagement | |
|---|---|
| Stakeholder | Comments |
| Department of Local Government, Sport and Cultural Industries | The Department of Local Government, Sport and Cultural Industries provided a submission with minor administrative amendments requested. |

Legal compliance

[Section 3.12 of the *Local Government Act 1995*](#)

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 | Not applicable. | | | | Medium | |
| Health and safety | Not applicable. | | | | Low | |
| Infrastructure/ ICT systems/ | Not applicable. | | | | Medium | |

| | | | |
|------------------------|---|--------|---|
| utilities | | | |
| Legislative compliance | The Town of Victoria Park Amendment (Prescribed Offences) Local Law 2022 is not made within the agreed timeframe. | Low | TREAT risk by amending the <i>Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i> within six months as resolved by Council on 16 November 2021. |
| 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

3. In accordance with section 3.12 of the *Local Government Act 1995*, prior to making any local law, the Town was required to give local public notice of the draft law and receive submissions from the public for at least six weeks.
4. The public consultation period commenced on 17 January 2022 and closed on 4 March 2022.
5. In that period, no submissions from the public were received. A submission was received from the Department of Local Government, Sport and Cultural Industries (DLGSC).
6. The DLGSC submission proposed minor administrative amendments which have been made and are shown in attachment 2.
7. The proposed local law will rectify the drafting errors in Schedule 1 – Prescribed Offences that were enacted by the *Town of Victoria Park Amendment (Signs on Thoroughfares) Local Law 2021* by amending Items 32-44 to reflect the introduction of sub-clauses (1) and (2) to clause 3.6 of the local law.
8. In addition, it will convert the prescribed offences to the penalty units system in accordance with the *Town of Victoria Park Penalty Units Local Law 2021*, which came into effect on 1 July 2021. No changes to the amount for any offence under the local law are proposed.
9. With no objections received it is recommended that the Council make the proposed Town of Victoria Park Amendment (Prescribed Offences) Local Law 2022.

Relevant documents

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

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Cr Vicki Potter

That Policy Committee recommends that Council:

1. Considers the submissions received in relation to the proposed Town of Victoria Park Amendment (Prescribed Offences) Local Law 2022.
2. Makes the Town of Victoria Park Amendment (Prescribed Offences) Local Law 2022 as shown in attachment 1, in accordance with section 3.12 of the *Local Government Act 1995*.

Purpose and effect

The purpose of this local law is to amend the Schedule 1 of the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* to reflect the correct clause numbers for items 32-44 and move to the penalty units system, in accordance with the *Town of Victoria Park Penalty Units Local Law 2021*.

The effect of this local law is to amend Clause 9.4 and Schedule 1 of the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*.

Carried (9 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

7.8 Review of Local Government Property Local Law 2000

| | |
|----------------------------|--|
| Location | Town-wide |
| Reporting officer | Coordinator Governance and Strategy |
| Responsible officer | Manager Governance and Strategy |
| Voting requirement | Simple majority |
| Attachments | 1. Local Government Property Local Law 2000 [7.8.1 - 29 pages] |

Recommendation

That Policy Committee recommends that Council gives local public notice of its intent to review the *Town of Victoria Park Local Government Property Local Law 2000* in accordance with section 3.16 of the *Local Government Act 1995*.

Purpose

To commence the statutory review of the *Town of Victoria Park Local Government Property Local Law 2000*.

In brief

- Section 3.16 of the *Local Government Act 1995* requires that a local law must be reviewed within a period of eight years from its commencement.
- The *Town of Victoria Park Local Government Property Local Law 2000* has not been reviewed since its commencement on 14 June 2000.
- It is proposed that the process for reviewing this local law commences.

Background

1. The *Town of Victoria Park Local Government Property Local Law 2000* was published in the Government Gazette on 31 May 2000 and came into effect on 14 June 2000.
2. An amendment to this local law was published in the Government Gazette on 21 June 2005 and came into effect on 5 July 2005.
3. The *Town of Victoria Park Local Government Property Local Law 2000* provides for the regulation, control and management of activities and facilities on local government property within the district.

Strategic alignment

| Civic Leadership | |
|--|---|
| Strategic outcome | Intended public value outcome or impact |
| CL02 - A community that is authentically engaged and informed in a timely manner. | Publicly advertising the review of this local laws will ensure the community is consulted on laws affecting them. |
| CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making. | Reviewing local laws ensures that they remain relevant and can be enforced. |

| Economic | |
|---|---|
| Strategic outcome | Intended public value outcome or impact |
| EC02 - A clean, safe and accessible place to visit. | The <i>Town of Victoria Park Local Government Property Local Law 2000</i> ensures that the Town remains a clean, safe and accessible place. |

Engagement

Internal engagement

| Stakeholder | Comments |
|----------------------------------|--|
| Business Services | Business Services were consulted on commencing the statutory review. |
| Place Planning | Place Planning were consulted on commencing the statutory review. |
| Property Development and Leasing | Property Development and Leasing support a review of the local law. |
| Technical Services | Technical Services support a review of the local law. |

Legal compliance

[Section 3.16 of the *Local Government Act 1995*](#)

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 | Not applicable. | | | | Medium | |
| Health and safety | Not applicable. | | | | Low | |
| Infrastructure/ ICT systems/ utilities | Not applicable. | | | | Medium | |
| Legislative compliance | The Town fails to comply with the <i>Local Government Act 1995</i> and receives a direction from the | Insignificant | Possible | Low | Low | TREAT the risk by commencing the necessary review of the <i>Town of Victoria Park Local Government</i> |

| | | | | | | |
|------------------|---|---------------|----------|-----|--------|---|
| | Department of Local Government, Sport and Cultural Industries to comply. | | | | | <i>Property Local Law 2000.</i> |
| Reputation | The <i>Town of Victoria Park Local Government Property Local Law 2000</i> being out of date causes complaints when the Town is unable to address an issue in the community. | Insignificant | Unlikely | Low | Low | TREAT the risk by reviewing the local law to ensure it remains relevant, enforceable and protects the Town and its community. |
| Service delivery | Not applicable. | | | | Medium | |

Financial implications

| | |
|------------------------------|--|
| Current budget impact | Sufficient funds exist within the annual budget to address this recommendation. |
| Future budget impact | If the findings of the review recommend amendment of the local law, funds will be required in the 2022/23 to make this amendment local law. Provision for this has been included in the draft 2022/23 Annual Budget. |

Analysis

4. Although the local law has been amended since its commencement, a statutory review has not been conducted.
5. A review of this local law is now overdue and required to be undertaken.
6. In accordance with section 3.16 of the *Local Government Act 1995*, the Town is required to give local public notice of the review and receive submissions from the public for a period of at least six weeks.
7. During the public consultation period, Town officers will also review the provisions of the local law.
8. Following the public consultation period, Council will be presented with any submissions received and a recommendation on whether the local law requires amendment.

Relevant documents

Not applicable.

COMMITTEE RESOLUTION:

Moved: Cr Jesvin Karimi

Seconded: Cr Vicki Potter

That Policy Committee recommends that Council gives local public notice of its intent to review the *Town of Victoria Park Local Government Property Local Law 2000* in accordance with section 3.16 of the *Local Government Act 1995*.

Carried (9 - 0)

For: Deputy Mayor Claire Anderson, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Mayor Karen Vernon, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

8 Motion of which previous notice has been given

Nil.

9 Meeting closed to the public

Nil.

10 Closure

There being no further business, Cr Jesvin Karimi closed the meeting at 7.47pm.

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

Signed:

Dated this: Day of: 2022