

**12.5 RESPONSES TO MOTIONS CARRIED AT THE ANNUAL MEETING OF ELECTORS HELD ON 2 FEBRUARY 2022**

**Attachments:** Nil

**RECOMMENDATION:**

**That Council NOTES and ENDORSES the responses provided by Administration to the General Business motions carried at the Annual Meeting of Electors held on Wednesday 2 February 2022 for the reasons outlined in the report.**

**PURPOSE OF REPORT:**

To consider:

1. the motions carried at the City's Annual Meeting of Electors (AME); and
2. the responses prepared by Administration addressing those motions carried.

**BACKGROUND:**

The AME was held at the North Perth Town Hall on Wednesday 2 February 2022 at 6:00pm. There were 22 electors present, eleven of whom raised 15 general business motions that were carried at the meeting.

**DETAILS:**

Administrations' response to each of the above-mentioned motions from the AGM are set out below.

**Motion 1**

1. That the City urgently complete an assessment of the condition of the footpaths in the district to determine locations where they are in poor condition and unsafe for people of all ages and abilities to walk, run and ride on. This includes footpaths that are cracked, where there is vertical and physical displacement, unsafe kerb ramps, particularly where he ramps meet the road surface, etc.
2. This assessment to include identification of locations that have previously been brought to the attention of the City by residents, additional request to residents to provide examples of unsafe and damaged footpath to the City, and pro-active inspection by City Officers.
3. That the City prepare a schedule to repair these footpaths based on user numbers and type, and proximity to schools, shops, parks and community facilities.
4. That the City determine an innovative solution to the common situation where footpaths adjacent to building sites are covered in debris, or damaged for the months or years it takes for the demolition and construction process to occur. This solution to recognise that footpaths are a vital component of transport infrastructure for people of all ages and abilities to walk, ride bikes and scooters, and use wheelchairs and mobility devices on.
5. That the City proactively and regularly ensure that street trees and vegetation from private properties do not encroach on footpaths in any way. This should include regular visual inspection from City officers and be based on reports made by residents and previous instances where obstruction of vegetation has been a problem.
6. That on a daily basis, the City proactively monitor the streets of the district to take action in instances where people have illegally parked their vehicle so as to obstruct people from using a footpath. This should include a roster to visit locations where breaches have recently occurred or been reported.

That the City introduce a system that embraces current technology, to make it easier for people to report instances of illegal parking. For example, using social media, snap send solve, etc. The

current process of having to contact the City to report instances of illegal parking by telephone is outdated, and can be impractical or overly time consuming, for example, after hours reports.

## **Response**

### Background

The City as part of its routine operations inspects the street scene and takes action as necessary to ensure that footpaths are maintained and that street trees do not cause obstructions. The City also has a dedicated parking service to deal with illegally parked vehicles. The City proactively monitors through staff that are “out and about” in the City, through regular programmed inspections and by responding to enquiries from residents and businesses. It also monitors areas where previous issues have been noted and based on risk particularly in the case of illegal parking.

### Comment

The City engages a qualified and independent asset management consultant to undertake a full road and footpath condition survey every three years in accordance with the relevant guidelines. This data then forms the basis for determining the annual road and footpath renewal programs. The next condition survey is due in 2023. In addition, the City’s proposed footpath renewal budget has been increased significantly in the ‘draft’ 2022/23 Capital Works budget and is recommended to increase annually over the life of the next 10 year Long Term Financial Plan. The City also carries out proactive and reactive footpath inspection and responds to enquiries in relation to footpath defects. City officers monitor footpaths adjacent to building sites to ensure that the footpath is maintained in a safe and useable condition.

The City undertakes an annual tree pruning program where all verge trees are under pruned if required. As tree growth can be varied, with some trees requiring more frequent pruning, the City also investigates individual request received by the community as well those identified by the Parks Team through regular monitoring.

Households that have been identified as having private vegetation obstructing the footpath are issued with letters requesting removal/pruning of the vegetation. All residential complaints received are inspected, entered into a registry and issued with a letter (if required). After the prescribed timeframe, properties are inspected to ensure works have been undertaken. In instances where works have not been carried out, it is escalated to the City’s Rangers to consider issuing an infringement notice in line with the Local Government Property Local Law.

There are a number of locations where parking regularly causes obstruction of the footpath and these locations are proactively monitored, based on risk, by the Rangers Team who have the delegated power to deal with illegal parking and take action as appropriate. The City has a dedicated service to deal with parking and additional resources (in the form of an additional three staff) were allocated on a trial basis to the service this financial year.

Snap, send, solve is a feature that is currently available to the Vincent community for a range of issues, including parking. The City is also embarking on a Customer Experience project which will review the methods and channels by which customers access the City. It is anticipated that as well as enabling and promoting more online request options, the after-hours emergency line will still be an important offering for customers who require urgent assistance outside of business hours.

### Recommendation

## **Not Supported**

### Reason for recommendation

It is considered that the current level of service is appropriate and allocating additional resource to this specific set of tasks unnecessary.

**Motion 2**

1. That the City recognises that the current approach to selecting species to plant as street trees is not yielding acceptable outcomes as too many exotic tree species are selected and planted.
2. That the City acknowledge that compared to the common exotic species used, native tree species provide more food for native bird species including the endangered Carnaby's black cockatoo.
3. That the City acknowledge that most Australian native tree species are beautiful and have stunning displays of flowers.
4. That the City acknowledge that the UV index in Perth is only below the level of 3 in June. For all other days, the UV index reaches a level where it is recommended sun protection is applied.
5. That the City recognises that native tree species provide more year round shade than exotic species. Not only is this important for the safety and convenience of users it will reduce the urban heat island effect.
6. That the City acknowledge that the claimed benefit that exotic tree species provide "light penetration and warmth during the winter months" has minimal impact given that during winter there is often cloud cover and in any case, any benefit would only affect dwellings on the south side of east-west oriented streets.
7. That the City acknowledge that Jacaranda trees lose their leaves in late winter and do not regain them until December. As such, any benefit from light penetration and warmth is not relevant.
8. That the City acknowledge that deciduous trees planted in town centres result in grey, dull and bleak streetscapes during the winter months when they are without leaves. And that the all year round vegetation and winter flowering of many native tree species brings colour and vitality to streets during this time of the year.
9. That the City move away from the use of the street tree selection tool. In its place, that it develop a plan in consultation with residents, to identify suitable street trees for each street in the district. This is similar to the best practice approach in other local governments in Perth.
10. If the City does not agree with this proposal, that the street tree selection tool be available for public inspection so that the inputs and assumptions in the model can be viewed.
11. That the City have a goal of at least 75 percent of street trees planted from this year onwards will be Australian native tree species.

**Response****Background**

The City's Street Tree Policy recognises the significance of street trees within the urban setting for creating functional and aesthetic settings. The City is responsible for the planning, establishment, care, control and maintenance of all street trees within Vincent and the guidelines and procedures for these processes are outlined within the policy.

In addition to the Street Tree Policy, the City also has a Greening Plan that provides a pathway to deliver on our responsibility to protect, enhance and effectively manage our natural and built environment. One of the key objectives to the Greening Plan is to increase canopy cover on City owned land. This is predominantly achieved through tree planting projects and actions outlined within the Greening Plan specifies that trees should be selected to maximise overall canopy cover for each planting area.

To assist in tree species selection, the City developed the Tree Selection Tool to facilitate the best choice of tree for each type of streetscape and planting environment within Vincent. Tree selection is informed by a number of specifications with details on each outlined below:

1. General tree specifications – what are the tree's growing requirements and how likely is it to survive in this location (size, appearance, biology).

2. Additional specifications – ecology, performance, HSE issues, maintenance, food production and appeal.
3. Urban forest benefits – urban heat reduction and shelter, amenity, productivity and contribution to biodiversity.

### Comment

The City recognises the importance and benefits of all street trees (exotic and native). The City also acknowledges that individual views on tree selection are quite varied.

When selecting a tree species for a specific location the following is considered:

- Existing Street Tree Theme  
Guidelines and procedures within the Street Tree Policy state that trees shall be planted to ensure consistency of street tree species within the street.  
  
In streets where there is a mixed tree theme, or two predominant species (one exotic and one native), preference is always given to planting a native tree species.
- Tree Selection Tool  
In instances where a new street tree theme is required, the Tree Selection Tool is consulted to provide a shortlist of recommended species. Opportunities to utilise the Tool are generally infrequent as the majority of street within Vincent having existing street tree plantings.  
  
The Tool is also consulted in instances where there may be a mixed tree theme or where a replacement theme may be required.
- Individual Preferences  
Occasionally residents will request a particular tree species for their verge or else have no tree. Providing their choice is appropriate, the City is of the opinion that any tree is better than no tree.

### Recommendation

**Supported in Part: 2, 5, 7**

**Not Supported: 1, 6, 8, 9, 10, 11**

**Supported: 3, 4**

### Reason for the Recommendation

The City selects street trees species to maximise overall canopy for each planting area, taking into account any specific constraints of the location.

The City has well-developed strategies and policies that guide tree planting and targets and shifts in the approach need to be properly considered and developed as part of a future strategy.

Consideration is also given to increasing habitat and biodiversity. Wherever possible, whilst still adhering to the Street Tree Policy, specific location and residents' requests, preference is given to the use of native tree species.

### **Motion 3**

1. That the City acknowledge that for residents to provide accurate, valuable and considered feedback to the City on an initiative or project, that the information they are provided by the City is comprehensive and accurate.
2. That the City acknowledge that any surveys used to gather feedback from residents are structured so that they are unbiased and that the answers provided cannot be misconstrued.

3. That the City acknowledge that the assessment and analysis of community feedback should be carried out by officers in a fair and impartial manner, and accurately represent the views expressed by those providing feedback.
4. That the City acknowledge that the feedback from resident consultation is an essential component in the decision-making process and is essential to good governance.
5. To ensure that residents have faith in the integrity of the consultation process, it is requested that the process used by the City to seek and analyse feedback from the community is assessed by a suitably qualified independent and impartial organisation. This could be the Ombudsman or the Office of the Auditor General.

## Response

### Background

In 2021 the City of Vincent adopted a Community and Stakeholder Engagement Strategy (the **Strategy**), and a Community and Stakeholder Engagement Policy (the **Policy**). It was developed from engagement with the Elected Members, administration and community members and are based on the IAP2 Core Values. The IAP2 Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's roles in any public participation process (IAP2 International Federation 2018).

### Comment

Elected Members and Administration are committed to the principles set out in the Strategy and Policy, which reflect the intent of the resident's motions.

### Recommendation

**Parts 1 to 4, are supported.**

**Part 5 is not supported.**

### Reason for the Recommendation

The City of Vincent's processes align to the Community and Stakeholder Engagement Strategy and Policy discussed above.

The Strategy and Policy reflect the following key principles:

1. Make decisions based on the needs and interests of everyone involved.
2. Hear and understand our community.
3. Meaningfully include the community in the decision-making process.
4. Engage in a way that facilitates involvement of impacted communities.
5. Communicate before, during and after a decision is made.

The Strategy sets out the following actions required to support implementation, in the 2021 to 2023 period, including:

- Developing the policy, toolkit and processes
- Providing training and development for Elected Members and staff
- Improved information sharing, engagement methodologies and creation of a community panel
- Regular review and report of the Strategy to ensure our engagement activities align with the community's views and aspirations.

Many of these actions are recently completed, or still in progress. It is acknowledged that there is a degree of skill involved in forming an appropriate community engagement approach, and a level of organisational process maturity still being developed.

Whilst this occurs there will also be complex and emotive issues arising where members of the community will be unhappy with the community engagement process itself, or the decisions arising.

We do not believe that an external process audit will improve the City's approach to community engagement. Rather, our approach will improve with experience, additional staff training, regular reviews and further community feedback.

**Motion 4:**

That Council install signage on Colvin Lane at the Strathcona Street end and another halfway up the Lane asking people to observe the 8kmh speed limit.

**Response**Background

The width of Colvin Lane, and number of rear garages accessing the lane with restricted vision, is typical of the majority of Rights of Way, both named and un-named, within the City, and which do not have a posted speed limit.

Comment

The existing 8 kph speed limit signage and pavement markings in Colvin Lane has no legal standing and is unenforceable. The signage and pavement markings were installed as a 'good will' gesture approximately 10 years ago as a reminder to motorists to slow down and to drive at an appropriate speed for the road environment.

Recommendation**Not supported**Reason for the Recommendation

The signage currently installed is unenforceable and was done so as a goodwill gesture. The current signage is deemed more than adequate for the context and additional (unenforceable) signage is unnecessary.

**Motion 5:**

That Council trim the trees in Carr Street, so that they are not close to power lines and branches, roots and foliage do not pose a hazard to pedestrians.

**Response**Background

The City carries out an annual street tree pruning program. As part of this program verge trees are pruned to ensure appropriate clearances from powerlines. Trees are also under pruned (if required) to ensure they are not obstructing the footpath. Residents can make enquiries or raise concerns at any time.

Comment

The trees in Carr Street have been inspected and a few trees require minor maintenance which will be undertaken as part of routine operations in the coming weeks. The street trees will continue to be monitored as part of routine operations.

Recommendation**Supported in part.**Reason for the Recommendation

The trees in Carr Street require minor maintenance at this time.

**Motion 6:**

1. That Council extend the reconstituted limestone wall and fencing on the North side of Beatty Park Reserve towards Charles Street and connect it to the existing garden wall structure.

2. Affected residents should be involved in the preliminary planning and discussions to extend the wall and fencing.

### **Response**

#### Background

The City has undertaken considerable drainage improvement works in and around Beatty Park Reserve since a major March 2010 storm event that resulted in property inundation.

This included an upgrade of the drainage pipe from the Beatty Park reserve car park to Emmerson Street (connecting to the Claisebrook Main Drain) and the linking of the soak-wells within the carpark. A raised plateau was installed across the entrance of the reserve car park to direct the Farr Avenue run-off around the corner to Emmerson Street. The crossovers to Beatty Leisure Centre were 'haunched' to prevent water from Vincent Street flowing through the leisure centre car park and additional soak-wells were installed throughout the leisure centre car park and the height of the kerbing increased. A shallow compensating basin was also constructed in the park to act as retention and to slow overland flows.

A limestone-wall was constructed at the back of the car park to act as a retaining wall with a fence above fitted with fine mesh to stop leaf matter. The two manholes in the park were strapped down to prevent the lid from lifting (surcharging) on the drainage line originating with the leisure centre that discharges into the Claisebrook Man Drain near Charles Street. In 2018 the City upgraded the pipe connection into the Claisebrook Main Drain.

The total costs of the mitigation measures at Beatty Park Reserve to date exceed \$260,000.

On 4 July 2021 Perth recorded its second wettest day of the year, with around half of that falling in a single hour, between 1:00pm and 2:00pm. More than 44 millimetres of rain fell from 9:00am making it the second wettest July day in 20 years. On this day we experienced localised flooding around Lynton Street near the freeway, East Street/Menzies Reserve and William Street. At the time of this rain event the residents near Beatty Park Reserve were concerned about the drain's capacity to cope, however it drained well after the initial 1:00pm to 2:00pm deluge.

#### Recommendation

### **Not supported**

#### Reason for the Recommendation

The City's current drainage priority is the Britannia Reserve Main Drain Renewal.

No further works are planned or budgeted for Beatty Park Reserve drainage for the next four years in our Capital Works Program and the City does not agree that further work is required at this time.

The City will continue to clean and monitor the drains in the area and monitor drainage performance.

### **Motion 7:**

As part of the engagement strategy can members of middle management and Executive be made to assess how they can better engage with ratepayers and residents?

### **Response**

#### Comment

Refer to the more detailed response to Motion 3.

#### Recommendation

### **Supported**

Reason for the Recommendation

The City's Community and Stakeholder Engagement Strategy was introduced in 2021 and is still in the process of implementation.

It is acknowledged that the City will improve its approach with experience, additional staff training, and further community feedback.

The City plans regular reviews of its approach to community engagement, which includes receiving feedback from the community. A minor review will also occur every 2 years and a major review every 4 years, and community members will be encouraged to provide feedback at these times.

**Motion 8:**

That Council respect the views of the people they represent and ensure that they act independently and responsibly when voting on council matters.

**Response**Comment

Nil

Recommendation**Supported**Reason for the Recommendation

Elected Members and staff have adopted the Community and Stakeholder Engagement Strategy and Policy and have adopted the following key principles, to:

1. Make decisions based on the needs and interests of everyone involved.
2. Hear and understand our community.
3. Meaningfully include the community in the decision-making process.
4. Engage in a way that facilitates involvement of impacted communities.
5. Communicate before, during and after a decision is made.

When making decisions and voting on Council matters, Council will weigh up all information presented and are independently accountable for their vote, and collectively bound by the decision. This approach is underpinned by the City's Governance Framework.

**Motion 9:**

1. That Beatty Park Reserve be reclassified from District Open Space to Neighbourhood Open Space.

**Response**Comment

Nil

Recommendation**Not supported**Reason for the Recommendation

Lot number 1618 (220 Vincent St) North Perth, is 5.762 ha which is Zoned; Public Purpose - Civic Uses and Public Open Space. Lot number 1618 is between 5ha - 15+ha and District Open Space. Within the Lot there is an area zoned "Civic Uses" which is currently the Beatty Park Leisure Centre site at 3.162ha, and the area zoned "Public Open Space" at 2.60ha.



A district level public open space is appropriate as it consists of sufficient spaces to accommodate a variety of concurrent uses, including organised sports, children's play, picnicking, exercising dogs, social gatherings and individual activities. Local Government has a responsibility to provide for the wellbeing of its community including the provision of community and recreational facilities. This is achieved through the provision of sportsgrounds, swimming pools, leisure centres and parks.

2. That sporting teams are stopped from using Beatty Park Reserve and return the park to community use.

#### Recommendation

#### **Not supported**

#### Reason for the Recommendation

The Beatty Park Reserve function is classified as a Sport Space, which provides a venue for formal structure sporting activities such as team competitions, physical skills development and training. Some sporting spaces can also be accessed by community members for informal sport and recreation activities, often alongside sporting activity.

Community sport achieves community benefits such as improved public health, building stronger more resilient communities, building better networks and supporting children, women, seniors, people with disability, and Culturally and Linguistically (CaLD) communities.

It is well documented that exercise and participation in sport remains an important part of our community's physical and mental health. Communities that actively participate are known to develop strong social bonds.

The City has commenced a Sport and Recreation Facilities Plan which will be assessing all active sporting reserves. The plan is a key action within the City's Public Open Space Strategy and aims to inform, guide and underpin the planning, prioritisation and provision of sporting and recreation facilities throughout the City.

3. That a plan is developed for Beatty Park based on recreational zoning.

#### Recommendation

#### **Supported in part**

#### Reason for the Recommendation

A Development Plan for Beatty Park, Smith Lake and Charles Veryard is scheduled for year 2024/2025. The Public Open Space Strategy and Sport and Recreation Facilities Plan will guide the Development Plan based on its current zoning and objectives including promoting increased community involvement in sport and exercise.

#### **Motion 10:**

1. That the electors note, that in response to a motion passed at last year's Annual General Meeting of Electors which requested that the City improve the promotion of the AGM, the administration stated:

The City is committed to engaging the community in its decision making and providing a real opportunity for all members of the community to be heard. Administration and will endeavour to improve the promotion of the AGM in 2023 and will consider how newspaper notices, social media and website notices can be improved.

2. That the electors note the ways in which the City has promoted this year's AGM in particular:
  - 2.1 the fact that the advertisement in the 22 January edition of The Perth Voice was at the bottom of the page on the inside back cover; and
  - 2.2 the initial Public Notice and Facebook post simply stated that the purpose of the AGM is to receive the Annual Report and made no mention of the ability to speak or move motions.
3. Expresses deep disappointment at the administration's continued failure to adequately promote the opportunity that the AGM provides to the community to move motions and participate.
4. Requests that the council consider the failure to adequately promote the AGM when undertaking the next CEO performance review.

## Response

### Background

Promotional requirements for the Annual Meeting of Electors (AME) were met which extend beyond that which is legislatively required. The meeting was promoted using a range of promotional methods, including advertisements, notices in public buildings, emails and social media.

### Comment

While the City used a variety of media platforms to promote the AME, the City acknowledges that the placement of public notice of the AME in community newspapers could have been more prominent. This will be considered for future meetings. The ability for electors to raise motions at the meeting was included in public notice (albeit in later promotion).

The following promotion initiatives were undertaken:

1. **The City of Vincent Webpage**  
News story - 21 December 2021  
Added as an event to our events page - 19 January
2. **Facebook**  
Posts - 9 January and 14 January  
Posted promotion and added as an event - 19 January
3. **Public notice placed in both Community Newspapers**  
Perth Now 27 Jan  
The Voice 22 Jan
4. **Public notice on display**  
Display in the Library building - 19 January  
Display in the City Administration building - 19 January
5. **E-mail Invitation**  
Invite sent via email to all residents subscribed to our e-mailing list -19 January
6. **Newspaper Advertisement**  
Inclusion in the January monthly newspaper advert - 29 January
7. **Promotional screens**



Screen at Beatty Park - 28 January attached FYI as an example  
Screen at the Library - 28 January

**8. Invite sent to list of key stakeholders including:**

- Town Teams - 25 January
- Community Engagement Panel - 25 January
- Community Groups - 25 January

All of these materials contained information on how to contact the City for more information at [governance@vincent.wa.gov.au](mailto:governance@vincent.wa.gov.au).

The City considers that the initiative to convene the AME outside of the Administration Centre and hold meetings at venues around the City should be continued.

The City is currently preparing standard messaging templates for the promotion of the AME and this will incorporate to varying degrees the ability for electors to 'have a say', 'raise issues', and 'promote a positive change' with linkage back to the City's website providing more detailed information.

The Chief Executive Officer's annual performance is assessed in accordance with agreed key performance and focus areas which are included of the Corporate Business Plan each year.

Recommendation

**Parts 1 to 3 noted**  
**Part 4 not supported**

Reason for the Recommendation

The Chief Executive Officer's performance is assessed on agreed key performance and focus areas and in accordance with legislative requirements.

**Motion 11:**

That electors:

1. NOTE that:
  - 1.1 prior to December 2017 the City's Code of Conduct had a requirement that Council Members should respond to all enquiries as soon as practicable, but in any case, within 48 hours of receiving a telephone call, and within 5 days of receiving a written enquiry;

- 1.2 at the council meeting of 12 December 2017 the council voted unanimously for a revised Code of Conduct that no longer contained this requirement;
  - 1.3 the change to the Code of Conduct was made without any public consultation;
  - 1.4 the report that went to council did not indicate that the requirement was to be removed either through the use of tracked changes or by mention within the report, and in fact said there was "little change to the substance and effect of the code"; and
  - 1.5 the report to council stated that there had been several rounds of internal consultation and that all Council Members had an opportunity to provide feedback on the revised Code prior to it being adopted.
2. REQUEST that the City's Code of Conduct be reviewed and amended, and that the previous requirements for Council Members to respond to enquiries from members of the community be reinstated.

## **Response**

### Background

In early 2021 legislative change introduced mandatory minimum provisions for a Model Code of Conduct for Council Members, Committee Members and Candidates. At its meeting held 23 March 2021 Council adopted the City of Vincent Code of Conduct of Council Members, Committee Members and Candidates that complies and incorporates the mandatory requirements. The Code can be located at [https://www.vincent.wa.gov.au/Profiles/vincent/Assets/ClientData/Council\\_Registers/Code\\_of\\_Conduct\\_style\\_d.pdf](https://www.vincent.wa.gov.au/Profiles/vincent/Assets/ClientData/Council_Registers/Code_of_Conduct_style_d.pdf)

### Comment

City of Vincent Councillors are highly accessible and highly responsive to issues raised by members of the community.

The mandatory provisions of the Model Code of Conduct cannot be altered; however this does not preclude incorporating additional clauses subject to these being harmonious and in alignment with the mandatory provisions. The inclusion of a specific prescriptive requirement as proposed by the motion is not considered to be harmonious with the existing provisions of the Code of Conduct.

It should be noted that the Code of Conduct states that a Council Member (Committee member and Candidate) "must comply with all policies, procedures and resolutions of the local government". Council Policy No. 4.2.5 requires Administration to respond to Council Members' Requests within ten working days.

### Recommendation

## **Not supported**

### Reason for the Recommendation

City of Vincent Councillors are highly accessible and highly responsive to issues raised by members of the community.

The specific prescriptive requirement as proposed by the motion is not suitable for inclusion alongside the principles based provisions contained in the Code of Conduct.

The procedural requirement around responses to enquiries is included in Council Policy No. 4.2.5 which requires Administration to respond to Council Members' Requests within ten working days.

## **Motion 12:**

1. That the community believes that:
  - 1.1 local government does not function well when there are cliques or factions on councils, or if there are perceptions of factions or cliques existing on council; and

- 1.2 the Mayor should not encourage the formation of cliques or factions, and should actively act to stop the formation of these.
2. That the community requests that the Code of Conduct be amended to make it clear that the mayor has a special leadership role and should not use their position to encourage electors to vote for or against any particular candidates at local government elections.

## **Response**

### Background

The City of Vincent Code of Conduct of Council Members, Committee Members and Candidates complies and incorporates the mandatory requirements established by regulation in 2021. The Code can be located at [https://www.vincent.wa.gov.au/Profiles/vincent/Assets/ClientData/Council\\_Registers/Code\\_of\\_Conduct\\_style\\_d.pdf](https://www.vincent.wa.gov.au/Profiles/vincent/Assets/ClientData/Council_Registers/Code_of_Conduct_style_d.pdf)

The mandatory requirements provide consistent behavioural and ethical expectations across Western Australian local government addressing personal integrity, relationship with others and accountability.

### Comment

It is common for opposing views to be expressed on Council and this is the very basis of the decision making and debate processes established in local government.

Council Members are aware of their responsibilities under the Code of Conduct to make informed decisions on matters before Council.

The freedom of political expression is inferred in the Australian Constitution and is the basis of a functioning democratic society.

Council Members in Australia enjoy the democratic freedom to hold specific political views and support (as any other community member) a candidate for Council, sitting member or not.

The current Code of Conduct, specifically *Division 4 – Rules of Conduct* provides sufficient guidance for Council Members not to, directly or indirectly, use the resources of a local government for an electoral purpose or to make improper use of their office.

### Recommendation

#### **Not supported**

### Reason for the Recommendation

The Code of Conduct provides adequate provision in respect to Council Member responsibilities in decision making and the use of the office as Council Member.

#### **Motion 13:**

That the Hyde Park kiosk agreement be set aside and a proper survey independent survey be conducted.

## **Response**

### Background

Community consultation on a kiosk in Hyde Park began in 2013 and in 2014 the majority of the community supported the proposal to provide a permanent small-scale kiosk/café facility at both Hyde Park and Banks Reserve. Council considered the consultation outcomes at its 8 July 2014 meeting.

At its Ordinary Meeting of 20 October 2020 Council adopted amendments to the Mobile Food Vendor Policy. Council also considered a proposal to install a commercial kiosk at Hyde Park and approved consulting with the community about the potential commercial kiosk. The City ran community consultation between 8 March 2021 and 2 April 2021. The consultation asked whether the community wished to see a permanent

kiosk in the park and, if so, whether this would be in addition to or as an alternative to the food vans that operate from the park under the City's Mobile Food Vendor Policy.

The results of community consultation were reported to Council at its 18 May 2021 meeting and noted again in the subsequent December report.

Preference	Number	Percent
Support permanent kiosk and food vans	211	56
Support permanent kiosk without food vans	61	16
Do not support a permanent kiosk, support food vans only	81	21
Do not support any option	23	6
Unsure	2	1
<b>Total</b>	<b>378</b>	<b>100</b>

In the May 2021 report the following statements were made:

*"From the 272 respondents who supported the kiosk proposal, some of the main repeating comments were:"*

and;

*"The 104 Respondents who did not support the kiosk proposal provided the following main comments:"*

At its 14 December 2021 meeting, Council resolved to award a tender for the lease of a Hyde Park storage shed to be used as a commercial kiosk. As a part of the decision Council noted that mobile food vendors would only be able to operate at Hyde Park as part of approved events and would not be issued Vending Vincent permits to operate permanently in Hyde Park for the duration of the lease.

Council also committed funding for the pre-fit out work on the storage shed to bring the space up to a standard required for a commercial kiosk fit out.

#### Comment

There has been a level of discontent from one of the mobile food van vendors and elements of the community in respect to Council's decision and the manner in which community consultation results were used in the decision making process.

Concern raised identified that the report did not explicitly express that 292 respondents support the presence of food vans at Hyde Park, with or without a permanent kiosk.

The City acknowledges that there has been strong support for the food vans at Hyde Park and that the outcomes of the survey could have been reported in a manner that better reflected that support. This was discussed at the December 2022 Council meeting as the report was being considered.

It is important to note that permits for mobile food vendors are intended to be one-off and temporary and to allow a range of different temporary food and beverage offerings at designated parks through-out the year.

The inclusion of mobile food vendors in Hyde Park was to inform future decision making on a more permanent kiosk/café arrangement.

The kiosk tender was compliant with legislative requirements.

#### Recommendation

##### **Not supported**

#### Reason for the Recommendation

Community consultation is used to inform Council decision making. Council made its decision fully aware of the level of support for the retention of mobile food vendors and considers that a permanent kiosk arrangement is in the best interest of Hyde Park and the wider community. It is not expected that further consultation through independent means will change the outcome of Council's December 2021 decision.

**Motion 14:**

That Council investigate the adequacy of street lighting in Florence Street, West Perth for traffic and pedestrian safety.

It is well researched that well lit streets can:

- improve surveillance and increase risk of offenders being detected.
- assist to help people feel safer with well illuminated streets, this can further assist with deterrence of crimes through ease of surveillance.

**Response**Background

The streetlights in Florence Street are not a City asset and belong to Western Power. Florence Street is typical of the majority of residential streets in Vincent with the (then) Western Power standard of an 80watt Mercury Vapour (MV) streetlight on every second power pole. As MV lights are being phased out by Western Power (for both efficiency and environmental reasons) they are being replaced with LED, which are brighter (MV loses about 50% of its's luminance over 4 years) and longer lasting (10 years). The replacement programme is controlled and delivered by Western Power.

The City can make application to Western Power to add lights to the intermittent poles or upgrade existing lights but it is at the City's cost. Given the lights are not a City asset and there is limited budget with which to add lights in exceptional circumstances, the City will target specific locations based on risk, where recurring anti-social activity take place or a significant hazard exists.

Comment

Florence Street is typical of many streets in Vincent with older Western Power infrastructure. There is no specific risk identified that would support the City using its limited budget to fund the renewal or upgrade of a Western Power asset in this case.

Recommendation**Not Supported**Reason for the Recommendation

There is no specific risk identified that would support the City funding the renewal or upgrade of a Western Power asset in this case.

**Motion 15:**

That Council:

- At the very least, say every second year (perhaps on a rotational location basis to minimise budget impact) place a greater focus on the non- power line side of the street verge trees proper maintenance, including at a minimum, removal of all dead branches and all overhanging branches - from both the power lines and all branches extending over the footpath and into the private properties. This would also provide an improved streetscape look for those verge trees too, which are sadly very neglected looking.
- Clarify the insurance claim position of homeowners, for any damage caused by verge trees, including power reconnection costs (electricians and other trade costs + Western Power charges).
- I understand from discussions with Western Power that they also feel very frustrated with councils that neglect to remove branches that overhang or encroach within two metres of any powerlines.

Council provides at least annual updates on the status of the underground power installation program for the whole of the COV location. Clearly this would (if commenced) go a long way to solving the issues I have raised above that are of concern to many private property owners.

**Response**

Background

The City carries out an annual street tree pruning program. As part of this program verge trees are pruned to ensure appropriate clearances from power lines. Trees are also pruned (if required) to ensure they are not obstructing the footpath and that dead branches are removed (if required). Residents can make enquiries or raise concerns at any time.

The City is currently investigating opportunities for undergrounding power in Vincent and provides updates to the Council and residents from time to time.

Comment

The City has an annual street pruning program and has identified no issue with that program in terms of increased risk to Western Power lines caused by the City's street trees.

If a home is damaged by a verge tree the homeowner may lodge a claim with their own insurers or contact the City insurers. Liability is not fixed and will depend upon the specific circumstances in each case. The City would encourage all homeowners to maintain adequate home insurance and discuss any concerns they have with their insurer in the first instance.

Recommendation**Not Supported**Reason for the Recommendation

It is considered that the current level of service is appropriate and allocating additional resource to this service is unnecessary.

The City updates residents on progress on undergrounding power when opportunities arise.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

The AME of the City of Vincent was held in accordance with section 5.27 of the *Local Government Act 1995* (the Act). Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting are to be considered at the next practicable Ordinary Meeting of Council, which is the 5 April 2022 meeting.

Council must consider the motions from the AME but is not obliged to make a decision on all or any of those Motions. If Council chooses to make a decision in response to an AME Motion then reasons for that decision need to be recorded in the Minutes of the Council Meeting.

**RISK MANAGEMENT IMPLICATIONS:**

Low: It is low risk for Council to consider decisions made at the AGM in accordance with Section 5.33 of the *Local Government Act 1995*.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

*We are open and accountable to an engaged community*

*Our community is satisfied with the service we provide*

*Our community is aware of what we are doing and how we are meeting our goals*



**SUSTAINABILITY IMPLICATIONS:**

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

**PUBLIC HEALTH IMPLICATIONS:**

This item does not align with any of the priority health outcomes of the *City's Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.