



TOWN OF
VICTORIA PARK



Policy Committee Agenda – 23 November 2020



WE'RE OPEN
VIC PARK

Please be advised that an **Policy Committee** will be held at **5pm** on **Monday 23 November 2020** via **Microsoft Teams**.

Mr Anthony Vuleta – Chief Executive Officer
19 November 2020

Table of contents

Item	Page no
1 Declaration of opening.....	3
2 Attendance	4
2.1 Apologies.....	4
2.2 Approved leave of absence.....	4
3 Declarations of interest.....	5
4 Confirmation of minutes	6
5 Method of dealing with agenda business.....	6
6 Reports.....	7
6.1 Adoption of Policy 116 Sponsorship	7
6.2 Review of Policy 204 Plant containers on commercial paved areas and Policy 209 Paving of verges in commercial areas	13
6.3 Review of Policy 206 Temporary vehicle stands at building sites.....	18
6.4 Review of Policy 210 Free Trade Area.....	22
7 Closure.....	26

1 Declaration of opening

Acknowledgement of Country (by Presiding Member)

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

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

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

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

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

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

2 Attendance

Mayor	Mayor Karen Vernon
Banksia Ward	Cr Wilfred Hendriks Cr Claire Anderson Cr Luana Lisandro
Jarrah Ward	Cr Jesvin Karimi Cr Brian Oliver (Presiding Member) Deputy Mayor Bronwyn Ife
Chief Community Planner	Ms Natalie Martin Goode
Chief Operations Officer	Mr Ben Killigrew
Chief Financial Officer	Mr Michael Cole
Manager Technical Services	Mr John Wong
Manager Place Planning	Mr David Doy
Manager Business Services	Mr Luke Ellis
Manager Stakeholder Relations	Ms Carrie Parsons
Street Improvement Manager	Mr Frank Squadrito
Coordinator Parking and Rangers	Mr Amadeus Rainbow
Governance Advisor	Mr Liam O'Neill
Secretary	Ms Natasha Horner

2.1 Apologies

2.2 Approved leave of absence

Banksia Ward	Cr Ronhhda Potter
Jarrah Ward	Cr Vicki Potter

3 Declarations of interest

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

Declaration of financial interests

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

Declaration of proximity interest

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

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

Declaration of interest affecting impartiality

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

4 Confirmation of minutes

Recommendation

That the Policy Committee confirms the minutes of the Policy Committee held on 26 October 2020.

5 Method of dealing with agenda business

Recommendation

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

6 Reports

6.1 Adoption of Policy 116 Sponsorship

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officer	Carrie Parsons
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Policy 307 Sponsorship by private companies on Town property including events [6.1.1 - 4 pages]2. Policy 114 Community funding Sponsorship removed [6.1.2 - 11 pages]3. Policy 116 Sponsorship [6.1.3 - 6 pages]

Recommendation

That the Policy Committee recommends that Council:

1. repeals Policy 307 Sponsorship by private companies on Town property including events as attachment 1.
2. amends Policy 114 to delete:
 - a. "Sponsorship" from the Policy scope
 - b. The definition of "sponsorship" from the policy definitions; and
 - c. Clauses 31 to 40, inclusive.
 - d. "Practice 114.3 Sponsorship by the Town" from the related documentsand that the policy be renumbered accordingly.
3. adopts Policy 116 Sponsorship as attached attachment 3.

Purpose

To separate the processes for sponsorship from Policy 114 Community Funding and incorporate the relevant provisions of Policy 307 Sponsorship by private companies on Town property into the new policy.

In brief

- Council, at its October 2020 meeting resolved to request a report to the Policy Committee to separate sponsorship from Policy 114 Community Funding which will also incorporate Policy 307 Sponsorship by private companies on Town property including events.
- Issues of grants and sponsorship were highlighted as issues of concern in the Inquiry into the City of Perth and the recommendations of that inquiry are incorporated in the proposed policy.
- In undertaking this review the Town has looked holistically what Sponsorship seeks to achieve in comparison to the systems of community, business and other grants, donations and subsidies.
- At its core, sponsorship is intended to be a more commercial return on investment transaction, not a grant or subsidy with capacity building intent, and the policy is prepared accordingly.

Background

1. Under Policy 001 Policy Management and Development, a policy response was identified as required due to:
 - (a) new or changing industry and organisational standards
 - (b) community need or expectation
 - (c) as a result of a Council resolution.
2. Council at its meeting on 20 October 2020 resolved to separate the processes for sponsorship from Policy 114 Community Funding and incorporate the relevant provisions of Policy 307 Sponsorship by private companies on Town property into the new policy.
3. The Inquiry into the City of Perth highlighted a number of concerns relating to grants and sponsorship and provided a series of recommendations to improve processes.
4. The Town in its 2020-2021 first sponsorship round, allocated \$46,384 of sponsorship. The overall budget is \$100,000. The second round for receiving applications will open in January 2021.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Having a robust sponsorship policy ensures the Town can appropriately manage its finances.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Recognising the need for a revised sponsorship policy demonstrates sound and accountable governance.

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.	Sponsorship is intended to make the Town a more desirable place for commerce and tourism.

Social	
Strategic outcome	Intended public value outcome or impact
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	Sponsorship arrangements are focused on delivering an awareness and appreciate of arts, culture, education and heritage.

Engagement

Internal engagement

Stakeholder	Comments
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C-Suite	C-Suite provided guidance around what the sponsorship program is envisaged to deliver
Stakeholder Relations	Stakeholder relations provided significant input into the draft policy
Community Development	Community Development provided application, evaluation and procedural guidance of previous and current sponsorship, grants and subsidies considered
Governance	Provided advice in relation to the policy around ensuring the management of gifts, conflicts of interest and probity in the sponsorship process

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	Financial loss as a result of a sponsorship arrangement that does not benefit the Town.	Minor	Possible	Medium	Low	Treat by maintaining an effective and appropriate sponsorship policy.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Conflicts of interest relating to sponsorship are not managed appropriately.	Minor	Possible	Medium	Low	Treat by establishing appropriate processes to manage conflicts of interest relating to sponsorship.
Reputation	The Town's enters into a sponsorship arrangement with an organisation	Moderate	Possible	Medium	Low	Treat by ensuring all risks are assessed in relation to

	that attracts negative media attention or return on investment is not perceived as value.	possible sponsorship parties and maintain ability to refuse future sponsorship based on meeting acquittal criteria and terminate agreement for acting contrary to the agreement or Town's values.
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

- In considering a new policy for sponsorship the Town gave consideration to what sponsorship is intended to achieve. Specifically, sponsorship, unlike community funding, is intended to be a reciprocal commercial arrangement that benefits the Town as an organisation, and the community. This distinguishes the way sponsorship is evaluated, from a commercial return on investment, brand and reputation benefit and economic impact perspective, as well as a broader community benefit perspective.

Managing conflicts of interests

- A core consideration in developing a new sponsorship policy has been around addressing the findings and recommendations arising from the Inquiry into the City of Perth. In particular findings around the acceptance of tickets from sponsored organisations by elected members who would then vote to renew sponsorship to the same organisation, without declaring a financial interest. Based on the wording contained in Policy 114 Community Funding, the proposed policy reinforces the need to appropriately manage interests in respect of sponsorship.
- This proposed policy also seeks to go further and address two core concerns around sponsorship:
 - (a) the receipt of a personal benefit, by elected members or employees, as a result of a sponsorship arrangement, which could give rise of financial interest; and
 - (b) the attendance at events by elected members and the CEO where it forms part of the expectations of the sponsorship arrangement, such as presenting a sponsored award at an awards ceremony.
- In addressing personal benefit, the policy proposes that no sponsorship can be accepted or awarded where it will result in direct personal benefit to an elected member or employee. Similarly, if it provided direct personal benefit to the directors or employees of the other organisation. This is intended to ensure, that where a sponsorship arrangement includes as an example, free tickets for each elected

member to attend an event, that this would not be considered by the Town. What it does allow for however, is tickets to an award ceremony, or conference, where the Town is invited to attend or present, in addition to sponsorship benefits that might be included within an agreement.

9. In the case of attendance at an event where it does form part of the expectations of the sponsorship arrangement, the Town's Policy 024 Event Attendance, and the relevant provisions of the *Local Government Act 1995* applies. This means if a sponsorship arrangement will result in elected members or the CEO to attending an event, event attendance approval should be sought alongside the approval for the sponsorship arrangement. Obtaining event attendance approval removes any financial interest associated with the event, in accordance with section 5.62(1B) of the *Local Government Act 1995*.

Managing sponsorship arrangements

10. The Town has also considered how sponsorship arrangements should come about. Currently the Town awards sponsorship by application through an open funding round program, like other community funding programs. Sponsorship in the private sector often comes unsolicited and an open round system doesn't allow for the Town to take opportunities where commercial benefit is foreseeable. The proposed policy seeks to address this by recognising instead, three different means of sponsorship being awarded.
 - (a) Through the current open round system, where organisations apply in a competitive round;
 - (b) Through an unsolicited offer, where an organisation seeks funding throughout the year or seeks to sponsor a Town activity; or
 - (c) Through the Town actively seeking to sponsor an organisation.
11. Regardless of the way the sponsorship application is initiated, all sponsorship arrangements will be assessed against the criteria and have all risks considered by the sponsorship panel and are subject to approval by Council.
12. All sponsorship arrangements must have a written agreement which sets out:
 - (a) the Town's expectations of the sponsorship;
 - (b) that the Town can terminate the sponsorship for breaches of the agreement or actions by the other organisation that are contrary to the Town's values; and
 - (c) the requirement for the organisation to provide an acquittal of the funding provided by the Town or else be required to repay the funding, or be deemed ineligible for future sponsorship.
13. No sponsorship arrangement can provide more than one third of the total funding for delivery of an event or initiative. This is to ensure the organisation is not entirely reliant on the Town sponsorship alone, and that the event is genuinely funded.
14. All sponsorship arrangements must have an evaluation report prepared following the sponsorship arrangement concluding. This evaluation report will be considered as a part of any renewal of a sponsorship arrangement.

Subsequent policy amendments

15. As a result of the adoption of this policy it is recommended to repeal Policy 307 Sponsorship by private companies on Town property including events. The provisions of this policy are captured in the new policy. The current policy can be found at attachment 1.
16. It is also recommended to make amendments to Policy 114 Community Funding. These amendments remove the current references to sponsorship. The amendments are shown as tracked changes on attachment 2.

Relevant documents

[Policy 001 Policy management and development](#)

[Policy 024 Event attendance](#)

6.2 Review of Policy 204 Plant containers on commercial paved areas and Policy 209 Paving of verges in commercial areas

Location	Town-wide
Reporting officer	Ellie Van Rhyn
Responsible officer	David Doy
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Policy 204 Plant containers on commercial paved areas [6.2.1 - 3 pages]2. Policy 209 Paving of verges in commercial areas [6.2.2 - 2 pages]3. Policy 204 Improvement of verges or footpaths adjacent to commercial properties - Tracked changes [6.2.3 - 5 pages]4. Policy 204 Improvement of verges adjacent to commercial properties Final [6.2.4 - 3 pages]

Recommendation

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That the Policy Committee recommends that Council:

1. Repeals:
 - a. Policy 204 Plant containers on commercial paved areas, as at attachment 1;
 - b. Policy 209 Paving of verges in commercial areas, as at attachment 2.
2. Adopts Policy 204, Improvement of verges or footpaths adjacent to commercial properties, as at attachment 4

Purpose

To review the content of Policy 204 and Policy 209, to combine these two policies in to one, and to ensure clear, concise and consistent information is provided.

In brief

- Both Policy 204 'Plant containers on commercial paved areas' and Policy 209 'Paving of verges in commercial areas' relate to methods of aesthetically improving verges adjacent to commercial properties.
- The content of Policy 209 is duplicated both in Policy 204 and in the existing Street Verge Guidelines.
- To ensure policy content is clear, concise and consistent, it is recommended that these two policies are combined into Policy 204, and the prescriptive statements are addressed in the Street Verge Guidelines.

Background

1. Policy 204 'Plant containers on commercial paved areas' was most recently reviewed and amended in August 2019. It relates to the placement of plant containers on commercial paved areas. The policy statement details the size, design, plant material, quantity, location, approvals, cleaning, costs and

damage related to the placement of plant containers on commercial paved areas. The policy scope, however, currently relates to the paving of verges in commercial areas.

2. Policy 209 'Paving of verges in commercial areas' was most recently reviewed and amended in August 2019. The title of the policy relates to the paving of verges in commercial areas, however the policy objective, scope and statement of Policy 209 all relate to the placement of plant containers on verges in commercial areas.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL04 - Appropriate information management that is easily accessible, accurate and reliable.	Information is currently duplicated across Policies 204 and 209. By combining their content appropriate information can be provided that is accurate, reliable and located within one policy.

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	The changes made to Policy 204 and Policy 209 look to provide clear guidance on the improvements permissible to verges of commercial properties. These improvements will look to ensure that these verges provide clean, safe and accessible places to visit.

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	Improvements to the verges adjacent to commercial properties can result in good design outcomes and contribute to the character of the street and the public realm. The changes proposed to the two policies look to provide guidance that ensures that these verges put people first.

Engagement

Internal engagement	
Street Improvement	Input in to revised policy. Support the proposed changes and recommendation.
Technical Services	Input in to revised policy. Support the proposed changes and recommendation. Support the intent to update the Street Verge Guidelines to reflect the technical requirements that were removed from the policy.
Operations	Input in to and drafting of the revised policy. Support the proposed changes and recommendation.
Place Planning	Review lead. Support the proposed changes and recommendation.

Legal compliance

[Section 2.7 \(2b\) of the Local Government Act 1995](#)

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

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	Unacceptable paving or planting containers result in damage to pedestrians or Town assets.	Minor	Unlikely	Low	Low	ACCEPT guidelines provided to avoid potential risk.
Infrastructure/ ICT systems/ utilities	Not applicable				Medium	
Legislative Compliance	Plant containers may not be compliant with the requirements of the proposed policy document.	Minor	Unlikely	Low	Low	ACCEPT the Town reserves the right to remove the containers at any time.
Reputation	Not applicable				Low	
Service delivery	Not applicable				Medium	

Financial implications

Current budget impact	None.
Future budget impact	None.

Analysis

- Policy 204 and Policy 209 both relate to improvements that can be made on the verges of commercial properties.

4. As they currently stand, there is duplicated information, contradictory information, and information missing from these two policies.
5. To simplify the policies and to allow for ease of use, the two policies are recommended to be combined and the information clarified.
6. The content of Policy 209 'Paving of verges in commercial areas' currently relates entirely to the placement of containers on commercial verges. It is therefore recommended that the content of this policy be covered in the revised Policy 204, and that Policy 209 be repealed.
7. To more accurately describe this revised policy, it is recommended that Policy 204 'Plant containers on commercial paved areas' be renamed to 'Improvement of verges or footpaths adjacent to commercial properties'.
8. The objective of the revised Policy 204 is therefore recommended to be updated to refer to the aesthetic improvement of areas immediately adjacent to a commercial property, involving both paving or placing plant containers on the verge or footpath.
9. The scope of Policy 204 'Plant containers on commercial paved areas' currently refers to the paving of verges in commercial areas. This is proposed to be updated to cover both paving and placing plant containers on the verge.
10. The definition of Applicant has been added to clarify that this may be the property owner, business owner, tenant or other body associated with the property.
11. The definition of Commercial property has been added to clarify what properties this policy relates to.
12. The definition of Verge has been added to align to the Activities on Thoroughfares and Trading in Public Places Local Law 2000 definition.
13. The definition of Footpath has been added to align to the Activities on Thoroughfares and Trading in Public Places Local Law 2000 definition.
14. The policy statement has been updated to more accurately reflect the combined policy, being to allow for and encourage aesthetic enhancements to verge areas or footpaths immediately adjacent to commercial properties, be it paving or placing plant containers.
15. Currently, the Town's requirements of street verges, including paving of verges adjacent to commercial properties, are covered in the Town's Street Verge Guidelines. It is recommended that the policy refer to these Street Verge Guidelines.
16. The policy statement of Policy 204 currently includes the Town's requirements for the size, design, plant material, quantity, location and cleaning relevant to placing plant containers on the verge. To be consistent with the paving of verges, it is recommended that these requirements be removed from the policy and added to the Town's Street Verge Guidelines.
17. The requirements of the plant containers added to the Town's Street Verge Guidelines have been updated to align to the Activities on Thoroughfares and Trading in Public Places Local Law 2000.
18. The policy statement of Policy 204 currently includes the Town's requirements for maintenance, costs, damage and indemnification relevant to placing plant containers on the verge. It is recommended that these statements remain in the policy, with edits to be relevant to both plant containers and paving.

Next Steps

19. The Town's Street Verge Guidelines will be updated to include the relevant plant container requirements that have been removed from Policy 204 prior to the updated Policy 204 being implemented.

Relevant documents

Policy 204 'Plant containers on commercial paved areas' - <https://www.victoriapark.wa.gov.au/About-Council/Policy-library/Policy-204-Plant-containers-on-commercial-paved-areas>

Policy 209 'Paving of verges in commercial areas' - <https://www.victoriapark.wa.gov.au/About-Council/Policy-library/Policy-209-Paving-of-verges-in-commercial-areas>

Street Verge Guidelines 2016 - <https://www.victoriapark.wa.gov.au/files/assets/public/document-resources/operations/street-verge-guidelines-2016.pdf>

6.3 Review of Policy 206 Temporary vehicle stands at building sites

Location	Town-wide
Reporting officer	Amadeus Rainbow
Responsible officer	Michael Cole
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Policy 352 Parking Work Zones at building sites Final [6.3.1 - 4 pages]2. Policy 206 Parking work zones at building sites Track Changes [6.3.2 - 5 pages]3. Policy 206 Temporary vehicle stands at building sites - Current [6.3.3 - 2 pages]

Recommendation

That the Policy Committee recommends that Council, effective from the commencement of the Vehicle Management Local Law 2020:

1. Repeals existing Policy 206 Temporary Vehicle Stands at Building Sites as attachment 3
2. Adopts amended Policy 352 Parking work zones at building sites as at attachment 1

Purpose

To review the existing Policy 206 Temporary Vehicle Stands at Building Sites.

In brief

- Policy 206 Temporary Vehicle Stands at Building Sites was last reviewed August 2015.
- At its Policy Committee meeting March 2020, it was resolved to request a review of 206 Temporary Vehicle Stands at Building Sites by October 2020. This is part of the broader timetable for review of policies in the 2020/2021 financial year.
- Policy 206 Temporary Vehicle Stands at Building Sites guides the principles to provide for the management of temporary vehicle stands at building sites.
- This report recommends a number of amendments:
 1. Removing inequitable requirements
 2. Adding permits
 3. Outline clear and concise signage to inform everyone on the parking conditions
 4. Allow enforcement for unauthorised usage.

Background

1. At its meeting on 21 April 2020, Council adopted a work plan to complete the review of a number of policies. Policy 206 Temporary Vehicle Stands at Building Sites was one of the policies identified for review.
2. Temporary authorised work zones/vehicle stands adjacent to building sites may be provided as required for demolition and/or during the construction period for the delivery of materials to the site.
3. Written applications to be submitted 2 weeks prior to commencement of the work zone being required. Application to define the site, day of week and time of day

4. Temporary authorised work zones/vehicle stands can assist with keeping the road network free of conflicts and obstructions
5. From a safety point of view, it can prevent private vehicles being parked in close proximity to a building site limiting interaction of unauthorised vehicles or persons adjacent to the site
6. Temporary work zone signage will be installed to allow enforcement.

Strategic alignment

Environmental	
Strategic outcome	Intended public value outcome or impact
EN2 – A safe, interconnected and well-maintained transport network that makes it easy for everyone to get around.	Regulating and allowing the parking in front of building sites, reduces congestion and inconvenience to road users by helping keep the road networks clear.
EN5 – Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	Facilitating temporary delivery areas and drop off points helps allow for the appropriate materials to be accessed for building purposes, and increases the safety factor for workers and the general public.

Engagement

Internal engagement	
Stakeholder	Comments
Compliance Officer	Review of policy and how it currently operates
Town Rangers	Reviewed policy, offered feedback on current practices
Ops staff	Analysis of how current policy operates and any pitfalls
Planning Officers	Approval of draft policy

Legal compliance

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

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

[Parking and Parking Facilities Local Law 2008](#)

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					
Environmental	Material being incorrectly delivered onto verges/parks	Low	Possible	Low	Medium	Provide designated area
Health and safety	Failure to allow designated delivery areas causing traffic hazards	Medium	Possible	Medium	Low	Allow for designated delivery/short term storage area in appropriate hardstand location
Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	Failure to update policy stops ability to enforce rules	Low	Likely	Medium	Low	Update policy to allow for enforcement
Reputation	Inconsistent application of rules	Low	Possible	Low	Low	Follow revised policy
Service delivery	Not applicable					

Financial implications

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

Analysis

7. Changes to the policy are set out in the below table.

Clause		Proposed	Reason
Policy Statement: Clauses 1 through to 16		Reworded in more detail	Allows for stronger enforcement of any breaches
New section: Signage to be implemented		Examples of standard signage	To provide an example of minimum signage requirement

8. The current policy's intent was to allow for temporary delivery and storage area for building/construction sites, to improve safety and minimize impeding the road network.
9. The policy has been reviewed for consistency of application against existing practice. Minor amendments have been made to clarify terminology and other requirements in providing conditions for Temporary Vehicle Stands at Building Sites, as outlined with the attached Policy 206 Temporary Vehicle Stands at Building Sites.
10. The Town has looked at how other local governments manage parking at building sites and found that the Town of Cambridge have a very similar policy in terms of conditions and signage requirements.

Relevant documents

Not applicable.

6.4 Review of Policy 210 Free Trade Area

Location	Town-wide
Reporting officer	Frank Squadrito
Responsible officer	John Wong
Voting requirement	Simple majority
Attachments	1. Policy 210 Free trade area tracked changes [6.4.1 - 2 pages] 2. Policy 210 Free trade area Attachment 2 [6.4.2 - 2 pages]

Recommendation

That the Policy Committee recommends that Council adopts the amendments to Policy 210 Free Trade Area as attached in attachment 2.

Purpose

To review the content of Policy 210 – Free Trade Area and ensure it provides appropriate high level information and strategic direction to applicants wishing to apply for approval.

In brief

- This policy applies to occupiers of premises within the Town who are eligible to undertake activity within the Free Trade Area, in accordance with the *Town of Victoria Park Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* (the Local Law).
- The Free Trade Policy supports the activation of place making initiatives within the Town.
- The current policy provides high level objectives and strategic intent without going into details of compliance matters. Furthermore, guiding information is provided on the Towns website when applicants are applying for approval to use footpaths and other designated areas directly in front of the business for free trade purposes.

Background

1. The adoption of the free trade policy was first endorsed by Council on the 9 May 2017 and was later amended in August 2019. The changes in 2019 were implemented across all policies to better reflect governance practices and ensure policies provided high level objectives rather than operational guidelines.
2. At its meeting on 21 April 2020 Council adopted a work plan to complete the review of a number of policies. Policy 210 - Free Trade Area was one of the policies identified for review.
3. The free trade area was previously administered by the Town's Health Department through Outdoor Eating Licensing fees (Alfresco Dining) which were abolished given that free trade also covered the display of goods within a designated area of the thoroughfare.
4. The Town's Activities on Thoroughfares and Trading in Throughfares and Public Places Local law 2000, Part 5 Division 1 applies to stallholders. In effect, by providing consent to stallholders to trade within the public thoroughfare, they are required to comply with the terms & conditions set by the Local Government and obligations in the Local Law.

Strategic alignment

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.	Greater activation and vibrancy of local centres ultimately supports a variety of economic outcomes for the business and the Town.

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	Providing legible and clear policy objectives empowers local businesses to take advantage of free trade opportunities and promotes local business

Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	Involved in policy review and supportive of amendments.
Operations	Supports the minor changes and would like to see random audits undertaken by the compliance team.

Legal compliance

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

Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Non compliance to the Towns terms and conditions by business owners can leave the Town vulnerable in terms of insurance claims	Minor	Possible	Medium	Low	Treat – through regular onsite inspections high risk issues can be mitigated

Environmental	Not applicable.					Medium
Health and safety	Fixtures and furniture within the public thoroughfare maybe a hazard to pedestrians if free trade areas are not maintained	Moderate	Possible	Medium	Low	Transfer – Business owners are responsible for the upkeep and maintenance of Free Trade Area. Complaints by the general public will be responded to by the Town in consultation with the business owner
Infrastructure/ ICT systems/ utilities	Not applicable.					Medium
Legislative compliance	Policy must align with the Town's Activities on Thoroughfares and Trading in Thoroughfares Local Law.	Minor	Unlikely	Low	Low	Accept – Guidelines need to be updated regularly to reflect changing needs of stakeholders
Reputation	Not applicable.					Low
Service delivery	Delays in processing applications for businesses can lead to frustration if complex issues arise	Minor	Possible	Medium	Medium	Accept – In some circumstances delays cannot be avoided

Financial implications

Current budget impact	Not applicable
Future budget impact	Not applicable.

Analysis

- The Town has reviewed Policy 210 – Free Trade Area and have included two new clauses as detailed in the table below. Additionally, minor changes to define the spatial requirements of the free trade area are included.

Clause	Proposed	Reason
Policy objective	Wording such as “designated areas” or “other appropriate locations” needs to be included.	Free trade areas can extend out beyond the footpath or pedestrian thoroughfare zone. A good example is the use of parklets in car parking bays as a dining area. Definition of “designated area” also included.
New clause 4 added	Applicants are required to agree to the terms and conditions associated with the Free Trade Area permit application process.	This clause strengthens the policy by ensuring applicants are informed of their responsibilities and duty of care as a stallholder in the Town.
New clause 5 added	Any proposals by Business owners/proprietors to extend the footprint of the free trade area or alter levels within the public thoroughfare directly in front of the business shall be assessed on a case by case basis. If approved, costs for modifications shall be borne by the applicant.	Even though requests to alter levels of pathways or increase the footprint of free trade areas by installing additional hardstand or paving extensions is not common, the costs and resource implications can be significant for Council. The policy needs to raise awareness of this issue and ensure expectations are managed

5. Since 2017, records show the Town has issued 48 free trade permits. It’s likely that the number of Businesses participating in the Free Trade initiative is significantly higher than what’s been recorded. An explanation for this is that some businesses may still be operating under the previous Alfresco licensing and not aware of the changeover to Free Trade. An audit will need to be undertaken over the next 3-6 months to target those businesses that do not have the appropriate permits.
6. The Town of Victoria Park is committed to supporting businesses, with ‘free trade areas’ outside commercial shop fronts within the Town. Previously an installation fee mainly to cover the administrative and installation costs related to setting up a free trade area but as part of the Restart Vic Park COVID-19 Response Strategy, this fee for a free trade area has been abolished. Applications for a free trade area permit do not attract a fee now.

Relevant documents

[Policy 210 – Free trade area](#)

[Policy 211 - Parklets and alfresclets](#)

[Free trade area permit application - Webpage portal](#)

7 Closure