

<b>Policy number</b>	Policy 005
<b>Policy title</b>	Acting Chief Executive Officer
<b>Strategic outcomes supported</b>	CL1 – Effectively managing resources and performance CL3 - Accountability and good governance

## Policy objective:

To prescribe the processes for the appointment of an Acting Chief Executive Officer in expected and unexpected circumstances.

## Policy scope:

This policy applies in respect of the office of Chief Executive Officer.

## Policy definitions:

Nil.

## Policy statement:

### CEO Leave Entitlements

1. The Chief Executive Officer (CEO) is contractually entitled to certain leave conditions as outlined in their employment contract and the relevant industrial relations legislation.
2. Approval for the CEO to take leave entitlements is at the discretion of the Mayor or where the Mayor is on an approved leave of absence, the Deputy Mayor. The Mayor/Deputy Mayor cannot unreasonably withhold approval.
3. When the CEO is on leave, an Acting Chief Executive Officer (Acting CEO) is to take up their duties in accordance with this Policy.

### Appointment of an Acting Chief Executive Officer – Expected leave periods under three months

4. Acting arrangement for the position of CEO for leave periods less than 3 months is at the discretion of the CEO in accordance with Delegation 1.1.29.
5. The following Council conditions on this delegation apply:
  - a. *The Town employee appointed to act must be a senior employee holding the title of Chief.*
  - b. *The Chief appointed to act as Chief Executive Officer at the discretion of the Chief Executive Officer, is subject to performance and dependent on availability and operational requirements.*
  - c. *Appointments to the role of Acting Chief Executive Officer under this delegation may not be for a period longer than three months without the approval of Council.*
  - d. *The Chief Executive Officer is to advise the Council when a Chief is to be appointed as Acting Chief Executive Officer.*

6. Appointment to the role of Acting CEO shall be made in writing, for a defined period, that does not exceed 3 months.

### Appointment of an Acting Chief Executive Officer – Leave periods in excess of 3 months but no more than 12 months

7. Acting arrangements in excess of 3 months must be selected on the basis of merit and equity. The Chief Executive Officer Recruitment and Performance Review Committee will coordinate the selection process and make a recommendation to Council on the preferred officer.
8. Acting arrangements for periods in excess of 3 months must be approved by a resolution of Council.

### Appointment of an Acting Chief Executive Officer – Unexpected leave or vacancy

9. In the event that the CEO:
  - a. takes unexpected leave
  - b. is incapacitated
  - c. is unable to perform their duties as a result of a disaster or crisis event
  - d. the position falls unexpectedly vacant; or
  - e. is suspended or terminated

the following shall occur:

- f. if Council has already appointed an Acting CEO, that person shall act as CEO.
  - g. If the Council has not appointed an Acting CEO, the following line of succession shall apply until Council appoints an Acting CEO:
    - i. the Chief Financial Officer will become the Acting CEO
    - ii. if the Chief Financial Officer is unable or unwilling, the Chief Operations Officer will be the Acting CEO
    - iii. if the Chief Operations Officer is unable or unwilling, the Chief Community Planner will be appointed to act in the position
    - iv. if no Chief officer is able or willing to act as Acting CEO, then the Manager who has served the longest as a Manager, and is able and willing to act as CEO, will become the Acting CEO.
10. Where it is likely that a person will act as CEO under clause 9f for a period of more than five (5) working days, a Special Council Meeting shall be convened, upon request of the Mayor, so that an ongoing acting appointment can be made.

### Salary and conditions of Acting CEO

11. Unless Council otherwise resolves and the acting CEO agrees, a person acting as CEO shall be remunerated pro rata at the following rates:
  - a. 80% of the substantive CEO's salary component if acting for less than 5 weeks; or
  - b. 90% of the substantive CEO's salary component if acting for more than 5 weeks.

## Related documents

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

<b>Responsible officers</b>	Manager People and Culture
<b>Policy manager</b>	Chief Executive Officer
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	April 2023

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	21/04/2020	Council	378/2020	Item 15.1
2	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 010
<b>Policy title</b>	Information Disclosure
<b>Strategic outcomes supported</b>	CL3: Accountability and Good Governance

## Policy objective:

To support an individual's right to request a document from the Town.

The Town can provide advice to individuals on how to manage requests for documents including when to release documents directly and when to advise individuals to make a Freedom of Information request to the Towns Record team.

## Policy scope:

This Policy applies to all employees and Elected Members of the Town of Victoria Park.

## Policy definitions:

**Exempt information** means information that provided for in Schedule 1 of the *Freedom of Information Act 1992* as exempt matter.

## Policy statement:

1. The Town of Victoria Park acknowledges the importance of timely access to information for all residents and ratepayers in ensuring that the community is informed of issues and the Town is operating in an open and accountable way.
2. This policy does not affect the Town's obligations (including under the *Freedom of Information Act 1992* and the *Local Government Act 1995*) for keeping certain information confidential.
3. The Town will comply with the provision of section 5.96A of the *Local Government Act 1995* in relation to information that is to be published on the Town's official website.
4. Where a request is made to inspect information provided for in section 5.94 of the *Local Government Act 1995*, the Town will comply with the request as soon as is practicable.
5. The Town will facilitate the administrative release of information outside of the freedom of information process where it is considered appropriate and at no cost to the applicant.
6. If administrative release in accordance with clause 5 of this Policy is not considered appropriate, the applicant will be advised:
  - a. That the information requested is not suitable for administrative release and an explanation as to the reasons why; and
  - b. Options for the applicant's next steps, including information in relation to lodging a freedom of information request.

7. Where information that is requested for release is *exempt information*, a Freedom of Information application will need to be submitted to consider the release of that information under the provisions of the *Freedom of Information Act 1992*.

## Related documents

*Local Government Act 1995*

*Freedom of Information Act 1992*

*State Records Act 2000*

<b>Responsible officers</b>	Manager Technology and Digital Strategy
<b>Policy manager</b>	Chief Financial Officer
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	December 2024

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	13/12/2022	Council	278/2022	Item 15.5
2	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 031
<b>Policy title</b>	Annual Performance Review for the Chief Executive Officer
<b>Strategic outcomes supported</b>	CL1 – Effectively managing resources and performance CL3 - Accountability and good governance

### Policy objective:

To prescribe the processes for the Chief Executive Officer annual performance review as required under the *Local Government Act 1995 C5.38 (1)*.

### Policy scope:

This policy applies in respect of the office of the Chief Executive Officer.

### Policy definitions:

**Act** means the *Local Government Act 1995*

**additional performance criteria** means performance criteria agreed by the local government and the CEO under clause 16(1)(b)

**CBP** means the Corporate Business Plan of the Town of Victoria Park

**CEO** means the Chief Executive Officer of the Town of Victoria Park

**Committee** means the Chief Executive Officer Recruitment and Performance Review Committee

**contractual performance criteria** means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act

**External facilitator** means the consultant engaged each year to assist the Committee in the coordination of the annual CEO performance review

**job description form** means the job description form for the position of CEO approved by the local government under clause 5(2)

**key performance indicators (KPI's)** means the CEO's agreed performance criteria for any one (1) year

**key performance outcomes (KPO's)** means the CEO's agreed performance outcomes for any one (1) year

**local government** means the *Town of Victoria Park*

**performance agreement** means the written and signed annual key performance indicator list between the CEO and the Council

**Regulations** means the *Local Government (Administration) Regulations 1996*

**Review Standards** means the Town of Victoria Park Standards for CEO Recruitment, Performance and Termination.

**SAT** means the Salaries and Allowances Tribunal

**SCP** means the Strategic Community Plan of the Town of Victoria Park

**WALGA** means the WA Local Government Association

## Policy statement:

1. The Town is required to review the performance of the CEO annually in accordance with section 5.38 of the Act. The process for the annual review is based on the prescribed model standards for performance review are outlined at Part 5 Division 4 of the of the Regulations.

## Performance Review Standards:

2. The Town adopted the prescribed model standards in the "*Town of Victoria Park Standards for CEO Recruitment, Performance and Termination*" (in December 2021). In accordance with these guidelines the Council maintains a CEO Recruitment and Performance Review Committee to coordinate the application of the model standards on behalf of the Council.

## Committee oversight of the Performance Review Process:

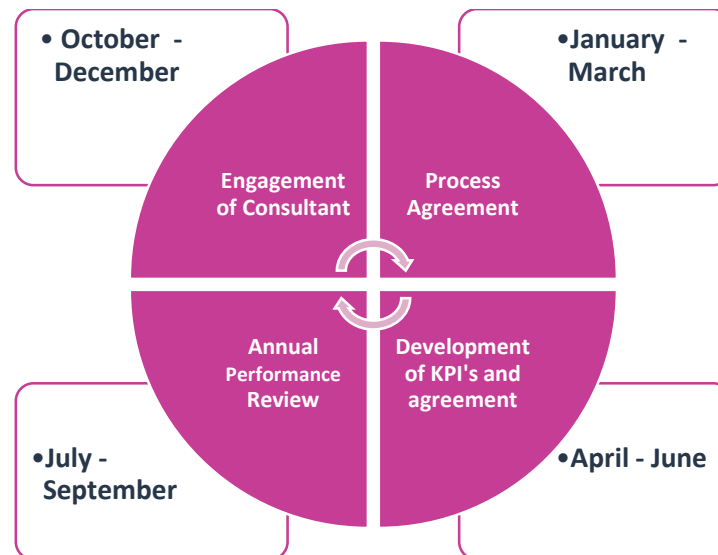
3. The Chief Executive Officer Recruitment and Performance Review Committee is responsible for the coordination of the CEO annual performance review in accordance with the appropriate provisions contained within the CEO's employment contract and the review standards.
4. The committee will:
  - a. Prepare and table the concluded report, in accordance with the appropriate provisions within the CEO's Employment Contract to the Council at a Council meeting for consideration and actioning.
  - b. Review the CEO's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the CEO's Employment contract.
  - c. Review the Key Performance Indicators to be met by the CEO.
  - d. Review the CEO's remuneration package, in accordance with the appropriate provisions within the CEO's Employment Contract.
5. Elected Members will be provided with regular training in the development and measurement of Key Performance Indicators and Key Performance Objectives. Elected Members nominating for membership of the review committee are encouraged to complete the WALGA training course in "CEO Performance Review".

## Facilitation of the Performance Review Process:

6. An external facilitator is engaged by the Council to assist the committee with the annual performance review.
7. The external facilitator is engaged to:
  - a. Facilitate the development of the review process. Regulations Schedule 2 Division 3 r(16(1)(a)).
  - b. Report to the committee the findings of the performance review; and
  - c. Facilitate the development of the CEO's performance objectives (KPI's) and Key performance outcomes (KPO's) with the Elected Members for the following financial year. Regulations Schedule 2 Division 3 r(16(1)(b)).

## Annual Performance Review Process Framework:

8. The CEO performance review cycle is based around the financial year, July to June. There are 4 key stages to the review process.



9. The committee coordinates each stage of the review process and makes recommendations to Council for decisions.
10. The annual performance review cycle commences in the second quarter of the financial year (October – December).
11. Stage 1 deals with the engagement of an external facilitator to assist the committee with the review process.

### **Stage 1 Engagement of External Facilitator**

12. An external consultant will be engaged by the Town to assist the committee in the facilitation of the annual performance review cycle. The selection of the preferred consultant will be carried out in accordance with the Town's procurement procedures.
13. The Council, in consultation with the CEO is to determine who the reviewer is to be. If the Council and the CEO are unable to agree on the selection of the reviewer, the Council is to make the relevant determination.
14. The committee will seek endorsement from the Council regarding its recommendation for the engagement of the consultant. Following the determination of Council, the consultant will be engaged for the provision of the support services.

### **Stage 2 Review Process Agreement**

15. The Town and the CEO must agree on:
  - d. The process by which the CEO's performance will be reviewed as per Regulations Schedule 2 Division 3 r(16(1)(a)); and
  - a. Any performance criteria to be met by the CEO that are in addition to the contractual performance criteria as per Regulations Schedule 2 Division 3 r(16(1)(b)).
16. The review process may include:
  - a. The schedule of dates for the key stages of the review process.
  - b. Assessment process inclusive of data collection methodologies such as:
    - i. Quarterly performance reports and supporting evidence.
    - ii. Survey methodologies and target audiences.
    - iii. CEO comments on the agreed KPI's.



- iv. Other agreed performance data sources.
  - c. Assessment contingencies for KPI's that are deferred or delayed by mutual agreement.
  - d. Processes for variations to the review schedule.
17. The committee will seek a decision of Council for the approval of the performance agreement with the CEO.
18. Following the determination of Council, the performance process agreement is to be signed by the CEO and the committee chair. The agreement is to be retained in the Towns records management system.
19. The annual KPI's as agreed to between the council and the CEO are to be published on the Town's Website

### **Stage 3 CEO KPI Settings & Agreement**

20. The setting of the CEO annual performance review criteria occurs following the completion of the annual Corporate Business Plan review in the final quarter of the financial year (April – June).
21. The Performance Criteria may include:
- a. Ongoing contractual performance criteria.
  - b. Additional performance criteria in relation to special projects.
  - e. Additional performance criteria from the Corporate Business Plan; and
  - f. Personal development goals.
22. The development of the Key Performance Indicators and Key Performance Objectives, targets and measures, is to be agreed upon between the CEO and the Council.
23. The committee and the external facilitator will coordinate the agreement with the CEO on behalf of the Council.
24. The matters included in the annual agreement must be set out in a written document. Regulations Schedule 2 Division 3 r(16(13)).

### **Stage 4. End of year performance review**

25. The external facilitator will coordinate the end of year performance review process on behalf of the committee. The process must comply with the terms of the review process agreement between the Town and the CEO as developed in Stage 2, and the agreed KPI's for that financial year.
26. The external facilitator must:
- a. collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - b. review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.
  - c. Engage with the CEO about the process, and the evidence collected to ensure accuracy and appropriateness of the information.
27. The Town administration will support the external facilitator in the data collection process as required.
28. A CEO performance report will be presented by the facilitator to the committee and the CEO outlining the findings of the review. The CEO may choose to provide additional data and a response to the findings for consideration by the committee.
29. The committee will seek a decision of Council for the approval of the CEO's annual performance review findings and any further recommendations.
30. Following a determination of the end of year performance review Council will notify the CEO of the decision of Council in writing. Regulations Schedule 2 Division 3 r(19).

## Outcomes of Annual Performance Review:

31. After the Council has endorsed a review of the performance of the CEO under r18 of the Regulations, the CEO must be informed in writing of:
  - a. The results of the review; and
  - b. If the review identifies any issues about the performance of the CEO, how the Town proposes to address and manage those issues.

## Performance Improvement Action Plan

32. If issues have been identified, the committee will develop an action plan in consultation with the CEO for the management of the issue. The action plan should be in writing and endorsed by both the committee chair and the CEO.
33. The CEO is to provide the committee with regular updates on the progress of the performance improvement action plan.

## Remuneration Review

34. In accordance with the CEO's contract (Clause 7(2)) the Council is required to carry out an annual review of the CEO's entitlements.
35. Any increase to the CEO remuneration package is limited to the Salaries and Allowances Tribunal's Annual Local Government Chief Executive Officers and Elected Members determination on remuneration levels for Band 2 Councils.
36. The annual remuneration review is carried out by the external facilitator engaged to assist the committee with the annual performance review.
37. The review will include:
  - a. an outline of the CEO's remuneration for the performance review period,
  - b. a comparison of the total remuneration package to the annual SAT CEO remuneration limitations, and
  - c. a recommendation on variations to the remuneration package.
38. Subject to a positive outcome of the CEO annual performance review, the Council may determine an increase to the CEO's remuneration package.
39. Any variation to the CEO's remuneration package entitlements will be through a written "Amendment to Contract" and signed by the CEO and Mayor.
40. The Council must inform the CEO in writing of the outcome of the annual remuneration review.

## Records Management

41. All records relating to the CEO annual performance review process must be managed in accordance with the conditions of the State Records Act 2000 and the Town's "Content Manager" records management system.

## Related documents

Town of Victoria Park Standards for CEO Recruitment, Performance and Termination

<b>Responsible officers</b>	Manager People & Culture.
<b>Policy manager</b>	Chief Financial Officer
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	December 2024

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	13/12/2022	Council	279/2022	15.7
2	Administratively amended	24/08/2023	Delegation		

## Schedule 1

*Policy schedules should only be used very rarely to set out matters that cannot be easily included in a policy statement but also cannot go into a management practice. An example could be a flow chart relating to a policy.*

<b>Policy number</b>	Policy 054
<b>Policy title</b>	Access to reserve funds through notices of motion
<b>Strategic outcomes supported</b>	CL1 – Effectively managing resources and performance

### Policy objective:

To ensure Council is informed prior to making a decision to expend reserve funds.

### Policy scope:

This policy applies to notices of motion provided by elected members.

### Policy definitions:

Nil.

### Policy statement:

Any notice of motion involving or requesting the expenditure of Reserve Funds shall be referred to the Town's Administration for a report prior to a decision being made on the allocation of such funds.

### Related documents

[Meeting Procedures Local Law 2019](#)

<b>Responsible officers</b>	Coordinator Governance and Strategy
<b>Policy manager</b>	Manager Governance and Strategy
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	April 2023

### Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	11/04/2000	Council	-	Item 4.1
2	Reviewed	17/08/2004	Council	-	Item 4.1
3	Reviewed	09/07/2013	Council	-	Item 10.1

Version	Action	Date	Authority	Resolution number	Report number
4	Reviewed	11/08/2015	Council	-	Item 10.1
5	Reviewed	20/08/2019	Council	148/2019	Item 10.1
6	Reviewed	21/04/2020	Council	381/2020	Item 15.4
7	Reviewed and amended	20/04/2021	Council	78/2021	Item 15.4
8	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 212
<b>Policy title</b>	Graffiti removal management
<b>Strategic outcomes supported</b>	EN4 - Increasing and improving public open spaces EN5 – Providing facilities that are well-built and well-maintained

### Policy objective:

To provide for the management of graffiti in the Town.

### Policy scope:

This policy applies to graffiti in the Town.

### Policy definitions:

**Graffiti** has the meaning given to it in the *Graffiti Vandalism Act 2016*.

### Policy statement:

1. The Town recognises that graffiti vandalism is a costly community problem, not only in monetary terms but also in environmental and social terms.
2. The Town will remove, clean or cover incidences of graffiti vandalism that can be seen from any public space, including – but not limited to – footpaths, walkways, reserves and roads.
3. The Town will clean, remove or cover graffiti on buildings, fences and structures that are within or constitute boundaries of all reserves under the management of the Town. This includes (but is not limited to) parks, drainage and other reserves, public access ways and road reserves.
4. Where the structure is a fence, wall or building on a shared boundary with private property or a reserve under the management of another authority, the owner of the private property or that authority must provide prior approval for the graffiti to be removed and indemnify the Town against all actions, claims and damages – other than workers compensation claims - resulting from the graffiti removal.
5. The Town will seek to apply any recourse available to its graffiti removal operations under the *Graffiti Vandalism Act 2016*.
6. Subject to unforeseen circumstances/events, inclement weather or staff availability, the Town will endeavour to remove offensive graffiti within 24 hours and all other graffiti within 10 days of it being reported or its removal being authorised.
7. Murals/Street art are large-scale artworks, often outdoor paintings or installations that may cover an outdoor wall or other public infrastructure. These works are done with the permission of the building owner/occupier and are not defined as graffiti.

## Related documents

[Graffiti Management Act 2016](#)

<b>Responsible officers</b>	-
<b>Policy manager</b>	Manager Infrastructure Operations
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	July 2023

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	07/12/1999	Council	-	Item 3.5
2	Reviewed	15/08/2006	Council	-	Item 4.1
3	Reviewed	09/07/2013	Council	-	Item 10.1
4	Reviewed and amended	11/08/2015	Council	-	Item 10.1
5	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
6	Amended	21/07/2020	Council	467/2020	Item 15.5
7	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 254
<b>Policy title</b>	Remnant native vegetation
<b>Strategic outcomes supported</b>	EN1 – protecting and enhancing the natural environment

### Policy objective:

To provide for the management of remanent native vegetation on land under the control or management of the Town.

### Policy scope:

This policy applies in relation to land under the control or management of the Town.

### Policy definitions:

Remnant native vegetation means those patches of native trees, shrubs and grasses still left. Remnant vegetation:

- can be any shape or size.
- can include all types of native vegetation communities

### Policy statement:

1. The management of remnant native vegetation on any land owned by, vested in, or managed by the Town shall be in accordance with the following policy.
2. Only plant species indigenous to the particular area are to be maintained or re-established within naturally vegetated areas. All new plantings or sowing by seed shall be at the commencement of autumn rains whenever possible. Plants shall be tube stock or stock of a similar size.
3. Areas of native vegetation that are eroded or have no vegetative cover and that require stabilisation shall be re-vegetated using rehabilitation methods or practices appropriate to the particular situation.
4. Weeds such as veldt grass and broad leaf species are to be removed by hand, spot sprayed, and/or treated with selective herbicide application. Weed spraying is to be carried out as required, during appropriate climatic conditions and the weed life cycle.
5. All established trees in areas designated for public access are to be inspected every 2 years and maintained to ensure they are not a safety hazard. Retention of the fauna habitat shall, wherever possible, be facilitated when remedial work is undertaken.
6. Areas shall be inspected regularly for rubbish accumulation, firebreak and fence repairs and corrective maintenance shall be undertaken promptly.
7. Access to remnant vegetation areas shall be controlled as per the Local Government Property Local Law 2000. Vehicles, other than service vehicles, are prohibited. Pedestrian traffic is to be confined to designated paths except where prior permission to access an area has been granted.



8. As a rule it is desirable that remnant vegetation areas be fenced to control access. The fencing shall be of a type that is appropriate to the particular site and suitable for fire management purposes.

## Related documents

Nil.

<b>Responsible officers</b>	-
<b>Policy manager</b>	Manager Infrastructure Operations
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	November 2023

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	12/08/1997	Council	-	Item 14.3
2	Reviewed	15/08/2006	Council	-	Item 4.1
3	Reviewed	09/07/2013	Council	-	Item 10.1
4	Reviewed	11/08/2015	Council	-	Item 10.1
5	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
6	Reviewed and amended	17/11/2020	Council	563/2020	Item 15.2
7	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 255
<b>Policy title</b>	Tree management
<b>Strategic outcomes supported</b>	EN1 – protecting and enhancing the natural environment

## Policy objective:

To provide for the management of trees that are managed by the Town.

## Policy scope:

This policy applies in relation to road reserves, parks and public spaces and assets managed by the Town.

## Policy definitions:

**Full cost**, in relation to the removal of a tree means Helliwell or other appropriate valuation system, plus costs of removal, replacement & establishment, maintenance for 3 years.

**Significant canopy** means more 25m<sup>2</sup> of canopy cover.

## Policy statement:

### Pruning and Maintenance

1. The Town is responsible for the maintenance of trees situated within the Crown Land road reserves, parks, public spaces and assets managed by the Town. Pruning is undertaken by qualified arborists in a way to ensure the long-term survival of the trees and protect them for future generations.
2. The Town has a planned approach to tree pruning whereby the Town is divided into pruning precincts. Programmed pruning includes lifting the canopies to enable pedestrian movement and allow clear sight lines for road users.
3. All requests for pruning and maintenance of a Town tree are to be submitted in writing to the Town.
4. Tree root encroachment and suspected damage to adjoining infrastructure shall be assessed on a case by case basis and actioned accordingly.
5. The Town may arrange for a detailed Arborist Assessment or further investigation as required.
6. Trees will be pruned clear of Western Power infrastructure as per compliance requirements.
7. Requests for pruning of Town trees overhanging a property boundary will be assessed on an individual basis. If work is approved it will be undertaken by the Town's contracted service provider.

8. The Town will prune trees only for the following reasons:
  - a. To remove or avoid conflict with public utility services;
  - b. To promote and improve the health and form of the tree and to allow for improved health of understorey planting;
  - c. To remove or avoid a hazard to pedestrians, cyclists or motor vehicles;
  - d. To ensure CPTED (Crime Prevention Through Environmental Design) principles can be maintained;
  - e. To remove or avoid damage to adjoining property; and
  - f. To allow access to a building site that would otherwise harm the tree.
9. The cost of pruning a verge tree(s) necessitated by adjacent property development shall be the responsibility of the developer.
10. Any unauthorised pruning, removal or deliberate damage of Town tree assets is an offence and prosecution can occur under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*.
11. Pruning and maintenance shall be undertaken in accordance with AS4373-2009 Pruning of Amenity Trees and Guidelines for the Management of Vegetation near Power Lines (Government of Western Australia).

### Tree Planting

12. Trees are increasingly being recognised and managed throughout Australia as important community assets as the benefits they deliver are progressively identified, understood and measured. The extent of benefit provided, in most circumstances, is directly linked to the combined area of canopy cover, which in turn is linked to the number, type and size of trees.
13. The Town undertakes an annual tree planting program during the winter months or until appropriate soil moisture conditions as a result of rainfall has been achieved.
14. Suitable planting locations will be selected by the Town for the program in accordance with the Urban Forest Strategy.
15. Tree planting to ensure continuity of street tree provision will take precedence over adjoining property owner's refusal to accommodate street trees.
16. Adjacent land owners will be informed of the Town's intention to plant trees within the road reserve at least 2 weeks prior to planting.
17. Species selection will be determined by the Town in accordance with the Urban Forest Strategy.
18. Large-growing species will be planted wherever possible due to the increased contribution to canopy coverage targets outlined in the Urban Forest Strategy.
19. Local, native species will be planted wherever possible due to the ecosystem services they provide, as outlined in the Urban Forest Strategy.
20. In addition private property owners can request that the verge adjacent their property be listed for consideration within the Annual Tree Planting Program. The Town will provide and plant, at no charge, one or more street trees on the road verge. It is a requirement the applicant waters the tree(s) a minimum of once per week for at least three (3) successive summers following the planting.

21. Applications for street tree planting shall be made in writing to the Town and the request will be considered within the planting program. Requested locations are checked to determine the species and amount of trees that can be planted.
22. Requests for street trees will be received at any time throughout the year but planting will not be undertaken until appropriate soil moisture conditions as a result of rainfall has been achieved (i.e. Autumn/Winter) and is subject to appropriate available stock. Street trees shall be located with due consideration to services, sightlines and alignment of existing vegetation.

### Tree Removal

23. Owing to the hazardous nature of the task, owners, residents, developers/builders or occupants are not permitted to remove street trees or any other Town managed trees themselves.
24. The Town recognises the significant contribution made by street trees to both the aesthetic and environmental aspects of existing streetscapes within the Town.
25. It also recognises that in some cases, tree retention may not be possible due to the condition, location or species of the tree, or the achievement of other Town objectives for broader community benefit.
26. Applications for street tree removal shall be made in writing to the Town.
27. The Town wishes to avoid removal of street trees. In accordance with this policy, the Town may remove, or approve a request from an adjacent property owner or their authorised agent for the removal of any street tree which:
  - a. Is causing significant damage to adjacent property, infrastructure, underground or overhead services;
  - b. Is dead, or due to pest and disease, poor health and growth, and will not return to full vigour
    - i. Being dead - having less than 10% photosynthetic material or live tissue present in the canopy mass;
    - ii. Being diseased and unlikely to respond to treatment within the scope of approved modern arboricultural management practices
  - c. Has been assessed by the Town as structurally weak and dangerous placing the public at risk;
  - d. Has been irreparably damaged by a storm or mechanical means;
  - e. Is incompatible with its environment or the direction of the Urban Forest Strategy;
  - f. Is a hazard to road reserve users and/or traffic safety.
28. Individual cases, where trees with significant canopy are proposed for removal, may be referred to Council for final determination.
29. Where the Town refuses a request to remove a street tree, a review of that decision may be requested in accordance with the relevant policies and management practices relating to the review of decisions.
30. Applicants should take all measures to design developments to retain and protect street trees.
31. Removal of street trees for new crossovers will only be considered where all other design options have been exhausted.
32. The full cost of removal and replacement of a verge tree(s) necessitated by adjacent property development shall be the responsibility of the Developer in accordance with the amount shown in the Schedule of Fees and Charges contained within the Annual Budget.

33. Street trees will not be removed for the following reasons:
- The tree obscures or potentially obscures views (other than traffic and pedestrian sight lines)
  - The tree variety is disliked;
  - The tree variety causes nuisance by way of leaf, fruit or bark shedding or the like;
  - The tree causes allergy or health problems. The Town may consider removal of the tree, subject to appropriate evidence from a medical practitioner confirming that allergy or health problem.
  - The tree is in the way of a non-essential crossover or verge paving options; and
  - The tree shades private gardens, solar installations or the like.
34. Any decision to remove a mature living tree from a road verge is to be communicated to the owners and occupiers of four (4) properties on either side of the tree, on both sides of the road, not less than two (2) weeks prior to the intended removal, unless the removal is or becomes urgent in the view of the Town.
35. Subject to clause 27(c) and 27(f), a tree that is clearly dead can be removed without community consultation, unless:
- The tree has evidence of habitation or recent habitation of species that is classified as threatened or endangered; or
  - The tree is of cultural heritage significance as defined in the *State Heritage Act 2018*.

## Related documents

Nil.

<b>Responsible officers</b>	-
<b>Policy manager</b>	Manager Infrastructure Operations
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	August 2023

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	12/08/1997	Council	-	Item 14.3
2	Reviewed	15/08/2006	Council	-	Item 4.1
3	Reviewed	09/07/2013	Council	-	Item 10.1
4	Reviewed	11/08/2015	Council	-	Item 10.1
5	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
6	Reviewed and amended	18/08/2020	Council	468/2020	Item 15.6
7	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 256
<b>Policy title</b>	Mowing of street verges
<b>Strategic outcomes supported</b>	EN5 – Providing facilities that are well-built and well-maintained

### Policy objective:

To provide for the management of street verges.

### Policy scope:

This policy applies in relation to street verges within the road reserve.

### Policy definitions:

Nil.

### Policy statement:

1. With the exception of those streets provided in the management practice, routine verge mowing in all other streets within the Town is the responsibility of the owner or tenant of the adjacent property and the Town will only undertake mowing, or consider a request for mowing, where:
  - a. The Town considers a verge to be a fire hazard.
  - b. there are visibility problems affecting traffic safety.
2. The owner, who must reside at the property, can demonstrate to the satisfaction of the Town an incapacity to undertake the mowing due to an advanced age, infirmity or other relevant disability and except where the Town otherwise decides, approvals shall be for a single service, with each subsequent service being subject to a new request.
3. The Town arranges the periodic mowing of grassed verges in the streets set out on the Town's website.

### Related documents

Nil.

<b>Responsible officers</b>	-
<b>Policy managers</b>	Manager Infrastructure Operations
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	April 2023

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	12/08/1997	Council	-	Item 14.3
2	Reviewed	15/08/2006	Council	-	Item 4.1
3	Reviewed	09/07/2013	Council	-	Item 10.1
4	Reviewed	11/08/2015	Council	-	Item 10.1
5	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
6	Reviewed	21/04/2020	Council	384/2020	Item 15.7
7	Administratively amended	24/08/2023	Delegation		
8	Administratively amended	07/09/2023	Delegation		

<b>Policy number</b>	Policy 261
<b>Policy title</b>	Sustainable events
<b>Strategic outcomes supported</b>	EN1 – Protecting and enhancing the natural environment EN2 – Facilitating the reduction of waste

## Policy objective:

To reduce waste, improve resource recovery and promote sustainable transport options for events coordinated or approved by the Town.

## Policy scope:

This Policy applies to:

- all Council-run events ('Council Events'); and
- all Council-approved external events on Town land or in Town-owned facilities, including events supported by Town grants ('Approved Events').

This Policy does not apply to:

- events within the Town that do not require Council approval.

## Policy definitions:

**biodegradable** means capable of being broken down (decomposed) quickly by microorganisms (bacteria).

**compostable** means materials capable of breaking down completely or decomposing to produce a soil product without toxic residue. These materials should be certified compostable under AS 4736 – Industrial Composting or AS 5810 – Home Composting.

**confetti** means small pieces or streamers of mylar (polyester or plastic film) or metallic material which are usually thrown at celebrations. It does not include compostable and natural alternatives such as flower petals, rice and paper.

**event** means any planned activity that occurs in a certain place, during a certain time, which involves a gathering of people and has some level of impact on the immediate surroundings.

**fair trade** means products certified against international standards to guarantee fair terms of trade, better prices and decent working conditions for farmers and workers in developing countries.

**local law** means the relevant Town of Victoria Park Local Law. At the time of writing this Policy it included the Activities and Trading Thoroughfares Public Places Local Law 2000; Local Government Property Law 2000; and Health Local Law 2003.

**permit** has the meaning given to it in the Local Law.

**plastic** means synthetic materials manufactured from fossil fuels such as oil and petrochemicals. Can be either soft, flexible or rigid.



**polystyrene** means synthetic resin which is a polymer of styrene, used chiefly as lightweight rigid foams and films.

**resource recovery** means the recovery of materials or energy from solid waste for reuse or recycling.

**servicing material** means any items that are distributed for the intended use as food or beverage serving and/or consumption aids, including but not limited to: plates, cutlery, take away food containers, hot/cold beverage cups and lids (including paper coffee cups with plastic lining or lids), drinking straws.

**single use** means materials that are manufactured for disposable usage and an intended short lifespan.

## Policy statement:

1. The Town of Victoria Park is committed to reducing our ecological footprint, and minimising impacts on the environment in event planning and management by:
  - a. Implementing waste avoidance strategies and maximising resource recovery for events.
  - b. Implementing efficiency measures to reduce energy and water consumption.
  - c. Reducing greenhouse gas emissions through sustainable transport options.
  - d. Enhancing environmental awareness and fostering environmentally responsible behaviour in all relevant stakeholders to build their capacity to plan, organise, deliver or participate in a sustainable event.

### Town Events

2. Events produced by the Town, or contractors working employed by the Town to produce an event, are to abide by the following:
  - a. Exclude:
    - i. Provision, sale, distribution or use of balloons and confetti as part of the event.
    - ii. Single-use plastic or polystyrene servicing materials from use, sale or distribution, where suitable fit for purpose alternatives\* are available. This does not include bio-plastics made from 100% plant material that are certified as compostable according to Australian standards.
    - iii. Single-use bottled water where potable drinking water facilities are available. This includes the provision of an easily accessible alternative to single-use bottled water which enables patrons to refill empty drink bottles with drinking water free of cost.
  - b. All avoidable single-use plastic and polystyrene packaging must not be used in the purchase, sale, distribution and transport of food or goods, unless required under other conditions or legislation.
  - c. Provide paired and clearly labelled recycling and waste bins.
  - d. Plastic and polystyrene event materials are to be reused where possible, including event signage and promotional banners.
  - e. Restrict promotional material, decorations and supplies to those which can be reused, recycled or contain recycled content.
  - f. Minimise the use of printed promotional material. All printed marketing to be on recycled paper.
  - g. Promote walking, riding and public transport options.
  - h. Provide adequate bike parking.

### Approved Events

3. Events produced by a third party but subject to the formal approval of the Town are to abide by the following:
  - a. Exclude:
    - i. Provision, sale, distribution or use of balloons and confetti as part of the event.
    - ii. Single-use plastic or polystyrene servicing materials from use, sale or distribution, where suitable fit for purpose alternatives\* are available. This does not include bio-plastics made from 100% plant material that are certified as compostable according to Australian standards.

- b. Minimise the use of printed promotional material. All printed marketing to be on recycled paper.
- c. Promote walking, riding and public transport options.
- d. Provide paired and clearly labelled recycling and waste bins.
- e. Provide adequate bike parking.
- f. Provide an easily accessible alternative to single-use bottled water which enables patrons to refill empty drink bottles with drinking water free of cost.

\* For more information on suitable alternatives, please refer to the Plastic Free Vic Park guideline:  
<https://www.victoriapark.wa.gov.au/Around-town/Environment/Plastic-free-Vic-Park>

### Encouraged Provisions

- 4. All events are encouraged to:
  - a. Restrict promotional material, decorations and supplies to those which can be reused, recycled, contain recycled content and/or be certified carbon offset.
  - b. Have attendees bring their own cutlery, crockery, water bottle and keep cup, or provision of reusable food/drink items.
  - c. Have retail vendors use eco-friendly cleaning products.
  - d. Provide vegan and vegetarian options/vendors at events.
  - e. Have a plan for how to take away waste from the event.
  - f. Have a preference towards local suppliers wherever possible.
  - g. Have a preference towards sustainable goods such as 'fair trade' coffee, seasonal, free range, organic and locally grown foods.

### Exemptions

- 5. This Policy exempts items necessary to meet health and safety requirements, or where there are no suitable alternatives.
- 6. Unless necessary to satisfy other conditions of the permit, exemptions will require prior approval from the Town at the discretion of the Chief Executive Officer.

## Related documents

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

Town of Victoria Park Activities and Trading Thoroughfares Public Places Local Law 2000 Amended.  
 Policy 226 Recreation Reserves - hire  
 Policy 260 Single-use Plastic and Polystyrene  
 Plastic Free Vic Park guideline.

<b>Responsible officers</b>	Environment Officer
<b>Policy manager</b>	Manager Technical Services
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	October 2023

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	20/10/2020	Council	544/2020	Item 15.2
2	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 304
<b>Policy title</b>	Disposal of surplus assets
<b>Strategic outcomes supported</b>	CL1 – Effectively managing resources and performance CL3 - Accountability and good governance

### Policy objective:

To provide guidance to the disposal of property by the Town.

### Policy scope:

This policy applies to the disposal of property by the Town.

### Policy definitions:

**Disused equipment, machinery and other materials** means any item/s which are exempt from disposition pursuant to the *Local Government (Functions & General) Regulations 1996*, Regulation 30(3), and which cannot be readily sold or be traded-in and have little or no residual value as determined by the Chief Executive Officer other than any item/s that is provided to elected members.

**Non-profit community organisation** means any non-profit group, agency or service whose primary aims are to improve the quality of life to sections of the community or provide targeted welfare or other support. This includes the provision of recreation and sporting opportunities, community arts and cultural development programmes.

**Public notice and application** means an internally conducted process to seek interest in the items through public advertisement and application by community organisations or schools.

**Sale to other individuals by private treaty** means an advertisement and agreement for a sale at a price negotiation directly between the Town and any individual or organisation.

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

### Policy statement:

1. This policy is intended to ensure that surplus assets owned by the Town, that may not have any residual monetary or useful value to the Town, are able to be offered for donation to nonprofit organisations and schools, sale to elected members or staff and sale to other individuals for ongoing use by the community or persons.
2. Should none of the above options be available, this policy is intended to allow for dumping of surplus assets at refuse sites.
3. The donation, sale or deposit at refuse of surplus assets is subject to the provision of s.3.58 of the Local Government Act 1995 and the Local Government (Functions & General) regulations 30 and 31.

### Reasons for Disposal

4. There may be multiple scenarios which may result in an asset becoming surplus to the Town's needs. These include but are not limited to;

- a. Reached pre-determined economic life
- b. Due for replacement or renewal
- c. No longer required due to change in functionality or usage patterns
- d. No longer complies with workplace health and safety standards
- e. Damaged, beyond repair or no longer in operable condition
- f. No longer able to provide an acceptable level of service to the community

### Order of Disposal

5. To ensure equitable and best use of surplus assets and to guide the administration, the order of disposal shall be by;
  - a. Donations to non-profit community organisations and schools by public notice and application when an appropriate amount of item/s become available for donation
    - i. Priority for allocation of donated item/s will be given to those non-profit community organisations and schools which are located within the Town.
  - b. Sale to other individuals or organisations by private treaty or tender
  - c. Recycling or dumping at refuse site

### Conditions of disposal/sale

6. Surplus assets which are donated or sold are done so under the following conditions;
  - a. All items are sold or donated on an as is basis with all faults if any
  - b. The tendered sum or negotiated sale price is to be paid prior to collection of the item/s
  - c. The Town will not provide any consumables or technical support for any item/s that have been donations or purchased from the Town
  - d. The Chief Executive Officer reserves the right to;
    - i. Withdraw any tenders at any time and;
    - ii. Not accept any tender
    - iii. Not accept any private treaty

### Asset Management and Reporting

7. To ensure adequate record keeping all disposed or sold assets are to be noted and removed from the asset register or other minor equipment registers as appropriate.
8. All donated items are to be kept on a register stating date, organisation and items donated to ensure equitable distribution over time.
9. Any tenders, expressions of interest or private treaty for the sale of surplus assets, and any associated documentation are to be recorded and kept.
10. Details of items/s disposed of by Paragraph 5 (b) or (c) will be reported to Council via the monthly financial statements.

### Related documents

Local Government Act 1995 s.3.58.

Local Government (Functions & General) Regulations 1996 Reg. 30. and 31

Policy 222 - Asset Management

<b>Responsible officers</b>	Manager Corporate Services Financial Controller Senior Accounting Officer Senior Procurement Officer Coordinator Strategic Assets
<b>Policy manager</b>	Chief Financial Officer
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	April 2023

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	28/09/1999	Council	-	Item 4.1
2	Amended	15/08/2006	Council	-	Item 4.1
3	Reviewed	09/07/2013	Council	-	Item 10.1
4	Reviewed	11/08/2015	Council	-	Item 10.1
5	Reviewed and amended	20/08/2019	Council	148/2019	Item 10.1
6	Reviewed and amended	20/04/2021	Council	75/2021	Item 15.1
7	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 308
<b>Policy title</b>	Financial hardship
<b>Strategic outcomes supported</b>	CL1 – Effectively managing resources and performance CL3 - Accountability and good governance EC1 – Facilitating a strong local economy

### Policy objective:

To support the community in meeting unprecedented challenges arising from a state of emergency, public health emergency or economic downturn and provide assistance to debtors that may experience financial hardship during this time.

### Policy scope:

This policy applies to debt owed to the Town.

This policy is not intended to provide relief to persons who are not able to evidence financial hardship, and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

### Policy definitions:

**debtor** means any person who owes money to the Town, including persons owing rates and service charges.

**payment difficulties, or short term financial hardship** means where a change in a debtors circumstances result in an inability to pay a debt.

**financial hardship** occurs where:

- a. a natural person who is identified by themselves, by the Town, or an accredited financial counsellor, or by a welfare agency as having the intention, but not the financial capacity, to make required payments in accordance with the Town’s payment terms.
- b. a body corporate is experiencing financial hardship if it has:
  - i. a significant decline in revenue such that it is no longer profitable; and
  - ii. no reserves to draw upon such that payment to the Town would require an increase in the businesses debt.

**residential ratepayer** means a person who is liable to pay a rate or service charge to the Town on the basis that the land is used for residential purposes.

**small business** has the meaning given in the *Small Business Development Corporation Act 1983*.

**small business ratepayer** means a person who is liable to pay a rate or service charge to the Town on land used by the person for the purpose of carrying out a small business owned or operated by the person.

## Policy statement:

1. This Policy is intended to ensure that the Town offers fair, equitable, consistent and dignified support to ratepayers, residents and businesses suffering hardship, while treating all members of the community with respect and understanding during this difficult time.
2. This relief provided to ratepayers will not include the write off of rates or service charges debt. It is an expectation that rates and service charges levied against will be paid within a reasonable time in order to ensure the Town can continue to provide services that benefit the whole community.

## Payment difficulties, hardship and vulnerability

3. During an economic downturn, public health emergency or other disaster, the occurrence of payment difficulties, financial hardship and vulnerability in the community increases. This policy is intended to apply to all debtors experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.
4. Many persons experience financial hardship during an economic downturn, public health emergency or other disaster. It is anticipated the probability that additional financial difficulties will arise when a rates notice or other invoice is received from the Town.
5. During an economic downturn, public health emergency or other disaster, the Town will write to debtors at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible debtors to apply for financial hardship consideration. Where possible and appropriate, The Town will also provide contact information for a recognised financial counsellor and/or other relevant support services.
6. Where a person experiences financial hardship outside of an economic downturn, public health emergency or other disaster, the mechanisms of the Town to assist a person experiencing financial hardships still apply.

## Financial hardship criteria

7. While evidence of hardship will be required, the Town recognises that not all circumstances are alike. The Town will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:
  - a. Recent unemployment or under-employment;
  - b. Sickness or recovery from sickness;
  - c. Low income or loss of income;
  - d. Unanticipated circumstances such as caring for and supporting extended family;
  - e. A requirement to close a business due to government direction or natural disaster;
  - f. A loss of tenants at a property with a long term inability to obtain new tenants, or tenants that are unable to make payment of rent;
8. Debtors are encouraged to provide any information about their particular circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. The Town will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with statutory responsibilities.
9. An application for financial hardship consideration, in relation to rates and service charges, should be related to the circumstances of each individual rates assessment.



## Payment arrangements

10. Payment arrangements for rates and service charges facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:
  - a. That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
  - b. The payment arrangement will establish a known end date that is realistic and achievable;
  - c. The ratepayer will be responsible for informing the Town of any change in circumstance that jeopardises the agreed payment schedule.
11. In the case of financial hardship, the Town reserves the right to consider waiving additional charges or interest (excluding the Emergency Services Levy, including any fees or interest associated, as this is levied on behalf of the State Government).
12. Where a ratepayer is a residential ratepayer or small business ratepayer and is experiencing financial hardship as a result of the COVID-19 Pandemic, no interest shall be charged or instalment/payment plan fees applied to these ratepayers.
13. Payment arrangements for other debts can be facilitated as appropriate in accordance with Policy 303 Debt collection.

## Deferment of rates

14. Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:
  - a. remains as a debt on the property until paid;
  - b. becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
  - c. may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
  - d. does not incur penalty interest charges.

## Debt recovery

15. Despite Policy 303 Debt collection, the Town will suspend debt recovery processes whilst negotiating a suitable payment arrangement with a debtor experiencing financial hardship. Where a debtor experiencing financial hardship is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3<sup>rd</sup> due payment, then we will continue to suspend debt recovery processes.
16. Where a debtor has not reasonably adhered to the agreed payment plan, then for any debts that remain outstanding at the end of the financial year in which the rates notice/invoice was issued, the Town will offer the debtor one further opportunity of adhering to a payment plan that will clear the total debt by the end of the following financial year.
17. Debts that remain outstanding at the end of the following financial year, will then be subject to the debt recovery procedures prescribed in the *Local Government Act 1995* and Policy 303 Debt Collection.

## Review

- The Town will establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.

## Communication and confidentiality

- The Town will maintain confidential communications at all times and the Town will undertake to communicate with a nominated support person or other third party at a debtors request.
- The Town will advise debtors of this policy and its application, when communicating in any format (i.e. verbal or written) with a debtors that has an outstanding rates or service charge debt.
- The Town recognises that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. The Town will provide additional time to respond to communication and will communicate in alternative formats where appropriate. The Town will ensure all communication with applicants is clear and respectful.

## Related documents

[Local Government Act 1995](#)

[Local Government \(Financial Management\) Regulations 1996](#)

[Rates and Charges \(Rebates and Deferments\) Act 1992](#)

[Policy 303 Debt collection](#)

<b>Responsible officers</b>	Finance Manager Financial Controller Senior Rates Officer
<b>Policy manager</b>	Chief Financial Officer
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	May 2021

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	19/05/2020	Council	414/2020	Item 15.2
2	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 404
<b>Policy title</b>	Fireworks events
<b>Strategic outcomes supported</b>	EC2 – Connecting businesses and people to our local activity centres through place planning and activation

## Policy objective:

To provide a clear, consistent process for the assessment of Fireworks Event Notices and to outline the criteria by which the Town will assess proposals for the use of fireworks.

## Policy scope:

The Department of Mines, Industry Regulation and Safety (DMIRS) is responsible for the approval of fireworks displays. Prior to lodging an application with DMIRS, a fireworks contractor must lodge a Fireworks Event Notice with the WA Police, the Department of Fire and Emergency Services (DFES) and the relevant local government. The Town's role is to indicate support or opposition to the fireworks event to assist DMIRS in its decision making process.

This policy applies to all Fireworks Event Notices for fireworks displays proposed within the Town.

The Town does not assess fireworks events for compliance with the requirements of the relevant legislation for the use and storage of fireworks. This is the sole responsibility of the Licensed Fireworks contractor and DMIRS under the *Dangerous Goods Safety Act 2004*.

The Town's function in assessing a Fireworks Event Notice is limited to community impacts associated with noise from fireworks display, proximity to residences and environmental impacts.

## Policy definitions:

**Fireworks** has the meaning given to the term in the *Dangerous Goods Safety (Explosives) Regulations 2007* being: "an article or substance containing one or more explosives with or without other substances, that is designed to entertain people by producing light, sound, gas, smoke, or a combination of them, by means of or a combination of them, by means of an exothermic chemical reaction that does not rely on oxygen from external sources to sustain the reaction, but not a model rocket motor".

**Fireworks event** has the meaning given to that term in regulation 136 of the *Dangerous Goods Safety (Explosives) Regulations 2007* being: "an event or show that involves the use of a firework outdoors to entertain one or more people, whether at a public or private event or show".

For the purposes of this policy, fireworks displays that occur over a number of days/times at one venue for the same purpose are regarded as one event.

**Fireworks Event Notice** refers to the relevant DMIRS form or notice submitted to the Town for a fireworks event. The Notice is a pre-requisite for a Fireworks Event Permit, issued by the Department.

**Licensed fireworks contractor** is the contractor licensed by DMIRS as stipulated in the Fireworks Event Notice.

**Private events** means an event that is private (normally by invitation) and not open to the public such as private parties, weddings, etc; held at function centres (or similar venues).

**Community/Public Events** means an event open to the community or the public, whether ticketed or not (i.e. shows, fairs, fetes, concerts etc).

## Policy statement:

### Assessment of Fireworks Event Notice:

1. When considering a Fireworks Event Notice, the Town's principal considerations will include:
  - a. The environmental health impact of the fireworks event upon the community including but not limited to the noise impact;
  - b. Ensuring the community is reasonably informed of the fireworks event.

### Process to assess Fireworks Event Notice:

2. A Fireworks Event Notice application is to be submitted to the Town at least 60 days prior to the event.
3. Applications received less than 60 days prior to the event will be charged a late application fee.
4. 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.

### Assessment criteria considered by the Town:

5. In assessing a Fireworks Event Notice, the Town will consider the following matters:
  - a. Whether the event is in the public interest;
  - b. The duration of the event;
  - c. The frequency, including both for the proposed event as well as the number of other events that have occurred at the same venue in the same calendar year.
  - d. The day(s) and time(s) of the event;
  - e. Shell sizes;
  - f. Consideration of previous applications and any previous complaints;
  - g. The likely noise impacts.

### No objection to Fireworks Event Notice:

6. Having regard for the principal considerations outlined in clause 1 above, the Town will offer no objection to a Fireworks Event Notice where the following circumstances are met:
  - a. The event at which the fireworks display is proposed, is in the officer's opinion in the public or community interest, having regard for the reason for the event and expected size of the event; and
  - b. The fireworks display is no greater than 30 minutes in duration; and
  - c. The subject venue has not had more than five (5) fireworks events in any twelve (12) month period; and

- d. Scheduled to occur within the following day and time limitations:
  - i. From Sunday to Thursday displays will conclude no later than 10.00pm.
  - ii. On Fridays and Saturdays, displays will conclude no later than 11.30pm; or
  - iii. On New Year's Eve (31 December) displays will conclude no later than 12.30am on 1 January.

#### Consideration of fireworks events in other cases:

7. Where a proposed fireworks event does not satisfy one or more of the items listed in clause 6 above, then the Town will consider the proposal on its merits having regard to the relevant considerations outlined at clauses 1 and 5.

#### Objection to Fireworks Event Notice:

8. Having regard to clauses 1 and 5, the Town may object to a Fireworks Event Notice where it believes the fireworks event is not in the public interest or will present an unacceptable impact upon the residents of the Town.
9. If the Town intends to object to a Fireworks Event Notice, it will provide the applicant with a right of reply to the objection before it completes the Fireworks Event Notice.

#### Conditions deemed necessary:

10. Where the Town supports the Fireworks Event Notice, it will be subject to the following conditions and any other conditions considered appropriate:
  - a. That public notification of the event be undertaken by the applicant as follows:
    - i. In relation to a community or public event, the notification is to comprise:
      - a notice published in a newspaper circulated throughout the Town, detailing the location, date and time of the fireworks event, and the relevant event and
      - a letter to all properties within 1 km radius of the event location and
      - a notice on the Town's website.
    - ii. In relation to a private event, the notification is to comprise a letter to all properties within a 250m radius of the event location; and
    - iii. In either instance, the relevant notification is to occur between 7 and 21 days prior to the event and a copy and evidence of the notification is to be provided to the Town prior to the event.
  - b. The licensed fireworks contractor must hold a current public liability insurance policy to a minimum value of \$10,000,000.
11. The Town reserves the right to vary conditions within clause 10a of this policy or apply additional conditions on a case-by-case basis in response to events varying in location and size.
12. All conditions will be applied with the intention to:
  - a. ensure Fireworks Events do not cause unnecessary nuisance to the residents of the Town.
  - b. ensure the community is adequately informed of the fireworks event; and
  - c. reduce any unreasonable disturbance to the community.

## Related documents

*Environmental Protection (Noise) Regulations 1997*  
*Local Government Act 1995*  
*Dangerous Goods Safety Act 2004*  
*Dangerous Goods Safety (Explosives) Regulations 2007*

<b>Responsible officers</b>	Principal Environmental Health Officer Environmental Health Officer
<b>Policy manager</b>	Manager Development Services
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	A

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Approved	20/08/2002	Council		Item 1.3
2	Reviewed	15/08/2006	Council		Item 4.1
3	Reviewed	09/07/2013	Council		Item 10.1
4	Reviewed	11/08/2015	Council		Item 10.1
5	Reviewed	20/08/2019	Council	148/2019	Item 10.1
6	Reviewed and amended	12/04/2022	Council	83/2022	Item 15.3
7	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 406
<b>Policy title</b>	Temporary food businesses and itinerant food vendors
<b>Strategic outcomes supported</b>	EC1 – Facilitating a strong local economy EC2 – Connecting businesses and people to our local activity centres through place planning and activation

## Policy objective:

- To promote the success and vibrancy of the Town’s established food destinations and commercial strips, including Albany Highway;
- To provide opportunities for the development and growth of small businesses;
- To balance the competing needs and interests of pedestrians, consumers and local business proprietors by detailing the circumstances in which temporary food businesses and itinerant food vendors are permitted to operate in public places; and
- To outline the process and type of permit that temporary food businesses must apply for and obtain from the Town in order to trade in public places.

## Policy scope:

- This policy applies to all temporary food businesses operating in public places (whether on private or public land) within the Town of Victoria Park.
- All temporary food businesses are required to comply with the *Food Act 2008*, the *Food Regulations 2009* and the *FSANZ Food Standards Code*, in addition to any requirements that may be applicable under this Policy or conditions stipulated on a Temporary Food Business Permit.

## Policy definitions:

**Food stall** includes a stall, tent, marquee or barbecue stand that is used to sell food at an occasional event and is usually dismantled after an event.

**Food vehicle** includes any:

- Registered vehicle, caravan, trailer or any other method of transport from which food is sold; and
- Non-road registered vehicles such as, but not limited to, coffee carts, hotdog carts or similar vehicles; but does not include a food stall.

**Itinerant food vending** means any food vehicle or food stall selling food or drink from the roadway or other public place that travels from place to place to engage in trade, and not staying in one location other than while executing a sale.

**Itinerant food vendor** is a person or business that engages in itinerant food vending.

**Local Law** where mentioned in this Policy refers to the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* (as amended).

**Public place** has the same meaning given to it under Part 5, Clause 5.1 of the *Local Law* and includes:

- a. any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property; and
  - b. local government property;
- but does not include premises on private property from which trading is lawfully conducted under a written local law.

**Temporary food business** is a person or business involved in the preparation and dispensing of food products from a food vehicle or food stall.

**Temporary Food Business Permit** means a permit issued by the Town under the provisions of the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* (as amended), granting conditional approval to trade.

## Policy statement:

### Temporary Food Business Permit required to trade

1. Any food truck or food stall engaging in trade in a public place within the Town must first apply for and obtain a Temporary Food Business Permit.
2. The approval and issue of a Temporary Food Business Permit by the Town to permit trading of a food stall constitutes the granting of a "stallholder's permit" under Part 5, Clause 5.2 of the Local Law.
3. The approval and issue of a Temporary Food Business Permit by the Town to permit trading of a food vehicle constitutes the granting of a "trader's permit" under Part 5, Clause 5.3 of the Local Law.
4. The permit holder must at all times comply with the requirements of the Local Law, this Policy and any conditions or other trading requirements specified on the Temporary Food Business Permit.
5. Applications for a Temporary Food Business Permit must be in the form prescribed by the Town.
6. Temporary Food Business Permits may be applied for on:
  - a. an annual basis to trade at multiple separate events within the same financial year, with the required fee to be paid in full or calculated on a pro-rata basis of the annual fee up until 30 June (subject to any minimum fee requirement); or
  - b. for a single event only (whether the event operates on a single day or over multiple days).
7. Payment of any applicable fees and charges as prescribed in the Town's adopted Fees and Charges must be paid prior to the issue of the Temporary Food Business Permit.
8. For small scale events (with ten or less temporary food businesses intending to trade) applications for a Temporary Food Business Permit should be submitted at least two weeks prior to the intended date of trade. Late applications may be refused.
9. For large scale events (more than ten temporary food businesses intending to trade) applications for a Temporary Food Business Permit should be submitted at least four weeks prior to the intended date of trade. Late applications may be refused.
10. Land owner consent to trade must be provided with an application where the trade is proposed to occur on private land or other land not under the Town's control and management.
11. The consent of the land owner(s) and/or event organiser is required in order for a Temporary Food Business Permit to be issued.
12. The Town reserves the right to refuse an application to trade in a public place for reasons of public safety, convenience, amenity, noise, traffic or any other risks or potential impacts it considers appropriate.

### Trading on land under control and management of the Town

13. Temporary food businesses may only trade in public places under the control and management of the Town on a temporary basis in association with Town approved events.



14. Where an application for a Temporary Food Business Permit is made seeking to trade at an event which requires the Town’s approval, a permit will not be granted until such time as the event has been approved.
15. Trading on the Town’s verges, public car parking bays or on-street is not permitted, except where such trade is occurring in association with an approved event and the Town has actively sought to invite or engage such trade to occur.
16. Trading in public places under the control and management of the Town on an opportunistic, commercial basis that is not associated with an approved event is not permitted. Examples of these public places include, but are not limited to, public open spaces, roads, streets, laneways, public car parks/car parking bays and verges.

### Itinerant food vending

17. Itinerant food vending is not permitted in public places under the control and management of the Town in view of the following:
  - a. the unregulated and highly transient nature of trading that may present a public safety risk to pedestrians, vehicles and other road users through frequent stopping and moving on of itinerant food vehicles, and the potential conflict between customers and vehicles that may occur during trade;
  - b. the playing of music or other forms of noise to attract customers that may cause disruption or nuisance to the residents of locations that itinerant vendors may travel through or trade within; and
  - c. the highly transient nature of the trade, which undermines the objectives of this Policy to promote the Town’s established food destinations.
  - d. Ice cream trucks to be exempt from the above.
18. The public places where itinerant food vending is not permitted to occur include, but are not limited to, public open spaces, roads, streets, laneways, public car parks/car parking bays and verges.
19. Itinerant food vendors are encouraged to seek approval to trade as an authorised temporary food business at approved events held within the Town.

### Related documents

[Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 Local Government Property Local Law 2000](#)  
[Food Act 2008](#)  
[Food Regulations 2009](#)

<b>Responsible officers</b>	Principal Environmental Health Officer
<b>Policy manager</b>	Manager Development Services
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	July 2023

### Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	20/08/2019	Council	151/2019	Item 11.1
2	Amended	20/07/2021	Council	167/2021	Item 15.5
3	Administratively amended	24/08/2023	Delegation		

<b>Policy number</b>	Policy 451
<b>Policy title</b>	Transitional use
<b>Strategic outcomes supported</b>	EN3 – Enhancing and enabling liveability through planning, urban design and development

### Policy objective:

To enable the consideration of temporary uses in an area undergoing redevelopment or regeneration in accordance with an endorsed structure plan, local development plan or Town Planning Scheme provisions.

### Policy scope:

This policy to applies to all relevant areas in the Town undergoing transition to an agreed planning direction.

### Policy definitions:

Nil.

### Policy statement:

1. In areas of the Town undergoing transition to an agreed planning direction as identified by an adopted structure plan, local development plan or Scheme provisions, (eg Burswood Peninsula and the Causeway Precinct) uses will be considered for approval for a temporary period of up to 10 years, as deemed appropriate, based on the following criteria:
  - a. The use provides an interim service or facility that benefits the community;
  - b. The use provides activation and passive surveillance;
  - c. The use promotes economic development of the area by utilising otherwise vacant property/building during the interim period;
  - d. The use promotes social interaction and community development;
  - e. The use is appropriate in the precinct in which it is located and is a use that Council has the ability to approve;
  - f. The use promotes the principles of transit oriented development and/or modal shift; and
  - g. The use does not replicate a similar use permanently approved in proximity to the proposed use.
2. Where a development meets the criteria in (1) above, Council may vary relevant development standards and provisions at the Scheme or Local Planning Policies in order to facilitate development including exercising discretion under Clause 29 'Determination of Non-Complying Applications' of Town Planning Scheme No.1.

### Related documents

[Town Planning Scheme No.1](#)

<b>Responsible officers</b>	Coordinator Urban Planning
<b>Policy manager</b>	Manager Development Services
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	September 2023

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	10/10/2017	Council		Item 11.6
2	Amended	20/08/2019	Council	148/2019	Item 10.1
3	Reviewed	15/09/2020	Council	521/2020	Item 15.4
4	Administratively amended	24/08/2023	Delegation		