

# Under Separate Cover

**Ordinary Council Meeting**

**7 December 2021**

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**10 REPORTS****10.1 Chief Executive Officer Reports****10.1.3 Out Of Hours School Care For Maylands Peninsula Primary School**

<b>Responsible Branch:</b>	Building Works
<b>Responsible Directorate:</b>	Works and Infrastructure
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	1. Gibbney Reserve Concept Plan [ <b>10.1.3.1</b> - 1 page]
<b>Refer:</b>	Item 11.1 OCM 27.07.21

**SUMMARY**

To provide Council additional information regarding the requested provision of out of hours school care from Maylands Peninsula Primary School.

**OFFICER'S RECOMMENDATION**

That Council:

1. **Notes the Out of Hours School Care for Maylands Peninsula Primary School update report.**
2. **Requests the Chief Executive Officer to advise Maylands Peninsula Primary School that the City will continue to explore options with Football West regarding their tenure and usage of the clubroom building at Gibbney Reserve, Maylands.**

**BACKGROUND**

The Maylands Peninsula Primary School contacted the City requesting the City's support in providing an Out of School Hours Care facility in close proximity to the school's location. The school identified Gibbney Reserve Pavilion as being in an ideal location for this and have suggested that the City revisit the current lease agreement with Football West, with a view to providing alternative arrangements for Football West and re-leasing the property to an Out of School Hours Care provider to re-develop the building.

At the Ordinary Council Meeting of 27 July 2021, Council considered a Motion and resolved as follows:

*"That Council requests the Chief Executive Officer to assist the Maylands Peninsula Primary School in finding a suitable location for a potential new Out of School Hours Care (OSHC) facility to operate adjacent to the school on Gibbney Reserve, and to provide at the August Ordinary Council Meeting a report with options including the possibility of finding an alternative storage facility for Football West so that the existing Pavilion might be able to be used by an OSHC service."*

**EXTERNAL CONSULTATION**

Officers have spoken to the Maylands Peninsula Primary School Principal and Football West.

**OFFICER'S COMMENTS**Lease of Gibbney Reserve Pavilion

The Gibbney Reserve Pavilion is currently leased to Football West Limited, with a lease term of 21 years. The lease expires on 5 January 2024, with no option to extend. The current rental is

\$5,888 per year. The building has previously been used as the Football West Administrative Centre and more recently as a training and education centre.

Football West relocated their administrative centre to West Perth in 2018 and intend to relocate all operations to the future State Football Centre which is currently under construction in Queens Park, Canning. The new State facility is scheduled for completion mid-2023.

Football West confirm that the Gibbney Reserve Clubroom building is currently used as a training and education centre and is utilised primarily during weekday evenings and at weekends. The property is a valued resource for Football West who intend to honour their lease arrangement until such time that the new State centre is completed (mid-2023). An interim shared use arrangement could be considered if acceptable to all parties.

The current lease between the City of Bayswater and Football West Limited does allow for the lease to be terminated by the Lessor at any time under clause 15, Redevelopment, which states:

**"15.1 Lessor's Right to Terminate**

*"If the Lessor at any time wishes to terminate this lease:*

- (a) Because the Lessor has entered or wishes to enter into any arrangements which result in the extension, renovation, demolition or rebuilding of whole or any part of the Leased Premises or the part of the Building in which the Leased Premises are located or works which will prevent access or safe access to the Leased Premises; or*
- (b) So that the Lessor can extend, renovate, demolish or rebuild the whole or any part of the Leased Premises or, while not involving the Leased Premises, that part of the Building in which the Leased Premises are located, or to undertake works which will prevent access or safe access to the Leased Premises,*

*The Lessor may give the Lessee not less than six (6) months' written notice ("Termination Notice") terminating the Lease. The date of termination ("Termination Date") need not coincide with the end of a rent period."*

It could, however, be considered as 'unethical' to terminate the lease under this clause with the intent to modify the building and directly appoint an Out of School Hours Care provider as the new lease holder, without first undertaking a tender or expression of interest process and assessing the submissions against the Community and Commercial Lease KPI's and Assessment Criteria.

At the expiry of a lease or if a property becomes vacant, the City invites expressions of interest from relevant organisations to determine what kind of interest exists within the community for the future use of a vacant facility. Any new lease is determined by Council.

Any use of a building on Gibbney Reserve should be consistent with the permitted purpose of the reserve. Gibbney Reserve is zoned Local Public Open Space. A community not-for-profit provider may fulfil the above purpose; however, a commercial operator may not satisfy the requirement.

A not-for-profit or commercial provider is important to determine as after school care could fall into one of the following land use classifications:

- Child Day Care Centre: means land and buildings used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988).
- Community Purpose: means the use of land or buildings designed or adapted primarily for the provision of educational, social and recreational facilities or services by organisations involved in activities for community benefit.

- Educational Establishment: means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre, but does not include a reformatory institution or institutional home.

#### Alternative Location for Football West

Given Football West's current use of the Gibbney Reserve Clubroom as a training and education centre requiring both the use of the building and grounds, there are currently no suitable locations within the City of Bayswater for relocation that could be considered as a suitable alternative location for Football West's operations.

#### Land Availability Within Gibbney Reserve

Should the Football West building not be available into the future, the primary school has requested Council consideration to provide land on Gibbney Reserve. The majority of Gibbney Reserve is Crown land owned by the State and vested to the City. State approvals would be required to further develop this land. The City owns a number of freehold lots on the reserve along the Mephan Street boundary.

Should an additional building be required, it could be located (subject to approvals and funding) on any location within the reserve. However, the following locations are less likely to disrupt current sporting use. Location 'A' shown below between the current pavilion and ball courts:



or location 'B' shown below at the entrance of the school and reserve carpark.





Maylands Peninsula Primary School may also have suitable land available within the school grounds to accommodate an additional building.

The City has also recently developed a concept plan to redevelop the community amenity within Gibbney Reserve including, but not limited to, the replacement of play equipment, provision of pathways, inclusion of gardens beds, seating, drinks fountains and BBQs. Community engagement is currently open and the draft concept is enclosed at **Attachment 1**.

#### Additional Building to Accommodate Out of Hours School Care

It is understood from Maylands Peninsula Primary School, that if a new building is to be provided, neither the school or the Department of Education are likely to be in a position to fund the hire of a transportable or construction of a new facility. Any additional building would be funded by either an out of school hours provider or an alternative funding source to be identified.

**LEGISLATIVE COMPLIANCE**

- Community Facility Lease and License/User Agreement Policy.

**RISK ASSESSMENT**

In accordance with the City's Risk Management Framework, the Officer's Recommendation/following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

<b>Option 1</b>	<b>That Council:</b> <ol style="list-style-type: none"> <li><b>Notes the Out of Hours School Care for Maylands Peninsula Primary School update report.</b></li> <li><b>Requests the Chief Executive Officer to advise Maylands Peninsula Primary School that the City will continue to explore options with Football West regarding their tenure and usage of the clubroom building at Gibbney Reserve, Maylands.</b></li> </ol>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	This option facilitates ongoing discussion with Football West and Maylands Peninsula Primary School.	

<b>Option 2</b>	<b>That Council:</b> <ol style="list-style-type: none"> <li><b>Notes the Out of Hours School Care for Maylands Peninsula Primary School update report.</b></li> <li><b>Requests the Chief Executive Officer to review options regarding Out of Hours School Care for Maylands Peninsula Primary School once the current lease held by Football West expires or is surrendered prior to lease expiry due January 2024.</b></li> </ol>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	This option provides for the current lease to expire and further options to be explored once the clubroom building on the reserve becomes vacant in 2024.	

<b>Option 3</b>	<b>That Council:</b> <ol style="list-style-type: none"> <li><b>Notes the Out of Hours School Care for Maylands Peninsula Primary School update report.</b></li> <li><b>Requests the Chief Executive Officer to commence discussions with all relevant stakeholders to progress the provision of land within Gibbney Reserve, Maylands for the purpose of providing for an out of hours school care facility to be located within close proximity of Maylands Peninsula Primary School.</b></li> </ol>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>



Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Moderate
Environmental Responsibility	Low	Low
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	This option facilitates further discussion regarding the availability and required approvals regarding future land availability but presents a financial risk regarding the provision of funding for any required future building development.	

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Community  
 Goal C1: Create safe and inviting places for people to come together  
 Goal C3: Maximise the use of the City's facilities and parks by all sections of the community

## CONCLUSION

Maylands Peninsula Primary School are seeking assistance in the provision of out of hours school care on Gibbney Reserve, Maylands.

The school is proposing either the use of the current clubroom currently leased to Football West to January 2024, or consideration of available land within Gibbney Reserve to provide an additional building for out of hours school care.

Football West currently uses the building and are not in a position to surrender the lease early. They are however, prepared to consider shared use, if appropriate.

Gibbney Reserve is Crown land and State approval would be required to develop the land for out of hours school care.

Gibbney Reserve is currently proposed for community infrastructure redevelopment and a concept plan is currently out for community comment.

There may be opportunity subject to approvals to provide land at a number of suitable locations within the reserve. Any redevelopment requires funding and is unlikely to be funded by either Maylands Peninsula Primary School or the Department of Education.



Concept Plan



Indicative concept only.

1 0 10 50 100m 1:1500 @ A3



City of Bayswater  
Gibbney Reserve - Draft Landscape Concept Plan

Date: 16/11/21  
Revision: E  
Drawn: K.Tanner





**10.6 Sub Committee Reports****10.6.2 Policy Review and Development Committee - 30 November 2021****10.6.2.1 Financial Hardship Policy**

<b>Owner:</b>	Manager Financial Services
<b>Responsible Branch:</b>	Financial Services
<b>Responsible Directorate:</b>	Corporate & Strategy
<b>Authority/Discretion:</b>	Review
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Financial Hardship - Policy [8.1.1 - 3 pages]</li> <li>2. Financial Hardship Policy Proposed Changes [8.1.2 - 3 pages]</li> <li>3. Financial Hardship Policy Final [8.1.3 - 3 pages]</li> </ol>
<b>Refer:</b>	Item 10.5.2.2 OCM 23.06.2020 Item 10.2.6 OCM 27.04.2021 Item 8.4 Policy Review 20.07.2021 Item 8.5 ARMC 16.11.2021

**SUMMARY**

The Financial Hardship Policy (the Policy) offers those suffering genuine financial hardship with options including access to flexible payment options when paying their rates, the ability to have interest charged on rates waived or suspended, and the cessation of debt recovery as a result of non-payment of rates.

The Office of the Auditor General (OAG) has released a report entitled Local Government COVID-19 Financial Hardship Support. It is recommended minor amendments are made to the Policy in line with OAG's recommendations in the report.

**COMMITTEE RECOMMENDATION TO COUNCIL**  
**(OFFICER'S RECOMMENDATION)**

**That Council amends the Financial Hardship Policy as outlined in Attachment 3.**

**BACKGROUND**

Council approved the original Policy at the Ordinary Council Meeting on 23 June 2020. At the time, the Policy was created directly in response to the economic climate due to the COVID-19 pandemic however, its intention was to support ratepayers experiencing financial hardship beyond the COVID-19 pandemic.

On 27 April 2021 Council approved an amendment to ensure non-residential property owners could be considered under the Policy.

The Policy supports ratepayers suffering genuine financial hardship by providing payment flexibility, the possibility of writing off/waiving interest on overdue accounts and the cessation of debt recovery as a result of non-payment of rates. In addition, the Policy includes the scope and criteria for assessing applications as well as guidelines to ensure all applicants are treated with respect, equality and confidentiality.

The Office of the Auditor General published the Local Government COVID-19 Financial Hardship Support report on 15 October 2021. Following this, the City undertook a self-assessment and the results of the assessments were presented to the Audit and Risk Management Committee on 16 November 2021. The OAG's report included recommendations on what content financial

hardship policies should include. The self-assessment indicated that the City met all the OAG's recommendations except for an advertised timeframe that applications will be assessed.

## EXTERNAL CONSULTATION

Nil.

## OFFICER'S COMMENTS

Following the City's self-assessment of the OAG's Local Government COVID-19 Financial Hardship Support Report, a minor amendment is recommended. The amendment reflects best practice as determined by the OAG. The City of Belmont and the City of Swan Financial Hardship Policies have been reviewed. The City's policy is similar to both those of the City of Belmont and the City of Swan and covers all topics contained within these policies.

### Proposed Policy Amendments

The policy's purpose remains unchanged as the intent of the policy is to support ratepayers or debtors experiencing genuine financial hardship.

The Financial Hardship Review section has been extended to include "a 5 business day timeframe for assessment of applications". Including a 5-day timeframe for assessment of financial hardship applications will ensure applicants are advised of the outcome of their request in a timely manner.

The remainder of the policy remains unchanged.

## LEGISLATIVE COMPLIANCE

*The Local Government Amendment (COVID-19 Response) Act 2020* came into effect on 21 April 2020 and introduced several measures to assist with the impact of the COVID-19 pandemic. Financial hardship measures were introduced to protect Western Australian ratepayers hardest hit by the COVID-19 pandemic.

The other relevant legislation is the:

- *Local Government Act 1995 (WA)*
- *Rates and Charges (Rebates and Deferrals) Act 1992*
- *Local Government (COVID-19 Response) Ministerial Order 2020 (SL 2020/67 - Gazetted 8 May 2020)*
- Local Government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance – Ombudsman WA

## RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council amends the Financial Hardship Policy as outlined in Attachment 3.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low

Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	The minor amendments are considered low in risk as they will ensure applicants know the outcome of their request in a timely manner.	

Option 2	That Council makes the following amendments to the Financial Hardship Policy:  1. _____ 2. _____ _____.		
Risk Category		Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction		Moderate	Dependent on amendments made.
Reputation		Low	
Governance		Low	
Community and Stakeholder		Moderate	
Financial Management		Low	
Environmental Responsibility		Low	
Service Delivery		Low	
Organisational Health and Safety		Low	
Conclusion	The risks will depend on the amendments made.		

<b>Option 3</b>	<b>That Council does not amend the current Financial Hardship Policy.</b>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	If the proposed policy is not adopted, the finance team will need to reconsider how it will address the recommendation from the OAG. This would potentially increase reputational and stakeholder risks.	

## FINANCIAL IMPLICATIONS

Possible reduction in penalty interest revenue.

## STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L1: Engage the community in a meaningful way.  
Provide opportunities for the community to have their say and consider their views when making decisions.

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.



## **CONCLUSION**

The City's Financial Hardship Policy will be reviewed periodically to reflect practice recommendations and changes in legislation.

Including a 5-day timeframe for assessment of financial hardship applications will ensure applicants are advised of the outcome of their request in a timely manner.

# Financial Hardship Policy



<b>Responsible Division</b>	Corporate & Strategy
<b>Responsible Business Unit/s</b>	Financial Services
<b>Responsible Officer</b>	Manager Financial Services
<b>Affected Business Unit/s</b>	Financial Services
<b>Document Ref</b>	Doc ID: 4041586

## Purpose

This policy states the Council's position on allowing flexibility for payments on overdue debtor, and rates and service charges where extreme financial hardship is recognised, and outlines the scope and criteria for assessing applications of financial hardship.

## Policy Statement

Council recognises that there are cases of genuine financial hardship where additional charges would cause the debtor or ratepayer further financial hardship. This policy establishes guidelines to ensure all applicants are treated with respect, equality and confidentiality.

## Financial Hardship Examples

While evidence of hardship will be required, the City recognises that not all circumstances are alike. A flexible approach will be taken to a range of individual circumstances including, but not limited to, the following situations:

- Loss of a ratepayer's/debtor's (or their family member's) primary income; including small businesses income loss due to major work projects
- Sudden bereavement within a family;
- Severe/life threatening illness or medical condition;
- Physical or mental health problems;
- Domestic or family violence;
- A chronically ill child.

## Conditions

Ratepayers and debtors are encouraged to provide any information about their individual 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 City will consider all circumstances, applying

the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities. Documentation for assessment can include the following:

- A letter from a recognised financial counsellor (i.e. must be a member of a financial counselling association, for example Financial Counsellors' Association of WA (FCAWA) or financial planner confirming financial hardship or a Statutory Declaration from a ratepayer or debtor outlining reasons for applying for hardship is recommended;
- Copy of recent bank statements of all bank accounts;
- Any related Centrelink documentation (if applicable);
- A prepayment proposal;
- Ratepayer or debtor is not bankrupt or subject to a bankruptcy petition.

### **Debt Recovery**

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor 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 third due payment, we will continue suspension of debt recovery processes.

The debt will need to be fully repaid by the end of the subsequent financial year of the debt repayment arrangement commencing, e.g. debt arrangement in place 2019/20 must be fully repaid by 30 June 2021.

### **Payment Arrangements**

Payment arrangements facilitated in accordance with Section 6.49 of the *Local Government Act 1995* will be of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer or debtor has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer or debtor will be responsible for informing the City of Bayswater of any change in circumstance that affects the agreed payment schedule.
- The need to have the debt fully repaid by the end of the subsequent financial year.

In the case of severe financial hardship, the City reserves the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

### **Interest Charges**

A ratepayer or debtor who meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case-by-case basis.

**Deferment of Rates**

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or a combination of both a Seniors Card and Commonwealth Seniors Health Care Card registered on their property (as stated in the Rates and Charges (Rebates and Deferments) Act 1992).

The deferred rates balance:

- remains as a debt on the property until paid;
- 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;
- 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
- does not incur penalty interest charges.

**Communication and Confidentiality**

We will maintain confidential communications at all times and undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

**Review**

The City 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.

**Definitions**

*Nil*

**Related Legislation**

*Local Government Act 1995 (WA)*

**Related Documentation**

*Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guide – Ombudsman Western Australia*

# Financial Hardship Policy



<b>Responsible Division</b>	Corporate & Strategy
<b>Responsible Business Unit/s</b>	Financial Services
<b>Responsible Officer</b>	Manager Financial Services
<b>Affected Business Unit/s</b>	Financial Services
<b>Document Ref</b>	Doc ID: 4041586

## Purpose

This policy states the Council's position on allowing flexibility for payments on overdue debtor, and rates and service charges where extreme financial hardship is recognised, and outlines the scope and criteria for assessing applications of financial hardship.

## Policy Statement

Council recognises that there are cases of genuine financial hardship where additional charges would cause the debtor or ratepayer further financial hardship. This policy establishes guidelines to ensure all applicants are treated with respect, equality and confidentiality.

## Financial Hardship Examples

While evidence of hardship will be required, the City recognises that not all circumstances are alike. A flexible approach will be taken to a range of individual circumstances including, but not limited to, the following situations:

- Loss of a ratepayer's/debtor's (or their family member's) primary income; including small businesses income loss due to major work projects
- Sudden bereavement within a family;
- Severe/life threatening illness or medical condition;
- Physical or mental health problems;
- Domestic or family violence;
- A chronically ill child.

## Conditions

Ratepayers and debtors are encouraged to provide any information about their individual 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 City will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities. Documentation for assessment can include the following:



- A letter from a recognised financial counsellor (i.e. must be a member of a financial counselling association, for example Financial Counsellors' Association of WA (FCAWA) or financial planner confirming financial hardship or a Statutory Declaration from a ratepayer or debtor outlining reasons for applying for hardship is recommended;
- Copy of recent bank statements of all bank accounts;
- Any related Centrelink documentation (if applicable);
- A prepayment proposal;
- Ratepayer or debtor is not bankrupt or subject to a bankruptcy petition.

**Debt Recovery**

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor 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 third due payment, we will continue suspension of debt recovery processes.

The debt will need to be fully repaid by the end of the subsequent financial year of the debt repayment arrangement commencing, e.g. debt arrangement in place 2019/20 must be fully repaid by 30 June 2021.

**Payment Arrangements**

Payment arrangements facilitated in accordance with Section 6.49 of the *Local Government Act 1995* will be of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer or debtor has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer or debtor will be responsible for informing the City of Bayswater of any change in circumstance that affects the agreed payment schedule.
- The need to have the debt fully repaid by the end of the subsequent financial year.

In the case of severe financial hardship, the City reserves the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

**Interest Charges**

A ratepayer or debtor who meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case-by-case basis.

**Deferment of Rates**

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or a combination of both a Seniors Card and Commonwealth Seniors Health Care Card registered on their property (as stated in the Rates and Charges (Rebates and Deferments) Act 1992).

The deferred rates balance:

- remains as a debt on the property until paid;

- 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;
- 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
- does not incur penalty interest charges.

**Communication and Confidentiality**

We will maintain confidential communications at all times and undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

**Review**

The applicant will be informed of the outcome within 5 business days.

The City 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.

**Definitions**

*Nil*

**Related Legislation** *Local*

*Government Act 1995 (WA)*

**Related Documentation**

*Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guide – Ombudsman Western Australia*

# Financial Hardship Policy



<b>Responsible Division</b>	Corporate & Strategy
<b>Responsible Business Unit/s</b>	Financial Services
<b>Responsible Officer</b>	Manager Financial Services
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## Purpose

This policy states the Council's position on allowing flexibility for payments on overdue debtor, and rates and service charges where extreme financial hardship is recognised, and outlines the scope and criteria for assessing applications of financial hardship.

## Policy Statement

Council recognises that there are cases of genuine financial hardship where additional charges would cause the debtor or ratepayer further financial hardship. This policy establishes guidelines to ensure all applicants are treated with respect, equality and confidentiality.

## Financial Hardship Examples

While evidence of hardship will be required, the City recognises that not all circumstances are alike. A flexible approach will be taken to a range of individual circumstances including, but not limited to, the following situations:

- Loss of a ratepayer's/debtor's (or their family member's) primary income; including small businesses income loss due to major work projects
- Sudden bereavement within a family;
- Severe/life threatening illness or medical condition;
- Physical or mental health problems;
- Domestic or family violence;
- A chronically ill child.

## Conditions

Ratepayers and debtors are encouraged to provide any information about their individual 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 City will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities. Documentation for assessment can include the following:

- A letter from a recognised financial counsellor (i.e., must be a member of a financial counselling association, for example Financial Counsellors' Association of WA (FCAWA) or financial planner confirming financial hardship or a Statutory Declaration from a ratepayer or debtor outlining reasons for applying for hardship is recommended;
- Copy of recent bank statements of all bank accounts;
- Any related Centrelink documentation (if applicable);
- A prepayment proposal;
- Ratepayer or debtor is not bankrupt or subject to a bankruptcy petition.

**Debt Recovery**

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor 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 third due payment, we will continue suspension of debt recovery processes.

The debt will need to be fully repaid by the end of the subsequent financial year of the debt repayment arrangement commencing, e.g., debt arrangement in place 2019/20 must be fully repaid by 30 June 2021.

**Payment Arrangements**

Payment arrangements facilitated in accordance with Section 6.49 of the *Local Government Act 1995* will be of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer or debtor has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer or debtor will be responsible for informing the City of Bayswater of any change in circumstance that affects the agreed payment schedule.
- The need to have the debt fully repaid by the end of the subsequent financial year.

In the case of severe financial hardship, the City reserves the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

**Interest Charges**

A ratepayer or debtor who meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case-by-case basis.

**Deferment of Rates**

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or a combination of both a Seniors Card and Commonwealth Seniors Health Care Card registered on their property (as stated in the Rates and Charges (Rebates and Deferments) Act 1992).

The deferred rates balance:

- remains as a debt on the property until paid;

- 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;
- 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
- does not incur penalty interest charges.

**Communication and Confidentiality**

We will maintain confidential communications at all times and undertake to communicate with a nominated support person or other third party at your request.

We will advise ratepayers of this policy and its application, when communicating in any format (i.e., verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

**Review**

The applicant will be informed of the outcome within 5 business days.

The City 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.

**Definitions**

*Nil.*

**Related Legislation**

*Local Government Act 1995 (WA)*

**Related Documentation**

*Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guide – Ombudsman Western Australia*



**10.6.2.2 Attendance At Events Policy**

<b>Responsible Branch:</b>	Governance and Strategy
<b>Responsible Directorate:</b>	Corporate and Strategy
<b>Authority/Discretion:</b>	Executive/Strategic Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. Attendance at Events Policy [8.2.1 - 3 pages]
<b>Refer:</b>	Item 10.6.1.1, OCM 8.12.20

**SUMMARY**

For Council to endorse the continuation of the Attendance at Events Policy in its current form.

**COMMITTEE RECOMMENDATION TO COUNCIL**  
**(OFFICER'S RECOMMENDATION)**

That Council endorses the continuation of the Attendance at Events Policy as outlined in Attachment 1.

**BACKGROUND**

Council policies are reviewed periodically in line with their risk level as outlined in the Policy Governance Policy.

In 2017, the State Government announced a review of the Local Government Act 1995 (WA). This review is the first significant review of the Act in more than two decades.

The *Local Government Legislative Amendment Bill 2019* was tabled in Parliament on 14 March 2019 and given royal assent on 5 July 2019. The new framework came into operation from 20 October 2019. One of the changes made to the Act from the Bill was the requirement for local governments to adopt an Attendance at Events Policy (s 5.90A).

Council adopted its Attendance at Events Policy on 8 December 2020, which was developed based on the model provided by the Department of Local Government, Sport and Cultural Industries in its operational guideline *Attendance at Events Policy* of December 2019. As part of the process for developing the policy, City Officers considered the content and format of similar policies adopted by other local governments.

The main point of difference between the Department's model policy and the one adopted by Council is that the latter includes the requirement for a register of attendance to be maintained on the City's website. This requirement was recommended for administrative efficiency so that the policy did not have to be updated each time that event attendance was approved.

**EXTERNAL CONSULTATION**

Not applicable - the City's policy is based on the Department's model policy for the sector.

**OFFICER'S COMMENTS**

Council may wish to note that the policy does not apply to invitations that are sent to individual Councillors. The purpose is only to provide guidance on ensuring that there is equitable opportunity for all elected members to attend events where the invitations are to Council in general.

Since adoption of the Policy, the City has only received one event invitation which had to be considered in line with the Policy. On that occasion, attendance was approved by the Mayor as a

report could not be prepared in time for the next meeting agenda and a report was provided to the 23 November 2021 Ordinary Council Meeting.

It is likely that there will continue to be limited situations where the policy will need to be applied, and on that basis, it is recommended that the Policy continue in its current form.

As the Policy is a legislative requirement, there is no option for Council to revoke it.

## LEGISLATIVE COMPLIANCE

*Local Government Act 1995 (WA) s 5.90A*

## RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council endorses the continuation of the Attendance at Events Policy as outlined in <u>Attachment 1</u> .	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	Council adopted the Policy following legislative amendments to the Local Government Act 1995 (WA). There have been minimal invitations captured under the Policy which have not highlighted any issues with the process.	

Option 2	That Council endorses the continuation of the Attendance at Events Policy as outlined in <u>Attachment 1</u> and as further amended.		
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	
Strategic Direction	Moderate	Dependant on the amendments made to the Policy.	
Reputation	Low		
Governance	Low		
Community and Stakeholder	Moderate		
Financial Management	Low		
Environmental Responsibility	Low		
Service Delivery	Low		
Organisational Health and Safety	Low		
Conclusion	Council may wish to make amendments to the Policy. It is noted that the Policy is a legislative requirement and there may limitations on amendments that can be made to the Policy.		

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

Council's review of the Attendance at Events Policy, which is a legislative requirement, provides an opportunity for the community to be aware of Council's policies.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

## **CONCLUSION**

Council is required to have an Attendance at Events Policy in place as a result of legislative amendments to the Local Government Act 1995 (WA). The Policy has been in place for approximately 12 months and there has been one instance where tickets were received and considered under the Policy. In light of the limited tickets received and considered under the Policy, it is recommended that no changes be made to the Policy at this time.

# Attendance at Events Policy



<b>Responsible Division</b>	Office of the CEO
<b>Responsible Business Unit/s</b>	Office of the CEO, Governance
<b>Responsible Officer</b>	Chief Executive Officer
<b>Affected Business Unit/s</b>	All Business Units
<b>Document Ref</b>	3579617

## Purpose

The purpose of this Policy is to provide a clear framework and guidelines for the acceptance of tickets or invitations by Elected Members and the Chief Executive Officer ('CEO') to attend events or functions. This will policy will ensure that the City of Bayswater ('the City') both meets community expectations and meets the legislative requirements under section 5.90A of the Local Government Act 1995 (WA) which requires all Local Governments to prepare and adopt an Attendance at Events Policy.

## Policy Statement

### 1. Invitations

- a) All invitations or offers of tickets for an Elected Member or CEO to attend an event should be in writing and addressed to the Council.
- b) Any invitation or offer of tickets not addressed to the Council is not captured by this Policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- c) A list of events and attendees authorised by the City in advance of the event will be maintained in a Register available on the City's website.

### 2. Approval of Attendance by Council

- a) In making a decision on attendance at an event, the Council will consider:
  - i) Who is providing the invitation or ticket to the event;
  - ii) The location of the event in relation to the City (within the district or out of the district);
  - iii) The role of the Elected Member or CEO when attending the event (for example as participant, observer presenter etc) and the value of their contribution;
  - iv) Whether the event is sponsored by the City;
  - v) The benefit of Local Government representation at the event;
  - vi) The number of invitations/tickets received; and
  - vii) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- b) Decisions to attend events in accordance with this policy will be made by simple majority or by the Mayor in accordance with clause 3 below.

### 3. Approval of Attendance by Mayor

- a) Where an invitation has been received and a response is required prior to the next Ordinary Council Meeting, the Mayor will be authorised to approve attendance.
- b) In approving attendance, the Mayor will consider the following:
  - i) Who is providing the invitation or ticket to the event;
  - ii) The location of the event in relation to the City (within the district or out of the district);
  - iii) The role of the Elected Member or CEO when attending the event (for example as participant, observer presenter etc) and the value of their contribution;
  - iv) Whether the event is sponsored by the City;
  - v) The benefit of City representation at the event;
  - vi) The number of invitations/tickets received; and
  - vii) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- c) All approvals made by the Mayor will be reported to the subsequent Ordinary Meeting along with the assessment made in accordance with the above criteria.

### 4. Payments in respect of attendance

- a) Where an invitation or ticket to an event is provided free of charge, the City may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if Council determines attendance to be of public value.
- b) For any events where a member of the public is required to pay, unless previously approved and listed in the Register available on the City's website, Council will determine whether it is in the best interests of the City for an Elected Member or the CEO to attend on behalf of the City.
- c) If Council determines that an Elected Member or CEO should attend a paid event, the City will pay the cost of attendance and reasonable expenses, such as travel and accommodation,
- d) Where partners of an authorised City representative attend an event, any tickets for that person, if paid for by the City, must be reimbursed by the City representative unless expressly authorised by Council.

## Definitions

**Elected Members** includes the Mayor and all Councillors

**Event** is defined as a:

- Concert;
- Conference (that is not included in the *Elected Members Attendance at Conferences, Seminars, Training and Professional Development Policy*, or in the case of the Chief Executive Officer, the *Senior and Executive Staff attendance at Conferences, Seminars and Training*)
- Function; or
- Sporting Event.



## Related Legislation

*Local Government Act 1995 (WA) s 5.90A*

## Related Documentation

*Nil*

<b>Relevant Delegations</b>	Nil.
<b>Risk Evaluation</b>	Nil.
<b>Council Adoption</b>	8 December 2020
<b>Review/Modified</b>	
<b>Review/Modified</b>	
<b>Review/Modified</b>	

**10.6.2.3 Elected Members Conferences, Seminars, Attendance And Authorised Travel Policy**

<b>Responsible Branch:</b>	Governance and Strategy
<b>Responsible Directorate:</b>	Corporate and Strategy
<b>Authority/Discretion:</b>	Executive/Strategic Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	{attachment-list}
<b>Refer:</b>	Item 12.2.6 OCM 26.08.2014 Item 13.8 OCM 31.05.2016 Item 13.3.1 OCM 27.03.2018

**SUMMARY**

For Council to undertake a review of the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy.

**COMMITTEE RECOMMENDATION TO COUNCIL**  
**(OFFICER'S RECOMMENDATION)**

**That Council endorses the continuation of the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy as outlined in Attachment 1.**

**BACKGROUND**

Council policies are reviewed periodically in line with their risk level as outlined in the Policy Governance Policy.

Council adopted the Elected Member Conferences, Seminars, Attendance and Authorised Travel Policy (**'the Policy'**) on 1 November 2011.

The Policy was reviewed on 26 August 2014 to reflect legislative amendments. These changes did not change the intent or provisions of the Policy.

Council reviewed the Policy at the Ordinary Council Meeting on 31 May 2016 and introduced the requirement to maintain an online register for Elected Member and staff travel interstate and overseas. The Policy was also amended to remove the option for Councillors to travel business class.

The Policy Review and Development Committee amended the Policy in February 2018 to apply to Elected Members only, with an equivalent Policy for staff. The Policy applicable to elected members was also expanded to require that they disclose their attendance at any conferences or training which takes place locally and the City contributes to the cost. The wording around the prohibition of attendance at overseas conferences (except for New Zealand) where funded by the City was amended for greater clarity.

When the Policy was presented to Council for endorsement in March 2018, amendments were made to provide that the amount available to each Councillor be capped at \$15,000 each for the four-year period of election and \$15,000 for the Mayor for the two-year period of their election.

**EXTERNAL CONSULTATION**

Nil.

**OFFICER'S COMMENTS**

Should a Councillor wish to attend an event that falls under the Policy, they are required to notify the City. Arrangements will then be made for registration and if applicable, travel and accommodation. These costs are allocated to the individual Councillor's conference allowance account. A register is also maintained and available on the City's website in line with the Policy requirements.

Since Council amended the Policy to cap the amount spent on conferences, the following is a summary of expenses paid for Councillor attendance at conferences, seminars, events and travel in accordance with the Policy:

<b>Year</b>	<b>Amended Budget (\$)</b>	<b>Actual (\$)</b>
2018/19	15,000*	12,225
2019/20	35,000	29,159
2020/21	35,000	14,222
2021/22	35,000	761 (YTD)

\*Adopted budget was \$35,000, which was reduced to \$15,000 as part of the mid-year budget review.

A review of similar policies in the local government sector has been undertaken and the following comparisons are provided:

<b>Council</b>	<b>Key policy details</b>
Town of Cambridge	<ul style="list-style-type: none"> <li>Attendance at conferences etc. Is limited to one elected member and one officer per event.</li> <li>Payment of \$75 per day for meals and incidental travel expenses. Claims for reimbursement above \$75 are to be supported by documentation.</li> <li>Economy class flights for less than 6 hours, international travel of six hours or more may be booked business class.</li> </ul>
Shire of Mundaring	<ul style="list-style-type: none"> <li>Annual conference allowance of no more than \$3,000 per year per councillor. Unspent funds are not carried forward.</li> <li>President/Deputy President are approved to attend the Annual National General Assembly of Local Government which is not part of the individual allowances.</li> <li>Any request for attendance above the \$3,000 allocation is to be approved by Council.</li> </ul>
City of Belmont	<ul style="list-style-type: none"> <li>\$5,000 each year of their term for travel, accommodation and registration expenses for professional development.</li> <li>In the first three years of the term an elected member may draw on amounts exceeding \$5,000 per year but any amount greater will reduce the allocation available in subsequent</li> </ul>

	years.
City of Swan	<ul style="list-style-type: none"> <li>• Allocation of \$5,000 per year per councillor for travel, registration accommodation and reimbursement costs associated with conferences and seminars.</li> <li>• Annual budget of \$17,500 provided for councillors who have exhausted their individual allocation, with the CEO and Mayor jointly authorised to approve attendance.</li> </ul>
City of Joondalup	<ul style="list-style-type: none"> <li>• Councillors entitled to \$7,500 (inflated by CPI) each year</li> <li>• Mayor entitled to \$16,400 (inflated by CPI) each year</li> <li>• Attendance by councillors at the annual WALGA conference paid for by the City</li> <li>• Attendance by the Mayor at the annual WALGA conference, annual ALGA conference and annual National Congress of LG Professionals Australia conference paid for by the City</li> </ul>
City of Stirling	<ul style="list-style-type: none"> <li>• Elected members are allocated a biennial conference allowance of \$18,400</li> <li>• Mayor receives a Mayoral Representation Allowance of \$18,400</li> </ul>

Under the current policy, City of Bayswater Elected Members receive \$15,000 over their four-year term for conferences, seminars, training and so on. This equates to \$3,750 per year, which is in the middle range of amounts provided at other Councils reviewed. It is noted that the Mayor receives a \$15,000 allowance over the two-year period which equates to \$7,500. The provisions in the City's Policy to cap the amount for Councillors is consistent with the approach taken by other Councils. It is noted that amounts vary between local governments.

The City has not received any feedback since Council's last review of the Policy in 2018. Therefore, no changes are proposed to the Policy.

## LEGISLATIVE COMPLIANCE

*Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy.*

## RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

<b>Officer's Recommendation</b>	<b>That Council endorses the continuation of the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy as outlined in Attachment 1.</b>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low

Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	Council last reviewed the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy in 2018, with no feedback received since that time. The City's Policy is on par with other local governments of similar sizes, and no changes are therefore recommended to the Policy.	

Option 2	That Council endorses the continuation of the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy as outlined in <u>Attachment 1</u> and as further amended.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Dependent on the amendments made to the Policy.
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	Council may wish to make amendments to the Policy, which may accompany increased risks in the areas of financial management, reputation or community and stakeholder (dependant on the changes made).	

## FINANCIAL IMPLICATIONS

An allocation of \$35,000 is currently included as part of the annual budget process in accordance with the Policy. Any increases/decreases to the amount provided in the Policy would be incorporated as part of the budget process.

## STRATEGIC IMPLICATIONS

Council's review of the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy provides an opportunity for the community to be aware of Council's policies.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

## CONCLUSION

Council adopted the Elected Members Conferences, Seminars, Attendance and Authorised Travel Policy in 2011, and the policy has been periodically reviewed since then. Amendments were made by Council at the last review in February 2018 to cap the amount available to Councillors for attendance at conferences, seminars and events under the Policy for the duration of their term. No feedback has been received in relation to the Policy, and a review has determined that the City's Policy is largely consistent with others in the sector. It is therefore recommended that no changes be made to the Policy.

## **COUNCIL POLICY: ELECTED MEMBERS ATTENDANCE AT CONFERENCES, SEMINARS, TRAINING AND PROFESSIONAL DEVELOPMENT**

**POLICY OWNER:** Chief Executive Officer

### **POLICY STATEMENT:**

Council supports the attendance of Elected Members at conferences; seminars and training: which will assist them in fulfilling their role or otherwise benefit the Bayswater district community and where attendance is undertaken in a transparent manner.

### **POLICY DETAILS**

Selection and determination of attendance at conferences, training and seminars will be made by the individual Councillor in relation to their particular interests.

The amount payable by the City of Bayswater (the City) for attendance at such events will be capped at \$15,000 for each Councillor, for the four year period of their election, and \$15,000 for the Mayor, for the two year period of their election. This maximum allowance is contingent on budget allocations.

The City will not fund attendance at overseas conferences, other than New Zealand. The City will fund attendance by elected members at interstate conferences. Attendance at interstate and New Zealand conferences will be limited to a maximum of three Councillors per event.

At the first Ordinary Council Meeting following the attendance by a Council member at any City funded conference, seminar or training event a written report will be tabled which provides a summary of the reasons for attendance, the cost to the City and any information or documentation of particular importance to Council, the City, or ratepayers and residents. This attendance information will also be published on a publically available register on the City's website no later than 10 days after the Ordinary Council Meeting.

The City will develop such internal processes as it considers appropriate to implement this policy.

### **DEFINITIONS**

Events covered by this policy include: conferences, seminars, training courses, professional development, industry forums, workshops, presentations, awards, business breakfasts/luncheons/dinners - where there is a cost to the City.

### **RELATED LEGISLATION AND OTHER REFERENCES**

- Nil



<b>Adopted by Council:</b>	19 April 2011
<b>Reviewed</b>	01 November 2011, 26 August 2014, 31 May 2016, 27 March 2018
<b>Strategic Link</b>	Governance and Leadership



**10.6.2.4 Retirement Of Elected Members Policy**

<b>Responsible Branch:</b>	Governance and Strategy
<b>Responsible Directorate:</b>	Corporate and Strategy
<b>Authority/Discretion:</b>	Executive/Strategic Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. Retirement of Elected Members Policy [8.4.1 - 2 pages]
<b>Refer:</b>	PRDC 06.02.2018 Item 8.3 OCM 06.08.2019 Item 11.1 OCM 20.08.2019 Item 10.1.2

**SUMMARY**

For Council to endorse the continuation of the Retirement of Elected Members Policy in its current form.

**COMMITTEE RECOMMENDATION TO COUNCIL**  
**(OFFICER'S RECOMMENDATION)**

That Council endorses the continuation of the Retirement of Elected Members Policy as outlined in Attachment 1.

**BACKGROUND**

Council policies are reviewed periodically in line with their risk level as outlined in the Policy Governance Policy.

Council originally adopted a Recognition of Service by Retiring Elected Members Policy on 22 April 2008. The Policy provided guidance on recognition gifts for retiring elected members consistent with section 5.100A of the *Local Government Act 1995* (WA) and regulation 34AC of the *Local Government (Administration) Regulations 1996* (WA).

That policy was revoked on 6 February 2018 and all related matters were subsequently dealt with under a management practice.

Following a Notice of Motion on 6 August 2019, Council adopted a new Retirement of Elected Members Policy at its Ordinary Council Meeting on 20 August 2019 (Attachment 1). As part of the process for developing that policy, City officers considered the similar policies of other local governments.

**EXTERNAL CONSULTATION**

Nil. However, due consideration was given to community expectations when developing the policy.

**OFFICER'S COMMENTS**

The Policy provides for the following recognition of service for elected members that have decided not to re-contest their positions on Council at the end of their terms of office:

- A certificate of service of the retiring Elected Member.
- A name plate, similar to the Councillors name plates in the Chambers shall be prepared with the years of service engraved on the plate below the Elected Member's name.
- The gifts to be presented to the retiring Elected Member at an informal farewell as determined by the Mayor.

- The above presentation can be made posthumously to the spouse or designated family member of the Elected Member.

Since the adoption of the Policy, two Councillors have retired from Council and gifts have been arranged for the retiring elected member in line with the Policy and budget allocations.

At this stage, it is not recommended that any changes be made to the Policy.

## LEGISLATIVE COMPLIANCE

The *Local Government Act 1995* (WA) provides the following:

### 5.100A. Gifts to Council Members

*A local government cannot give a gift to a council member unless –*

- the gift is given in prescribed circumstances; and*
- the value of the gift is less than a prescribed amount.*

The *Local Government (Administration) Regulations 1996* (WA) provides the following:

### 34AC. Gifts to council members, when permitted etc. (Act s. 5.100A)

- The retirement of a council member who has served at least one full 4 year term of office is prescribed under section 5.100A(a) as circumstances in which a gift can be given to the council member.*
- The amount of \$100 for each year served as a council member to a maximum of \$1,000 is prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in subregulation (1).*

The Retirement of Elected Members Policy is consistent with the above legislation.

## RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the Officer's Recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council endorses the continuation of the Retirement of Elected Members Policy as outlined in <u>Attachment 1</u> .	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	Council has provided two gifts under the Retirement of Elected Members Policy since its adoption. In light of the infrequency of gifts and the minimal cost, a low risk profile is associated with this option.	

<b>Option 2</b>	<b>That Council endorses the continuation of the Retirement of Elected Members Policy as outlined in <u>Attachment 1</u> and as further amended.</b>
-----------------	--

Risk Category		Adopted Risk Appetite	Risk Assessment Outcome  Dependent on the amendments made to the Policy.
Strategic Direction		Moderate	
Reputation		Low	
Governance		Low	
Community and Stakeholder		Moderate	
Financial Management		Low	
Environmental Responsibility		Low	
Service Delivery		Low	
Organisational Health and Safety		Low	
Conclusion	Council may wish to make amendments to the Policy, noting that there are legislative restrictions on how much can be spent on a gift.		

## FINANCIAL IMPLICATIONS

Costs for the gifts are minimal and can be accommodated in the annual budget.

## STRATEGIC IMPLICATIONS

Council's review of the Retirement of Elected Members Policy will provide awareness to the community of the Policy.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

## CONCLUSION

The Retirement of Elected Members Policy was adopted by Council in August 2019. Following the adoption, two gifts have been presented in line with the Policy. Given the infrequency of the gifts and noting that it can be accommodated within existing budgets, it is not proposed to make any amendments to the Policy. Should Council wish to amend the Policy, this will need to be undertaken in line with the legislative provisions.

# Retirement of Elected Members Policy



<b>Responsible Division</b>	Governance
<b>Responsible Business Unit/s</b>	Governance
<b>Responsible Officer</b>	Manager Governance
<b>Affected Business Unit/s</b>	Governance, Office of the CEO
<b>Document Ref</b>	3471742

## Purpose

To provide direction on gifts given to retiring Elected Members in recognition of their service to the community as an Elected Member.

## Policy Statement

The City of Bayswater will provide retiring Elected Members the following gifts in recognition of their service to the City of Bayswater:

1. A certificate of service of the retiring Elected Member.
2. A name plate, similar to the Councillors name plates in the Chambers shall be prepared with details of the years of service engraved on the plate below the Elected Member's name.
3. The gifts to be presented to the retiring Elected Member at an informal farewell as determined by the Mayor.
4. The above presentation can be made posthumously to the spouse or designated family member of the Elected Member.

## Definitions

*Nil*

## Related Legislation

*Local Government Act 1995 (WA)*

## Related Documentation

*Nil*

**Relevant Delegations**

**Risk Evaluation**

**Council Adoption**

<b>Review/Modified</b>	Insert Date
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<b>Review/Modified</b>	Insert Date
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<b>Review/Modified</b>	Insert Date
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**10.6.2.5 Elected Members Allowances Policy**

<b>Responsible Branch:</b>	Governance and Strategy
<b>Responsible Directorate:</b>	Corporate and Strategy
<b>Authority/Discretion:</b>	Executive/Strategic Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Elected Members Allowances Policy - Current [8.5.1 - 3 pages]</li> <li>2. Elected Members Allowances Policy - Amendments [8.5.2 - 3 pages]</li> <li>3. Elected Members Allowances Policy with Further Amendments made by Policy Review and Development Committee [8.5.3 - 3 pages]</li> </ol>
<b>Refer:</b>	Item 13.2.1 OCM 20.02.2018 Item 7.2 OCM 25.06.2013 Item 16.3 OCM 25.10.2016 Item 13.2 OCM 22.03.2016

**SUMMARY**

For Council to undertake a review of the Elected Members Allowance Policy.

**OFFICER'S RECOMMENDATION**

That Council amends the Elected Member Allowance Policy as outlined in Attachment 2.

**COMMITTEE RECOMMENDATION TO COUNCIL**

**That Council amends the Elected Member Allowance Policy as outlined in Attachment 2 and as further amended in new Attachment 3.**

**BACKGROUND**

The Elected Member Allowance Policy was adopted by Council on 23 April 2006. There have been several reviews of the policy since then, as summarised below:

February 2018

- The policy was amended to specify that payments to Elected Members should occur on the first Friday following the end of the quarter.

October 2016

- The policy was amended for elected members to be paid quarterly in arrears rather than monthly in advance.

March 2016

- The legislative provisions in the policy were updated.
- The reference to the IT Allowance was updated in line with the definition used by the Salaries and Allowances Tribunal.

June 2013

- The policy was amended to provide for the maximum amount as determined by the annual review of elected member fees and allowances by the Salaries and Allowances Tribunal.



## EXTERNAL CONSULTATION

Nil.

## OFFICER'S COMMENTS

A request has been received to amend the Elected Members Allowance Policy to change the timing of allowance payments to elected members from quarterly in arrears to monthly in arrears. To implement that change, the following is proposed (as outlined in **Attachment 2**):

- Fees to be paid on a monthly basis in arrears by the first Friday following the end of the month,
- Fees to be paid on a daily pro rata basis
- Removal of definition of quarter.

The above policy change will not affect the amount that Councillors are paid, and is only a process change that the Financial Services branch will incorporate as part of their payment runs.

The proposed policy changes include the requirement to provide an annual payment summary to elected members for the preceding financial year by the end of July each year, which has been the administrative practice for some time anyway.

## LEGISLATIVE COMPLIANCE

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*CEOs and Elected Members - Salaries and Allowances Tribunal Annual Determination*

## RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council amends the Elected Member Allowance Policy as outlined in <u>Attachment 2</u> .	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The amendments requested do not pose any increased risks to Council. The changes relate to the frequency that payments are made, which is a process that can be accommodated by the Financial Services team.	

Option 2	That Council amends the Elected Member Allowance Policy as outlined in <b>Attachment 2</b> and as further amended.		
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	
Strategic Direction	Moderate	Dependant on the amendments made to the Policy.	
Reputation	Low		
Governance	Low		
Community and Stakeholder	Moderate		

Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	Council may wish to make further amendments to the Policy, which may accompany increased risks in the areas of financial management and reputation (dependant on the changes made).	

<b>Option 3</b>	<b>That Council endorses the continuation of the Elected Member Allowance Policy as outlined in <u>Attachment 1</u>.</b>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	Council may wish to continue with the Policy in its current form. It is noted that there are no associated risks with this option, as the request to change the Policy has been received from Elected Members.	

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

Council's review of the Elected Members Allowances Policy provides an opportunity for the community to be aware of Councils policies.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

## CONCLUSION

A request has been received to amend the Elected Member Allowances Policy for allowances to be paid from quarterly in arrears to monthly in arrears. The frequency of payments to elected members will be incorporated into the Financial Services team payment runs. The other proposed changes will bring the policy into alignment with current financial reporting practices.

# Elected Members Allowances Policy



<b>Responsible Division</b>	Corporate and Strategy
<b>Responsible Business Unit/s</b>	Financial Services, Governance and Strategy
<b>Responsible Officer</b>	Director Corporate and Strategy
<b>Affected Business Unit/s</b>	Financial Services, Governance and Strategy
<b>Document Ref</b>	3658399

## Purpose

To determine the method and timing of payment of Elected Members allowances in accordance with the Local Government Act 1995.

## Policy Statement

Elected Members including the Deputy Mayor shall be paid an annual attendance fee in accordance with the maximum amounts determined by the Salaries and Allowances Tribunal. The Mayor shall be paid an annual attendance fee in accordance with the maximum amounts determined by the Salaries and Allowances Tribunal.

The Mayor and Deputy Mayor shall be paid an annual allowance as established in Council's Annual Budget in accordance with the determination by the Salaries and Allowances Tribunal.

Elected Members including the Mayor and Deputy Mayor shall be paid an ICT allowance of \$3,400.

Reimbursement of Elected Members expenses in excess of the annual allowances made under this policy are required to be substantiated by the claimant through the production of receipts or the keeping of a log book before such claims are paid.

The attendance fees and the ICT allowance are to:

- Be paid on a quarterly basis.
- Generally, be paid in arrears on the first Friday following the end of the quarter.
- Be calculated on a daily pro rata basis for each quarter.

The taxation liability arising from these payments is the individual responsibility of each Elected Member.

## Transitional period

The arrears payments made to elected members following 31 March 2018 will only be paid for the period from 1 February 2018 to 31 March 2018.

## Definitions

“Quarter” means the conventional Australian accounting quarters as follows:

Quarter 1	1 July – 30 September
Quarter 2	1 October -31 December
Quarter 3	1 January – 31 March
Quarter 4	1 April – 30 June

“ICT expenses” means

1. Rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the *Local Government (Administration) Regulations 1996*; or
2. Any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

### Related Legislation

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*Salaries and Allowances Tribunal Annual Determination - 11 April 2017 - CEOs and Elected Members*

### Related Documentation

*Nil*

**Relevant Delegations**

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**Risk Evaluation**

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<b>Council Adoption</b>	<b>28 June 2005</b>
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<b>Review/Modified</b>	23 April 2006
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<b>Review/Modified</b>	June 2007
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<b>Review/Modified</b>	1 March 2012
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<b>Review/Modified</b>	25 June 2013
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<b>Review/Modified</b>	15 December 2015
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<b>Review/Modified</b>	22 March 2016
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<b>Review/Modified</b>	25 October 2015
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<b>Review/Modified</b>	20 February 2018
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# Elected Members Allowances Policy



<b>Responsible Division</b>	Corporate and Strategy
<b>Responsible Business Unit/s</b>	Financial Services, Governance and Strategy
<b>Responsible Officer</b>	Director Corporate and Strategy
<b>Affected Business Unit/s</b>	Financial Services, Governance and Strategy
<b>Document Ref</b>	3658399

## Purpose

To determine the method and timing of payment of Elected Members allowances in accordance with the Local Government Act 1995.

## Policy Statement

Elected Members including the Deputy Mayor shall be paid an annual attendance fee in accordance with the maximum amounts determined by the Salaries and Allowances Tribunal. The Mayor shall be paid an annual attendance fee in accordance with the maximum amounts determined by the Salaries and Allowances Tribunal.

The Mayor and Deputy Mayor shall be paid an annual allowance as established in Council's Annual Budget in accordance with the determination by the Salaries and Allowances Tribunal.

Elected Members including the Mayor and Deputy Mayor shall be paid an ICT allowance of \$3,400.

Reimbursement of Elected Members expenses in excess of the annual allowances made under this policy are required to be substantiated by the claimant through the production of receipts or the keeping of a log book before such claims are paid.

The attendance fees and the ICT allowance are to:

- Be paid on a ~~quarterly~~ monthly basis.
- Generally, be paid in arrears ~~on~~ by the first Friday following the end of the ~~quarter~~ month.
- Be calculated on a daily pro rata basis ~~for each quarter~~.

The taxation liability arising from these payments is the individual responsibility of each Elected Member.

The City will provide an annual payment summary to each Elected Member for the preceding financial year by the end of July each year.

## Transitional period



~~The arrears payments made to elected members following 31 March 2018 will only be paid for the period from 1 February 2018 to 31 March 2018.~~

## Definitions

~~“Quarter” means the conventional Australian accounting quarters as follows:~~

<del>Quarter 1</del>	<del>1 July – 30 September</del>
<del>Quarter 2</del>	<del>1 October – 31 December</del>
<del>Quarter 3</del>	<del>1 January – 31 March</del>
<del>Quarter 4</del>	<del>1 April – 30 June</del>

“ICT expenses” means

1. Rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the *Local Government (Administration) Regulations 1996*; or
2. Any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

## Related Legislation

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*Salaries and Allowances Tribunal Annual Determination - 11 April 2017 - CEOs and Elected Members*

## Related Documentation

*Nil*

**Relevant Delegations**

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**Risk Evaluation**

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<b>Council Adoption</b>	<b>28 June 2005</b>
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<b>Review/Modified</b>	23 April 2006
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<b>Review/Modified</b>	June 2007
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<b>Review/Modified</b>	1 March 2012
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<b>Review/Modified</b>	25 June 2013
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<b>Review/Modified</b>	15 December 2015
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<b>Review/Modified</b>	22 March 2016
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<b>Review/Modified</b>	25 October 2015
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<b>Review/Modified</b>	20 February 2018
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# Elected Members Allowances Policy



<b>Responsible Division</b>	Corporate and Strategy
<b>Responsible Business Unit/s</b>	Financial Services, Governance and Strategy
<b>Responsible Officer</b>	Director Corporate and Strategy
<b>Affected Business Unit/s</b>	Financial Services, Governance and Strategy
<b>Document Ref</b>	3658399

## Purpose

To determine the method and timing of payment of Elected Members allowances in accordance with the Local Government Act 1995.

## Policy Statement

Elected Members including the Deputy Mayor shall be paid an annual attendance fee in accordance with the maximum amounts determined by the Salaries and Allowances Tribunal. The Mayor shall be paid an annual attendance fee in accordance with the maximum amounts determined by the Salaries and Allowances Tribunal.

The Mayor and Deputy Mayor shall be paid an annual allowance as established in Council's Annual Budget in accordance with the determination by the Salaries and Allowances Tribunal.

Elected Members including the Mayor and Deputy Mayor shall be paid an ICT allowance of \$3,400.

Reimbursement of Elected Members expenses in excess of the annual allowances made under this policy are required to be substantiated by the claimant through the production of receipts or the keeping of a log book before such claims are paid.

The attendance fees and the ICT allowance are to:

- Be paid on a ~~quarterly~~ monthly basis on the first day of the month.
- Generally, be paid in arrears ~~on-by~~ the first Friday following the end of the ~~quarter~~ month.
- Be calculated on a daily pro rata basis ~~for each quarter~~.

The taxation liability arising from these payments is the individual responsibility of each Elected Member.

The City will provide an annual payment summary to each Elected Member for the preceding financial year by the end of July each year.

## Transitional period

The arrears payments made to elected members following 31 March 2018 will only be paid for the period from 1 February 2018 to 31 March 2018.

## Definitions

**“Quarter”** means the conventional Australian accounting quarters as follows:

Quarter 1	1 July — 30 September
Quarter 2	1 October — 31 December
Quarter 3	1 January — 31 March
Quarter 4	1 April — 30 June

**“ICT expenses”** means

1. Rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the *Local Government (Administration) Regulations 1996*; or
2. Any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the *Local Government (Administration) Regulations 1996*.

## Related Legislation

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*Salaries and Allowances Tribunal Annual Determination - 11 April 2017 - CEOs and Elected Members*

## Related Documentation

*Nil*

**Relevant Delegations****Risk Evaluation**

<b>Council Adoption</b>	<b>28 June 2005</b>
<b>Review/Modified</b>	23 April 2006
<b>Review/Modified</b>	June 2007
<b>Review/Modified</b>	1 March 2012
<b>Review/Modified</b>	25 June 2013
<b>Review/Modified</b>	15 December 2015
<b>Review/Modified</b>	22 March 2016
<b>Review/Modified</b>	25 October 2015
<b>Review/Modified</b>	20 February 2018

**10.6.2.6 Elected Members Issue Of Stationery, Publications And Equipment Policy**

<b>Responsible Branch:</b>	Governance and Strategy
<b>Responsible Directorate:</b>	Corporate and Strategy
<b>Authority/Discretion:</b>	Executive/Strategic Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. Elected Members Issue of Stationery, Publications and Equipment Policy [8.6.1 - 3 pages]
<b>Refer:</b>	Nil.

**SUMMARY**

For Council to undertake a review of the Elected Members Issue of Stationery, Publications and Equipment Policy.

**COMMITTEE RECOMMENDATION TO COUNCIL**  
**(OFFICER'S RECOMMENDATION)**

That Council endorses the continuation of the Elected Members Issue of Stationery, Publications and Equipment Policy in its current form as outlined in Attachment 1.

**BACKGROUND**

The Elected Members Issue of Stationery, Publications and Equipment Policy ('the Policy') was adopted by Council on 23 April 1996. There have been a number of reviews of the Policy since its adoption, and the last such review was in August 2018.

A summary of the minor changes made to the Policy since its adoption are:

Review of August 2018:

- Provision of personal briefcase/satchel was replaced with provision of an iPad cover with inbuilt keyboard and stylus.
- Provision was also added for a suitable device as determined by the Manager Information Services.
- A multifunction printer/scanner/copier be provided in the Councillor Workroom for use, rather than provided to each individual Councillor.

Review of March 2016:

- The legislative references were updated.
- The reference to the IT Allowance was updated to 'in accordance with SAT Determination'.
- IT Support to Councillors for City issued equipment and software was included.
- The reference to provision of the LGMA diary and loose-leaf *Local Government Act 1995* (WA) was deleted as those are no longer supplied to Elected Members.

First review in December 2013:

- The definition of 'device provided' was changed from notebook/laptop to tablet.

**EXTERNAL CONSULTATION**

Nil.



## OFFICER'S COMMENTS

The Policy outlines the following provisions to Elected Members:

- Up to 4,000 letterheads, envelopes and business cards during their term (postage costs at the Elected Members' expense).
- 50 City of Bayswater Christmas cards, envelopes and postage.
- Name badge.
- ICT Allowance in accordance with the annual Salaries and Allowances Tribunal determination and the Elected Members Allowances Policy.
- Appropriate device (currently an iPad Pro) which is replaced every two years.
- Multifunction unit (printer/fax/copier) provided for Elected Member use in the Councillor workroom.

The City's Information Technology team have observed that since the provision of iPads there has been a reduction in service issues relating to devices as they are generally easy to use and self-diagnose faults. The wording of the policy provides flexibility in the event that a new device becomes available on the market that the City's Manager Information Technology identifies as being more suitable.

Councillors may wish to note that the City is exploring a transition to electronic voting and electronic provision of agendas and minutes via the iPad device, through an application that is integrated with the City's newly acquired agenda and minutes software.

City Officers have not been made aware of any issues in relation to the stationery entitlements, and whether they are required to be increased or decreased.

In light of the above, it is recommended that no changes be made to the current policy at this time.

## LEGISLATIVE COMPLIANCE

Elected Members Issue of Stationery, Publications and Equipment Policy

Elected Member Allowances Policy

Annual Determination by the Salaries and Allowances Tribunal

## RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council endorses the continuation of the Elected Members Issue of Stationery, Publications and Equipment Policy in its current form as outlined in <u>Attachment 1</u> .	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low

<b>Conclusion</b>	The Elected Members Issue of Stationery, Publications and Equipment Policy has been regularly reviewed by Council. It currently provides flexibility to ensure equipment provided to Elected Members are fit for purpose. No feedback has been received that the allowances need to be adjusted in the Policy, therefore no changes are recommended. No risks are identified with this option.
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<b>Option 2</b>	<b>That Council endorses the continuation of the Elected Members Issue of Stationery, Publications and Equipment Policy as outlined in <u>Attachment 1</u> and as further amended.</b>
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Risk Category		Adopted Risk Appetite	Risk Assessment Outcome  Dependent on the amendments made to the Policy.
Strategic Direction		Moderate	
Reputation		Low	
Governance		Low	
Community and Stakeholder		Moderate	
Financial Management		Low	
Environmental Responsibility		Low	
Service Delivery		Low	
Organisational Health and Safety		Low	
Conclusion	Council may wish to make amendments to the Policy, noting that depending on the changes made there may be associated risks in the categories of financial management and reputation.		

## FINANCIAL IMPLICATIONS

There will be no financial implications if there are no changes to the current policy, as the items provided to elected members are already provided for in the annual budget.

## STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

## CONCLUSION

There have been several minor reviews of the Elected Members Issue of Stationery, Publications and Equipment Policy since it was adopted in 1996. Flexibility is provided in the Policy to allow for devices to be updated from time to time, and the City is investigating opportunities to improve the systems linked to these devices. City Officers are not aware of any particular issues with the current stationery allowances in the Policy. The City is therefore not recommending any amendments to the policy at this time. Should Council wish to make amendments, the associated budget may need to be reviewed accordingly.

# Elected Members Issue of Stationery and Equipment Policy



<b>Responsible Division</b>	Office of the CEO
<b>Responsible Business Unit/s</b>	Office of the CEO
<b>Responsible Officer</b>	Chief Executive Officer
<b>Affected Business Unit/s</b>	Office of the CEO
<b>Document Ref</b>	3236402

## Purpose

To ensure Elected Members are adequately supplied with the necessary stationery, publications and equipment for their term of office.

## Policy Statement

1. An Elected Member shall be eligible to an issue of the following stationery:
  - Up to 4,000 (in lots of 500) letterheads, envelopes (postage costs shall be at the Elected Members' expense); and business cards as required during their term of office. The stationery may include a photograph of the Elected Member
  - 50 City of Bayswater Christmas cards, envelopes and postage.
  - Name Badge. Replacement name badges shall be supplied if the equipment is lost, stolen or damaged.
2. An ICT Allowance will be provided in accordance with the Elected Member Allowances Policy and the annual determination of the Salaries and Allowances Tribunal.
3. An appropriate device approved by the Manager Information Services will be provided to each Elected Member to ensure compliance with the City's operating systems and shall be replaced every election (every two years).
  - The device shall be:
    - returned to the City for office use at each replacement cycle; or
    - disposed of in accordance with provisions of the Council Policy 'Disposal of Surplus Goods and Equipment'; or
    - will be available for purchase by Elected Members at market value determined by the City.
  - IT support and maintenance shall be provided by the City for the equipment and software provided, as appropriate.

- Care of the device is the responsibility of the Elected Member.
  - An Elected Member can choose not to use the approved device provided and any other device shall be provided at their cost or from their ICT allowance.
    - The specifications of the tablet device shall be in accordance with the requirements to operate and access programs relevant to the City of Bayswater.
4. A multifunction unit (printer/fax/copier) will be provided for Elected Members use in the Councillor Workroom.

### Definitions

*Nil*

### Related Legislation

*Nil*

### Related Documentation

*Elected Member Allowances Policy*

*Annual Determination by the Salaries and Allowances Tribunal*

**Relevant Delegations****Risk Evaluation**

<b>Council Adoption</b>	<b>23 April 1996</b>
<b>Review/Modified</b>	6 February 2006
<b>Review/Modified</b>	10 March 2009
<b>Review/Modified</b>	10 December 2013
<b>Review/Modified</b>	22 March 2016
<b>Review/Modified</b>	8 November 2017
<b>Review/Modified</b>	15 August 2018

**10.6.2.7 Elected Members Access To Civic Centre And Requests/Contacts With City Employees Policy**

<b>Responsible Branch:</b>	Governance and Strategy
<b>Responsible Directorate:</b>	Corporate and Strategy
<b>Authority/Discretion:</b>	Executive/Strategic Review
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Elected Member Access to Civic Centre Policy - Current [8.7.1 - 2 pages]</li><li>2. Elected Member Access to Civic Centre Policy - Amendments [8.7.2 - 2 pages]</li></ol>

**SUMMARY**

For Council to undertake a review of the Elected Members' Access to Civic Areas and Requests/Contacts with City Employees Policy.

**COMMITTEE RECOMMENDATION TO COUNCIL**  
**(OFFICER'S RECOMMENDATION)**

That Council amends the Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy as outlined in Attachment 2.

**BACKGROUND**

Council adopted the Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy (**'the Access Policy'**) in July 2007. The Policy has been reviewed a number of times since its adoption with the last major review occurring in March 2016, where the following changes were made:

- Updating of legislative references
- Removal of the ability for the Mayor to contact the appropriate Manager should the Chief Executive Officer or Director be unavailable.

**EXTERNAL CONSULTATION**

Nil.

**OFFICER'S COMMENTS**

The 'Access to Civic Centre' provisions with the Policy outlines areas within the Civic Centre that Elected Members are permitted to access.

In relation to the provisions regarding requests/contacts with City Employees, is noted that since the adoption of this Policy a separate Elected Member Request for Information Policy (**'CHD Policy'**) has been adopted. The CHD Policy provides guidance for Elected Members to request information from City Officers on operational or strategic issues using the Councillor help desk process.

A recent internal review highlighted a minor conflict between the two policies, as the Access Policy requests elected members to contact the Directors and/or CEO for queries, whereas the CHD Policy requests Elected Members requests elected members use the CHD system in the first instance.

To minimise any confusion, it is proposed to remove the references to communication with City Officers from the Access Policy, as outlined in Attachment 2. The Policy will therefore only relate to access to the Civic Centre.

Policy direction in relation to requests for information will be continue to be addressed via the CHD Policy.

Within the Civic Centre

## LEGISLATIVE COMPLIANCE

*Local Government (Rules of Conduct) Amendment Regulations 2020*

Elected Member Request for Information Policy.

## RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Officer's Recommendation	That Council amends the Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy as outlined in <u>Attachment 2</u> .		
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome	
Strategic Direction	Moderate	Low	
Reputation	Low	Low	
Governance	Low	Low	
Community and Stakeholder	Moderate	Low	
Financial Management	Low	Low	
Environmental Responsibility	Low	Low	
Service Delivery	Low	Low	
Organisational Health and Safety	Low	Low	
Conclusion	This option represents a low risk as it will address a duplication of policy direction relating to Elected Members contacting City Officers for information.		

Option 2	That Council endorses the continuation of the Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy in its current form as outlined in <u>Attachment 1</u> .	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Moderate
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option represents a moderate governance risk, as there will continue to be conflict between the two policies which provide different direction towards contacting City Officers for information.	

<b>Option 3</b>	<b>That Council amends the Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy as outlined in <u>Attachment 2</u> and as further amended by Council.</b>		
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>	
Strategic Direction	Moderate	Dependent on the amendments made to the Policy.	
Reputation	Low		
Governance	Low		
Community and Stakeholder	Moderate		
Financial Management	Low		

Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	Council may wish to make amendments to the Policy, noting that risks will be dependent upon the amendments made by Council.	

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

Council's review of the Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy will provide awareness to the community of the Policy.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

## CONCLUSION

The Access Policy was adopted in 2007, and the separate CHD Policy was adopted in 2020.

Amendments are now proposed to resolve the minor conflict between the two policies in respect to contact with the City staff.



# Elected Members Access to Civic Centre and Requests/Contacts with City Employees Policy



**Responsible Division** Office of the Chief Executive Officer

**Responsible Business Unit/s** Office of the Chief Executive Officer

**Responsible Officer** Chief Executive Officer

**Affected Business Unit/s** Office of the Chief Executive Officer

**Document Ref**

## Purpose

To provide access privileges for Elected Members to the City of Bayswater Civic Centre, and to clarify the procedure for Elected Members' requests and contact with City Employees.

## Policy Statement

### Access to Civic Areas

1. Elected Members are to have access to the civic areas of the Civic Centre including, Basement Car Park, Councillors Lounge, Councillors Office and Council Chamber and Foyer.
2. Elected Members are to be provided with an access key and security card allowing access to the above areas as soon as possible following election to office.
3. Elected Members are to return the access key and security card to the Chief Executive Officer (CEO) immediately upon the expiration of the Elected Member's term.

### Access to Administration Area

Elected Members can only access the administration area in the Civic Centre by contacting either the CEO and/or Directors.

### Requests and Contact with City Employees

Elected Members are to liaise directly with the CEO and Directors in relation to administration matters including work-related requests, enquiries, complaints and comments.

## Definitions

Nil.

**Relevant Delegations**

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**Risk Evaluation**

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**Council Adoption****24 July 2007**

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**Review/Modified**08 December 2009

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**Review/Modified**22 March 2016

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# Elected Members Access to Civic Centre ~~and Requests/Contacts with City Employees~~ Policy



**Responsible Division** Office of the Chief Executive Officer

**Responsible Business Unit/s** Office of the Chief Executive Officer

**Responsible Officer** Chief Executive Officer

**Affected Business Unit/s** Office of the Chief Executive Officer

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### Access to Administration Area

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### ~~Requests and Contact with City Employees~~

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## Definitions

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**Relevant Delegations**

---

**Risk Evaluation**

---

**Council Adoption****24 July 2007**

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**Review/Modified**08 December 2009

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**Review/Modified**22 March 2016

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**10.6.2.8 Policy Register And Amendment To Review Cycle**

<b>Responsible Branch:</b>	Governance and Strategy
<b>Responsible Directorate:</b>	Corporate and Strategy
<b>Authority/Discretion:</b>	Executive/Strategic
<b>Voting Requirement:</b>	Simple Majority
<b>Attachments:</b>	1. Amended Policy 001: Policy Governance [8.8.1 - 3 pages] 2. Policy Register [8.8.2 - 15 pages]
<b>Refer:</b>	Item 8.1: PRDC 20.07.2021 Item 10.6.1.1: OCM 24.08.2021

**SUMMARY**

The City's Policy: Governance Policy was adopted by Council in August 2021. An amendment is now proposed to the review provisions under clause 9 of the policy to better align with the local government election cycle. The City has also prepared a Policy Register per clause 10 of the policy, which is presented for Council to note. The Policy Register is intended to improve overall compliance by increasing the overall awareness of the policies and mitigating the risks associated with outdated policies.

**COMMITTEE RECOMMENDATION TO COUNCIL**  
**(OFFICER'S RECOMMENDATION)**

**That Council:**

- 1. Amends the Policy: Governance Policy as outlined in Attachment 1.**
- 2. Notes that the Policy Register contained in Attachment 2 will form the administrative record of all current and active Council policies made under section 2.7 of the *Local Government Act 1995* (WA).**
- 3. Notes that the Policy Register has been compiled after extensive research, however any inactive policies subsequently discovered will be submitted to Council with recommendations to revoke them as appropriate.**

**BACKGROUND**

Section 2.7 of the *Local Government Act 1995* defines one of the roles of Council as determining the policies of the local government. The City is responsible for the ongoing maintenance and application of those policies. During the financial year 2020/21, the City undertook an internal review of its Policy Framework, and that review produced a number of operational recommendations in addition to holistic improvements which were put to Council in the form of a head policy.

The Policy: Governance Policy (the Policy) was endorsed by the Policy Review and Development Committee (the Committee) on 20 July 2021 and adopted by Council at the Ordinary Council Meeting of 24 August 2021. It sets the principles and expectations for the administration in regards to management of the City's Policy Framework and replaced an internal policy framework document which focused on instruction rather than the strategic goals of policy setting.

The Policy aims to simplify and standardise the processes, and provide greater structure and oversight of the Policy Framework. The specific matters for consideration in this report are:

- Moving from a two-year policy review cycle to a risk-based review cycle.
- For Council to note that the administration will maintain a register of all current policies.

## EXTERNAL CONSULTATION

No consultation was required with the public or other agencies on this matter.

## OFFICER'S COMMENTS

Comments for this report have been separated into four sections. Limbs 1, 2 and 3 correspond with the respective three limbs in the Officer's Recommendation. An update is also provided on the implementation of the recommendations from the Policy Framework review in FY2020/2021.

Council may wish to note that this report applies only to Council policies made under section 2.7 of the *Local Government Act 1995* (WA). The associated officer's comments and recommendation, the Governance Policy, and the Policy Register do not consider or apply to policies made under the *Planning and Development Act 2005* (WA) or other enabling legislation.

### Limb 1: Amendments to the Policy

Policies may be developed, amended, reviewed or revoked at any time, but for good practice, they should all be reviewed periodically. Under the previous Policy Framework, all policies were reviewed over a set two-year cycle, however the internal review found that some policies did not require such frequent review. It also found that arbitrary reviews were creating unnecessary work including consideration by the Committee and Council and the associated administrative processes.

The revised Policy: Governance Policy includes provisions for the periodic reviewing of every policy, but proposes a shift from a two-year cycle to a flexible risk-based cycle. As new policies are developed and existing policies are reviewed, they will be evaluated against the City's Risk Management Framework to determine the level of risk associated with the policy content and objectives against various influencing factors. The risk level will determine how frequently the policy should be reviewed, between one and three years.

The City proposes to amend the review provisions for low-risk policies, as outlined in clause 9 of the Policy, from at least every three years to at least every four years. This would be a practical improvement as it would align with the local government election cycle and the City's policy review program, which aligns with the committees established after each election. It is important to note that the amendment will not prevent Council, the Committee or the administration from requesting a policy be developed, amended, reviewed or revoked at any time.

The current risk requirements are set out below, along with the corresponding proposed amendment. The amendments are also demonstrated in **Attachment 1**.

**Table 1:** Policy risk level against current and amended provisions.

Risk level	Current provisions	Amended provisions
Extreme	Annually	Annually
High	At least every two years	At least every two years
Moderate	At least every two years	At least every two years
Low	At least every <u>three</u> years	At least every <u>four</u> years

### Limb 2: Policy Register

The Governance and Strategy branch has undertaken a comprehensive search to identify all current and available policies. This included thorough searches of the City's website and intranet, previous policy review schedules, and Committee and Council minutes. Extensive consultation was also undertaken with each directorate to confirm current policies being applied by the organisation. The information from this search was used to develop the Policy Register contained in **Attachment 2**.

The Register contains identifying information for all known adopted policies. It will provide better oversight of the Policy Framework and a definitive record of policies in effect. The Register will be updated as policies are adopted, amended, reviewed or revoked, rather than returned to Council each time. The City intends to refine the design and collect more detailed information as part of the next review cycle. Internal supplementary documents, such as management practices, will also be mapped against relevant policies in time.

### Limb 3: Revoking policies not included in the register

It is possible that there are some inactive policies which have not been identified, and it is recommended that Council revokes any such inactive policies as they may contain outdated reference or not reflect current practices. In the event that any such inactive policies are subsequently identified, they will be submitted in due course to Council with recommendations to revoke them where appropriate.

### Update on the implementation of other recommendations

It was expected that implementation of the remaining holistic and operational recommendations would be completed by the end of 2021. Progress of the implementation has been delayed due to other priorities, including the election period. It is therefore anticipated that implementation will be completed by the end of the 2021/22 financial year.

## LEGISLATIVE COMPLIANCE

Under section 2.7 of the *Local Government Act 1995* (WA), one of the roles of Council is to determine the policies of the local government.

## RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following options have been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

<b>Officer's Recommendation</b>	<b>That Council:</b> <ol style="list-style-type: none"> <li><b>Amends the Policy: Governance Policy as outlined in <u>Attachment 1</u>.</b></li> <li><b>Notes that the Policy Register contained in <u>Attachment 2</u> will form the administrative record of all current and active Council policies made under section 2.7 of the <i>Local Government Act 1995</i> (WA).</b></li> <li><b>Notes that the Policy Register has been compiled after extensive research, however any inactive policies subsequently discovered will be submitted to Council with recommendations to revoke them as appropriate.</b></li> </ol>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	This option is considered to present a very low risk in all categories. Amending the Policy would align processes and simplify governance functions.	

Option 2	That Council:  1. Amends the Policy: Governance Policy contained in <u>Attachment 1</u> , subject to further amendments as determined by Council.  2. Notes that the Policy Register contained in <u>Attachment 2</u> will form the administrative record of all current and active Council policies made under section 2.7 of the Local Government Act 1995 (WA).  3. Notes that the Policy Register has been compiled after extensive research, however any inactive policies subsequently discovered will be submitted to Council with recommendations to revoke them as appropriate.	
Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Risks to be determined based on the modifications determined by Council
Reputation	Low	
Governance	Low	
Community and Stakeholder	Moderate	
Financial Management	Low	
Environmental Responsibility	Low	
Service Delivery	Low	
Organisational Health and Safety	Low	
Conclusion	Should Council choose to make further amendments to the Policy, Council should be mindful of risks related to each amendment. The benefits outlined in Option 1 may also be compromised.	

<b>Option 3</b>	<b>That Council:</b> <ol style="list-style-type: none"> <li><b>Not amend the Policy: Governance Policy contained in <u>Attachment 1</u>.</b></li> <li><b>Notes that the Policy Register contained in <u>Attachment 2</u> will form the administrative record of all current and active Council policies made under section 2.7 of the Local Government Act 1995 (WA).</b></li> <li><b>Notes that the Policy Register has been compiled after extensive research, however any inactive policies subsequently discovered will be submitted to Council with recommendations to revoke them as appropriate.</b></li> </ol>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Moderate
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	Should Council choose not to amend the Policy, the City will require direction as to what Council requires in order to do so. This would pose a moderate governance risk, and the subsequent uncertainty would pose a low risk to service delivery.	

## FINANCIAL IMPLICATIONS

Nil.

## STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:



Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

## CONCLUSION

Implementation of recommendations from an internal review of the City's policy framework is in progress. The recommendations provided in this report are to propose the next steps to improving management and oversight of the City's policy framework. The amended Policy: Governance Policy would enable the City to better align the policy review schedule with the local government election cycle. The Policy Register has been developed to provide greater visibility of the current and active policies. It is recommended that Council resolve to revoke any policies now listed in that register to avoid any potential conflict with current and active policies.

Planning and development policies are outside the scope of this report.

City of  
**Bayswater**

Policy 001:

# Policy Governance



<b>Responsible Division</b>	Corporate and Strategy
<b>Responsible Business Unit</b>	Governance and Organisational Strategy
<b>Responsible Officer</b>	Manager Governance and Organisational Strategy
<b>Affected Business Units</b>	All business units
<b>Document ID</b>	XXXX

## Purpose

This policy sets out principles and expectations for the development and management of Council's policies.

## Scope

This policy applies to all City of Bayswater policies made under the *Local Government Act 1995* (WA). Administrative controls, including management practices, guidelines and procedures must also be consistent with this policy.

## Definitions

For the purpose of this policy —

**guideline** means a document that supports the interpretation of a policy, often by providing examples to demonstrate how the policy and supplementary documents should be applied.

**policy** means a written statement of Council's position on a matter adopted under the *Local Government Act 1995* (WA).

## Policy Statement

1. Under the *Local Government Act 1995* (WA) section 2.7, one of the roles of Council is to determine the policies of the local government.
2. Policies provide strategic direction and principles to guide the activities of and decision-making by Council and the administration.
3. The administration will develop and maintain such supplementary documents as are necessary to ensure effective implementation of policies.

## Principles for policy development

4. A policy response may be considered where there is complexity or lack of clarity in one or more of the following circumstances:
  - a. Statutory requirements

- b. Industry standards
  - c. Community need or expectations
  - d. A resolution by Council
  - e. The City's strategic objectives.
- 5. A policy will be adopted where it is demonstrated the policy it will provide:
  - a. Clarity and consistency in operations or decision-making
  - b. Greater efficiency
  - c. Improved customer or community outcomes.
- 6. All policies must:
  - a. Be applied consistently across the organisation, unless stated otherwise
  - b. Support and represent the City's values and strategic objectives
  - c. Consider relevant stakeholders
  - d. Comply with statutory requirements
  - e. Be consistent with other policies, resolutions and local laws
  - f. Assign a responsible officer to administer the policy
  - g. Be made available on the City's website within 14 days of being adopted by Council.
- 7. If necessary, a guideline may be developed to support the interpretation of a policy. Guidelines are to be appended to the relevant policy and adopted by Council.
- 8. All supplementary documents must be consistent with the relevant policies, local laws and other relevant statutory and administrative requirements.

### Principles for policy management

- 9. Policies will be reviewed periodically to ensure they remain relevant and fit-for-purpose. Policies will be assessed in accordance with the City's Risk Management Framework and the frequency of review will be determined in accordance with the following:

Risk level	Frequency of review
Extreme	Annually
High	At least every two years
Moderate	At least every two years
Low	At least every <del>three</del> four years

A policy may be reviewed, amended or rescinded at any time outside the set review cycle if it is considered necessary.

10. The administration will maintain a register of all policies and supplementary documents.
11. The administration will update relevant internal controls to reflect the review, amendment or rescission of a policy within 30 days of the decision being adopted by Council, if practical.

### Related Legislation

*Local Government Act 1995 (WA) s2.7(2)(b)*

### Related Documentation

Nil

### Document details

<b>Relevant delegations</b>	Nil
<b>Risk evaluation</b>	Low
<b>Strategic link</b>	L1 Accountable and good governance
<b>Council adoption</b>	24 August 2021
<b>Next review due</b>	August 2021
<b>Reviewed/modified</b>	Nil



# Policy Register

Following is a register of all City of Bayswater policies adopted under section 2.7 of the *Local Government Act 1995* (WA). Policies are grouped by responsible directorate.

**NOTE:** The risk level and next review date for each policy will be determined as part of the next two-year review cycle. Details will be added to the register when a risk level and next review date are adopted by Council.

## Chief Executive Officer

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Anniversary Recognitions	To provide a guideline for when anniversary and birthdays of residents of the City of Bayswater are recognised.	Office of the CEO	February 2006	<i>To be determined</i>
Communications and Social Media	This policy establishes protocols for the City of Bayswater's (the City) official communications with our community to ensure the City is professionally and accurately represented and to maximise a positive public perception of the City.	Communications & Marketing	November 2018	<i>To be determined</i>
Community Engagement	This Community Engagement Policy outlines the City of Bayswater's commitment to engaging with the community through the use of appropriate, effective and inclusive practices. The policy will guide the delivery of community and stakeholder engagement across the organisation to support decision-making, build relationships and strengthen the community's acceptance of outcomes.	Community Engagement	March 2019	<i>To be determined</i>
Elected Members Attendance at Conferences, Seminars, Training and Professional Development	Council supports the attendance of Elected Members at conferences; seminars and training: which will assist them in fulfilling their role or otherwise benefit the Bayswater district community and where attendance is undertaken in a transparent manner.	Office of the CEO	March 2018	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Elected Members Issue of Stationery, Publications and Equipment	To ensure Elected Members are adequately supplied with the necessary stationery, publications and equipment for their term of office.	Office of the CEO	August 2018	<i>To be determined</i>
Elected Members Request for Information	The City will respond to requests made by the Elected Members in a timely and professional manner in accordance with the details stipulated in this Policy.	Office of the CEO	December 2020	<i>To be determined</i>
Execution of Documents and Use of Common Seal	To establish procedures for: a) Affixing the City's common seal; and b) Determining whether a document is executed by way of common seal or signed by an authorised employee.	Office of the CEO	April 2020	<i>To be determined</i>
Honorary Freeman of the City	To provide appropriate recognition to residents and other individuals who have served the Bayswater community with distinction.	Office of the CEO	February 2018	<i>To be determined</i>
Public Interest Disclosure	To facilitate the disclosure of public interest information under the Public Interest Disclosure Act 2003 (PID Act) and ensure protection for those making such disclosures.	Office of the CEO	February 2018	<i>To be determined</i>
Senior and Executive Staff Attendance at Conferences, Seminars and Training	Council supports the attendance of City of Bayswater (the City) staff at conferences, seminars and training to assist them in fulfilling their role and further developing their skill set or where attendance will benefit the Bayswater district community.	Office of the CEO	May 2018	<i>To be determined</i>

## Community and Development

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
CCTV Management	This policy outlines the City of Bayswater's position in providing a Closed Circuit Television (CCTV) system that assists in decreasing crime and anti-social behaviour, protecting community assets and improving the detection of crime and conviction of offenders.	Rangers & Security	May 2018	<i>To be determined</i>
Disposal of Unclaimed Animals	To establish the guidelines for how unclaimed animals are to be disposed of in a humane and proper manner.	Rangers & Security	July 2019	<i>To be determined</i>
Funding and the Provision of in kind Support for Minor works for Public and Private Schools within the City of Bayswater	To provide guidelines for the provision of funding and/or in kind support for minor works for public and private schools within the City of Bayswater which are publically accessible outside of school hours or where covered by a separate agreement.	Project Services	March 2019	<i>To be determined</i>
Granting Permits under the Thoroughfare Local Law	Could not locate a copy, but it was included in the last review schedule. Also appears to have been functionally superseded by the Activities in Thoroughfares and Public Places and Trading Local Law 2020.	Development & Place Rangers & Security	March 2019	<i>To be determined</i>
Infringement Notices	To provide the criteria for the withdrawal and the collection of unpaid infringements.	Rangers & Security	July 2019	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Mobile Food Vehicles	To provide guidance on the requirements for the operation of mobile food vehicles within the City of Bayswater, encourage mobile food vehicles to operate in locations which support the activation of underutilised public spaces. To ensure mobile food vehicles operate in a way which complements existing food businesses in town centre. Ensure mobile food vehicles are of a temporary nature. Ensure mobile food vehicles do not reasonable compromise the amenity of the surrounding residential area and to ensure mobile food vehicle operators practise safe food handling in accordance with the Food Act 2008.	Development & Place Environmental Health & Statutory Building	March 2019	<i>To be determined</i>
Naming of Parks, Reserves, Streets and Infrastructure	To outline the City of Bayswater's requirements, in support of the consistent approach for the naming of parks, reserves, streets and infrastructure as set out by the Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia.	Development & Place	August 2017	<i>To be determined</i>
Pedestrian Accessway Closures	To outline matters to be taken into consideration when assessing proposals for the closure of Pedestrian Access Ways (PAW).	Development & Place	March 2016	<i>To be determined</i>
Volunteers	To ensure volunteer management systems and processes are in place that: Recognise the valuable contribution of City of Bayswater registered volunteers, Ensure compliance and industry leading volunteer management, particularly in the areas of recruitment, training, Occupational Health and Safety and support of volunteers	Community Development	July 2019	<i>To be determined</i>

Updated 9 November 2021



## Corporate and Strategy

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Policy Governance	This policy sets out principles and expectations for the development and management of Council's policies.	Governance & Strategy	August 2021	<i>To be determined</i>
Administrative Maintenance of Policies	To allow of minor inconsequential amendments to be made to the City's policies without the requirement to present those minor amendments to Council for adoption.	Governance & Strategy	November 2018	<i>To be determined</i>
Attendance at Events	The purpose of this Policy is to provide a clear framework and guidelines for the acceptance of tickets or invitations by Elected Members and the Chief Executive Officer ('CEO') to attend events or functions. This will policy will ensure that the City of Bayswater ('the City') both meets community expectations and meets the legislative requirements under section 5.90A of the Local Government Act 1995 (WA) which requires all Local Governments to prepare and adopt an Attendance at Events Policy.	Governance & Strategy	December 2020	<i>To be determined</i>
Caretaker Election Period	To ensure compliance with the caretaker election period provisions in the Code of Conduct – Council Members and Committee Members 2018.	Governance & Strategy	August 2018	<i>To be determined</i>
Cash-backed Reserves	To provide a strategic framework for the establishment and utilisation of Financial (Cash-Backed) Reserves.	Financial Services	May 2020	<i>To be determined</i>
Community Grants	This policy states the Council's position on providing financial support to not-for-profit community groups within the context of the Strategic Community Plan.	Corporate & Strategy	May 2018	<i>To be determined</i>
Contract Management	To support the City's Procurement Policy.	Governance & Strategy	June 2020	<i>To be determined</i>
Corporate Credit Card	To set out the business practices for effective use of Corporate Credit Cards.	Financial Services	February 2018	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Cyber Security	To protect the City of Bayswater's (the City) ICT assets and ensure cyber security best practice standards.	Information Services	May 2018	<i>To be determined</i>
Drugs and Alcohol	The City of Bayswater ('the City') is committed to providing a safe and healthy workplace for all employees, contractors and sub-contractors. As part of this commitment the City will not tolerate the misuse of alcohol or other drugs in the workplace. The purpose of this policy is to ensure the following: That employees, contractors and sub-contractors are fit for work and not under the influence of alcohol and/or other drugs while at work. That the safety and wellbeing of staff and the public are not placed at risk by the actions of an employee under the influence of drugs and/or alcohol. That the illegal and criminal activity of possession or dealing in drugs does not occur at the workplace.	People, Culture & Safety	July 2019	<i>To be determined</i>
Elected Members Access to Civic Centre and Requests / Contacts with City Employees	To provide access privileges for Elected Members to the City of Bayswater Civic Centre, and to clarify the procedure for Elected Members' requests and contact with City Employees.	Governance & Strategy	March 2016	<i>To be determined</i>
Elected Members Allowances	To determine the method and timing of payment of Elected Members allowances in accordance with the Local Government Act 1995.	Corporate & Strategy	February 2018	<i>To be determined</i>
Elected Members Contact with Developers	To provide the highest standards of transparency and openness in town planning and development decision-making and to avoid perceptions of bias or undue influence.	Governance & Strategy	March 2018	<i>To be determined</i>
Equal Opportunity	To ensure the fair and equitable treatment of people accessing the City of Bayswater's services and facilities, whether members of the community or City of Bayswater employees.	People, Culture & Safety	February 2018	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Financial Hardship	This policy states the Council's position on allowing flexibility for payments on overdue debtor, and rates and service charges where extreme financial hardship is recognised, and outlines the scope and criteria for assessing applications of financial hardship.	Financial Services	June 2020	<i>To be determined</i>
Fraud and Corruption	This Policy articulates the City's commitment to prevention, detection, response and monitoring of any fraudulent or corrupt activities within its operations.	Governance & Strategy	June 2019	<i>To be determined</i>
ICT Business Continuity	To ensure continuity of business in the event of failure or loss of primary ICT infrastructure.	Information Services	May 2018	<i>To be determined</i>
Investment	The Investment Policy sets out the requirements for the management of the City's cash and investment portfolio.	Financial Services	June 2020	<i>To be determined</i>
Loan Borrowing	To provide guidance for the prudent borrowing of funds to ensure: transparent and accountable decision-making by the City; and the City's financial resources are appropriately managed.	Financial Services	June 2020	<i>To be determined</i>
Occupational Safety and Health	<p>The City of Bayswater Council and Executive Management is fully committed to continuously improving all aspects of safety within the organisation with the development and implementation of the Occupational Safety and Health Management System.</p> <p>The City of Bayswater aims to be a leader in Occupational Safety and Health (OSH) in all aspects of our business.</p> <p>The purpose of this policy is to express the commitment and intention to manage the safety and health responsibilities, consistent with the organisation's overall strategic vision and the requirements of relevant legislation.</p>	People, Culture & Safety	January 2019	<i>To be determined</i>

Updated 9 November 2021

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Official Photograph of Council	To provide information and a photographic record of the Elected Members and Senior Management staff who have served at the Council	Governance & Strategy	May 2019	<i>To be determined</i>
Payments	Stipulates what kind of payments the City will accept.	Financial Services	June 2019	<i>To be determined</i>
Privacy	To ensure that any third party personal information held by the City of Bayswater (the City) is handled appropriately and that best practice privacy principled are maintained.	Governance & Strategy	November 2018	<i>To be determined</i>
Procurement	This policy demonstrates the City of Bayswater's commitment to the principles of transparency, probity and good governance in procurement practices and also provides guidance in ensuring full compliance with applicable legislation. The policy also provides for preference to be given wherever possible to sourcing of environmentally-sustainable products.	Governance & Strategy	April 2021	<i>To be determined</i>
Rates and Charges Collection	This policy outlines the City of Bayswater's position for efficient and effective collection of rates and charges and reimbursements.	Financial Services	March 2018	<i>To be determined</i>
Rates Exemption	To ensure a consistent and objective approach to rate exemptions under the Local Government Act 1995.	Financial Services	April 2018	<i>To be determined</i>
Requirements to Hold a Current Public Liability Insurance	To document and assess the requirement for hirers of Council reserves and venues for sporting or recreation use to hold a current public liability insurance policy and to outline the procedures involved.	Governance & Strategy	July 2019	<i>To be determined</i>
Retirement of Elected Members	To provide direction on gifts given to retiring Elected Members in recognition of their service to the community as an Elected Member.	Governance & Strategy	August 2019	<i>To be determined</i>

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Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Risk Management	The City of Bayswater Risk Management Policy is an outline of the City's commitment to managing risks that may impact the City's strategies, goals or objectives.	Governance & Strategy	May 2019	<i>To be determined</i>
Senior Management Group Civic Allowance	The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred by the Chief Executive Officer (CEO) and Directors in carrying out their rules.	People, Culture & Safety	May 2019	<i>To be determined</i>
Strategic Budget	To establish clear principles and guidelines for the City of Bayswater (the City) that will deliver: <ul style="list-style-type: none"> <li>– Elected Members strategic financial management directives;</li> <li>– Community engagement;</li> <li>– Robust and transparent long-term financial planning;</li> <li>– Intergenerational equity;</li> <li>– Good stewardship of the City's assets;</li> <li>– Sustainable, fully costed fees, charges for services and goods sold;</li> <li>– Asset sustainability (maintenance, renewal, replacement and new);</li> <li>– Prudent rates setting that reflects the community's needs and aspirations;</li> <li>– Sustainability in non-rates and non-fees &amp; charges income.</li> </ul>	Financial Services	January 2020	<i>To be determined</i>
Sundry Debt Collection and Recovery	This policy states the Council's position to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service.	Financial Services	March 2019	<i>To be determined</i>

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Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Temporary Employment or Appointment of a CEO	To provide for the employment of a CEO for periods of less than one year, and to also provide for the appointment of one of the City's Directors as Acting CEO during any limited absences of the CEO.	Governance & Strategy	October 2019	<i>To be determined</i>
Use of City Information Resources	To ensure proper usage of all information and communications technology (ICT) resources, including any electronic data transfer using the City of Bayswater's (the City) ICT resources.	Information Services	May 2018	<i>To be determined</i>
Use of City of Bayswater Logo	To set out the protocols and conditions for use of the City of Bayswater logo.	Financial Services	November 2018	<i>To be determined</i>
Waivers, Concessions and Definitions for Fees and Charges	The City of Bayswater (the City) may waiver fees or grant concessions to support not-for-profit community groups and schools and to promote the City in a fair and equitable manner.	Financial Services	May 2018	<i>To be determined</i>

## Major Projects and Commercial Activities

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Funding and the Provision of in kind Support for Minor works for Public and Private Schools within the City of Bayswater	To provide guidelines for the provision of funding and/or in kind support for minor works for public and private schools within the City of Bayswater which are publically accessible outside of school hours or where covered by a separate agreement.	Project Services	March 2019	<i>To be determined</i>
Land Acquisition and Disposal	To provide a framework to achieve the efficient and accountable retention, development, acquisition and disposal of City of Bayswater land and property for community benefit.	Major Projects & Commercial Activities	June 2020	<i>To be determined</i>
Requirement to Hold Working with Children Check	To document the requirement for hirers of Council facilities and organisations/individuals who participate in City functions, events or services involving child related activities to demonstrate that they have complied with the Working with Children (Criminal Record Checking) Act 2004.	Recreation & Commercial Activities	July 2019	<i>To be determined</i>
Sports Turf Maintenance	States the Council's position on consistent and equitable ways of providing specialist turf surfaces and more appropriately apportioning the costs of this to the recipient clubs.	Project Services	July 2019	<i>To be determined</i>

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## Works and Infrastructure

Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Asset Management	The key objective of this Asset Management (AM) policy is to ensure that services delivered by the City continue to be sustainably delivered by ensuring that the assets are managed in a systematic approach that optimises their performance and expenditures over their life cycle for the purpose of achieving the City's Strategic Community Plan. It will also provide clear direction as to how the City, as custodians of community assets, will manage those assets within an Asset Management Framework.	Engineering and Spatial Services	May 2019	<i>To be determined</i>
Community Facilities Lease and Licence, User Agreement	To provide a structured and consistent approach to the management of Council's lease and licence/user agreements with not-for-profit organisations and sporting and recreational groups for the use of community facilities.	Building Works	April 2019	<i>To be determined</i>
Contribution to Common Fences	To clearly state the City of Bayswater's financial contribution towards the costs associated with the provisions of a new and or repairs to an existing fence that abuts a reserve or land owned or controlled by the City.	Parks and Gardens	May 2019	<i>To be determined</i>
Council Vehicles - Conditions of Use	The purpose of this policy is to ensure that the City maintains a suitable fleet of vehicles that contributes positively and effectively to the work performance of the City of Bayswater (the City).	Engineering and Spatial Services	March 2019	<i>To be determined</i>
Crossovers	To provide appropriate standard for the construction of crossovers in the City of Bayswater and to ensure the correct allocation of crossover subsidies as per schedule 9.1 (7) of the Local Government Act 1995.	Engineering and Spatial Services	July 2019	<i>To be determined</i>
Dinghy Management	This policy states Council's position on private dinghy storage on river foreshore reserves, under its care and control.	Sustainability, Environment & Waste	February 2017	<i>To be determined</i>

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Name	Purpose	Responsible branch	Adopted / last reviewed	Risk level & next review
Directional Signs	To outline the City of Bayswater's position in regard to directional signage provided by the City of Bayswater at the applicant's cost for businesses and facilities within the City of Bayswater, with the view to provide direction whilst restricting the spread of signs and reducing the likelihood of traffic hazard along the City of Bayswater's verges or median strips.	Engineering and Spatial Services	May 2019	<i>To be determined</i>
Edible Pocket Gardens	To support residents using a portion of their local park as an 'edible pocket garden' to promote greening and sustainability initiatives throughout the City.	Parks and Gardens	May 2019	<i>To be determined</i>
Footpath Construction	To provide a consistent and transparent process for dealing with the construction of Footpaths and Cycleways within the road reserve under the care, control and management of the City of Bayswater.	Engineering and Spatial Services	May 2021	<i>To be determined</i>
Graffiti Vandalism	To provide a service to clean, remove or cover incidents of graffiti vandalism in Bayswater. To provide guidelines for a multi-pronged campaign against this very visible form of vandalism.	Engineering and Spatial Services	July 2019	<i>To be determined</i>
Private Trees	To provide guidance with regards to complaints regarding trees within neighbouring private property that may be or have a high likelihood of causing damage to adjoining private property and actions that can be taken by the City in accordance with Schedule 3.1 - Section 3.25, 3.26, and Schedule 3.2, Section 3.27 (7) of the Local Government Act 1995.	Parks and Gardens	February 2019	<i>To be determined</i>
Public Reserves - Management of Vegetation Adjacent to Private Property	To establish guidelines where Council may approve the pruning, removal and replacing of trees and other vegetation in public reserves.	Parks and Gardens	March 2019	<i>To be determined</i>

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<b>Name</b>	<b>Purpose</b>	<b>Responsible branch</b>	<b>Adopted / last reviewed</b>	<b>Risk level &amp; next review</b>
Purchase and Placement of Memorial Seats	This policy states the Council's position on additional public seating throughout the City and the placement of memorials to deceased loved ones on this seating.	Parks and Gardens	July 2019	<i>To be determined</i>
Street Verges	To outline the requirements for providing, maintaining, protecting and removing trees on private land and the street verge during the development of land or residential subdivision in the City of Bayswater.	Parks and Gardens	March 2019	<i>To be determined</i>
Urban Trees	To provide guidelines for the management of trees within parks and road reserves in the City of Bayswater.	Parks and Gardens	March 2019	<i>To be determined</i>

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## Revoked Policies

All policies not contained in this register at its adoption are considered revoked.

Policies revoked since adoption of this register:

- Nil.

**10.6.2.9 Urban Trees Policy**

<b>Responsible Branch:</b>	Parks and Gardens
<b>Responsible Directorate:</b>	Works and Infrastructure
<b>Authority/Discretion:</b>	Review
<b>Voting Requirement:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Current Urban Trees Policy [8.9.1 - 4 pages]</li> <li>2. Amendments to Current Urban Trees Policy [8.9.2 - 6 pages]</li> <li>3. Proposed Updated Urban Trees Policy [8.9.3 - 4 pages]</li> <li>4. Proposed Urban Trees Policy with Further Amendments Recommended by Policy Review and Development Committee [8.9.4 - 4 pages]</li> </ol>

**SUMMARY**

For Council to note the proposed amendments to the Urban Trees Policy and the associated recommendations.

**OFFICER'S RECOMMENDATION**

That Council:

1. Notes the proposed amendments to the Urban Trees Policy as outlined in Attachment 3 to this report;
2. Notes that a review of the City's Crossover Policy and Trees on Private Land and Street Verges Policy is required to align those policies with the amended Urban Trees Policy; and
3. Requests the Chief Executive Officer to bring a report to the next meeting of the Policy Review and Development Committee for further consideration of amendments to all three policies.

**COMMITTEE RECOMMENDATION TO COUNCIL**

That Council:

1. **Amends the Urban Trees Policy as outlined in Attachment 3 to this report and as further amended in new Attachment 4;**
2. **Notes that a review of the City's Crossover Policy and Trees on Private Land and Street Verges Policy is required to align those policies with the amended Urban Trees Policy;**
3. **Requests the Chief Executive Officer to bring a report to the next meeting of the Policy Review and Development Committee for further consideration of amendments to the remaining policies; and**
4. **Requests the Chief Executive Officer to prepare a report investigating residents' ability to undertake minor maintenance on trees on the verges abutting their property.**

**BACKGROUND**

The City has had the Urban Trees Policy in place since April 2019 (**Attachment 1**), and now further refinement of its intent and detail is required. This review also provides opportunity to update the revised policy template.

**EXTERNAL CONSULTATION**

Nil.

**OFFICER'S COMMENTS**

As City officers have been working with the current policy, it has been noted that certain areas of the policy required more clarity around various issues that are encountered relating to tree management when dealing with the community.

Accordingly, the policy has been amended (**Attachment 2**) using clearer language and definitions, and any additional information or clauses speak for themselves (**Attachment 3**).

The Urban Trees Policy refers to the following two policies which also deal with street trees:

- Crossover Policy; and
- Trees on Private Land and Street Verges Policy

The above policies will be required to be reviewed to ensure harmonisation of intent and related statements with the Urban Tree Policy. Therefore, it is recommended that the Council note the proposed amendments to the Urban Tree Policy at this stage to allow the other two policies to be reviewed. It should be noted that Council may wish to consider further amendments to the Policy as part of this report and if deemed beneficial, Officers can arrange a Councillor workshop to review the Policy. A workshop would be useful to explore real cases and hypothetical situations as a means of assessing the effectiveness of the Policy.

Once Officers have completed the proposed amendments, it is proposed to bring the Urban Trees Policy together with the Crossover Policy and Trees on Private Land and Street Verges Policy back to the Policy Review and Development Committee for further consideration and adoption by Council.

**LEGISLATIVE COMPLIANCE**

Not applicable.

**RISK ASSESSMENT**

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

<b>Option 1</b>	<b>That Council:</b> <ol style="list-style-type: none"> <li><b>Notes the proposed amendments to the Urban Trees Policy as outlined in <u>Attachment 3</u> to this report;</b></li> <li><b>Notes that a review of the City's Crossover Policy and Trees on Private Land and Street Verges Policy is required to align those policies with the Urban Trees Policy; and</b></li> <li><b>Requests the Chief Executive Officer to bring a report to the next meeting of the Policy Review and Development Committee for further consideration of all three policies.</b></li> </ol>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low

Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	This option provides a considered approach to amending policy in relation to all areas of tree management. Ensuring the City provides for a modern approach to urban tree management, including the consideration of regulatory compliance obligations, overarching duty of care and maximising the outcomes for tree health and wellbeing of the community.	

<b>Option 2</b>	<b>That Council amends the Urban Trees Policy as outlined in <u>Attachment 3</u> to this report and as further amended by Council.</b>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Moderate
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	<p>Any additional amendments made by Council will need to consider their implications to the objectives of the City's Urban Forest Strategy, the protection of public trees, arboriculture best practice, and flow on effects to related City policies.</p> <p>By amending the Urban Trees Policy in isolation, could result in contradictory approaches to street trees through the various policies that also directly and indirectly deal with trees. This can result is issues with service delivery and increased reputational risk.</p>	

<b>Option 3</b>	<b>That Council does not amend the existing Urban Trees Policy.</b>	
<b>Risk Category</b>	<b>Adopted Risk Appetite</b>	<b>Risk Assessment Outcome</b>
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Moderate
Service Delivery	Low	Moderate
Organisational Health and Safety	Low	Low
<b>Conclusion</b>	<p>By not amending the existing policy the City will not keep abreast of changes to industry standards and community expectations.</p> <p>Officers are aware of some issues relating to the interpretation of the current policy. If amendments are not made then these issues are expected to continue.</p>	

## FINANCIAL IMPLICATIONS

Not applicable.

## STRATEGIC IMPLICATIONS

This policy provides guidance on how trees will be maintained and cared for on City managed land to sustain the long-term benefits provided by individual trees and the wider tree population in support of the objectives of the City's Urban Forest Strategy.

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Environment and Liveability

- Goal E2: Remain focused on greening the City's suburbs and streetscapes and increasing the tree canopy.
- Goal E5: Protect and enhance the City's natural environment and biodiversity, and encourage the community to participate in its protection.

## **CONCLUSION**

Amending policy in relation to all areas of tree management ensures the City provides a considered and modern approach to urban tree management, including the consideration of regulatory compliance obligations, overarching duty of care and maximising the outcomes for tree health and wellbeing of the community.

**URBAN TREES POLICY**

Responsible Division	Works and Infrastructure
Responsible Business Unit/s	Parks and Gardens
Responsible Officer	Manager Parks and Gardens
Affected Business Unit/s	All
ECM Document No.	3372086

**PURPOSE:**

To provide guidelines for the management of trees within parks and road reserves in the City of Bayswater.

**POLICY STATEMENT:****1 Promotion**

Council's policy is to promote the establishment of trees throughout the district to increase tree canopy and achieve the environmental benefits associated with the planting of trees.

**2 New Trees**

The Director of Works and Infrastructure is authorised to arrange for the planting of street trees of an approved variety where a need exists.

**2.1 Approved Street Trees**

The approved species of trees for street tree planting is updated on an annual basis by the City's Consulting Arborist and will be listed on the City's website.

**2.2 Requests for Street Trees**

Requests for street tree planting can be lodged at any time and will be planted as soon as practical. Adjacent property owners may request one or more trees dependent on the space available.

Where appropriate, street trees are to be located on an alignment of 2.7 metres from the property line or on such other alignment approved by the Director of Works and Infrastructure.

**2.3 Watering**

The City will water newly planted street trees, however, the adjoining landowners are encouraged to give additional water where possible, during the summer season.

**3 Maintenance / Pruning****3.1 Trees Not Under Power Lines**

Pruning can be undertaken to improve a trees health and longevity, yet excessive or unnecessary pruning can lead to the introduction of decay, pest and fungal infections. Where a request for pruning is made, each tree is assessed on a case-by-case basis, with appropriate pruning being undertaken where necessary to achieve the best outcomes for tree health and safety of the community.



Where a tree is maintained in accordance with good arboricultural practice, it lessens the likelihood of structural issues and the potential for branch failures. To ensure that the City's trees are maintained to an appropriate standard, all pruning will be undertaken in line with the Australian Standard for Amenity Pruning (AS 4373-2007) and the following criteria.

Tree pruning is only undertaken for the following reasons:

- To ensure clearance from power lines and street lighting as per the Code of Practice for 'Personnel Electrical Safety for Vegetation Control Work Near Live Power Lines';
- To ensure visibility of street signage;
- To allow appropriate sightlines for vehicles and pedestrians, to achieve this tree(s) are uplifted to a height of 2.5m above ground level;
- To provide 4.5m minimum vehicular clearance along roads;
- Where an unacceptable level of risk exists within the trees structure and pruning will enable its longevity;
- To define the form of a tree and/or to remove significant deadwood;
- To remove significant influence over a dwelling as determined by the City's Consulting Arborist; and
- To remove significant influence over solar panels as determined by the City's Consulting Arborist.

Pruning is not undertaken for the following reasons:

- Leaf, fruit or bark drop;
- Appearance (for shaping or because the tree is "ugly");
- Minor overhanging over fence lines;
- Views;
- To reduce its size;
- To discourage the presence of fauna; and
- For advertising signage.

There may be occasions where specialist pruning, falling outside of this criteria, is required to maintain the longevity of a tree. In these cases, the City's Consulting Arborist will assess the tree and direct pruning as required.

The City will not lop or top a tree or undertake other pruning to the detriment of its form or structural integrity.

### 3.2 Pruning of Trees Beneath Power Lines

The City will undertake pruning to ensure that trees below power lines are maintained at distances in line with the legislated requirements. Any tree beneath power lines will also be uplifted to 2.5m over the verge and 4.5m over the road to ensure safe usability of the verge for pedestrians and motorists. Where a tree overhangs a property line, it will be pruned to the boundary, unless a resident requests it be left to grow over.

## 4 Tree Removal

The City values all trees and appreciates that a resident may wish for a tree to be removed for a variety of reasons. However, it is recognised that trees are a community asset, and do not belong only to an adjacent resident. As such, tree removal is only undertaken for the following reasons:

- The tree is dead;
- Where an unacceptable level of risk exists within the trees structure and remedial techniques cannot rectify;
- The tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it;

- The tree is causing significant damage to infrastructure and suitable documented evidence is provided by a qualified professional; and/or
- To facilitate the placement of a permanent vehicle access crossing where there is no other viable option (Subject to payment of Amenity valuation).

Where a tree is scheduled for removal, the City's Arboricultural Team shall document basic details regarding the tree along with the reasons for removal, prior to removal taking place. Except in cases where the risk of failure or collapse is imminent and urgent removal is required.

Tree removal is **not** undertaken for the following reasons:

- Leaf, fruit or bark drop;
- Its size;
- Dislike of the species;
- The presence of fauna or insects (insect pests are treated through various techniques);
- Where the tree is an "inconvenience" during construction projects; and
- Views.

## 5 Tree Removal for Development

Where a tree is proposed to be removed for any kind of development or building works, it will be subject to an assessment of its health and condition and amenity valuation using the Helliwell System. If it is deemed suitable to allow removal of the tree, the proponent of the works will be required to:

- Pay the amenity value of the tree to the City;
- Arrange for its removal by an arboricultural contractor; and
- Plant a replacement tree that is a minimum 45 litre bag size of a species nominated by the City's Consulting Arborist.

In cases of development or subdivision, an application for removal is to accompany subdivisional or building plans in line with the Trees on Private land and street verges policy and the above will apply.

The Manager Parks and Gardens and the City's Consulting Arborist are authorised to remove a tree in line with the above criteria and replace it with an appropriate species.

## 6 Tree Memorial

When a landowner (the applicant) requests that an approved street tree adjacent to their property be listed protected the Director of Works and Infrastructure may approve the application, subject to the following:

- The applicant agrees to affix a memorial (small sign paid by the applicant and supplied by the City) near the tree.
- The applicant agrees to maintain the tree during its period of protection.
- The applicant agrees to indemnify the City of Bayswater against all actions claims, damages, debts and expenses whatsoever in respect of damage to property and the death or injury to any person arising out of maintenance of the street tree or trees the subject of this application by the landowner / applicant and its employees or contractors.
- The applicant meets the cost of the sign and associated maintenance for the term of the tree protection.

- The City of Bayswater will maintain an up-to-date register of all street tree memorials.
- If the applicant fails to maintain the tree then the City may undertake works as required to ensure appropriate clearances for sightlines and power lines are maintained.
- The termination of the period of protection is on application or when the property ownership is transferred from the applicant.

## 7 Unauthorised Pruning and Vandalism of Trees

Where unauthorised pruning, vandalism, poisoning or removal of vegetation occurs within the City of Bayswater owned or managed land, the Director of Technical Services will take action as follows:

- Where the plant is less than 2m tall and/or less than four plants are vandalised, the City will install a tree vandalism sign of 0.6m x 1.2m for a period of 2 years.
- Where the plant is greater than 2m tall and/or more than three plants are vandalised, the City will install a tree vandalism sign of 3m x 3m for a period of 2 years.
- Write to affected residents in the vicinity advising of the poisoning of the tree(s) and the City's actions in response to the vandalism
- A sign can be removed prior to the 2 year period if a resident applies to the City to replace the vandalised vegetation (of a similar size and species) at a 2:1 ratio at their own cost.

### DEFINITIONS:

*Nil*

### RELATED LEGISLATION:

*Nil*

### RELATED DOCUMENTATION:

*Nil*

### DEFINITIONS:

*Nil*

### RELATED LEGISLATION:

*Nil*

### RELATED DOCUMENTATION:

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	9 April 2019
Reviewed / Modified	Date	
Reviewed / Modified	Date	



## URBAN TREES POLICY

Responsible Division	Works and Infrastructure
Responsible Business Unit/s	Parks and Gardens
Responsible Officer	Manager Parks and Gardens
Affected Business Unit/s	All
ECM Document No.	3372086

### PURPOSE:

To provide guidelines for the management of trees within parks and road reserves in the City of Bayswater. This policy provides guidance on how trees will be maintained and cared for on City-managed land.

### POLICY STATEMENT:

#### 1 ~~Promotion~~General

Council's policy is to promote the establishment of trees throughout the district to increase tree canopy and achieve the environmental benefits associated with the planting of trees. All trees, irrespective of who planted them and which have at least 50% of their base located within City managed land, will be maintained and cared for by the City.

#### 2 ~~New-Trees~~Tree Planting

The Director of Works and Infrastructure is authorised to arrange for the planting of street trees of an approved variety where a need exists.

##### 2.1 ~~Approved Street Trees~~

The approved species of trees for street tree planting is updated on an annual basis by the City's Consulting Arborist and will be listed on the City's website.

##### 2.2 ~~Requests for Street Trees~~

Requests for street tree planting can be lodged at any time and will be planted as soon as practical. Adjacent property owners may request one or more trees dependent on the space available.

Where appropriate, street trees are to be located on an alignment of 2.7 metres from the property line or on such other alignment approved by the Director of Works and Infrastructure.

##### 2.3 ~~Watering~~

The City will water newly planted street trees, however, the adjoining landowners are encouraged to give additional water where possible, during the summer season.

The City will undertake the planting of trees on City-managed land under its annual tree planting program, which includes requests from residents. The City will determine the species and select the location of the tree in consideration of site conditions, infrastructure, utility services, sight lines and other constraints. Generally, one tree will be planted per property, while properties with larger or corner frontages may receive more. The City will undertake all activities required to establish new trees and provide ongoing maintenance.

### 3 Tree Maintenance / Pruning

#### 3.1 Trees Not Under Power Lines

Pruning can be undertaken to improve a tree's health and longevity, yet excessive or unnecessary pruning can lead to the introduction of decay, pest and fungal infections. Where a request for pruning is made, each tree is assessed on a case-by-case basis, with appropriate pruning being undertaken where necessary to achieve the best outcomes for tree health and safety of the community.

Where a tree is maintained in accordance with good arboricultural practice, it lessens the likelihood of structural issues and the potential for branch failures. To ensure that the City's trees are maintained to an appropriate standard, Pruning may be undertaken to improve the form of a tree, reduce an assessed risk, or improve stability.

All pruning will be in accordance undertaken in line with the Australian Standard for Amenity Pruning (AS 4373-2007), and the following criteria.

Generally, Tree pruning services are provided to: is only undertaken for the following reasons:

- To ensure clearance from power lines and street lighting as per the Code of Practice for 'Personnel Electrical Safety for Vegetation Control Work Near Live Power Lines';
- To ensure visibility of street signage;
- To allow appropriate sightlines for vehicles and pedestrians, to achieve this tree(s) are uplifted to a height of 2.5m above ground level;
- To provide 4.5m minimum vehicular clearance along roads;
- Where an unacceptable level of risk exists within the tree's structure and pruning will enable its longevity;
- To define the form of a tree and/or to remove significant deadwood;
- To remove significant influence over a dwelling as determined by the City's Consulting Arborist; and
- To remove significant influence over solar panels as determined by the City's Consulting Arborist.
- maintain required clearances from power lines, utilities and other infrastructure.
- maintain appropriate clearances for sightlines, and accessibility for road and footpath users.
- reduce risk of harm.
- remove or reduce hazardous dead wood.
- correct structural defects in natural growth or form (remedial pruning).
- re-establish tree after damage (restoration pruning).
- optimise form and branch structure in a juvenile tree (formative pruning).
- clear significant overhanging influence from private buildings.

Pruning is not undertaken for the following reasons:

- Leaf, fruit or bark drop;
- Appearance s or aesthetics. (for shaping or because the tree is "ugly");
- Minor oOverhanging over fence lines;
- To improve Vviews;
- To reduce tree's size or height;
- To discourage the presence of animals or insects, fauna; and
- Clearance For advertising signage.
- Overshadowing of buildings, property and/or solar panels.

~~There may be occasions where specialist pruning, falling outside of this criteria, is required to maintain the longevity of a tree. In these cases, the City's Consulting Arborist will assess the tree and direct pruning as required.~~

~~The City will not lop or top a tree or undertake other pruning to the detriment of its form or structural integrity.~~

~~The City may determine occasions where specialist pruning that falls outside these criteria is required to maintain the health of a tree.~~

~~The City's adopted 'Quantified Tree Risk Assessment' methodology will form the basis for individual pruning requests.~~

### **3.2—Pruning of Trees Beneath Power Lines**

~~The City will undertake pruning to ensure that trees below power lines are maintained at distances in line with the legislated requirements. Any tree beneath power lines will also be uplifted to 2.5m over the verge and 4.5m over the road to ensure safe usability of the verge for pedestrians and motorists. Where a tree overhangs a property line, it will be pruned to the boundary, unless a resident requests it be left to grow over.~~

## **4 Tree Removal**

~~The City values all trees and appreciates that a resident may wish for a tree to be removed for a variety of reasons. However, it is recognised that trees are a community asset, and do not belong only to an adjacent resident. As such, tree removal is only undertaken for the following reasons: Tree removal may be undertaken when:~~

- ~~• aThe tree is dead.~~
- ~~• Where an unacceptable level of risk exists within the tree's structure and remedial techniques cannot rectify.;~~
  - ~~○ tThe tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it.~~
  - ~~○ The tree is causing significant damage to infrastructure and modification to the infrastructure or tree is impractical, and suitable documented evidence to support this is provided by a qualified professional.;~~~~and/or~~
  - ~~• To facilitate the placement of a permanent vehicle access crossing where there is no other viable option (Subject to payment of Amenity valuation).~~
  - ~~○ there is an imminent safety risk to people, property and/or infrastructure.~~
  - ~~○ the removal is approved under a crossover approval granted by the City. Such removal may be subject to conditions of the crossover approval granted in accordance with the City's crossovers policy.~~
  - ~~○ the removal is approved under a subdivision approval granted by the Western Australian Planning Commission or development approval granted by the City. Such removal may be subject to conditions in accordance with those approvals.~~

Tree removal is not undertaken for the following reasons:

- Tree species, form, size, shape or location is not the personal preference of the resident.
- The tree is considered an inconvenience for proposed or current construction works.
- The tree is interfering with views.
- The tree is believed to be affecting personal health.
- Overshadowing of buildings, property and/or solar panels.

- The tree drops natural debris such as leaves, flowers, fruit and bark.

Where a tree is removed, the City will endeavour to plant a replacement tree of a suitable species as practicably close to the removed tree as part of its annual tree planting program.

Where a tree is removed for a subdivision, development and/or for works undertaken for a utility provider or other authority, then the City will seek compensation for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree, and the cost of arranging provision of a replacement tree(s) and three years' maintenance.

#### **5—Tree Removal for Development**

~~Where a tree is proposed to be removed for any kind of development or building works, it will be subject to an assessment of its health and condition and amenity valuation using the Helliwell System. If it is deemed suitable to allow removal of the tree, the proponent of the works will be required to:~~

- ~~• Pay the amenity value of the tree to the City;~~
- ~~• Arrange for its removal by an arboricultural contractor; and~~
- ~~• Plant a replacement tree that is a minimum 45 litre bag size of a species nominated by the City's Consulting Arborist.~~

~~In cases of development or subdivision, an application for removal is to accompany subdivisional or building plans in line with the Trees on Private land and street verges policy and the above will apply.~~

~~The Manager Parks and Gardens and the City's Consulting Arborist are authorised to remove a tree in line with the above criteria and replace it with an appropriate species.~~

#### **6—Tree Memorial**

~~When a landowner (the applicant) requests that an approved street tree adjacent to their property be listed protected the Director of Works and Infrastructure may approve the application, subject to the following:~~

- ~~• The applicant agrees to affix a memorial (small sign paid by the applicant and supplied by the City) near the tree.~~
- ~~• The applicant agrees to maintain the tree during its period of protection.~~
- ~~• The applicant agrees to indemnify the City of Bayswater against all actions claims, damages, debts and expenses whatsoever in respect of damage to property and the death or injury to any person arising out of maintenance of the street tree or trees the subject of this application by the landowner / applicant and its employees or contractors.~~
- ~~• The applicant meets the cost of the sign and associated maintenance for the term of the tree protection.~~
- ~~• The City of Bayswater will maintain an up-to-date register of all street tree memorials.~~
- ~~• If the applicant fails to maintain the tree then the City may undertake works as required to ensure appropriate clearances for sightlines and power lines are maintained.~~
- ~~• The termination of the period of protection is on application or when the property ownership is transferred from the applicant.~~

#### **75 Unauthorised Pruning and Vandalism of Trees Tree Vandalism**

Where unauthorised pruning, vandalism, poisoning or removal of vegetation occurs within the City of Bayswater owned or managed land, the Director of ~~Technical Services Works and Infrastructure~~ will take action as follows:

- Where the ~~treeplant~~ is less than 2m tall and/or ~~fewerless~~ than four plants are vandalised, the City will install a tree vandalism sign of 0.6m x 1.2m for a period of 2 years.
- Where the ~~treeplant~~ is greater than 2m tall and/or more than three plants are vandalised, the City will install a tree vandalism sign of 3m x 3m for a period of 2 years.
- Painting of dead trees in bright colour to highlight their demise.
- Referring the matter to the WA Police.
- Write to affected residents in the vicinity ~~advising of the poisoning~~ of the tree(s) ~~advising of and~~ the City's actions in response to the vandalism.

A sign can be removed prior to the two-year period if a resident applies to the City to replace the vandalised ~~treesvegetation~~ (of a similar size and species) at a 2:1 ratio at their own cost.

In ~~addition~~ addition to the above, if the damage or vandalism has occurred due to development activities, the City may seek from the person or company responsible compensation for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree, and the cost of arranging provision of a replacement tree(s) and three years' maintenance.

#### **DEFINITIONS:**

City-managed trees – Trees located in road reserves, reserves and on land vested in, or otherwise managed by the City, and includes Grass Trees (*Xanthorrhoea* species) and Zamia Palms (*Macrozamia* species).

Tree vandalism – Subjecting a tree to intentional harm, including unauthorised pruning, poisoning, removal, and physical or chemical damage.

Unauthorised pruning - Pruning activities conducted by any persons other than authorised City employees or authorised contractors  
Nil

#### **RELATED LEGISLATION:**

Nil.

#### **RELATED DOCUMENTATION:**

Nil.

#### **DEFINITIONS:**

Nil.



**RELATED LEGISLATION:**

- *Local Government (Miscellaneous Provisions) Act 1995*
- *Environmental Protections Act 1986*
- *Thoroughfares Local Law 2020*
- *Section 444 of Criminal Code WA*
- *Department of Mines, Industry Regulation and Safety - Guidelines for the management of vegetation near power lines.*

*Nil*

**RELATED DOCUMENTATION:**

- *Trees on Private Land and Street Verges Policy*
- *Private Trees Policy*
- *Crossovers Policy*
- *Street Verges Policy*
- *Edible Pocket Gardens Policy*
- *Australian Standard for Amenity Pruning (AS 4373-2007)*
- *City of Bayswater Tree Planting Guideline*
- *City of Bayswater Urban Trees Guideline*

*Nil*

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	9 April 2019
Reviewed / Modified	Date	
Reviewed / Modified	Date	

City of  
Bayswater



# Urban Tree Policy 2021

<b>Responsible Division</b>	Works and Infrastructure
<b>Responsible Business Unit/s</b>	Parks and Gardens
<b>Responsible Officer</b>	Manager Parks and Gardens
<b>Affected Business Unit/s</b>	All Business Units
<b>Document Ref</b>	

## PURPOSE

This policy provides guidance on how trees will be maintained and cared for on City-managed land.

## POLICY STATEMENT

### General

All trees irrespective of who planted them and which have at least 50% of their base located within City managed land will be maintained and cared for by the City.

### Tree Planting

The City will undertake the planting of trees on City-managed land under its annual tree planting program which includes requests from residents. The City will determine the species and select the location of the tree in consideration of site conditions, infrastructure, utility services, sight lines and other constraints. Generally, one tree will be planted per property, while properties with larger or corner frontages may receive more. The City will undertake all activities required to establish new trees and provide ongoing maintenance.

### Tree Pruning

Pruning may be undertaken to improve the form of a tree, reduce an assessed risk, or improve stability.

All pruning will be in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4371 – 2007).

Generally, pruning services are provided to:

- maintain required clearances from power lines, utilities and other infrastructure.
- maintain appropriate clearances for sightlines, and accessibility for road and footpath users.
- reduce risk of harm.
- remove or reduce hazardous dead wood.
- correct structural defects in natural growth or form (remedial pruning).
- re-establish tree after damage (restoration pruning).
- optimise form and branch structure in a juvenile tree (formative pruning).

**Commented [LB1]:** I think this policy is somewhat long and could be shortened. This will depend on the style of policy adopted by the City and is perhaps something I can discuss with ELT.  
I believe it should be straight to the point and should not try to justify the reasons or provide background to the statements in the policy. Such justifications can be done via the Officer Report or separate information or guide notes etc.

**Commented [BW2R2]:** Thanks Luke. We included what we believed to be necessary to convey the overall intent of the City when it comes to tree management, and some of the issues we have encountered in the past may have been laid to rest more quickly had the detail been in the policy endorsed by elected members. However happy to be guided by ELT on this.

**Commented [DA3]:** Whilst I note Brett's comments below, it appears that much of the below details should be in a management practice or guidelines rather than a policy. The policy can then refer to the MP/guidelines.

**Commented [capsadmin4]:** This may be considered to be at odds with the Thoroughfares Local Law – Thoroughfares and Public Places and Trading Local Law 2020 it states:

*Division 1 - General*

*2.1. General prohibitions*

*A person shall not –*

*(b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless –*

*(i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government;*

May need to amend Local Law as it does not define difference between plant and tree.

**Commented [LB5]:** The statement in the policy is still valid as it relates to the maintenance of the tree (i.e. the City will maintain all trees on verges). The LL deals with owners damaging and removing trees. In other words, a property owner can damage or remove a tree that the City maintains if the City did not install or plant the tree. If we don't want owners to touch any trees regardless of who planted it, then the LL should be changed to say this.

**Commented [BW6R6]:** We believe it is best that residents do 'not touch' trees on City managed land, unless through agreement under tree memorial. There is always the question of liability should something go wrong and ultimately we are still the owner or manager of these areas so would probably be held accountable to some degree. Maybe we need to seek legal advice to determine if there needs to be any urgency to amend the local law to close this loophole? Also should probably seek advice on the proposal to have a liability disclaimer for the City should a resident opt for a tree memorial, not sure how it would stand up in court?

**Commented [DP7]:** does this imply that anyone can plant a tree on City land at any time?

- clear significant overhanging influence from private buildings.

Pruning is not undertaken for the following reasons:

- Leaf, fruit or bark drop.
- Appearance or aesthetics.
- Overhanging over fence lines.
- To improve views.
- To reduce tree size or height.
- Personal health concerns.
- To discourage the presence of animals or insects.
- Clearance for advertising signage.
- Overshadowing of buildings, property and/or solar panels.

The City may determine occasions where specialist pruning that falls outside these criteria is required to maintain the health of a tree.

The City's adopted 'Quantified Tree Risk Assessment' methodology will form the basis for individual pruning requests.

#### Tree Removal

Tree removal may be undertaken when:

- a tree is dead.
- an unacceptable level of risk exists within the tree's structure that remedial techniques cannot rectify.
- the tree is suffering from a disease where remedial techniques will not prevent further spread of the disease, and the removal will be of benefit to other trees around it.
- the tree is causing significant damage to infrastructure, and modification to the infrastructure or tree is impractical, and suitable documented evidence to support this is provided by a qualified professional.
- there is an imminent safety risk to people, property and/or infrastructure.
- the removal is approved under a crossover approval granted by the City. Such removal may be subject to conditions of the crossover approval granted in accordance with the City's crossovers policy.
- the removal is approved under a subdivision approval granted by the Western Australian Planning Commission or development approval granted by the City. Such removal may be subject to conditions in accordance with those approvals.

Tree removal is not undertaken for the following reasons:

- Tree species, form, size, shape or location is not the personal preference of the resident.
- The tree is considered an inconvenience for proposed or current construction works.

**Commented [DA8]:** Do we need to include overshadowing of solar panels and the like?

**Commented [DA9]:** is considered unattractive?

**Commented [DA10]:** Do we need to include overshadowing of solar panels and the like?

**Commented [DA11]:** Suggest we retain the existing clause: to facilitate the placement of a permanent vehicle access crossing .....

- The tree is interfering with views.
- The tree is believed to be affecting personal health.
- Overshadowing of buildings, property and/or solar panels.
- The tree drops natural debris such as leaves, flowers, fruit and bark.

Where a tree is removed, the City will endeavour to plant a replacement tree of a suitable species as practicably close to the removed tree as part of its annual tree planting program.

Where a tree is removed for a subdivision, development and/or for works undertaken for a utility provider or other authority, then the City will seek compensation for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree, and the cost of arranging provision of a replacement tree(s) and three years' maintenance.

#### Tree Vandalism

Where vandalism of trees occurs, the City after an investigation, may authorise the following actions:

- Issuing of infringement notice with a penalty.
- Where the tree is less than 2m tall and/or fewer than four trees are vandalised, the City will install a tree vandalism sign of 0.6m x 1.2m for a period of 2 years.
- Where the tree is greater than 2m tall and/or more than three trees are vandalised, the City will install a tree vandalism sign of 3m x 3m for a period of 2 years.
- Painting of dead trees in bright colour to highlight their demise.
- Referring the matter to the WA Police.
- Write to affected residents in the vicinity of the tree(s) advising of the City's actions in response to the vandalism.

A sign can be removed prior to the two-year period if a resident or group of residents applies to the City to replace the vandalised trees (of a similar size and species) at a 2:1 ratio at their own cost.

In addition to the above, if the damage or vandalism has occurred due to development activities, the City may seek from the person or company responsible compensation for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree, and the cost of arranging provision of a replacement tree(s) and three years' maintenance.

#### Definitions

City-managed trees – Trees located in road reserves, reserves and on land vested in, or otherwise managed by the City, and includes Grass Trees (*Xanthorrhoea* species) and Zamia Palms (*Macrozamia* species).

Tree vandalism – Subjecting a tree to intentional harm, including unauthorised pruning, poisoning, removal, and physical or chemical damage.

Unauthorised pruning - Pruning activities conducted by any persons other than authorised City employees or authorised contractors.

#### Related Legislation

- *Local Government (Miscellaneous Provisions) Act 1995*
- *Environmental Protections Act 1986*
- *Thoroughfares Local Law 2020*

**Commented [DA12]:** Not sure why this is included in this policy which only deals with trees on property under control of the City.

**Commented [LB13R13]:** Probably should not mention development as it should be covered in the LPP. This can still exist for the exceptional circumstances scenarios such as for crossovers where no other options exist.

- *Section 444 of Criminal Code WA*
- Department of Mines, Industry Regulation and Safety - Guidelines for the management of vegetation near power lines.

#### Related Documentation

- *Trees on Private Land and Street Verges Policy*
- *Private Trees Policy*
- *Crossovers Policy*
- *Australian Standard for Amenity Pruning (AS 4373-2007)*
- *City of Bayswater Tree Planting Guideline*

Relevant Delegations	EF-D04 Notices requiring certain things to be done EF-D08 Reserves under the Control of Local Government
Risk Evaluation	
Council Adoption	XXX
Review/Modified	Insert Date
Review/Modified	Insert Date
Review/Modified	Insert Date

# Urban Tree Policy 2021



<b>Responsible Division</b>	Works and Infrastructure
<b>Responsible Business Unit/s</b>	Parks and Gardens
<b>Responsible Officer</b>	Manager Parks and Gardens
<b>Affected Business Unit/s</b>	All Business Units
<b>Document Ref</b>	

## PURPOSE

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### Tree Pruning

Pruning may be undertaken to improve the form of a tree, reduce an assessed risk, or improve stability.

All pruning will be in accordance with the Australian Standard for Pruning of Amenity Trees (AS 4371 – 2007).

Generally, pruning services are provided to:

- maintain required clearances from power lines, utilities and other infrastructure.
- maintain appropriate clearances for sightlines, and accessibility for road and footpath users.
- reduce risk of harm.
- remove or reduce hazardous dead wood.
- correct structural defects in natural growth or form (remedial pruning).
- re-establish tree after damage (restoration pruning).
- optimise form and branch structure in a juvenile tree (formative pruning).

- clear significant overhanging influence from private buildings.

Pruning is not undertaken for the following reasons:

- ~~Leaf, fruit or bark drop.~~
- ~~Appearance or aesthetics.~~
- ~~Overhanging over fence lines.~~
- To improve views.
- To reduce tree size or height.
- Personal health concerns.
- To discourage the presence of animals or insects.
- Clearance for advertising signage.
- Overshadowing of buildings, property and/or solar panels, unless it can be proved it is impacting the performance of the solar panels.

The City may determine occasions where specialist pruning that falls outside these criteria is required to maintain the health of a tree.

~~The City's adopted 'Quantified Tree Risk Assessment' methodology will form the basis for individual pruning requests.~~

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- the tree is causing significant damage to infrastructure, and modification to the infrastructure or tree is impractical, and suitable documented evidence to support this is provided by a qualified professional.
- there is an imminent safety risk to people, property and/or infrastructure.
- the removal is approved under a crossover approval granted by the City. Such removal may be subject to conditions of the crossover approval granted in accordance with the City's crossovers policy.
- the removal is approved under a subdivision approval granted by the Western Australian Planning Commission or development approval granted by the City. Such removal may be subject to conditions in accordance with those approvals.

Tree removal is not undertaken for the following reasons:

- Tree species, form, size, shape or location is not the personal preference of the resident.
- The tree is considered an inconvenience for proposed or current construction works.

- The tree is interfering with views.
- ~~The tree is believed to be affecting personal health.~~
- Overshadowing of buildings, property and/or solar panels.
- The tree drops natural debris such as leaves, flowers, fruit and bark.

Where a tree is removed, the City will endeavour to plant a replacement tree of a suitable species as practicably close to the removed tree as part of its annual tree planting program.

Where a tree is ~~removed~~ approved for removal for a subdivision, development and/or for works undertaken for a utility provider or other authority, then the City will seek compensation for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree, ~~and the cost of arranging provision of a replacement tree(s) and three years' maintenance if Council is required to remove it.~~

### Tree Vandalism

Where vandalism of trees occurs, the City after an investigation, may authorise the following actions:

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- Painting of dead trees in bright colour to highlight their demise.

• ~~Referring the matter to the WA Police.~~

- Write to affected residents in the vicinity of the tree(s) advising of the City's actions in response to the vandalism.

A sign can be removed prior to the two-year period if a resident or group of residents applies to the City to replace the vandalised trees (of a similar size and species) at a 2:1 ratio at their own cost.

In addition to the above, if the damage or vandalism has occurred ~~due to~~ a direct result of development activities without prior approval, the City may seek from the person or company responsible compensation for the amenity (Helliwell) valuation of the tree, plus the cost of removing the existing tree if required, and the cost of arranging provision of a replacement tree(s) and three years' maintenance if required.

### Definitions

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Unauthorised pruning - Pruning activities conducted by any persons other than authorised City employees or authorised contractors.

### Related Legislation

- *Local Government (Miscellaneous Provisions) Act 1995*
- *Environmental Protections Act 1986*



- *Thoroughfares Local Law 2020*
- *Section 444 of Criminal Code WA*
- Department of Mines, Industry Regulation and Safety - Guidelines for the management of vegetation near power lines.

### Related Documentation

- *Trees on Private Land and Street Verges Policy*
- *Private Trees Policy*
- *Crossovers Policy*
- *Australian Standard for Amenity Pruning (AS 4373-2007)*
- *City of Bayswater Tree Planting Guideline*

<b>Relevant Delegations</b>	<b>EF-D04 Notices requiring certain things to be done</b> <b>EF-D08 Reserves under the Control of Local Government</b>
<b>Risk Evaluation</b>	
<b>Council Adoption</b>	<b>XXX</b>
<b>Review/Modified</b>	Insert Date
<b>Review/Modified</b>	Insert Date
<b>Review/Modified</b>	Insert Date