



TOWN OF
VICTORIA PARK



Policy Committee Agenda – 29 June 2020



WE'RE OPEN
VIC PARK

Please be advised that an **Policy Committee** will be held at **5:30 pm** on **Monday 29 June 2020** in **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer
25 June 2020

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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 Ronhhda Potter Cr Luana Lisandro
Jarrah Ward	Cr Jesvin Karimi Cr Brian Oliver (Presiding Member) Cr Vicki Potter (Deputy Presiding Member) Deputy Mayor Bronwyn Ife
A/Chief Operations Officer	Mr Jack Bidwell
Manager Infrastructure Operations	Mr Gregor Wilson
Manager Governance and Strategy	Ms Danielle Uniza
Senior Place Leader (Urban Forest)	Mr Pierre Quesnel
Secretary	Mr Liam O'Neill

2.1 Apologies

2.2 Approved leave of absence

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 20 May 2020.

5 Presentations

6 Method of dealing with agenda business

Recommendation

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

7 Reports

7.1 Review of Policy 212 Graffiti Removal Management

Location	Town-wide
Reporting officer	Denis Lau
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Existing Policy 212 Graffiti Removal Management [7.1.1 - 2 pages]2. Track Changes Policy 212 Graffiti Removal Management [7.1.2 - 2 pages]3. Final Policy 212 Graffiti Removal Management [7.1.3 - 2 pages]

Recommendation

That the Policy Committee recommends that Council:

1. Repeals existing Policy 212 Graffiti Removal Management as an attachment 7.1.1;
2. Adopts amended Policy 212 on Graffiti Removal Management as an attachment 7.1.3.

Purpose

To repeal the existing Policy 212 Graffiti Removal Management and present the amended policy 212 on Graffiti Removal Management to the Policy Committee for a recommendation for Council adoption.

In brief

- The policy on Graffiti Removal Management, previously policy number ENG12, was last reviewed in August 2015. Since this review State Government legislation on graffiti removal management (the Graffiti Vandalism Act 2016 (GVA) has been passed.
- At its Policy Committee meeting of 18 March 2020 (subsequently confirmed through Council resolution 384/2020 of 21 April 2020), it was resolved to request a review of the policy on Graffiti Removal Management, now policy 212, by July 2020. This is part of the broader timetable for review of policies in the 2020/2021 financial year.
- Policy 212 on Graffiti Removal Management guides the principles that the Town will apply to ensure that graffiti is treated within acceptable timeframes through its resources.

Background

0. At its meeting of 18 March 2020, Council received a report relating to a minor review of the Town's policy manual. As part of this review, a timetable was proposed for a review of Council policies during the 2020/2021 financial year.
1. Policy 212 on Graffiti Removal Management is scheduled to be reviewed by July 2020.

2. Since the last review of the policy, the GVA has come into effect. The current review takes this into account, although changes to its policy on treatment remain essentially unaffected.

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.	The policy aims to ensure that graffiti is managed on a timely basis so that it does not have a significant effect on commerce and tourism.
EC02 - A clean, safe and accessible place to visit.	The policy aims to ensure assets are well maintained so that the appearance of a property is kept to the standard expected from the community.

Environment	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	The policy aims to ensure assets are well maintained in accordance with the service levels expected from the community.

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.	The policy aims to differentiate Murals/Street Arts from graffiti.

Engagement

Internal engagement	
Stakeholder	Comments
Operations	Review and provide input to policy changes
Governance	Review and provide input to policy changes
Community Development	Review and provide a definition for Murals/Street Arts

Legal compliance

Not applicable

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
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Reputational – the levels of graffiti in high visibility areas become of concern	Moderate	Unlikely	Moderate	Policy to ensure areas are treated in a timely basis.
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Financial implications

Current budget impact	Sufficient funds exist within the annual budget.
Future budget impact	There are not expected to be any budget implications for future years.

Analysis

3. 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 the removal service.
4. It is noted that the GVA has been legislated since the last policy review. This policy has also been reviewed to ensure that there are no inconsistencies against this new legislation.
5. The GVA provides for various penalties to offenders. It also legislates the restitution that convicted offenders may be required by courts to pay to those bodies which have repaired such damage. This is consistent with previous practice by the courts and does not affect existing Town policy.
6. The GVA also provides for local governments to issue and enforce notices to owners who have given consent to the application of unsightly or offensive graffiti on their property (and which is visible from a public place). The likelihood of the need for such notices is considered remote, however, the amended policy notes that the Town will have recourse available under the GVA to its graffiti removal operations.

Relevant documents

[Graffiti Vandalism Act 2016](#)

7.2 Review of Policy 255 Street Trees

Location	Town-wide
Reporting officer	Pierre Quesnel
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Policy 255 Street Trees [7.2.1 - 5 pages]2. Policy 255 Trees - Tracked Changes Version [7.2.2 - 7 pages]3. Policy 255 Trees - Clean Copy [7.2.3 - 5 pages]

Recommendation

That the Policy Committee recommends that Council;

1. Repeal Policy 255 Street Trees as attached at attachment 1
2. Adopt Policy 255 Tree Policy as attached at attachment 3

Purpose

To amend the current Street Tree Policy to align with the strategic aims of the Urban Forest Strategy and to facilitate an increase in tree canopy coverage despite increased urban infill development.

In brief

- The existing Policy 255 Street Trees is heavily utilised to guide tree planting, tree maintenance, tree removals, and disputes in the Town.
- Currently, the policy is described as relevant to Street Trees on road reserves however is generally used to guide tree planting, maintenance, and removals for all trees under Town management (eg. Parks and other public spaces).
- It is proposed this policy is amended to include all trees under Town management.
- It is also proposed the policy be updated to meet contemporary community expectations, industry best practice, and the objectives of the Urban Forest Strategy.
- Further updates are proposed to meet current procedures and reduce terminology that is open to broad interpretation

Background

1. At its meeting on 17th September 2019 Council adopted a work plan to complete the review of several policies. Policy 255 Street Tree Policy was one of the policies identified for review.
2. Policy 255 Street Trees is used to manage street trees throughout the Town.
3. The current policy is divided into the following sections:
 - a. Policy
 - i. Pruning and maintenance

- ii. Planting of street trees
 - iii. Street tree removal
 - b. Procedure
 - i. Pruning and maintenance
 - ii. Planting of street trees
 - iii. Street tree removal
4. The Urban Forest Strategy adopted by Council in September 2018 sets the target of doubling the canopy cover in the Town from 10% (as measured in 2016) to a future 20%. Doubling the canopy coverage whilst increasing residential densities will lead to an emphasis on increasing tree canopy in the public realm.
 5. The Urban Forest Strategy Implementation Action Plan includes Action 1C: *"Establish a policy to protect existing trees on public land and help new trees to reach maturity. Explore mechanisms including; a. effective street tree bonds, b. Tree impact assessments, c. appropriate penalties for tree removal or vandalism."* The amendment to current policy is recommended as encompassing this intent.
 6. Amendment of this policy is desired by the Town who face challenges applying the policy, particularly when it misaligns with strategic direction and when wording is ambiguous and open to interpretation and exploitation.
 7. A comprehensive review of tree policies from metropolitan Perth local governments has been conducted by the Parks Technical Officer and has been drawn upon in these recommended amendments.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	This policy amendment recommends expansion of its scope to apply to all Town managed trees. Amending this policy will directly improve the ability to create and maintain and manage appropriate, inviting, and sustainable green spaces.
EN07 - Increased vegetation and tree canopy.	This policy amendment will provide the necessary support for tree planting programs that aim to increase the tree canopy coverage of the Town.

Engagement

Internal engagement	
Stakeholder	Comments
Senior Parks and operations Team, Place Planning Team	The policy amendments were initially developed by Parks Technical Officer and Place Leader Urban Forest.

Senior Parks and operations Team, Place Planning Team	A workshop was then conducted with senior parks and operations staff to form a shared consensus on the amendments.
Senior Parks and operations Team, Place Planning Team	Following this, the final recommendations were circulated to Parks and Operations senior staff for final comments before the proposed amendments were finalised.
Urban Planning	The urban planning team were consulted on the policy. The policy was confirmed to align with the Local Planning Policy 39 Planting and Retention of Trees. Regarding the clause relating to the design of developments to accommodate street trees, the Urban Planning team confirmed that this is included in LPP39 clause 3 therefore enforceable via the Development Application process.

External engagement	
Stakeholder	Comments
Urban Forest Strategy Implementation Working Group	<p>The Urban Forest Strategy Implementation Working Group have received a copy of the new Tree Policy for review and feedback. Feedback received was positive and support of the policy was expressed. Additional edits and structural changes were suggested which were included in the final version.</p> <p>Additional feedback and suggestion for consideration include:</p> <ul style="list-style-type: none"> Inclusion of a clause stating trees should not be pruned if an active bird nest is identified.

Legal compliance

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

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Certain sections of the community have negative perceptions of trees in the public realm particularly near their own property.	Minor	Likely	Moderate	Increase the education and awareness campaign associated with the UFS implementation.
Economic Strong penalties and a	Minor	Possible	Moderate	Clear communication with developers in the early design

requirement for development to be designed to accommodate existing street trees could restrict development opportunities within the Town.	stages. Helliwell value system is proposed which provides lower values than comparative value systems.
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Financial implications

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

Analysis

8. The "track changes" version of the attached policy includes specific reasoning for each change.
9. The general reasons for the amendments include:
 - a. Updating to contemporary terminology and removing references to superseded Tree Plan.
 - b. Simplification of wording.
 - c. Improved customer service for pruning works.
 - d. Expansion and improved reasoning for tree pruning.
 - e. Removal of impractical and ineffective clauses.
 - f. Clarification of prosecution potential and relationship with local laws.
 - g. Clarifying the priority of street tree provision over personal preference.
 - h. Defines the financial implications for private development when a street tree is removed or damaged and clarifies that removal is only conducted when all other design options are exhausted.
 - i. Expansion of the procedure for tree pruning and maintenance.
 - j. Explanation of the intent for the town to conduct an annual tree-planting program and its process.
 - k. Explanation of the Street Tree Request program.
 - l. The ability of trees under 3m or "dead" to be removed without community consultation.

10. The amended policy will assist the parks and operations team in applying consistent, clear responses to resident requests for tree pruning, removal, planting, and other management considerations.
11. It will enable best practice management of the Town's urban forest to ensure tree health and longevity and a positive relationship between the community and the vital "living infrastructure" that is the Urban Forest.
12. The amended policy also facilitates mass tree planting on Town managed land to pursue the targets of the Urban Forest Strategy.

Relevant documents

- Current policy: <https://www.victoriapark.wa.gov.au/About-Council/Policy-library/Policy-255-Street-Trees?BestBetMatch=street%20tree%20policy|d13b95b2-5146-4b00-9e3e-a80c73739a64|4f05f368-ecaa-4a93-b749-7ad6c4867c1f|en-AU>
- Policy 255 Tree Policy 2020 - Proposed Clean (attached)
- Policy 255 Tree Policy 2020 - Proposed Track Changes (attached)
- LPP39 Tree planting and Retention

8 Motion of which previous notice has been given

9 Meeting closed to the public

9.1 Matters for which the meeting may be closed

9.2 Public reading of resolutions which may be made public

10 Closure