



TOWN OF  
VICTORIA PARK



## Agenda Briefing Forum Notes – 4 August 2020

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**WE'RE OPEN**  
VIC PARK

Please be advised that an **Agenda Briefing Forum** was held at **6:30 pm** on **Tuesday 4 August 2020** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Her Worship the Mayor Karen Vernon**  
5 August 2020

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# 1 About the Agenda Briefing Forum

The purpose of the Agenda Briefing Forum is to ask questions and seek clarity on the draft Ordinary Council Meeting agenda, in line with the Agenda Briefing, Concept Forum and Council Workshops Policy.

The meeting is open to all members of the public, except during the consideration of matters deemed confidential in line with the *Local Government Act 1995*.

Members of the public that are directly impacted by an item on the agenda may participate in the meeting through any of the following methods.

## 1. Deputation

A deputation is a presentation made by a group of between two and five people affected (adversely or favourably) by a matter on the agenda. A [Deputation Form](#) must be submitted to the Town no later than 24 hours prior to the meeting and is to be approved by the Chief Executive Officer.

## 2. Presentation

A presentation is a submission made by an individual affected (adversely or favourably) by a matter on the agenda. A [Presentation Form](#) must be submitted to the Town no later than 24 hours prior to the meeting and is to be approved by the Chief Executive Officer.

All others may participate in the meeting during the allotted Public Participation Time. While it is not required, members of the public are encouraged to submit their questions and statements in advance by [email](#) or by completing the [Public Question/ Statement Form on the Town's website](#). Please note that questions and statements related to an agenda item will be considered first. All those dealing with matters of a general nature will be considered in the order in which they have been received.

For any questions regarding the Agenda Briefing Forum or any item presented in the draft agenda, please contact the Governance team at [GovernanceVicPark@vicpark.wa.gov.au](mailto:GovernanceVicPark@vicpark.wa.gov.au)

### Disclaimer

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Any advice provided by an employee of the Town on the operation of written law, or the performance of a function by the Town, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Town. Any advice on a matter of law, or anything sought to be relied upon as representation by the Town, should be requested in writing.

Noting that the Agenda Briefing Forum is only for the purpose of seeking further information on the draft Ordinary Council Meeting Agenda, and does not constitute a decision-making forum, any person or entity who has an application or submission before the Town must not rely upon officer recommendations presented in the draft agenda. Written notice of the Council's decision, and any such accompanying conditions, will be provided to the relevant person or entity following the Ordinary Council Meeting.

## **2 Opening**

Mayor Karen Vernon opened the meeting at 06:30 pm.

## **3 Acknowledgement of country**

### **Acknowledgement of the traditional owners**

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

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

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

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

*Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.*

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

## **4 Announcements from the Presiding Member**

### **4.1 Purpose of the Agenda Briefing Forum**

The purpose of this forum is to provide an opportunity for Elected Members to ask questions and obtain additional information on officer reports in the draft Ordinary Council Meeting agenda. It is not a decision-making forum, nor is it open for debate.

Members of the public that may be directly affected by an item on the agenda can make presentations, deputations, statements, and ask questions, prior to the matter being formally considered by Council at the next Ordinary Council Meeting.

### **4.2 Notice of recording and live-streaming**

All participation in the meeting will be audio recorded and live-streamed on the Town's website. The live-stream will be archived and made available on the Town's website after the meeting.

### **4.3 Conduct of meeting**

All those in attendance are expected to extend due courtesy and respect to the meeting by refraining from making any adverse or defamatory remarks regarding Council, the staff or any elected member. No one shall create a disturbance at a meeting by interrupting or interfering with the proceedings through expressing approval or dissent, by conversing, or by any other means.

All questions and statements made by members of the public are not to personalise any elected member or member of staff. Questions and statements are to be directed to the Presiding Member, who may choose to call upon an officer of the Town, or another elected member, to assist with responses.

#### **4.4 Public participation time**

There are two opportunities to ask questions and make statements at the beginning and at the end of the meeting. Each public participation time will be held for 30 minutes. Any additional time must be by agreement from the meeting and will be in five-minute increments.

In line with the intended purpose of the Agenda Briefing Forum, questions and statements relating to an agenda item will be considered first. All others will be considered in the order in which they are received.

#### **4.5 Questions taken on notice**

Responses to questions taken on notice that relate to an agenda item will be presented in the officer report for the Ordinary Council Meeting agenda under the heading 'Further consideration'.

Responses to general matters taken on notice will be made available in the relevant Ordinary Council Meeting agenda under the section 'Responses to public questions taken on notice'.

## **5 Attendance**

<b>Mayor</b>	Ms Karen Vernon
<b>Banksia Ward</b>	Cr Wilfred Hendriks Cr Luana Lisandro
<b>Jarraah Ward</b>	Deputy Mayor Bronwyn Ife Cr Brian Oliver Cr Jesvin Karimi
<b>Chief Executive Officer</b>	Mr Anthony Vuleta
<b>Chief Operations Officer</b>	Mr Ben Killigrew
<b>Chief Financial Officer</b>	Mr Michael Cole
<b>Chief Community Planner</b>	Ms Natalie Martin Goode
<b>Manager Development Services</b>	Mr Robert Cruickshank
<b>Governance Advisor and Secretary</b>	Mr Liam O'Neill
<b>Consultant – Price Consultants</b>	Angie Dominish
<b>Executive Officer</b>	Ms Alison Podmore

## 5.1 Apologies

### Banksia Ward

Cr Claire Anderson  
Cr Ronhhda Potter

### Secretary

Ms Amy Noon

## 5.2 Approved leave of absence

### Banksia Ward

Cr Vicki Potter

## 6 Declarations of interest

### Declaration of financial interest

Name/Position	Cr Luana Lisandro
Item No/Subject	12.1 Draft Local Planning Policy - Character Retention Guidelines
Nature of interest	Financial
Extent of interest	I administer the financial affairs as an administrator and enduring power of attorney for a family property that would be classified as a Character home within the Town of Victoria Park.

### Declaration of interest affecting impartiality

Name/Position	Cr Luana Lisandro
Item No/Subject	12.1 Draft Local Planning Policy - Character Retention Guidelines
Nature of interest	Impartiality
Extent of interest	I administer the financial affairs as an administrator and enduring power of attorney for a family property that would be classified as a Character home within the Town of Victoria Park.

Name/Position	Deputy Mayor Bronwyn Ife
Item No/Subject	12.1 Draft Local Planning Policy - Character Retention Guidelines
Nature of interest	Impartiality
Extent of interest	I own a character house in the character study area.

Name/Position	Mayor Karen Vernon
Item No/Subject	12.1 Draft Local Planning Policy - Character Retention Guidelines
Nature of interest	Impartiality
Extent of interest	Owner of property within the proposed special control area in the Residential Character Study Area, that is a character house or original dwelling

Name/Position	Cr Wilfred Hendriks
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Item No/Subject	12.4 Appeal process - Community grants and operational subsidies
Nature of interest	Impartiality
Extent of interest	Committee member of Harold Hawthorne Community Centre & Member of the Rotary Club of Victoria Park

## 7 Public participation time

### Vince Maxwell

1. In item 12.1, one of the points in the reports speaks of "Additions and alterations which are visible from the street will be assessed on a performance basis rather than a "tick box" approach." Who determines if it is visible or not? For example I live on a busy road and people aren't going to be standing on my narrow verge peering through gaps in fences and trees to see my house. I would consider most of my house is not visible so, if I decide it is not visible do I just apply for a building permit?

The Manager Development Services advised that in the draft guidelines there is a definition of visible from the street and what that means. He further advised that an applicant could lodge an application for a building permit and if the Town forms a view that the development is visible from the street, then the applicant would be advised to apply for development approval. It is advisable for a person to seek advice from planning staff before lodging any application.

2. The definition in the draft policy is not very clear. Who actually makes the determination of if the development is visible?

The Manager Development Services advised that the determination would be made by Town staff.

3. This policy talks about the application being assessed on a performance basis, what does performance basis mean?

The Manager Development Services advised that a performance based assessment is a holistic assessment based upon the objectives and design principles of the policy and looks at the surrounding buildings and streetscape, not just a set of rules.

4. It sounds like this would be a subjective assessment. Is it true to say there would be no way for an applicant to submit a proposal with confidence knowing that they are going to meet what the Town's assessment of a performance basis is?

The Manager Development Services advised that all planning assessments could be considered a subjective assessment as it is based on the professional assessment of the staff member. No person could lodge an application and know it is going to be approved as until it has been assessed the Council officer is unable to confirm an application complies in all respects. The Town encourages all applicants to come and meet with Town staff before lodging an application to identify any issues that may arise prior to lodging an application.

5. If these polices and amendments are implemented, someone in Lathlain who wants to close in their veranda for arguments sake, and it meets the requirements of the R-codes, can just apply for a building permit, someone in the special control area would need a development approval, is that true? What is the cost and time difference?



The Manager Development Services advised that planning approval would not be required outside of the special control area if the works comply with the R-Codes as modified by the Town's local planning policies. In the special control area a development approval would be required. A certified building permit has a 10 day turnaround. A development application can take anywhere from 4 to 6 weeks. If complex it make take longer.

6. In the special control area is it the case that every single building alteration would require a development approval?

The Manager Development Services advised that he believe that this is case and will speak with Mr Maxwell following the meeting.

### **Sam Zammit**

1. At one of the meetings I previously attended I asked a question about the premeeting meals and I have not received an answer?

The Mayor advised that questions taken on notice are responded too at the next Ordinary Council Meeting. As such the answer to Mr Zammits question will be included in the agenda for the next Ordinary Council Meeting.

2. In relation to the commemorative recognition policy. The Council has decided that the applicant must pay for the recognition. What is the rationale behind having a person pay?

The Mayor advised that if members of the public wants to have someone recognised, should they meet the criteria, the memorial is on town owned land and the cost of the memorial should be borne by the applicant. If every ratepayer wanted someone recognised it would be a significant cost to the Town.

Mr Zammit made a statement about his disappointment with the commemorative recognition policy.

### **Jenny Cameron:**

Ms Cameron made a statement regarding item 12.2 Scheme amendment for additional use restaurant and cafe at 53 & 55 Canning Highway. The statement was related to parking issues in the area.

### **Vince Maxwell**

Mr Maxwell made a statement regarding the 2020-2021 budget and the rate reduction provided. He stated that the budget did not put enough pressure on the CEO to reduce expenses due to the significant amount of draw on the reserves. He stated that the Town hires staff and also hires consultants and the Town should not employ both to do the same jobs.

## **8 Presentations**

Nil.

## **9 Deputations**

Nil.

## **10 Method of dealing with agenda business**

Nil.

## 11 Chief Executive Officer reports

### 11.1 WALGA 2020 Annual General Meeting - Nomination of Delegates

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Amy Noon
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

#### Recommendation

That Council:

1. Nominates two voting delegates for the 2020 Annual General Meeting of the WA Local Government Association to be held on Friday 25 September 2020 at Crown Perth.
2. Nominates two proxy voting delegates for the 2020 Annual General Meeting of the WA Local Government Association to be held on Friday 25 September 2020 at Crown Perth, in the event that Council's appointed representatives are unable to attend.

#### Purpose

For Council to nominate two voting delegates and two proxy voting delegates for the 2020 Annual General Meeting of the WA Local Government Association (WALGA).

#### In brief

- The 2020 WALGA Annual General Meeting is being held on Friday 25 September 2020 at Crown Perth.
- The Town must nominate two voting delegates by Friday 28 August 2020 to be able to participate in voting on matters.

#### Background

1. WALGA is the peak industry body for local government in Western Australia and advocates on behalf of 138 local governments.
2. All member Councils are entitled to be represented by two voting delegates and two proxy voting delegates at the Annual General Meeting of WALGA.
3. At the Annual General Meeting, members consider WALGA's annual financial statements, the President's annual report and any Executive or Member motions that are raised.
4. This year, the WALGA Annual General Meeting is being held on Friday 25 September 2020 at Crown Perth.
5. The Chief Executive Officer has received communication from WALGA requesting the Town to submit its voting delegates by Friday 28 August 2020.
6. At its Special Council Meeting held on 29 October 2019, Council appointed Deputy Mayor Bronwyn Ife and Cr Ronhhda Potter to represent the Town on the WALGA South East Metropolitan Zone. Cr Vicki Potter and Cr Claire Anderson were appointed as alternative members.
7. At the Ordinary Council Meeting held on 16 June 2020, Council appointed Mayor Karen Vernon to

represent the Town on the WALGA South East Metropolitan Zone, after Cr Ronnhda Potter stood down from the group.

8. Deputy Mayor Bronwyn Ife is the Chair of the WALGA South East Metropolitan Zone and is also a Deputy State Councillor.
9. In 2019, Council nominated ex-Mayor Trevor Vaughan and Cr Brian Oliver as the voting delegates. Deputy Mayor Bronwyn Ife and Cr Vicki Potter were nominated as proxy voting delegates.

### Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	<p>Voting delegates are required to be registered, as per WALGA's constitution.</p> <p>Representation at WALGA's Annual General Meeting will enable the Council to be involved in any decision-making affecting the Town.</p>

### Engagement

Not applicable.

### Legal compliance

Voting delegates are required to be registered, as per WALGA's constitution.

### Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	If the Town does not submit its voting members, it will not be able to vote on the matters being considered.	Insignificant	Unlikely	Low	Low	TREAT risk by nominating voting members.
Reputation	Not applicable.				Low	
Service delivery	Not applicable.				Medium	

## Financial implications

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

## Analysis

10. Council should appoint two voting delegates and two proxy voting delegates for the WALGA Annual General Meeting, to ensure the Town is represented to vote on matters affecting the Town and the wider local government sector.

## Relevant documents

[WALGA constitution](#)

There were no questions asked or presentations made in relation to this item.

## 12 Chief Community Planner reports

### 12.1 Draft Local Planning Policy - Character Retention Guidelines

<b>Location</b>	Burswood East Victoria Park Lathlain Victoria Park
<b>Reporting officer</b>	Michael Hancock
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Character Retention Guidelines Town Modified Version [<b>12.1.1</b> - 21 pages]</li><li>2. Recommendations Report [<b>12.1.2</b> - 93 pages]</li><li>3. Ordinary Council Meeting Minutes Extract May 2020 [<b>12.1.3</b> - 15 pages]</li><li>4. Modified Proposed Residential Character Study Area [<b>12.1.4</b> - 1 page]</li><li>5. Ordinary Council Meeting Minutes Extract July 2020 [<b>12.1.5</b> - 22 pages]</li><li>6. Character Retention Guidelines Element Original Version [<b>12.1.6</b> - 19 pages]</li><li>7. Ordinary Council Meeting Minutes Extract September 2017 [<b>12.1.7</b> - 36 pages]</li></ol>

#### Recommendation

That Council consents to advertising of the draft modified version of Local Planning Policy 'Character Retention Guidelines', as contained at Attachment 1 to this report, for public comment for a minimum period of 42 days in accordance with deemed clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

#### Purpose

For Council to consider the draft Character Retention Guidelines (guidelines) that will apply to development in the proposed Special Control Area known as the Character Retention Area, for the purposes of community consultation.

#### In brief

- At the September 2017 Ordinary Council Meeting, the Council resolved to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape, and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area (RCSA).
- Council subsequently appointed Element to undertake the project. The work undertaken by Element included consultation with the community on their views and aspirations for the Residential Character Study Area. The overwhelming response was a supportive position of measures to protect and retain the character prevalent in the Residential Character Study Area.
- Based on the community sentiment, Element prepared a Recommendations Report (see Attachment 2) and draft Local Planning Policy – Character Retention Guidelines, which was acknowledged by Council at its 19 May 2020 Ordinary Council Meeting (see Attachment 3).

- The Recommendations Report recommends that the Town undertake a Scheme Amendment to designate the Residential Character Study Area as a Special Control Area. Attachment 4 contains a map showing the area of the Town over which a Special Control Area (SCA) is proposed.
- At its 21 July 2020 Ordinary Council Meeting, Council resolved to initiate Scheme Amendment 87 to designate the Residential Character Study Area as a Special Control Area and to include requirements for development in the area (see Attachment 5). One of the proposed requirements is that development which requires development approval is to have regard to the local planning policy adopted for the area.
- A draft Local Planning Policy 'Character Retention Guidelines' was prepared by Element and provided to the Town (see Attachment 6). The draft Policy prepared by Element has been modified by Officers, to address matters that are considered to require attention (see Attachment 1).

## Background

1. Since 1998, the Town has had adopted policies applying to the standard of residential development in the Town both generally and for specific areas, including but not limited to the following policies:
  - former Town Planning Scheme No. 1 Policy 3.1 'Residential Design Guidelines'
  - former Town Planning Scheme No. 1 Policy 3.11 'Raphael Park Precinct Design Guidelines'
  - former Council Policy PLNG5 'Design Guidelines for Weatherboard Houses'
  - former Council Policy PLNG12 'Design Issues relating to Residential Development'
2. The Town first implemented the Residential Character Study Area (RCSA) in 2003 following a study being undertaken. The study recommended that the Town *"give priority to, and actively encourage, the retention and conservation of residential character for the longer-term benefit of the community and the owners of properties"*.
3. The Town's Local Planning Policy 'Streetscape' took effect on 31 May 2005, consolidating a number of policies (including those mentioned in paragraph 1 above) into one policy.
4. The Local Planning Policy 'Streetscape', also known as LPP25, has applied to residential development in the Town since this time and continues to apply today, with minor modifications being made since its original adoption.
5. In response to changes to the Planning (Local Planning Schemes) Regulations 2015, the Town initiated Scheme Amendment 73 to reinstate planning controls that were removed by this legislation.
6. At the September 2017 Ordinary Council Meeting, the Council resolved to modify Amendment 73 by removing a number of the proposed planning controls, with Amendment 73 then being refused by the Minister for Planning.
7. Also at the September 2017 Ordinary Council Meeting the Council resolved to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape, and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the Residential Character Study Area.
8. The Town engaged Element to undertake an independent review of the RCSA in September 2018, inclusive of reviewing LPP25.
9. At the 19 May 2020 Ordinary Council Meeting (see Attachment 3), Council resolved to acknowledge and receive the Review of Residential Character Study Area and Local Planning Policy 25 'Streetscape' Stage 4: Final Conclusions and Recommendations Report and receive a future report for consideration of a Scheme Amendment as outlined in the Recommendations Report.

10. At the 21 July 2020 Ordinary Council Meeting (see Attachment 5) Council resolved to initiate Scheme Amendment 87 to implement a SCA over the RCSA. This includes a requirement for development in the SCA that requires development approval to have regard to a local planning policy adopted for the area.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL2 - A community that is authentically engaged and informed in a timely manner.	The Town and Element undertook significant community consultation as part of the project. The community was engaged with a view to understand the built form priorities of the community and its attitude toward heritage and built form preservation. Further consultation was undertaken to ascertain if the community's aspirations had been adequately captured in draft recommendations prepared by Element.
CL3 - Well thought out and managed projects that are delivered successfully.	The level of engagement will assist in delivering a well-considered project that reflects the aspirations of the community.

Social	
Strategic outcome	Intended public value outcome or impact
S4 - A place where all people have an awareness and appreciation of arts, culture, education and heritage.	The preservation and retention of the Town's built environment is valued by the community, as the results of consultation delivered. The proposed policy and Scheme Amendment will seek to further recognise the culture and heritage of the district.

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	Community consultation undertaken through this project has demonstrated a desire to retain and improve the built form of the Residential Character Study Area. The proposed recommendation will enhance and/or maintain the Town's distinct character.

## Engagement

11. The following consultation informed the Recommendations Report completed by Element, and the recommended draft Character Retention Guidelines.

External engagement	
<b>Stakeholders</b>	Town of Victoria Park residents
<b>Period of engagement</b>	<p>First period of consultation conducted between 22 October 2018 and 19 November 2018. A total of 5,524 letters were sent inviting people to participate in a survey.</p> <p>Second period of consultation conducted between 28 August 2019 and 25 September 2019. On this occasion, consultation was undertaken with those persons</p>



	who responded during the first consultation phase.
<b>Level of engagement</b>	Consult; Involve
<b>Methods of engagement</b>	<ul style="list-style-type: none"> <li>• The Town's 'Your Thoughts' online engagement hub,</li> <li>• Southern Gazette Newspaper notice,</li> <li>• Direct correspondence to all Amendment 73 submitters,</li> <li>• Town's 'Life in the Park' eNewsletter; and</li> <li>• Social media posts.</li> </ul>
<b>Advertising</b>	As above.
<b>Submission summary</b>	A total of 357 responses were received in the first period of consultation. A total of 12 submissions were received in the second period of consultation.
<b>Key findings</b>	The feedback is summarised as outlined below.

12. Community consultation was undertaken in a two-part process. Element sought to engage with the community at the commencement of the project to gain the community's view on residential character and the importance of it to them. Element conducted a survey of owners and occupiers within the RCSA receiving over 350 public submissions. The Recommendations Report produced by Element (see Attachment 2) includes the Stage 1 community consultation outcomes, however the below summary captures the general sentiment of the consultation:

- *Streetscape character is seen to play an important role in telling the story of the Victoria Park area;*
- *While there are pockets of 'intact' streetscapes, the overwhelming description respondents used for the character of the area they live in is 'mixed';*
- *The majority of respondents recognised that the character of the area deserves protection;*
- *There is a clear desire from respondents to retain original dwellings;*
- *There is no clear perception of either positive or negative change in character over time;*
- *A flexible approach to policy administration is desired to encourage the retention of original dwellings as well as new development within character, rather than enforcing it; and*
- *There is seen to be a need for an equal effort in protecting and enhancing the natural beauty of the area.*

13. Following their consideration of the initial public comments, Element prepared a series of draft recommendations which were the subject of further consultation to determine if the community's comments were accurately captured. The recommendations included amending the Scheme to introduce a Special Control Area over the RCSA and the preparation of revised draft Character Retention Guidelines. A total of 12 submissions were received, with eight generally supportive and four providing comment or concern.

## Other engagement

Elected Members

On 10 December 2019 at an Elected Members Concept Forum, representatives of Element provided Elected Members with a presentation on the Recommendations Report and background on the draft Local Planning Policy – Character Retention Guidelines.

14. Should Council adopt the recommendation of this report, the draft Character Retention Guidelines will be the subject of community consultation as follows:

- To be advertised concurrently with the advertising of Scheme Amendment 87.
- Consultation for a period of 60 days.
- Consultation will occur by the following means:
  - Publish a notice in the Southern Gazette newspaper on at least three occasions.
  - A hard copy displayed in the Administration Centre
  - Referred to relevant government agencies; and
  - Displayed on the Town's website consultation channels.
  - Letters being sent to (a) owners of properties within the Scheme Amendment area; and (b) respondents to consultation undertaken by Element in October/November 2018 (see Attachment 7); and (c) those persons who lodged a submission on Scheme Amendment 73.
- The Town will undertake community information sessions which will be publicised through various channels.

## Relevant planning framework

<b>Legislation</b>	<ul style="list-style-type: none"> <li>• <b>Planning and Development Act 2005</b></li> <li>• <b>Planning and Development (Local Planning Schemes) Regulations 2015</b></li> <li>• <b>Town Planning Scheme No.1 (TPS1)</b></li> </ul>
<b>State Government policies, bulletins or guidelines</b>	<ul style="list-style-type: none"> <li>• State Planning Policy 7.3 – Residential Design Codes Volume 1</li> <li>• State Planning Policy 7.3 – Residential Design Codes Volume 2</li> <li>• State Planning Policy 3.5 – Historic Heritage Conservation</li> </ul>
<b>Local planning policies</b>	<ul style="list-style-type: none"> <li>• Local Planning Policy 25 – Streetscape (LPP 25 – Streetscape)</li> </ul>
<b>Other</b>	Nil

## General matters to be considered

<b>TPS precinct plan statements</b>	<p><b>The following statements of intent contained within the Precinct Plans are relevant to consideration of the application.</b></p> <p>Precinct Plan P5 – Raphael Precinct</p> <ul style="list-style-type: none"> <li>• <i>The Raphael Precinct shall remain as a residential precinct containing many fine examples of houses from past eras.</i></li> <li>• <i>Infill development and redevelopment of corner lots may be appropriate, although not to the detriment of the existing character of the area and of the existing quality housing stock.</i></li> <li>• <i>The precinct should remain a visually attractive area and have a pleasant atmosphere characterized by low to medium scale architecture, buildings facing the street in the traditional manner and set in landscaped surrounds. The retention of structurally sound original houses and healthy mature trees will be a priority in order to maintain the existing residential character and streetscape.</i></li> </ul> <p>Precinct Plan P6 – Victoria Park Precinct</p> <ul style="list-style-type: none"> <li>• <i>The Victoria Park Precinct will remain as attractive and essentially low to medium scale residential area set on some of the highest land within the locality.</i></li> <li>• <i>The retention and rejuvenation of existing housing, particularly dwellings indicative of the era in which the locality was developed, and selective sensitivity designed 'infill' housing is the most favoured form of development and will be</i></li> </ul>
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encouraged.

- *The precinct should remain a visually attractive area and the preservation of trees and the generous landscape planning of properties upon redevelopment will be required.*

Precinct Plan 10 – Shepperton Precinct

- *The Shepperton Precinct should remain a pleasant, low scale, medium density housing area.*
- *The retention of structurally sound houses and healthy, mature trees is an important aim for the precinct. Selective infill and the development of grouped dwellings is also encouraged. New development is to enhance the existing character of the area and have regard for remaining quality housing stock.*

Precinct Plan 12 – East Victoria Park

- *The retention of existing structurally sound housing which generally contributes to the character of the area, and the selective redevelopment of other sites will be encouraged. The character of the precinct between Canterbury Terrace and Balmoral Streets, which consists of small cottages on small lots, should be preserved. Any redevelopment in this locality should adhere to strict design constraints governed by the existing scale and character of housing.*

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The Town has outlaid expenditure on developing the Local Planning Policy – Character Retention Guidelines.	Moderate	Likely	High	Low	Treat: adoption of the recommendation which would allow community feedback on the proposed guidelines.
Environmental	Flexibility to provide contemporary additions and sustainable renovations to dwellings will be delayed.	Moderate	Likely	High	Medium	Treat: adoption of recommendation would progress a flexible planning framework for providing improved environmental outcomes.
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	

Legislative compliance	Not applicable.				Low	
Reputation	Not advertising the Local Planning Policy – Character Retention Guidelines would mean community concerns relating to character retention and a contemporary flexible planning approach would be impacted.	Moderate	Likely		Low	Treat: adoption of the recommendation which would mean the advertising the draft Local Planning Policy – Character Retention Guidelines.
Service delivery	Not proceeding with the Draft Guidelines will prevent the transition to a more flexible modern planning approach.	Moderate	Almost certain	High	Medium	Treat: adoption of the recommendation which would mean the advertising the draft Local Planning Policy – Character Retention Guidelines.

## Financial implications

<b>Current budget impact</b>	Nil.
<b>Future budget impact</b>	Nil.

## Analysis

### Relationship with Special Control Area

15. At Council's July 2020 Ordinary Council Meeting, Council resolved to initiate Scheme Amendment 87, which seeks to establish a Special Control Area over the Residential Character Study Area.
16. Scheme Amendment 87 includes a requirement that:
  - "All development shall be designed with due regard for any relevant local planning policy adopted for the Character Retention Area."*
17. As outlined in the Recommendations Report prepared by Element, planning practice and the context of the RCSA has shifted. The Recommendations Report summaries these as follows:
  - (a) *The introduction of the Deemed Provisions regarding works exempt from requiring development approval and heritage 'protection' (as above), as well as a modified Model Scheme Text;*
  - (b) *The introduction of the State Government's 'Design WA' suite of documents and the 10 Principles of Good Design;*

- (c) A focus on sustainability, climate sensitive design and improved building quality, residential amenity and liveability;
- (d) An increased value placed on 'urban forests' and the role of street trees and landscaping;
- (e) The endorsement of the State Government's Sub-Regional Planning Frameworks which focus infill in strategic locations in order to 'protect' the lower density established neighbourhoods;
- (f) The extent of demolitions of original and non-original dwellings across the study area;
- (g) The Council and the Minister for Planning's decisions on Amendment 73; and
- (h) A shift to facilitative rather than regulative approaches to some planning decision-making.

18. Further, the results of community consultation highlighted a preference for a flexible approach to policy administration, rather than an enforcement approach.

19. The proposed guidelines are to apply to all development which is "visible from the street" as defined as:

*Works which if implemented could be wholly or partially seen from a street and is either:*

1. *situated wholly or partially within 12m of the subject lot's boundary to the street; or*
2. *wholly located greater than 12m from the street boundary and exceeding a height of 5m above the natural ground level at the street boundary but does not include single storey works.*

*For the purposes of this clause:*

1. *In ascertaining whether a development, if implemented, could be wholly or partially seen from a street:*
  - i. *account is not to be taken of existing or proposed fencing, landscaping or other impediments to visibility; but*
  - ii. *account may be taken of existing (pre-implementation of the proposed development) heights within of the site, provided that the development is not proposed to change the existing topography in a way that would render the development visible.*
2. *"Street" means a public street, whether a primary or secondary frontage to a site, but does not include a right-of-way (or a public street which was formerly a right-of-way), or a communal street.*

20. Element undertook two stages of community consultation to gauge community sentiment. As outlined above, a key trend to emerge was the desire for a more flexible approach to policy application. For stage one Element summarises the following:

<b>Theme</b>	<b>Stage 1 Consultation Summary</b>	<b>Stage 2 Consultation Summary</b>	<b>Officer Comments</b>
Alterations and additions to single dwellings	Council should play a part in ensuring the street scape is maintained to reflect "original dwellings", but that does not mean there should be a need to retain original dwellings in their entirety. There needs to be scope for homeowners to be able to develop/renovate their properties and bring them into the 21st century. This	Any alterations or additions should be contemporary in nature and distinctly different. Would like more detail and examples.	The proposed policy seeks to be allow more contemporary additions and alterations to single dwellings outside of the area which is visible from the street.  Outside of the area visible from the street, as defined above,

	<p>includes the capacity to add a second story.</p> <p>Streetscape character can be maintained through keeping the front of “original dwellings” and allow for interesting and modern extensions behind.</p>		<p>building design controls are not applicable. Additions and alterations which are visible from the street will be assessed on a performance basis rather than a “tick box” approach.</p> <p>The guidelines are considered to address the communities’ feedback to encourage contemporary additions.</p>
<p>New development of single dwellings</p>	<p>Streetscape character is seen to play an important role in telling the story of the Victoria Park area.</p> <p>While there are pockets of ‘intact’ streetscapes, the overwhelming description respondents used for the character of the area they live in is ‘mixed’.</p>	<p>Should allow new modern, character replication or like for like houses (within reason) without a DA/demolition approval.</p>	<p>Recognising the community sentiment, the guidelines take a flexible approach to new dwellings and seeks to avoid mimicking traditional character features. Although the guidelines seeks to ensure the retention of character, new dwellings can be more contemporary in nature.</p> <p>The guidelines are considered to address the communities’ feedback to allow for contemporary new dwellings.</p>
<p>Streetscape character</p>	<p>Top five elements thought to create the character in the area:</p> <ul style="list-style-type: none"> <li>• Presence of original dwellings;</li> <li>• Traditional materials;</li> <li>• Verge trees;</li> <li>• Pitched roofs; and</li> <li>• Consistent primary street setbacks.</li> </ul>	<p>It is near impossible to come up with “one size fits all” regulations for such a variety of aesthetics and streetscapes.</p> <p>Do not oppose overall aim of requiring homeowners to consider the streetscape character and impact in</p>	<p>The guidelines seek to maintain traditional streetscape features, as outlined in the community consultation.</p> <p>Features include contextually consistent street setbacks,</p>

	<ul style="list-style-type: none"> <li>• There is seen to be a need for an equal effort in protecting and enhancing the natural beauty of the area.</li> <li>• New and old architecture can blend together under an evolving streetscape.</li> </ul>	<p>development proposals, but this affects all development not just original dwellings.</p> <p>Street canopy trees and natural beauty vital.</p>	<p>minimum 30° roof pitch, second storey development setback from ridgeline and street walls and fences.</p> <p>The guidelines are considered to address the communities' feedback to maintain the key factors in streetscape preservation.</p>
Governance	<p>A flexible approach to policy administration is desired to encourage the retention of original dwellings as well as new development within character, rather than enforcing it.</p> <p>The Town's planning department does not encourage design innovation and is overly restrictive and narrowly focused in its application of the Local Planning Policy – Streetscape.</p> <p>Council should work with property owners to ensure best possible character retention outcomes while not being restrictive and difficult.</p> <p>Need to assess character responses based on merit and allow for quality new development.</p> <p>Be more user friendly - simpler to read, understand and navigate.</p>	<p>Sensible. Simple, easy to understand policy and a facilitation culture.</p> <p>Should upskill officers to understand good design.</p> <p>Support bottom-up approach and partnerships; enable facilitation of a platform of respect.</p> <p>Support technical advice incentive.</p>	<p>The guidelines are considered to be user friendly and more flexible in their approach.</p> <p>Officers have been adapting to a more performance-based approach to assessing and determining development applications. This evolution of assessment will continue with the introduction of the proposed guidelines.</p> <p>The guidelines are considered to address the communities feedback in providing increased flexibility and being more "simple".</p>

21. The proposed guidelines represent an important step in the protection and evolution of the Residential Character Study Area and support the objectives and purpose of the initiated Scheme Amendment 87 SCA.

## Proposed Draft Character Retention Guidelines

22. The Town engaged Element to undertake a review of the RCSA and propose mechanisms for the preservation of the areas character. One of the recommendations from Element is the preparation of Character Retention Guidelines.
23. The proposed guidelines are consistent with a modern planning framework approach, and is developed as a performance-based policy. Performance based policy is the current practice for administering land use planning and is the approach taken within the Department of Planning, Lands and Heritage suite of Design WA documents.
24. In considering development applications within the SCA, regard needs to be given to the proposed Character Retention Area Guidelines (see Attachment 1). These Guidelines are proposed to apply to development within the RCSA instead of the Town's Local Planning Policy 25 'Streetscape'.
25. Key elements of the guidelines focus on the positive contribution-built form and the public domain have on an area.
26. The guidelines focus on the retention of original dwellings, whilst providing flexibility to incorporate contemporary design for additions and new dwellings in appropriate situations.
27. The guidelines take into consideration the wider streetscape when determining setbacks, representing a locally tailored approach rather than a one size fits all approach.
28. Acknowledging the community feedback on the current Local Planning Policy 'Streetscape', the draft Character Retention Guidelines have been written to be more performance based rather than prescriptive. This is intended to provide scope for innovative and creative design solutions, and sustainable and contemporary developments where appropriate.
29. Development that is not "visible from the street", as this term is defined, will not be subject to the draft Character Retention Guidelines, therefore giving landowners complete freedom to deliver innovative, contemporary designs in these situations.
30. As part of developing the guidelines, Element engaged with Town officers to ascertain insights into the operation and effectiveness of existing LPP 25.
31. On receipt of the guidelines the Urban Planning team workshopped the draft guidelines and provided suggested changes to Element, a number of changes were incorporated, with several being discarded.
32. The final draft guidelines prepared by Element are contained at Attachment 6.
33. Further to this, the Urban Planning team have proposed a number of changes to the draft guidelines (see Attachment 1) to address matters that were considered to be deficient or requiring greater clarity.

## Modified Draft Character Retention Guidelines

34. Town officers further modified the guidelines to better serve the needs of the Town (see Attachment 1).
35. Changes are proposed to the draft Guidelines as prepared by Element, with the more notable changes being outlined below:

Provision	Proposed Modification	Comment
Variations to Development Approval section	This clause has been moved to the first page of the guidelines.	The proposed change is to increase awareness and emphasise the intended flexibility of the guidelines.



<p>Policy area map (figure 1).</p>	<p>Removal of some portions of land from the policy area, particularly those areas capable of being developed with multiple dwellings and where there is not a strong presence of original dwellings or an identifiable character.</p>	<p>The proposed change to the policy area is consistent with the initiated Scheme Amendment 87 SCA.</p>
<p>Definition of "visible from the street".</p>	<p>To change the definition to:</p> <p><i>Works which if implemented could be wholly or partially seen from a street and is either:</i></p> <ol style="list-style-type: none"> <li>1. <i>situated wholly or partially within 12m of the subject lot's boundary to the street; or</i></li> <li>2. <i>wholly located greater than 12m from the street boundary and exceeding a height of 5m above the natural ground level at the street boundary but does not include single storey works.</i></li> </ol> <p><i>For the purposes of this clause:</i></p> <ol style="list-style-type: none"> <li>1. <i>In ascertaining whether a development, if implemented, could be wholly or partially seen from a street:</i> <ol style="list-style-type: none"> <li>i. <i>account is not to be taken of existing or proposed fencing, landscaping or other impediments to visibility; but</i></li> <li>ii. <i>account may be taken of existing (pre-implementation of the proposed development) heights within of the site, provided that the development is not proposed to change the existing topography in a way that would render the development visible.</i></li> </ol> </li> <li>2. <i>"Street" means a public street, whether a primary or</i></li> </ol>	<p>The proposed change has been formalised as part of the initiated Scheme Amendment 87 SCA. This is to avoid unintended development require an application, such as single storey additions.</p>

	<i>secondary frontage to a site, but does not include a right-of-way (or a public street which was formerly a right-of-way), or a communal street.</i>	
Policy Statement, Demolition new provision.	The inclusion of "in the Town's opinion, the dwelling does not make a positive contribution to the streetscape character including through modifications or changes to the building that is irrevocable."	To outline that demolition of an 'original dwelling' will be considered where the dwelling has been modified to such an extent that it no longer positively contributes to the streetscape.
5.1.3 Lot Boundary Setbacks	Delete provision.	The R-codes provisions are acceptable in this instance. The guidelines refer to the erection of carports, it is considered this is better addressed in guidelines section 5.2.2 Garage Width.
2.2 Form and Materiality, Eaves	The inclusion of eaves being required on development that is visible from the street.	Eaves are considered to provide a significant contribution to the streetscape zone as well as their solar benefits. The guidelines should include provision relating to the inclusion of eaves.
Development Incentives to Retain Original Dwellings	Delete provision.	As outlined in Council Resolution (395/2020) at the 19 May 2020 Ordinary Council Meeting, a report investigating incentives is likely to be presented to Council for its consideration before December 2020.

36. The proposed changes are considered to better equip the guidelines to meet the needs of the Town and the community, without undermining the original intent of the draft guidelines presented by Element.
37. It is recommended that the draft guidelines proceed to public advertising. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received and seeking a final decision from Council as to whether or not to adopt the draft guidelines, with or without modifications.
38. It is recommended the draft guidelines proceed to community consultation concurrently with advertising of the initiated Scheme Amendment 87.

## Areas Outside of RCSA

39. Currently LPP 25 contains requirements relating to four separate areas within the Town, being the Residential Character Study Area, Weatherboard Precinct/Streetscape, Raphael Precinct and all other areas (described as 'Outside of Specified Area').
40. With the introduction of the guidelines, the provisions of LPP25 which relate to the Residential Character Study Area, Weatherboard Precinct/Streetscape and Raphael Precinct will be removed from LPP25.
41. Should the Character Retention Guidelines be adopted for the SCA, then LPP25 will continue to apply to 'Outside of Specified Areas' (eg. Carlisle, Lathlain, St James, and those portions of Victoria Park, East Victoria Park and Burswood not within the SCA).
42. In the longer term it is proposed to comprehensively review LPP 25 as it will apply to development 'Outside of Specified Areas' to similarly be a more performance-based policy.
43. It is also important to note the guidelines do not apply to development facing rights-of-way and will be subject to existing LPP 25.

## Relevant documents

- [Local Planning Policy 25 – Streetscape](#)
- [Town of Victoria Park Town Planning Scheme No.1](#)
- [State Planning Policy 7.3 – Residential Design Codes Volume 1](#)
- [State Planning Policy 7.3 – Residential Design Codes Volume 2](#)

*Cr Luana Lisandro left the room at 7:02pm*

There were no questions asked or presentations made in relation to this item.

## 12.2 Scheme Amendment for Additional Use Restaurant Cafe at 53 & 55 Canning Highway

<b>Location</b>	Victoria Park
<b>Reporting officer</b>	Sturt McDonald
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Final - Element planning consultants - Amendment No 85 Report [12.2.1 - 16 pages]</li> <li>2. Summary of submissions [12.2.2 - 2 pages]</li> <li>3. Ordinary- Council- Meeting-minutes-21- April-2020 [12.2.3 - 15 pages]</li> <li>4. JDAP approval [12.2.4 - 24 pages]</li> <li>5. CONFIDENTIAL REDACTED - Schedule of submissions (unredacted) [12.2.5 - 15 pages]</li> </ol>

<b>Landowner</b>	Kingsfort VP Pty Ltd
<b>Applicant</b>	Element
<b>Application date</b>	16/12/2019
<b>DA/BA or WAPC reference</b>	DA 10.2019.85.1
<b>MRS zoning</b>	Urban Zone and Primary Regional Road Reserve
<b>TPS zoning</b>	Residential
<b>R-Code density</b>	R80
<b>TPS precinct</b>	Precinct Plan P4 – McCallum Precinct
<b>Use class</b>	'Restaurant/Café'
<b>Use permissibility</b>	'X' (prohibited)
<b>Lot area</b>	1,392m <sup>2</sup>
<b>Right-of-way (ROW)</b>	Not applicable
<b>Municipal heritage inventory</b>	Not applicable
<b>Residential character study area/weatherboard precinct</b>	Not applicable

## Surrounding development

Residential development located between Canning Highway and McCallum Park and Taylor Reserve. Public carpark in close proximity, at the southern end of McCallum Lane. Street parking also available along Taylor Street and Garland Street.

## Recommendation

That Council:

0. Notes the submissions received in respect to Amendment No. 85 to the Town of Victoria Park Town Planning Scheme No. 1 and endorses the response to the submissions as contained in the report, in accordance with Regulation 50(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.
1. Supports Amendment No. 85 to the Town of Victoria Park Planning Scheme No. 1, in accordance with Regulation 50(3)a of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:

(a) Insert the following into Schedule C: Additional Uses of the Scheme Text:

REF NO.	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
<b>A57</b> 57	No. 53-55 (Lots 31, 32 and 33) Canning Highway, Victoria Park on Plan 1741	• Restaurant/Café (AA)	<ol style="list-style-type: none"><li>1. Additional use is restricted to the ground floor at the corner of Taylor Street and McCallum lane.</li><li>2. Additional uses must address the street to the satisfaction of the Town.</li><li>3. The maximum net lettable area of any restaurant/café uses shall be 120m<sup>2</sup> in aggregate.</li><li>4. The Additional Use of Restaurant/Café shall be deemed to be an "AA" use for the purposes of the Scheme.</li><li>5. A development application for the Additional Uses is to be supported by technical reports assessing the parking demands of the use, and the extent of available nearby public parking.</li></ol>

(b) Modify Town Planning Scheme No. 1 Precinct Plan P4 'McCallum Precinct' by applying to the properties known as Nos. 53 & 55 (Lots 31, 32 & 33) Canning Highway, Victoria Park the notation 'A57' as the Reference Number for that property listed in Schedule C – Additional Uses, of the Town Planning Scheme No. 1 Scheme Text.

2. Determines that the amendment referred to in resolution 2 above is a standard amendment for the following reasons in accordance with Regulation 35(2) of the Planning and Development (Local

Planning Schemes) Regulations 2015 ('Regulations'):

- (i) Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment would have minimal impact on the land in the scheme area that is not the subject of the amendment; and
  - (a) Pursuant to Regulation 34(f) of the Regulations, it is considered that the amendment does not result in any significant environmental, social, economic or governance impact on the land in the scheme area.
3. Authorises the Chief Executive Officer and Mayor, in accordance with Section 9.49.a of the *Local Government Act 1995*, to execute under Common Seal Amendment No. 85 to Town Planning Scheme No. 1.
  4. Requests the Chief Executive Officer to advise those persons who lodged a submission of Council's decision.

## Purpose

A formal request has been submitted for Council to amend Town Planning Scheme No. 1 (TPS1) to introduce an Additional Use of 'Restaurant/Café' at Nos. 53-55 Canning Highway, Victoria Park (subject site). The land use of 'Restaurant/Café' is currently an 'X' (prohibited) land use in a 'Residential' zone under TPS 1.

The purpose of this report is to consider the public submissions received and for Council to determine whether to proceed with the Amendment (with or without modification) or not proceed.

## In brief

- The proposal seeks to amend Schedule C of TPS1 by including the land use of 'Restaurant/Café' as an Additional Use at the subject site.
- The intent is for the subject site to be developed as per the Joint Development Assessment Panel approval for 23 Multiple Dwellings and for the ground floor 'communal lounge' depicted on the approved plans to be the preferred location for any new non-residential use (see Attachment 5).
- In accordance with Local Planning Policy 37 'Community Consultation on Planning Proposals', consultation on the proposal was undertaken with 16 submissions being received.
- It is considered that the Scheme Amendment will be consistent with the strategic direction envisaged for the McCallum Precinct and will provide opportunity for an improvement to streetscape amenity, activation and passive surveillance.
- It is recommended that the Scheme Amendment be supported without modifications.

## Background

1. On 19 September 2018, the first of several Design Review Panel (DRP) meetings took place between the Town, MJA Studio and Total Project Management in relation to a concept development at the subject site. Feedback from DRP prompted changes to the initial sketch design, removing one of two garage doors to the McCallum Lane frontage and replacing it with an active communal space. A 'Café' or equivalent was discussed as being desirable from a street activation/surveillance standpoint, but also noted as being an 'X' (prohibited) land use in the Residential zone.
2. On 20 May 2019, the development application by MJA Studio for 23 Multiple Dwellings was lodged with the Town for 53-55 Canning Highway, Victoria Park. At its meeting held on 15 August 2019, the

Metro Central Joint Development Assessment Panel (JDAP) conditionally approved the proposal. The approved plans feature a 'Communal Lounge' (for use by residents) at the lower ground floor corner of Taylor Street and McCallum Lane. This is in addition to other communal facilities on the upper ground floor.

3. On 9 July 2019, the Town received a proposal from a planning consultant acting on behalf of the landowner for a 'standard' Amendment to Town Planning Scheme No. 1 to permit the Additional Uses of 'Restaurant/Café' and 'Office' at Nos. 53-55 Canning Highway, Victoria Park (subject site).
4. Preliminary consultation in relation to the proposed Scheme Amendment took place between 14 January 2020 and 5 February 2020. Advertising of the proposal comprised of letters being sent to owners and occupiers of surrounding properties (within 100m radius) and signage installed on the site. Three submissions were received, all objecting to the proposal. Submissions received raise concerns/objections as follows:
  - (a) Provision of car-parking is insufficient.
  - (b) A river side café is already envisioned/planned for at the northern end of Taylor Street. A café on this subject site is surplus to requirements and/or contrary to the riverside café vision.
  - (c) An office land use would not provide passive surveillance.
5. At the Ordinary Council Meeting held 21 April 2020, Council considered the merits of the proposed Amendment and the feedback from the preliminary community consultation, and resolved to initiate a Scheme Amendment. As per the Officer's recommendation, however, the Scheme Amendment as initiated was modified from what the applicant had sought.
6. The Scheme Amendment initiated did not include the 'Office' land use proposed by the applicant. This was excluded primarily on the basis that it did not provide the same activation and public benefits to the surrounding area that a Restaurant/Café land use would.
7. The Scheme Amendment initiated did not include a development standard proposed by the applicant in respect to car parking. This development standard as proposed by the applicant, if applied to this site, would have substantially reduced the car parking requirement applicable under the planning framework. The applicant contends that the users of a future commercial tenancy are likely to be existing users of McCallum Park or the Swan River and, as a result, demand on car parking would not substantially increase. While plausible, this contention was not substantiated in a sufficiently rigorous/meaningful way.
8. In lieu of the above, an alternate development standard was incorporated into the initiated Scheme Amendment requiring that any development application for an Additional Use is supported by technical reports assessing the parking demands of the use, and the extent of available nearby public parking.

## **Application summary**

9. The amendment to LPS1 under consideration seeks to include the additional use 'Restaurant/Café' on the subject site, making them 'AA' (discretionary) uses. These land uses are currently an 'X' (prohibited) land uses on the subject site given the applicable 'Residential' zoning.
10. The inclusion of the subject site in Schedule C (Additional Uses) of TPS1, in addition to adjusting land use permissibility for the subject site, includes five development standards/conditions. Three of the development standards limit the scope and scale of the additional use, ensuring that these additional uses form a proportionally small component of the overall development and are located at a ground floor location.

## Applicants submission

11. JDAP approved a development for 23 multiple dwellings on the subject site in August 2019. Following constructive feedback received from the Town’s Design Review Panel (DRP) on an initial development concept, it was made clear that the ground plane interface of the development with the adjacent public realm needed to be enhanced.
12. This request proposes to amend LPS1 to include the Additional Use of ‘Restaurant/Café’ on the subject site. This amendment will facilitate the future development of a commercial tenancy on the corner of the subject site, likely to be within the approved residential development. This tenancy will improve the approved development’s interface and activation of the public realm leading into McCallum Park.
13. To ensure this, it is proposed that the Café/Restaurant land use be restricted to the ground floor and be required to address the street.
14. The applicant has outlined that specific land uses will be subject to future planning processes (at minimum, a development application) and that at that time the details of the proposed activity will be discussed and considered in greater detail.
15. The applicant outlines that this area is highly accessible to the surrounding community through alternative modes of transport such as walking and cycling. The site is accessible to the wider community by the public shared path which runs along the Swan River. It is inferred that a restaurant/café land use would not be solely dependent on car-based clientele/patronage. Details that substantiate this contention, however, are left for a future development application to provide.

## Relevant planning framework

<b>Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Planning and Development Act 2005</i></li> <li>• Planning and Development (Local Planning Schemes) Regulations 2015</li> <li>• Town Planning Scheme No.1 (TPS1)</li> <li>• TPS1 Precinct Plan P4 – ‘McCallum Precinct’</li> </ul>
<b>Local planning policies</b>	<ul style="list-style-type: none"> <li>• Local Planning Policy 3 – Non-Residential Uses In or Adjacent to Residential Areas</li> <li>• Local Planning Policy 23 – Parking Policy</li> <li>• Local Planning Policy 37 – Community Consultation on Planning Proposals</li> </ul>
<b>State planning documents</b>	<ul style="list-style-type: none"> <li>• Perth and Peel @3.5 million: Central Sub-regional Planning Framework</li> </ul>

## Legal compliance

16. The assessment of Scheme Amendments is governed by Part 5 ‘Local Planning Schemes’ of the *Planning and Development Act 2005* and the Planning and Development (Local Planning Schemes) Regulations 2015, including Regulations 50 and 51.

[\*Planning and Development Act 2005\*](#)

[Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

17. In accordance with clause 17 of TPS1, the Council can initiate an Amendment to the Scheme to permit a prohibited use on a site by listing it within Schedule C – Additional Uses. In initiating such an



Amendment, clause 17 requires the Council to have regard to the orderly and proper planning of the locality, the conservation of its amenities and the statement of intent set out in the relevant Precinct Plan. The Council is also required to consider whether the proposed Amendment is likely to have any adverse effect on the occupiers and users of the development, the properties or inhabitants of the locality, or the future development of the locality.

18. Council’s decision to initiate the Scheme Amendment at the Ordinary Council Meeting held 21 April 2020 reflects a view that the above-mentioned tests/considerations were satisfied. Revisiting these same points of consideration, particularly in light of public submissions received, however, is an appropriate course of action when deciding what recommendation Council is to formally provide the WAPC with. These matters are outlined below and discussed in the Analysis section of this report.

## General matters to be considered

### TPS precinct plan statements

The following statements of intent contained within the Precinct Plan are relevant to consideration of the application:

*“The McCallum Precinct's role as a major node of recreational and leisure activity, with adjacent commercial and residential uses will be enhanced. Further development will also serve to enhance and promote the precinct as a tourist attraction on the basis of its waterfront setting.*

*Development will be concentrated in two areas. Further commercial development will be encouraged in the area centered around Berwick Street/Canning Highway intersection. Uses such as offices and showrooms are considered to be appropriate. High density, high quality residential uses will be encouraged in the second area which follows the alignment of Canning Highway, and backs onto the Park.”*

### Local planning policy objectives

The following objectives of Local Planning Policy 3 – Non-Residential Uses In or Adjacent to Residential Areas are relevant in determining the application.

- (a) to ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties*
- (b) to provide for non-residential uses which serve the needs of the community;*
- (d) to minimise the impacts of non-residential development through appropriate and sufficient management of car parking and traffic generation, noise, visual amenity and any other form of emissions or activities that may be incompatible with surrounding residential uses;*
- (e) to ensure that the appearance and design of non-residential development is compatible with surrounding residential properties and the streetscape in terms of building size and scale, the provision of adequate landscaping treatments, the retention of existing mature trees and the suitable design and location of advertising signage;*
- (f) to maintain and enhance the amenity of residential environments through ensuring appropriate landscaping treatments, location of car parking and vehicular access legs, and the protection of visual privacy when considering applications for non-residential development;*

**Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015**

The following are relevant matters to be considered in determining the application:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (g) any local planning policy for the Scheme area;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development
- (n) the amenity of the locality including the following -
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development.
- (s) the adequacy of -
  - (i) the proposed means of access and egress from the site; and;
  - (ii) arrangements for the loading, unloading, manoeuvring of vehicles;
- (y) any submissions received on the application

**Strategic alignment**

<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	Amending the Scheme to make a 'Restaurant/Café' an 'AA' (discretionary) land use rather than an 'X' (prohibited) use will enable Council to consider development applications that positively contribute to commerce, tourism, employment and desirable place outcomes.

<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	Amending the scheme to make <i>Restaurant/Café</i> and <i>Office</i> land uses 'AA' (Discretionary) rather than 'X' (Prohibited) will enable Council to approve a use on the site that will improve activation of the area.

**Engagement**

Preliminary community consultation was undertaken between 14 January and 05 February 2020 prior to Council resolving to initiating the Scheme Amendment. Three submissions were received, with further details of these submissions contained in the report presented to the April 2020 Ordinary Council Meeting.

The required statutory consultation for the Scheme Amendment occurred as follows, with the submission and the Officers response to the submissions being contained at Attachment 2.

**External engagement**

<b>Stakeholders</b>	Owners and occupiers of surrounding properties
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<b>Period of engagement</b>	14 May – 18 June 2020; and 15 July to 23 July (Total 42 days)
<b>Level of engagement</b>	2. Consult
<b>Methods of engagement</b>	Written submissions, notification signage on-site and Your Thoughts (the Town's online engagement tool)
<b>Advertising</b>	Advertising of the proposal comprised of letters sent to owners and occupiers of surrounding properties (within 100m radius), public notices placed in the Southern Gazette newspaper and signage installed on the site.
<b>Submission summary</b>	Sixteen (16) submissions have been received. Of these, four (5) are in support of the scheme amendment, nine (9) in opposition to it and two (2) are neutral.
<b>Key findings</b>	<p>Submissions in favour of the proposal outline that a café would be good for amenity, recreation users of the park and/or general business activity.</p> <p>Submissions against the proposal emphasise the likely shortage of car parking. Many objections note that, if not for the car parking matter, they'd have no objection to the café land use itself.</p> <p>It is noted that one of the submissions that were in support also raised concerns in relation to a shortage of car parking.</p> <p>Many submissions received view/ respond to this proposed Scheme Amendment as if it were a change-of-use development application. Because of this, a level of detail is sought by submitters that cannot be provided at this stage. This is discussed under the Analysis section of this report.</p> <p>Submissions are summarised and responded to in Attachment 2 – Summary of submissions. All submissions in their original forms have been compiled in confidential Attachment 3 for the information of Elected Members.</p>

19. Engagement with internal and external stakeholders was undertaken as part of the Development Application for 23 Multiple Dwellings. Comments and feedback were taken into consideration in the assessment and determination of that proposal. Under Local Planning Policy 37, no additional stakeholder consultation (other than that listed above) is required for this Scheme Amendment. If the Scheme Amendment is adopted and gazetted, it is noted that a change of use development application for a Restaurant/Café land use would require additional community consultation at that point in time.

## Risk management considerations

Risk impact	Risk event	Consequence	Likelihood	Overall risk	Council's	Risk treatment
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category	description	rating	rating	level score	risk appetite	option and rationale for actions
Financial	Not applicable.					
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. It is possible that the Minister may decide to refuse or modify the Amendment notwithstanding Council's resolution.	Moderate	Unlikely	Medium	Low	Treat risk by providing sufficient justification for the proposed Amendment
Reputation	The 'AA' (Discretionary) land use classification would allow Development Applications to be applied for. Subsequent decisions could be appealed by proponents through the State Administrative Tribunal	Moderate	Unlikely	Medium	Low	Treat risk by ensuring that sound and valid planning reasons remain central to recommendations provided to Council
Service delivery	Not applicable.					

## Financial implications

<b>Current budget impact</b>	Nil.
<b>Future budget impact</b>	Nil.

## Analysis

20. Clause 17 of TPS1 requires the Council to have regard to a number of factors. The applicant has provided a response to each of these factors in their submission. These responses, and the ToVP Officer comment in relation to each, is detailed below:

*Cl. 17 (3) – The Council is not to initiate an amendment under subclause (2) unless it is satisfied that –*

LPS1 provision	Applicant response	Officer comment
<i>a) a development involving the proposed additional use would be consistent with -</i>		
<i>i) the orderly and proper planning of the locality;</i>	The activation of the corner of the approved residential building has been recommended by the Town's DRP. The proposed scheme amendment will facilitate a more holistic development of compatible uses in a prominent urban corridor. The proposed amendment is consistent with State planning direction for mixed use, high density development along urban corridors.	Support
<i>ii) the conservation of the amenities of the locality; and</i>	The proposed amendment will facilitate the future activation of the corner of this site, which directly fronts onto McCallum Park. The proposed amendment will facilitate a use that will provide mutual benefit afforded by the amenity of McCallum Park in that it will facilitate the optimal use and enjoyment of the park.	Support
<i>iii) the statement of intent set out in the relevant precinct plan.</i>	Refer above	Support
<i>b) the use of the specific site for that purpose would not have any undue adverse effect on -</i>		
<i>i) the occupiers and users of the</i>	The proposed use of a 'Restaurant/Café' has been presented in this scheme amendment because they	Support. Car parking is discussed below

<i>development;</i>	will not have any adverse effect on the residential dwellings in the approved development or surrounding residential precinct. These uses are commonly accommodated in multi-storey residential buildings to provide the desired street activation because they do not produce significant noise, odour or vibrations.	
<i>ii) the property in, or the inhabitants of, the locality; or</i>	The future development of a café or restaurant is considered to provide a positive service to current and future landowners in the area. The tenancy will be based on local demand and servicing the needs of the surrounding community. The proposed uses will not have any adverse impacts on the surrounding community.	As revealed in community consultation, concerns exist amongst nearby residents in relation to the availability of car parking. This is discussed below.
<i>iii) the likely future development of the locality.</i>	The activation of the corner of the approved residential building has been recommended by the Town's DRP as a part of the approval of a multi-storey residential development on the site. The proposed scheme amendment will facilitate the future development of the site in a manner that provides increased amenity to the community.	Support

21. Submission number 4, objecting to the proposed Scheme Amendment (made on behalf of nearby landowners) contains a number of contentions relating to car parking and the Scheme Amendment as a whole. These contentions reflect the thoughts of many objecting submitters, and provides an opportunity to concisely respond/comment to concerns collectively.

Submission	Officer comment
An 'Additional Use' provision is site specific and therefore there is an expectation the Town should consider how the use could be accommodated on the site before supporting the Scheme Amendment.	Limited agreement. The proposed Additional Use contains development standards that are site specific in nature. It is not agreed that a full car parking assessment should take place at the Scheme Amendment stage.
It is evident that the parking requirement likely to be generated by proposed Additional Use cannot be accommodated on the site.	Not supported. A technical report on this issue has yet to be provided. Furthermore, while a Development Application has been approved it is not a legal certainty that it will be constructed. The Scheme Amendment must be determined independent of that possibility/probability.
Support for the Scheme Amendment represents 'in principle' support for the proposed future use and therefore represents 'in principle' support for the parking shortfall.	Not supported. An 'AA' classification does not represent 'in principle support' for a car parking shortfall. Furthermore the land use is discretionary, not permitted as-of-right.

Existing public parking should not be used for the benefit of and to support a private commercial enterprise.	Parking to be assessed at DA stage, however it is noted that in many inner city areas, businesses rely on available nearby public car parking to support their parking demands.
Service vehicles and deliveries cannot be accommodated.	Service vehicles/Deliveries to be assessed at the DA stage.
McCallum Lane is a narrow residential lane that is already compromised in terms of its use.	Not supported. This claim is not substantiated.
Any suggestion that the parking requirements will be considered at the development application stage must be approached with a great deal of caution given that the proponent will have the option to pursue a review of any decision by the Town.	Noted.

22. Many submissions received view/ respond to this proposed Scheme Amendment as if it were a change-of-use development application. Because of this, a level of detail is sought by submitters that cannot be provided at this stage. At current the land use of "Restaurant/Café" is currently an 'X' (prohibited) land use at the subject site. A development application for the use would legally be incapable of approval. The proposal under consideration is not (directly) for an actual café/restaurant. The proposal is for the planning framework to be amended such that a development application for café/restaurant is capable of being considered. At that point, such a proposal could be assessed and then determined on the merits of the application.
23. If the Scheme Amendment under contention was one that proposed to make the land use 'P' (Permitted) while also substantially reducing the parking requirements applicable under the planning framework, then objections citing a lack of detail on the matter of car parking would be justified. Under such a scenario, a change of use to Restaurant could take place with little to no scrutiny or oversight. In contrast, the Scheme Amendment that has been initiated would (if gazetted) make the land use an 'AA' (Discretionary) use and will require the provision of technical parking assessment(s) as part of any development application for that use.
24. The Town appreciates the concerns of nearby residents in relation to traffic and car parking. Correspondence with these residents highlight several contributing factors that, on occasion, lead the street parking and traffic in the area to being constrained/congested. Events at McCallum Park and use of the nearby basketball courts, however, are likely to continue irrespective of whether the Scheme Amendment is refused.
25. The applicant has outlined that this area is highly accessible to the surrounding community through alternative modes of transport such as walking and cycling. The site is accessible to the wider community by the public shared path which runs along the Swan River. Reference to the Perth and Peel @3.5 million Central Sub-regional Planning Framework and its designation of Canning Highway as an 'Urban Corridor' is considered to strengthen the case for giving more weight to alternate modes of transport as a factor when contemplating future development applications.
26. As stated in the report to the April 2020 Ordinary Council Meeting, the applicant has also noted that a large amount of public car parking is also provided within proximity to the site, suggesting that between this and other factors, there is sufficient supply to meet demand.



27. Elected Members are reminded of the following information contain in the report to the April 2020 Ordinary Council Meeting :

*“At the Agenda Briefing Forum on 7 April 2020, a question was raised in relation to any intentions the Town may have to implement parking restrictions to the available nearby public parking. The following information has been provided by the Manager Business Services:*

*a) There are no plans for parking restrictions for Taylor Street, Garland Street, and/or at the corner of Taylor Street and McCallum Lane*

*b) The closest parking restriction exist on McCallum Lane which were installed in response to resident requests. Feedback has been received from local residents both for, and against the current 4 hour parking restrictions.*

*c) The Town has no relevant occupancy data nor notable community feedback for the identified streets.”*

28. As outlined in the response to submission number 4, an 'AA' (discretionary) land use classification does not represent 'in principle support' for a car parking shortfall. The Town will assess any development application and any proposed car parking shortfall on its merits with the information that is available at that time.

29. With respect to the potential establishment of a future café/restaurant on not only the subject site but also as part of the McCallum Park Concept, this is noted, but is not a relevant planning consideration in assessing the appropriateness of the use.

## Relevant documents

*Town of Victoria Park Town Planning Scheme No. 1 - <https://www.victoriapark.wa.gov.au/Build-anddevelop/Planning/Policy-regulation-and-legislation#section-2>*

*Local Planning Policy 3 – Non-Residential Use in or Adjacent to Residential Areas -*

*<https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>*

*Local Planning Policy 23 – Parking Policy -*

*<https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>*

*Local Planning Policy 37 – Community Consultation on Planning Proposals -*

*<https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>*

*Perth and Peel at 3.5 Million -*

*<https://www.dplh.wa.gov.au/perth-and-peel-@-3-5-million>*

*Cr Luana Lisandro returned to the meeting at 7:03pm*

### Questions and responses

*Cr Wilfred Hendriks:*

1. Is there a loading bay outside this premises?

The Manager Development Services advised that this is not a development application. It is an amendment to the Town Planning Scheme to decide if this is an appropriate use for the site. Matters such as parking on the site would be considered as part of a development application.

2. Are there any plans to have mobile food vendors at McCallum park?



The Chief Operations Officer advised that there were sites that would have potential for this. But nothing has progressed past design at this stage.

3. Is the Town looking to provide extra parking at the site?

The Chief Operations officer advised that in the concept plan for McCallum park there are proposals for new parking areas. They are however in design and concept stage at this time.

*Cr Luana Lisandro:*

1. Is there a time limit on the parking at McCallum park.

The Chief Financial Officer advised that there is not. The Chief Executive Officer advised that there are some other parking restrictions nearby.

2. Would there be any consideration for parking restrictions at the park in future?

The Chief Financial Officer advised that consideration could be given in future.

*Mayor Karen Vernon:*

1. How important is it for Council to consider amenities in deciding to adopt a scheme amendment?

The Manager Development Services advised that the relevant consideration at this time is the appropriateness of the use. Parking related issues should be considered at the development application stage.

2. Would the development application come to Council?

The Manager Development Services advised that there are delegations relating to this sort of development application which would cover this matter. Where 3 Councillors wish to consider this application they could call in the application to be considered by Council.

3. What degree of community consultation would there be about such an application?

The Manager Development Services advised that under Local Planning Policy 37 the policy identifies that there would be 14 days consultation with public comment, letters to neighbors and online submissions.

4. Would Ms Cameron receive consultation requests?

The Manager Development Services advised yes.

5. Has the Town received complaints in the past regarding parking at 67 McCallum Lane?

The Chief Financial Officer took the question on notice.

6. Do we know of areas in the Town where private parking bays come against public parking bays?

The Chief Financial Officer took the question on notice.

**Further consideration to be added to the Ordinary Council Meeting agenda**

Has the Town received complaints in the past regarding parking at 67 McCallum Lane.

Are there areas in the Town where private parking bays come against public parking bays.

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## 12.3 Business Advisory Group- Recommended Appointments

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Lisa Tidy
<b>Responsible officer</b>	David Doy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. CONFIDENTIAL REDACTED - Attachment 2- BAG applicants [<b>12.3.1</b> - 3 pages]</li><li>2. Attachment 1- DRAFT Terms of Reference - Business Advisory Group [<b>12.3.2</b> - 3 pages]</li></ol>

### Recommendation

That Council:

0. Appoints three elected members to the Business Advisory Group.
1. Appoints the following persons to the eight available community member positions.
  - (a) Shane Vasile
  - (b) Matthew Kenworthy
  - (c) Ryan Piggot
  - (d) Kimberley Skinner
  - (e) Justin McMillan
  - (f) Patrick Renner
  - (g) Daniel Doble
  - (h) Jo Bussell
2. Notes that the following officers have been appointed to the group:
  - (a) Chief Community Planner
  - (b) Manager Place Planning
  - (c) Senior Place Leader (Economic Development)
3. Notes the draft Terms of Reference for the Business Advisory Group, as included at Attachment 1.

### Purpose

To finalise the membership of the Business Advisory Group (BAG) and note the draft Terms of Reference that will be presented at the first meeting of the advisory group for discussion.

### In brief

- At the Ordinary Council Meeting held on 18 February 2020, Council resolved to establish a BAG.
- On 22 June 2020, an Expression of Interest process commenced to appoint members of the local business community to the BAG. There were 24 applications received.
- A panel of officers selected eight community members who best fit the criteria and characteristics that were being sought.

- A draft Terms of Reference has been prepared that will be presented to the BAG and workshopped at their first meeting.

## Background

1. At its meeting held on 18 February 2020, Council resolved:
  - a) To establish a Business Advisory Group comprising local business owners and elected members to meet at least twice per annum.
  - b) Requests the Chief Executive Officer to call for nominations from local business owners to join the Business Advisory Group.
  - c) Requests the Chief Executive Officer to report to the ordinary meeting of Council in May 2020 with:
    - i. The recommendations for appointment to the Business Advisory Group, and the date for its first meeting to be held no later than 30 June 2020.
    - ii. The draft terms of reference for the Group to consider at their first meeting.
2. On 15 March 2020, a state of emergency was declared for Western Australia in response to the pandemic caused by COVID-19. This resulted in significant changes to the local economy, including physical distancing measures and bans on large gatherings, resulting in hospitality businesses only being able to operate under a takeaway or delivery method, and many businesses having to adapt to the new measures.
3. Due to the state of emergency, a report went up to the 19 May 2020 OCM recommending the postponement of the formation of the Business Advisory Group to a future date. Council did not endorse this recommendation.
4. The Policy Committee resolved to recommend to Council to rescind '*Policy 101 Working Groups and Project Teams – Appointment of*' and adopt '*Policy 101 Governance and Council Advisory and Working Groups*', which was approved at the May 2020 OCM. As the Council resolution to form a BAG occurred before Policy 101 was endorsed, the formation of the BAG was undertaken in accordance with the Council resolution. The appointment of members, Terms of Reference and other operational requirements will be in accordance with Policy 101.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	Local business owners are able to provide advice on the Town's economic development strategies, initiatives and COVID-19 economic recovery measures.
CL03 - Well thought out and managed projects that are delivered successfully.	Local businesses provide feedback and input into Town planned and delivered projects.
CL07 - People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	Local businesses collaborate with the Town to share information and ideas.
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	Local business owners will inform and contribute to the direction the Town takes in supporting the local economy.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	Local businesses identify with and support the Town's strategic economic outcomes.
EC02 - A clean, safe and accessible place to visit.	Local businesses provide feedback as to whether the Town is meeting this strategic outcome.

## Engagement

### Internal engagement

Place Planning	Used to communicate the purpose of the BAG and Expression of Interest process to businesses within each of their places.
Communications	Advice sought on communication methods to widely promote the BAG.
Governance	Advice provided on the Terms of Reference and impact of <i>Policy 101 Governance and Council advisory and working groups</i> .

### External engagement

Stakeholders	Local businesses
Period of engagement	Two weeks- 22 June to 6 July
Level of engagement	3. Involve
Methods of engagement	Online web form housed on a dedicated Business Advisory Group webpage for all interested local businesses to complete. The webpage also contained information on the criteria to apply.
Advertising	<p>Social media:</p> <ul style="list-style-type: none"> <li>• Three Facebook posts with a dedicated video featuring the Mayor, encouraging businesses to apply.</li> <li>• Twitter and LinkedIn posts.</li> </ul> <p>E-newsletters:</p> <ul style="list-style-type: none"> <li>• E-VIBE- sent to all 3164 subscribers.</li> <li>• Vic Park Biz e-newsletter- a direct targeted email to all 2104 subscribers.</li> </ul> <p>Direct business contact through Place Leaders.</p>
Submission summary	24 applications received.
Key findings	24 applications received.

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Appointed members do not understand the role of the BAG, or their responsibilities as a member.	Minor	Possible	Medium	Low	ACCEPT Accepting or retaining the risk at its residual risk rating level, without further treatment, even though it may exceed the organisation's risk appetite.
Service delivery	Not applicable.				Medium	

## Financial implications

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

## Analysis

- On 22 June 2020, an Expression of Interest process commenced to appoint members of the local business community to the BAG.

6. Interested parties were required to complete an online form which asked contact details, relevant skills and professional qualities they could contribute to the Group, as well as how they would suit the role based on the desired characteristics.
7. The characteristics that the Town were looking for in candidates was also made available on the Town's website. The Town sought candidates with the following characteristics:
  - (a) The owner or manager of a local business within the Town of Victoria Park (please note: the business does not need to have originated in the Town, but can be a branch of a larger corporation).
  - (b) Knowledge of the local economy and/or local business environment within the Town of Victoria Park.
  - (c) An active participant in the Town's local business community.
  - (d) Commitment to the time and effort required in joining the group (attendance of bi-annual meetings).
8. The Expression of Interest was widely promoted through social media, emails to the business community, a special Business e-newsletter, and via Place Leaders having conversations with businesses in their places.
9. The Expression of Interest process ran for two weeks, closing on 6 July 2020. There were 24 applications received.
10. A panel of four officers (Manager Place Planning, Senior Place Leader - Economic Development, Community Development Officer - Safer Neighbourhoods and the Manager Business Services) shortlisted the applicants who best fit the criteria and characteristics that were being sought (paragraph 7). Each officer undertook an individual assessment of each of the applications, before coming together as a group to discuss the applications.
11. Following this short-listing of the applicants, the panel then collectively considered the following in order to balance the composition of members and provide the highest probability for an effective BAG:
  - (a) representation across the whole Town (ie. different places or neighbourhoods).
  - (b) representation of different size businesses.
  - (c) representation of different business sectors.
12. A draft Terms of Reference has been prepared which can be found in attachment 1. This draft will be presented at the first meeting of the BAG for feedback.
13. The Town recommends that council appoints three elected members, the recommended eight community members, notes the appointment of the three Town officers and the draft Terms of Reference in Attachment 1.

## Relevant documents

[Policy 101 - Governance and Council Advisory and Working Groups.](#)

### Questions and responses

Mayor Karen Vernon:

1. With regards to the number of people proposed to be appointed, is there an option for Council to appoint all who applied or consider alternatives that involve all the applications.?

The Chief Community Planner advised that a large number of members could make the group unmanageable. However all options are available to Council, including an industry roundtable.

**Further consideration to be added to the Ordinary Council Meeting agenda**

Further potential options that could utilize all of the applicants.



## 12.4 Appeal process - community grants and operational subsidies

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Anastasia Brooks
<b>Responsible officer</b>	Alison Braun
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council supports the current appeal process, of directing unsuccessful grant applicants to the complaint process contained in the Town's Customer Service Charter.

### Purpose

To provide Council with an overview of the appeal processes currently in operation by local and state government agencies in Western Australia, and provide suggestions on how the Town can improve its feedback and complaints processes within the community grants program.

### In brief

- At the June 2020 Special Council Meeting, Council requested *"The Chief Executive Officer to provide a report to Council in August 2020 outlining the options for an appeal process for unsuccessful community grants and subsidies applicants."*
- A review of 39 local government appeal processes in metropolitan and regional Western Australia found that only two local governments have a specific appeals process for their community funding programs. Additionally, a review of four State government agencies demonstrated only three had an appeals process for their grants' programs.
- The Australian National Audit Office (ANAO) states that transparency in decision-making can be assisted through providing constructive feedback to unsuccessful applicants to assist them in understanding why they were unsuccessful. Further, the ANAO encourages a process to review a decision be in place, however notes that this process should be used to identify whether the procedures in which the decision was made were not appropriately followed.
- The Town's existing processes meet the ANAO standards for providing feedback and allowing unsuccessful applicants the opportunity to dispute a decision made as per the Town's Customer Service Charter.
- The Town notes room for improvement in providing more specific feedback and support to unsuccessful applicants and written advice at the time of outcome notification on how to lodge a complaint.

### Background

1. At the December 2019 Ordinary Council meeting, Council adopted Policy 114 Community Funding. The policy details the grant funding programs available to the community from the Town, their aims, eligibility and approval processes. The policy does not reference an appeals process.
2. At the June 2020 Special Council Meeting, Council requested *"the Chief Executive Officer to provide a report to Council in August 2020 outlining the options for an appeal process for unsuccessful community grants and subsidies applicants."*

3. Town staff have undertaken a review of appeal processes for unsuccessful community grants programs in operation by local governments and State government agencies in Western Australia. The results of the review are contained in this report.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL7 – People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	A transparent grant decision-making and awarding process, that allows unsuccessful applicants the opportunity to seek additional feedback or lodge a complaint.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	A constructive feedback process and continued training opportunities to build the capacity of prospective or unsuccessful grant applicants.

## Engagement

Internal engagement	
Customer Relations	Information on the Town's Customer Service Charter and Complaints Handling Procedure
Community Development	Information on the community funding program's feedback processes
Procurement	Information in relation to Tender appeals process

### Other engagement

39 Metro and regional WA local governments	Information on internal appeals processes
Department of Local Government, Sport and Cultural Industries	Information on internal appeals processes (Sport and Recreation Grants)
The Heritage Council	Information on internal appeals processes (Heritage Council Grants Scheme)
WALGA	Advice on local government appeals processes
Healthway	Information on internal appeals processes
Lotterywest	Information on internal appeals processes

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	No reserve budgeted for in community funding program for an appeals process, thus budget amendments may need to be made which are not budgeted for within the financial year.	Minor	Possible	Medium	Low	AVOID specific appeal process for community funding program recommended. Decisions made by judging panel and/or Council are considered final. Unsuccessful applicants are directed to lodge a complaint using the Town's Customer Service Charter.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure / ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	Community perception that an appeals process allows unsuccessful applicants the	Moderate	Possible	Medium	Low	AVOID a specific appeal process for community funding program recommended.

	opportunity to revise their application, making the process unfair					Decisions made by judging panel and/or Council are considered final. Unsuccessful applicants are directed to lodge a complaint using the Town's Customer Service Charter
Service delivery	Additional time required to implement an appeals process, resulting in a delay in release of funds, and negative impact on ability of service providers to deliver services in the community	Moderate	Possible	Medium	Medium	AVOID No specific appeal process for community funding program recommended. Decisions made by judging panel and/or Council are considered final. Unsuccessful applicants are directed to lodge a complaint using the Town's Customer Service Charter.

## Financial implications

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

## Analysis

- The Town offers grant funding opportunities for eligible individuals and organisations. Applications for funding are assessed by the Town's funding panel against the eligibility requirements and assessment criteria contained within the relevant funding program guidelines and in line with Policy 114 Community Funding.

5. Under the new funding panel process endorsed at the July 2020 Ordinary Council Meeting for community grants, sponsorship and operating subsidy programs, recommendations are to be presented to Council for endorsement.
6. Currently there is no appeals process for unsuccessful applicants. Town staff undertook a review of appeal processes for community grants programs in operation by Local and State government agencies in Western Australia.
7. Local governments provided the following information to the Town:

<b>Appeal process</b>	<b>Number of LGAs</b>	<b>Notes</b>
No appeals process	37	Seven LGAs specified that the LGA or Council reserves the right to consider and allocate funds without the right of appeal or at their discretion within their policy manual, or as part of the declaration acknowledged by applicants at the time of application.
Appeals process	2	<p>The City of Melville offers applicants 10 days to lodge an appeal after notification of grant outcome. The appeal is then considered by the administration within five working days. If the request is not successful no further dispute can take place.</p> <p>The City of Stirling offers applicants 21 days to lodge an appeal, and must be received prior to the event or project starting date. The appeal is considered by administration within 21 days.</p>
No appeals process – complaints process applied	2	The City of Canning and City of Rockingham direct applicants to the general complaints process.

8. State government agencies provided the following information to the Town:

<b>Agency</b>	<b>Notes</b>
Department of Local Government, Sport and Cultural Industries	No appeals process
Healthway	<p>Healthway offers an appeals process on grounds of administrative procedures not being appropriately applied or relevant information in the application being misinterpreted or not taken into account.</p> <p>Appeals are assessed by the CEO. If the CEO considers the submission contains relevant information, it is then forwarded to the Board for reconsideration.</p>
The Heritage Council of WA	The Heritage Council offers applicants eight weeks to lodge an appeal after notification of grant outcome. The appeal is considered within 20 working

	<p>days by the CEO and Chairperson.</p> <p>The Heritage Council details that a decision in favour of the applicant does not automatically secure the applicant funding, and that awarding funding is dependent on budget availability.</p>
Lotterywest	Lotterywest offers applicants 60 days to request a review of the decision, attention to the CEO. Unsuccessful applicants need to include the reason for seeking a review and proposed resolution.

9. Town officers sought advice from WALGA on appeals processes specific to local government grant programs. WALGA advised that an appeal process is not compulsory.
10. Town officers sought advice from the Australian National Audit Office (ANAO). The ANAO states that providing adequate feedback to unsuccessful applicants assists in promoting transparency in decision-making. In the 'Implementing Better Practice Grants Administration' report, the ANAO advises the following feedback should be provided:
  - When the application was considered unsuccessful – e.g. was it considered ineligible before progressing to the assessment stage
  - If the application did progress to the assessment stage, in what areas the application rated highly or not highly
  - Suggestions for applying for future funding rounds
11. Although not required, the ANAO encourages government agencies to consider the merits of developing a process in which decisions can be reviewed. However, notes the following:
  - a. process should be used to identify whether the procedures in which to make the decision were not appropriately followed, or the information provided by the applicant had been misinterpreted
  - b. The process should not allow the applicant to appeal the decision to be able to revise or supplement their application or engage in debate with the decision-makers, thus resulting in inequities
  - c. The Town is confident its existing processes meet the ANAO standards for providing feedback and allowing unsuccessful applicants the opportunity to dispute a decision made as per the Town's Customer Service Charter. However, the Town notes further changes to provide support and education to applicants to successfully meet grant criteria could be further addressed.
12. Through investigation into the Town's current appeals process recommended improvements have been identified and outlined in the table below.

Application stage	Current process	Future improvement
Building the capacity of prospective applicants	A grant writing workshop is offered to prospective applicants, and open to the community	Offer further opportunities for grant writing workshops annually, advertised on the Towns communication platforms prior to or at the time of the open grant round providing detailed education on grant writing and Towns requirements of meeting criteria.

<p>Providing feedback to unsuccessful applicants</p>	<p>A letter is drafted to each unsuccessful applicant. Applicants are notified whether their application was unsuccessful due to not meeting eligibility requirements or not rating highly</p>	<p>Opportunity to speak or meet with a Community Development Officer to provide more specific feedback and suggestions for improvement provided within the letter.</p> <p>Unsuccessful applicants invited and or encouraged to attend the next grant writing workshop in the letter.</p>
<p>Responding to complaints</p>	<p>The Town's Customer Service Charter provides information on how unsuccessful applicants can lodge a complaint, on the grounds of:</p> <ol style="list-style-type: none"> <li>1. Promised quality or timeliness of service delivery</li> <li>2. Inappropriate behaviour of employees, contractors or councillors of the Town</li> <li>3. Non-compliance with practices, policies and procedures of the Town</li> </ol> <p>The Town's customer service delivery aligns to industry standards and the WA Ombudsmen's best practice</p>	<p>Information on how to lodge a complaint contained in the letter.</p> <p>14 days on the notification of successful and unsuccessful to formally lodge a dispute through the Town's Customer Service Charter.</p> <p>Information on how unsuccessful applicants can lodge a complaint also contained within the grant section of the Town's website</p>

13. If Council considered that an appeals process is preferable to the above-mentioned complaint process, an option for an appeals process is outlined in the below table. This process would require additional research and further development implemented if recommended.

Appeal Process Option 1	Impacts
<ul style="list-style-type: none"> <li>• Applicant appeals to the panel in writing requesting review of decision.</li> <li>• Panel refers to the appeal to the CEO.</li> <li>• CEO reviews application and makes recommendation.</li> <li>• Applicant is informed of final decision in writing.</li> <li>• If the applicant is not satisfied with the appeal decision the applicant may request</li> </ul>	<ul style="list-style-type: none"> <li>• Additional time required to be written in to all contracts delaying the time applicants will receive funding.</li> <li>• Funding delay associated to a dispute could potentially push a funding approval to a further 3 to 4 months after recommendations are presented to Council.</li> <li>• Delay in funding would have a profound negative impact on the ability for services</li> </ul>

the matter be referred to Resolution Institute Western Australia to appoint an arbitrator independent of the parties and, if necessary, determine the rules for the conduct of the arbitration and the payment of fees.

- Appeals period of 14 days to be communicated in Grant application process.

providers to deliver services to the community.

- Funding recommendations require to meet outlined criteria however successful recommendation is subjective in review of applications meeting criteria dependent on current environment and community need.
- Potential budget amendments not budgeted for within the current financial year.

14. To improve the Town's grant process management, the Town recently was successful in procuring and implementing Smartygrants. The Smartygrants system is designed in accordance with international best practice standards, alongside consultation with working grantmakers and provides an online grant platform and tools for every phase of a grants program's lifecycle. The online grant platform assists in record keeping, continuity of application and information management record keeping and agreements payments and acquittal management. The Smartygrants Program Lifestyle Stages are as follows:

- a. Goals and Governance
- b. Record Keeping (Links to Trim)
- c. Creating/Promoting Applications
- d. Decision Making – (Assessment of grants)
- e. Advising Outcomes
- f. Agreements and Payments (Links to Authority)
- g. Monitoring
- h. Acquittals
- i. Evaluation and Dissemination

15. The recently endorsed 114 Community Funding Policy, Council endorsed funding panels and the implementation of a grant funding platform Smartygrants has ensured the Town's process and procedures of evaluating grant applications are transparent and equitable for all applicants applying for funding. If the Town implements an appeals process separate to the current Customer Service Charter, this would significantly delay approvals in funding and potentially require budget amendments with no allocated budget, aligned to additional funding requests.

16. The Town does not recommend an appeal process specific to the community funding program, due to the Customer Service Charter meeting the required avenue of dispute in accordance to the guidance set by the ANAO. However, it is recommended the Town provide unsuccessful community grants and subsidy applicants with the opportunity to receive additional feedback, advice and access to further education and development from the Community Development officers, as well as written advice on how to lodge a complaint using the Town's Customer Service Charter.

17. If Council recommends the appeals process option presented in the table of the report point 13, Town officers will require further time to explore and develop specific grounds for appeal, by further consulting local and state government departments, finance and procurement officers to develop specific grounds of appeal. Should Council choose the funding appeals option and not support the current process, the Town requests that the presentation of a further report be no earlier than November 2020 Ordinary Council Meeting outlining the funding appeals process.



## Relevant documents

[Policy 114 Community funding](#)

[Policy 104 Customer service delivery](#)

[Australian National Audit Office. 2013. Implementing Better Practice Grants Administration](#)

### Questions and responses

Cr Wilfred Hendriks

1. Does the Town have a proper process when it comes to allocating the grants?

Mayor Karen Vernon advised that this is contained in the community funding policy adopted by council in December last year.

### **Further consideration to be added to the Ordinary Council Meeting agenda**

Nil.

## 12.5 76 Canterbury Terrace Micro Park

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Ellie Van Rhyn
<b>Responsible officer</b>	David Doy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council acknowledges the 76 Canterbury Terrace Micro Park planning and delivery to be undertaken during the 2020/2021 financial year.

### Purpose

The purpose of this item is to respond to the petition received by Council in March 2020 and respond to Council Resolution 333/2020 to improve the amenity of and around the drainage basin located at 76 Canterbury Terrace, East Victoria Park.

### In brief

- In March 2020, Council received a petition signed by local residents requesting attention to the drainage basin at 76 Canterbury Terrace, East Victoria Park.
- The Town has investigated the capacity of this drainage basin, and has found it to be under capacity, meaning the basin itself cannot be reduced in size.
- The Town proposes to work with the local residents of Canterbury Terrace to create a concept design for the area of land between the existing fence and the kerb to create a micro park.

### Background

0. In the March 2020 Ordinary Council Meeting, a petition was received from Ms Tracy Destree with 30 signatures from electors requesting that the Council:
  1. *Investigate the opportunity to redevelop the sump (or a portion thereof) at 76 Canterbury Terrace, East Victoria Park, for use as Public Open Space.*
  2. *Quantify the current drainage requirements of the sump, compared to historical requirements, to determine the best size and design (i.e. could the sump be smaller, allowing more land for public open space).*
  3. *Prepare a concept design for the potential Public Open Space, including revegetation, universally accessible play equipment and seating.*
  4. *Consider an allocation in its 2020/2021 Budget to redevelop the sump (or a portion thereof) at 76 Canterbury Terrace, East Victoria Park as Public Open Space.*
1. This was carried in the March 2020 Ordinary Council Meeting as Council Resolution 333/2020.
2. The Town's Street Improvement, Technical Services, Place Planning, Parks, and Property Development and Leasing teams have workshopped the possibilities available at this location. It has been determined that the size of the drainage basin in this location cannot be reduced, however an opportunity to improve the area of land between the fence and kerblines exists.
3. The Town proposes a micro parks project be delivered at this address, as detailed in the Analysis section below.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	A collaborative approach between the local residents and the Town staff to design and create a micro park will ensure a superior outcome for the community that can be successfully delivered by the Town.

Environment	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	The addition of a micro park at 76 Canterbury Terrace will add an additional, inviting green space that will increase amenity to the local community to an area that is currently underused.
EN07 - Increased vegetation and tree canopy.	This POS creation would be an opportunity for the planting of canopy trees contributing to the strategic aims of the UFS and increasing canopy coverage in this area.

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	The creation of a micro park in this location, in response to the petition received by the local neighbours, will strengthen the sense of empowerment within the community. A collaborative approach to the design and planting of this micro park will ensure an ongoing connection to the micro park and bring a sense of pride.

## Engagement

Internal engagement	
Technical Services	Investigation into drainage basin capacity and drainage assets at this location and in the wider area to understand impacts of modifying this basin. Investigation into alternative drainage methods.
Property Development and Leasing	Investigation into property redevelopment potential.
Street Improvement	Investigation into drainage basin capacity and drainage assets at this location and in the wider area to understand impacts of modifying this basin.
Infrastructure	Involvement in investigation of drainage basin and input on maintenance.

Place Planning	Involvement in investigation of drainage basin and proposal to undertake workshop with local community members to design micro park.
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External engagement	
Stakeholders	Residents
Period of engagement	Discussion with petition contact, Tracy Destree, to discuss the proposed approach for the Micro Park, 10 July 2020.
Level of engagement	4. Collaborate
Methods of engagement	Phone call to discuss approach for future engagement on the Micro Park.
Advertising	N/A
Submission summary	N/A
Key findings	Support was received for the proposed workshop approach to create a concept plan for the Micro Park.

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The concept plan created collaboratively with the residents proposes works that are not achievable within available funding.	Unlikely	Minor	Low	Low	Accept: The Town will be transparent with the residents regarding available funding from the commencement of the project. Any additional funding required will be requested through a mid-year budget

						review.
Environmental	Proposing work that will limit the capacity of the drainage basin could have substantial negative outcomes to drainage in the area, potentially causing flooding.	Moderate	Rare	Low	Medium	Accept: Early engagement with internal engineering and technical services teams to understand capacity of the drainage basin and determine possible outcomes. Continue to work with these internal teams to avoid limiting the capacity of the drainage basin.
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Negative public perception towards the Town if there is limited or no response to a petition by community members.	Moderate	Rare	Low	Low	Accept: Propose collaborative approach to determine Micro Park outcome, including a workshop with local neighbours to create a concept plan.
Service delivery	Town staff are unable to work with the community to create a concept plan for the proposed micro	Moderate	Unlikely	Medium	Medium	Accept: Place Management is a key component of the Place Planning teams' service delivery.

	<p>park due to conflicting project commitments.</p>	<p>This includes collaborating with community members to create better public places, and can be accommodated in deliverables for this year.</p>
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## Financial implications

<p><b>Current budget impact</b></p>	<p><u>Planning</u> The collaborative design process is proposed to be conducted using existing resources within the Place Planning team. Therefore, the expense of developing this concept plan is estimated at less than \$2,000 comprising staff overtime and workshop expenses, which can be accommodated in the current budget.</p> <p><u>Delivery: Landscape Elements</u> It is estimated the micro park portion will cost \$25,000 and the basin revegetation will cost approximately \$8,000. A replacement fence is estimated at costing \$2,000.</p> <p>The Town has a current budget of \$1,000,000 to implement the Urban Forest Strategy, which includes an amount of \$100,000 for 'Sump Revegetation' and \$150,000 for 'Community Events'. This budget can accommodate the landscape elements of the Canterbury Terrace Micro Park.</p>
<p><b>Future budget impact</b></p>	<p><u>Delivery: Infrastructure Elements</u> Any additional funding that is required for infrastructure elements identified through the planning stage will be requested through the mid-year budget review.</p>

## Analysis

4. The Town's Street Improvement, Technical Services, Place Planning, Parks, and Property Development and Leasing teams have workshoped the possibilities available at the drainage basin at 76 Canterbury Terrace, East Victoria Park.
5. A technical investigation into the capacity of the drainage basin at the above address revealed that the drainage basin is an important piece of drainage infrastructure for the area and has an existing volume of 212m<sup>3</sup>. The volume to cater for the Annual Exceedance Probability of 1% (1 in 100 year Average Recurrence Interval) is 1888m<sup>3</sup>, meaning the current capacity is less than is required for a 1 in 1 year Average Recurrence Interval. Given this drainage basin is currently under designed, the basin cannot be reduced in size.
6. The nearby drainage basin at 85 Westminster Street was also investigated to understand if it could accommodate overflow drainage from 76 Canterbury Terrace, allowing the Canterbury Terrace basin to be reduced in size. The Westminster Street has an existing volume of 194m<sup>3</sup>. The volume to cater for the Annual Exceedance Probability of 1% (1 in 100 year Average Recurrence Interval) is 2698m<sup>3</sup>,

meaning that this drainage basin can also not be reduced in size and cannot accommodate overflow drainage from Canterbury Terrace.

7. While the size of the drainage basin at 76 Canterbury Terrace cannot be reduced, there are opportunities that remain both in the basin and in the area between the fenceline and the kerblines.
8. Understanding the extent to which the drainage basin must remain, the Town can commit to planting the embankments of the drainage basin with ground cover and sedge plants, providing an ecological benefit to the local area.
9. There is also an underutilised space at the front of this drainage basin that, together with the road reserve, could be converted into a small micro public space. While the area between the existing fence and the property boundary is very likely to be required for future basin expansion, a temporary intervention in this area is achievable, with permanent works between the property boundary and the kerb. The Town propose to work collaboratively with the local residents, particularly those involved in the petition, to design and implement a micro park between the existing drainage basin fence and the kerblines of 76 Canterbury Terrace. This could include replacement of the existing sump fence, rationalisation of the existing planting, new planting, potential introduction of low-key nature play elements and seating.
10. The recently adopted Public Open Space Strategy gap analysis notes pockets of East Victoria Park that lack public open space within a recommended walkable catchment. A micro park at 76 Canterbury Terrace would slightly reduce this identified gap.
11. Similar to the Carlisle Micro Parks project, this micro park will be implemented quickly and simply, making detailed design and construction plans unnecessary.
12. Planning: The concept design and planning with the community is proposed for the latter half of 2020 in preparation for delivery in the 2021 planting season. This will be led by available resources within the Place Planning team, with support as needed from the Parks and Technical Services teams. Structuring the project in this way will allow resourcing for the program of micro parks to be distributed across Town staff. There is sufficient funding in the current budget for the planning stage of this project to be undertaken.
13. Delivery: The delivery phase of this project will include landscape elements and infrastructure elements as determined through the planning stage with the community. This will be implemented in the second quarter of 2021 to align with the planting season.
  - 13.0. Landscape elements: There is sufficient funds within the current Urban Forest Strategy budget to implement the landscape elements of a micro park at 76 Canterbury Terrace. It is proposed the planting be conducted as a community planting event aimed at the surrounding local residents.
  - 13.1. Infrastructure elements: The Town will investigate any existing furniture (and other elements) that are currently in storage and might be repurposed to add to the amenity of the proposed micro park. Any additional funding that is required for infrastructure elements identified through the planning stage will be requested through the mid-year budget review.
14. An estimated cost to deliver this micro park is outlined in the financial implications section above.

## Relevant documents

Not applicable.

## Questions and responses

Cr Luana Lisandro

1. The Town has found that the sump basin at 76 Canterbury Terrace is under capacity does this mean that the sump's capacity will need to be increased in future to cope with a 1 in 1 year Average Recurrence Interval event? If so, when will works occur to increase its capacity and will this be included in design when creating a Micro Park?

The Chief Operations Officer advised that that the prospect of doing these works on the site is not possible due to the size of the site.

The Chief Community Planner advised that works are not planned and the micropark works would not involve this.

2. Has the Town investigated an overall future strategy for all its open drainage sumps within the Town so they meet drainage capacity?

The Chief Community Planner advised that there has been a report completed about the works that could be undertaken relating to the Town's drainage network. Any future plans would also be informed by the Land Asset Optimization Strategy and Public Open Space Strategy. The draft Local Planning Strategy also includes an action relating to updating the Town's drainage strategy.

### **Further consideration to be added to the Ordinary Council Meeting agenda**

Nil.



## 12.6 COVID-19 Action Plan

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Carly Pidco & Lisa Tidy
<b>Responsible officer</b>	David Doy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. CAP Project Assessment Process [<b>12.6.1</b> - 1 page]</li><li>2. COVID Action Plan- Round 1 Actions- OCM attachment [<b>12.6.2</b> - 15 pages]</li></ol>

### Recommendation

That Council adopts the Restart Vic Park COVID-19 Action Plan Edition 1, as attached.

### Purpose

The purpose of this report is for Council to adopt the draft Restart Vic Park COVID-19 Action Plan.

### In brief

- At its meeting of 7 May 2020, the Council adopted the COVID-19 Response Strategy “Restart Vic Park”. The strategy provides a series of objectives for recovery and establishes the need to prepare and deliver a COVID-19 Action Plan.
- The COVID -19 Action Plan is a dynamic document overseen by the COVID -19 Response Working Group (CRWG). The COVID -19 Action Plan details the actions the Town will undertake to achieve the objectives of the COVID -19 Response Strategy. The COVID -19 Action Plan will be updated regularly as the recovery process evolves and new actions and projects are identified. It is a *living* document.
- The process of identifying, scoping and including new projects into the COVID -19 Action Plan will occur in “rounds”. The COVID -19 Action Plan document presented to Council includes the “Round 1” actions and projects, which are primarily drawn from Council’s adopted plans and strategies as per the approach described in the COVID -19 Response Strategy (page 8). The COVID -19 Action Plan also includes two additional Round 1 projects that have been endorsed by the CRWG.
- It is recommended that the COVID -19 Action Plan is adopted immediately and without any formal public advertising process so that implementation of the plan and its included actions and projects can commence swiftly.

### Background

At its meeting of 7 May 2020, the Council adopted the COVID-19 Response Strategy “Restart VicPark”. The strategy provides a series of objectives for recovery and establishes the need to prepare and deliver a COVID -19 Action Plan. The COVID -19 Action Plan is a dynamic document overseen by the COVID -19 Response Working Group (CRWG). The COVID -19 Action Plan details the actions and projects that the Town will implement to achieve the objectives of the Covid-19 Response Strategy.

The COVID -19 Action Taskforce (CAT, previously Economic and Social Recovery Taskforces) has prepared a process to manage the ongoing reviewing, updating and implementing of the COVID -19 Action Plan. A process flow chart is provided in the report attachments. The process comprises the following steps:

Ideas for projects and actions are drawn from a variety of sources and collated on a Master List.

The CAT prepares a quantitative score to measure alignment of ideas with the Covid-19 Response Strategy and facilitates a workshop to select a shortlist of Priority Projects.

Priority Projects are assigned a "Project Champion" who undertakes a project scoping exercise using a standard template. The Project Champion will assess whether there are sufficient resources to implement the project and whether the project is likely to achieve recovery outcomes.

The CRWG reviews the Priority Project documentation, including recommendations from the Project Champions, and endorses which projects should be included in the COVID -19 Action Plan.

The COVID -19 Action Plan is updated by a resolution of the Council.

The Master List, which contains all ideas for recovery projects, is managed by the CAT and includes ideas from the following sources:

Elected Members and the CRWG;

Town staff;

Community feedback, including the Restart Vic Park Community Impact Survey;

A proposed Economic Impact and Opportunity Assessment; and

 The future Business Advisory Group.

The COVID -19 Action Plan project process is likely to be repeated every two months, with each cycle being dubbed a "Round". It is still possible for Council to make amendments to the COVID -19 Action Plan between Rounds should an exceptional need or opportunity present. The Round process will facilitate the steady flow of well-planned, responsive projects for potential inclusion in the Covid-19 Action Plan that is anticipated by the COVID -19 Response Strategy.

In addition to projects identified by the CRWG and CAT, Round 1 of the COVID -19 Action Plan includes a large number of projects drawn from the Town's existing plans and strategies that can generate recovery benefits. This is consistent with the approach outlined in the COVID -19 Response Strategy (page 8). The CRWG has reviewed and endorsed this list of projects for inclusion in the Covid-19 Action Plan.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	The COVID -19 Action Plan provides a comprehensive list of projects that have been scoped, budgeted, assessed for alignment with recovery objectives, and endorsed by the CRWG. The COVID -19 Action Plan will guide implementation of projects to achieve the recovery objectives in the COVID -19 Recovery Strategy. The dynamic approach to maintaining the document will ensure that its content evolves throughout the recovery process and allows for ongoing monitoring of project resourcing and timing.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The COVID -19 Action Plan provides a high-level framework for approving spending of COVID -19 recovery funds. Projects must be endorsed by the CRWG and updates to the COVID -19 Action Plan

## Engagement

### Internal engagement

Stakeholder	Comments
CRWG	A draft list of projects for the COVID -19 Action Plan was presented to the CRWG for consideration. Feedback was provided on the projects to be included, in particular endorsement of the new projects that are not drawn from adopted plans and strategies, and the presentation of information about projects in the COVID -19 Action Plan document.
ERT (now CAT)	A workshop was held with the ERT to assess "Round 1" projects, including two additional projects that are not drawn from adopted plans and strategies.
Strategic Management Team (SMT)	Updates on the COVID -19 Action Plan document progress are being provided at SMT meetings.
Service Area Leaders	A presentation on the COVID -19 Action Plan and Priority Project process was given to the July Service Area Leaders meeting.
Communications	Meetings to discuss both internal and external communication needs for the COVID -19 Action Plan have been held. An engagement strategy is under preparation.
Place Planning	A briefing on the COVID -19 Action Plan and Priority Projects process has been given to the Place Planning team. Place Planning has provided substantial input into the "Round 1" project list through making recommendations on the suitability of projects for inclusion.
Community Development	A briefing on the COVID -19 Action Plan and Priority Projects process has been given to the Community Development team. Community Development has provided feedback on the "Round 1" project list.
Strategic Asset Advisory Group (SAAG)	The SAAG has provided substantial input into the "Round 1" project list through making recommendations on the suitability of projects for inclusion.

### Legal compliance

Not applicable.

### Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for
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						actions
Financial	Not having an action plan to guide expenditure on recovery initiatives could lead to over- or under-spending	Moderate	Likely	High	Low	TREAT risk by Implementing a universal project scoping and budgeting process to manage the reclassification of projects from ideas to COVID - 19 Action Plan projects
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	The Covid-19 Action Plan is not regularly updated and loses its effectiveness in supporting recovery	Minor	Possible	Medium	Low	TREAT risk by implementing the COVID-19 Action Plan process that has been developed, so that the content of the Plan is updated every 2 months
	The Covid-19 Action Plan promises more projects than the Town has capacity/resources to deliver	Moderate	Possible	Medium	Low	TREAT risk by implementing the COVID-19 Action Plan process that has been developed, so that potential projects must be scoped, budgeted and assessed before being included in the COVID-19 Action Plan
Service delivery	Delivery of Covid-19 Action Plan actions requires	Minor	Possible	Medium	Medium	TREAT risk by assessing staff resource

	more staff resources than anticipated					requirements of potential projects through the cross-functional CAT, and making recommendations to the CRWG that reflect staffing capacity
	Management of Covid-19 Action Plan document requires more staff resources than anticipated	Minor	Possible	Medium	Medium	TREAT risk by having multiple staff members involved with the document management needs, and keeping the CAT informed of document management process. ACCEPT risk and direct staff to prioritise the COVID-19 Action Plan if required.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	The dynamic nature of the COVID-19 Action Plan document and ongoing recovery process may lead to future project inclusions that impact future budgets.

## Analysis

6. The COVID-19 Action Plan has been prepared in accordance with the COVID-19 Response Strategy, providing further detail on the specific projects and actions that the Town will implement to support recovery from the pandemic. The COVID-19 Action Plan and process to prepare it have been developed to achieve a balance between sound project planning and oversight, and achieving flexibility and timeliness in implementation.
0. The selection of projects from existing plans and strategies reflects the approach outlined in the COVID-19 Response Strategy. These projects have potential to generate the social or economic recovery outcomes provided in the COVID-19 Response Strategy, and project managers can approach implementation with a recovery mindset as appropriate.

1. The new projects included in "Round 1" have been workshopped by the former ERT and SRT, and endorsed by the CRWG. These projects are capable of being resourced (notably several will rely on the funds being allocated specifically to recovery in the 2020/21 budget) and have been assessed as highly likely to contribute to recovery objectives. New projects that have been endorsed by CRWG and will require recovery specific budget include:
  - COVID-19 Business Grants: a program of micro-grants to help small business build resilience and larger grants to fund business and economic development projects.
  - Economic Impact and Opportunity Assessment: an analysis of the local economic impact of COVID-19 and potential needs and opportunities arising for recovery, to be completed by a specialist consultant.
2. The Town does not have a statutory obligation to advertise the COVID-19 Action Plan for public comment. Although the document will be endorsed by Council, its intent and implementation are more akin to an operational document. To have the most valuable impact, the Covid-19 Action Plan needs to be responsive to timeframes so that action implementation can occur as soon as reasonably practical after needs and opportunities arise. Therefore, it is recommended that the COVID-19 Action Plan is not advertised for public feedback. Instead, the document can be published on the website and accompanied by a "feedback form" where the community can provide further ideas on an ongoing basis. This approach is also more aligned with the dynamic nature of the document and recovery process.
3. Once the COVID-19 Action Plan has been endorsed by Council, the CAT with support from the CRWG will oversee the implementation of new projects and management of the document. The latter includes preparation of potential additions for Round 2, which are likely to be presented to CRWG in September 2020 and the Council meeting in October 2020.

## Relevant documents

[Restart Vic Park Covid-19 Response Strategy](#)

### Questions and responses

Cr Brian Oliver

1. For projects that do not have funding allocated, does the plan identify how much funding will be drawn on from the COVID-19 reserve fund?

The Chief Community Planner advised that the projects are budgeted for in the first round and that future projects would draw on the reserve.

2. Is there a timeframe on when the Town will spend the recovery budget?

The Chief Community Planner advised that it is currently unplanned when all of the funds allocated in the COVID-19 reserve will be spent.

### Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

## 13 Chief Operations Officer reports

### 13.1 Request for road dedication and subsequent closure and amalgamation of portion of ROW 54

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Peter Scasserra
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. January 2000 Aerial - ROW 54 [<b>13.1.1</b> - 1 page]</li><li>2. November 2019 OCM Report and Minutes [<b>13.1.2</b> - 16 pages]</li><li>3. Road Dedication Map [<b>13.1.3</b> - 1 page]</li><li>4. Attachment to minutes - Letter from Glen McLeod - Development Proposal for 1022 - 1032 Albany Highway and Right of Way 54, East Victoria Park [<b>13.1.4</b> - 2 pages]</li><li>5. CONFIDENTIAL REDACTED - Legal Advice to Town of Victoria Park - ROW 54 [<b>13.1.5</b> - 11 pages]</li><li>6. Glen Mc Leod Legal 1 July 2020 [<b>13.1.6</b> - 1 page]</li><li>7. Glen Mc Leod Legal 13 July 2020 [<b>13.1.7</b> - 5 pages]</li><li>8. Glen Mc Leod Legal 17 July 2020 [<b>13.1.8</b> - 2 pages]</li><li>9. Glen Mc Leod Legal 21 July 2020 [<b>13.1.9</b> - 2 pages]</li><li>10. CONFIDENTIAL REDACTED - Legal Advice to Town of Victoria Park - ROW 54 290720 [<b>13.1.10</b> - 4 pages]</li></ol>

#### Recommendation

That Council:

0. Resolves to request the Minister for Lands (WA) to dedicate portion of Lot 0 on Plan 2609, East Victoria Park as a road, pursuant to section 56(1)(c) of the *Land Administration Act 1997*, and regulation 8 of the *Land Administration Regulations 1998*.
1. Resolves to request the Minister for Lands (WA) to dedicate all of Lot 67 on Diagram 13701, East Victoria Park as a road, pursuant to section 56(1)(c) of the *Land Administration Act 1997*, and regulation 8 of the *Land Administration Regulations 1998*.
2. Indemnifies the Minister for Lands against any claim for compensation that may arise, pursuant to section 56(4) of the *Land Administration Act 1997*
3. Gives notice and seeks public submissions on a proposal to request the Minister for Lands (WA) to close and amalgamate a 445 m2 portion of ROW 54, pursuant to section 58 and 87 of the *Land Administration Act 1997*, and regulation 9 of the *Land Administration Regulations 1998* into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782.
4. Requests the CEO provide a further report to the October Ordinary Council Meeting for Council to consider the closure of ROW 54 and any submissions received on the closure.
5. Proceeds as proposed and in line with legal advice received, with the dedication request and follows the appropriate and necessary processes to give effect to the dedication of ROW 54.



## Purpose

The Town is seeking a resolution from Council to lodge a formal request to the Minister for Lands (WA) for the dedication of portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as a road and to indemnify the Minister for Lands (WA) against any claim for compensation that may arise from dedicating portion of Lot 0 and all of Lot 67 as a road to progress the closure and amalgamation of a portion of ROW 54 into 355-357 Shepperton Road, East Victoria Park.

## In brief

- At the Ordinary Council Meeting of 19 November 2019, the Council resolved to delegate the Chief Executive Officer and the Mayor the authority to execute all necessary documentation under the Town's Common Seal in accordance with section 58 and section 87 of the *Land Administration Act 1997*, and regulation 9 of the *Land Administration Regulations 1998* to satisfy conditions precedent 2.3(b) within the contract of sale for 355-357 Shepperton Road, East Victoria Park to Fabcot Pty Ltd.
- Condition precedent 2.3(b) requires closing and amalgamating a 445m<sup>2</sup> portion of ROW 54 situated in between 355-357 Shepperton Road and land owned by Fabcot Pty Ltd on Albany Hwy, to facilitate a proposed development by Fabcot Pty Ltd.
- Subsequent advice received from the Department of Planning, Lands, and Heritage, resulting from an investigation by a survey team, has identified an anomaly with Landgate's cadastral data which has erroneously depicted three land parcels comprised within ROW 54, being portion of Lot 0 on Plan 2609 (the two components of the formerly identified dedicated road) and all of Lot 67 on Diagram 13701 which is in the middle of these two lots, as dedicated road. Instead, the correct tenure identifies the land as a private road.
- To resolve the future tenure of the private road, the Town must request the Minister for Lands (WA) to dedicate portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as road pursuant to section 56(1)(c) of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*, and indemnify the Minister for Lands (WA) against any claims for compensation that may arise.
- To progress the closure of the 445m<sup>2</sup> portion of ROW 54 and amalgamation into the adjoining land being 355-357 Shepperton Road, the Town must also resolve to request the Minister for Lands (WA) to close and amalgamate the subject portion of ROW 54 pursuant to section 58 and section 87 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*.
- Legal advice recommends the Town readvertise the proposed closure of the ROW under section 58 of the *Land Administration Act 1997* to reflect the updated land tenure.
- At the Ordinary Council Meeting of 21 July 2020, the Council resolved to receive the letter from Glen McLeod Legal as received and request the Chief Executive Officer to provide a report to Council addressing the matters in the letter received minutes before the 21 July Ordinary Council Meeting.
- The Town has sought legal advice which assures the Town that it has taken both legal advice and has sought the advice and guidance of the Department of Planning, Lands, and Heritage in connection with the dedication request, and has followed the appropriate and necessary processes to give effect to the dedication of the Right of Way.

## Background

1. Council at its Ordinary Council meeting In November 2019 resolved to approve the contract of sale for land adjacent to ROW 54 being Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782 (355-357 Shepperton Road). The contract obligates the Town to satisfy conditions precedent before the sale can proceed.
2. Condition precedent 2.3(b) requires the Town to close and amalgamate a portion of dedicated road (known as ROW 54) into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782.



3. ROW 54 is 230m in length and varies in width from 5m at the northern end to approximately 9m in some wider midblock sections. It is sealed with a thin layer of dense graded asphalt, approximately 25mm to 30mm thickness. The seal and pavement are likely to be more than 20 years old with some sections closer to Oats Street in fairly poor condition, the overall condition rating varies between 3 and 4.1 (0-5 scale with 5 being best) so is approaching warrants for r. The underlying formation is unknown.
4. ROW 54 was initially identified by Landgate as a dedicated road, however, following an investigation by a survey team, it was discovered that portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 are existing private roads that are privately owned.
5. Lot 0 on Plan 2609 is paved and currently in use. It provides through vehicle access by way of rights of carriageway from Oats Street to Shepperton Road, East Victoria Park. The owner, Alexander Joseph Monger, is deceased.
6. Lot 67 on Diagram 13701 is paved and currently in use. It provides through vehicle access by way of rights of carriageway from Oats Street to Shepperton Road, East Victoria Park. The owner, Charles Victor Hale, is deceased.
7. The public has had uninterrupted use of both Lots 0 and Lot 67 for more than 10 years which satisfies the Towns compliance with regulation 8(c) of the *Land Administration Regulations 1998* and section 56(1)(c) of the *Land Administration Act 1997* to dedicate private land as a road.
8. As a result of the survey, the Town must request the Minister for Lands (WA) to dedicate the private road and ROW being portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as road pursuant to section 56 (1)(c) of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*, this requires a new Council Resolution and Indemnity.
9. In accordance with Council Resolution 244/2019, the Town previously advertised the proposed closure and amalgamation of the subject portion of ROW 54 for a period of 35 days to seek public comments, and engaged in consultation by writing to the adjoining landowners to seek further input.
10. The submission period concluded on 17 January 2020 and no submissions were received.
11. On 1 July 2020 the Town received a letter from Glen McLeod Legal regarding the request for road dedication and closure and amalgamation of portion of ROW 54, a copy was also sent to the Department of Planning, Lands, and Heritage.
12. On 3 July 2020 the Department of Planning, Lands and Heritage issued a response to the Glen McLeod Legal letter confirming it had advised the Town subsequent to the discovery of the cadastral error that the subject land could be acquired pursuant to section 52 of the *Land Administration Act 1997* or dedicated directly as road pursuant to section 56(1)© of the *Land Administration Act 1997*.
13. On 13 July 2020, the Town received a subsequent letter from Glen McLeod Legal.
14. On 17 July 2020 the Town received legal advice relating to the Glen McLeod Legal letter and issued a response requesting Glen McLeod Legal confirm the basis for which the requested information was being sought.
15. On 17 July 2020, the Town received a follow-up letter from Glen McLeod Legal.
16. On 21 July 2020, the Town received a further letter from Glen McLeod Legal issued only minutes before the July Ordinary Council Meeting. This letter has been attached and the Town has received further legal advice.
17. Legal advice states only the Minister for Lands can decide to dedicate the ROW and recommends the Town re-advertise the proposed closure of ROW 54 under section 58 of the *Land Administration Act 1997* to reflect the updated land tenure.
18. To comply with s58 of the *Land Administration Act 1997* the Town must advertise by public notice for a period of 35 days and refer to the land tenure as "portion of private road" instead of "portion of dedicated road."

## Strategic alignment

### Environment

Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The purpose of this road dedication request is to enable vehicle access which makes an efficient use of land.

## Engagement

### Internal engagement

Property Development and Leasing	Input into the report and the process to undertake the road closure and amalgamation.
Place Planning	Original consultation with the preceding Council report for the sale of 355-357 Shepperton Road.
Statutory Planning	Original consultation with the preceding Council report for the sale of 355-357 Shepperton Road.
Street Operations	Consulted on budget impact.

### External engagement

Stakeholders	Owners and occupiers of adjoining properties
Period of engagement	11 December 2019- 17 January 2020
Level of engagement	2. Consult
Methods of engagement	Written submissions
Advertising	Letters sent to adjoining landowners and service providers, notification on public notice board and The West newspaper notice
Submission summary	No submissions were received during the public comment period
Key findings	N/A

## Legal compliance

The Town has procured and received sufficient legal advice to undertaken the required process being the subject of this report. Legal advice has concluded that the Town has followed the appropriate and necessary processes to give effect to the dedication of the Right of Way.

All legal advice received has been provided as an attachment to this report.

[Section 56 of the Land Administration Act 1997](#)

[Section 58 of the Land Administration Act 1997](#)

[Section 87 of the Land Administration Act 1997](#)

[Regulation 8 of the Land Administration Regulations 1998](#)

[Regulation 9 of the Land Administration Regulations 1998](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<p><b>Legal Compliance</b> The Minister for Lands (or as delegated) is ultimately responsible for determining requests for the dedication of land as a road.</p> <p>It is possible that the Minister may decide to refuse or modify the road dedication request notwithstanding Council's resolution.</p>	Moderate	Unlikely	Moderate	Provide the required information as per Regulation 8 of the Land Administration Regulations 1998 (WA) and sufficient justification for the road dedication request.
<p><b>Financial</b> The Town does not continue with the process to give affect to the dedication of the ROW resulting in the inability for the required land assembly to occur not allowing settlement of the contract of sale.</p>	Catastrophic (being greater than \$500,000)	Possible	High	For Council to act on the legal advice received and the advice and guidance from Department of Planning Lands and Heritage and endorse the recommendations proposed.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation. The Town is in the process of satisfying its obligations in the contract of sale to Fabcot Pty Ltd as part of the delivery of 355-357 Shepperton Road East Victoria Park, which is in line with Council's previous resolution.
<b>Future budget impact</b>	Once Portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 is dedicated as road then closed and amalgamated in accordance with Council

Resolution 244/2019, the Town would be formally responsible for the maintenance and repair of the dedicated road that remains open. The Town's Street Operations service area has advised that this is the 'status quo', and therefore this would not impact the existing Street Operations budget.

## Analysis

19. The Council previously resolved at the Ordinary Council Meeting of 19 November 2019 to delegate the Chief Executive Officer and the Mayor the authority to execute all necessary documentation under the Town's Common Seal in accordance with section 58 and section 87 of the *Land Administration Act 1997*, and regulation 9 of the *Land Administration Regulations 1998* to satisfy conditions precedent 2.3(b) within the contract of sale for 355-357 Shepperton Road, East Victoria Park.
20. Upon preparing the application for consideration by the Minister, advice received from the survey team confirmed that Landgate had assigned the incorrect land tenure details against the subject land parcels. As a result of the survey investigation, the Council needs to resolve to request the Minister for Lands to dedicate a section of ROW 54 identified as private road, being a portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as road pursuant to section 56(1)(c) of the *Land Administration Act 1997* and regulation 8 of the *Land Administration Regulations 1998*, as they are unable to close a road that was never dedicated. This report is to formally resolve the request by The Department of Planning Lands and Heritage.
21. Presently, Lot 0 on Plan 2609 and Lot 67 on Diagram 13701 are privately owned by a deceased persons.
22. Lot 0 on Plan 2609 is held in freehold by 'Alexander Joseph Monger' on Certificate of Title volume 284 folio 116, registered on 15 September 1903.
23. Lot 67 on Diagram 13701 is held in freehold by 'Charles Victor Hale' on Certificate of Title volume 2783 folio 1, registered on 6 December 2011.
24. As both Lots are privately owned, the general public do not have any formal rights of access over the land. The Town is also limited in its ability to repair and/or improve the land. This process with resolve these ongoing issues.
25. Pursuant to section 56(1)(c) of the *Land Administration Act 1997*, provided it can be evidenced that the land comprises of the private road of which the public has had uninterrupted use for a period of not less than 10 years, the local government may request the Minister to dedicate that land as a road.
26. In compliance with regulation 8(c) of the *Land Administration Regulations 1998*, the attached aerial image from January 2000 shows the land parcels comprised within ROW 54 were being used by the public as a road. This aerial image is deemed sufficient evidence to satisfy section 56(1)(c) of the *Land Administration Act 1997*.
27. Accordingly, this report recommends that Council resolves to commence the process to request the Minister for Lands to dedicate a portion of Lot 0 on Plan 2609 and all of Lot 67 on Diagram 13701 as a road and to indemnify the Minister against any claims for compensation.
28. Once the Department of Planning, Lands, and Heritage have completed the road dedication, this report further recommends that Council resolves to request the Minister for Lands to close and amalgamate a portion of ROW 54 into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782. in accordance with Council Resolution 244/2019.
29. The Town acknowledges it will comply with section 56(2) of the *Land Administration Act 1997*, by preparing and delivering the request to the Minister in accordance with the regulations, and will provide the Minister with sufficient information in a plan of survey to describe the dimensions of the proposed road.
30. On 30 August 2019, the Town received advice from Landgate stating that the parcel of land known as ROW 54 is a public road.

31. Based on this advice the Town sought approval to close and dispose a portion of the ROW in accordance with s58 and s87 of the Land Administration Act 1997.
32. During the Department of Planning, Lands and Heritage investigation process their survey team identified an anomaly in Landgate's cadastral data which erroneously depicted two Landgate PINs as dedicated road. Instead, the correct tenure identifies the land as a private road held in freehold by a deceased estate.
33. On 22 June 2020 the Department of Planning, Lands and Heritage advised the Town had two options:
34. Acquire the land as a private road pursuant to s52 of the LAA. The land not required for the amalgamation can be created as a reserve for 'Right of Way' with a management order granted in favour of the Town or
35. Dedicate the private road pursuant to s56 of the LAA, then close the road pursuant to s58 of the LAA. The road will be dedicated and then the portion of land required for the Fabcot proposal will be closed and amalgamated.
36. The Department's suggestion was to proceed with Option 2.
37. To proceed with Option 2 the Town is required to comply with s56(c) of the LAA and s8 of the Regulations, specifically (as advised by DPLH):
  - (a) Confirmation from the Town that the private road is land which the public has uninterrupted use for a period of not less than 10 years
  - (b) Council Resolution endorsing the dedication of the land as road with a clarification of the previous Resolution specifically requesting the Minister for Lands to close the road pursuant to s58
  - (c) Indemnity pursuant to s56(4) of the LAA
  - (d) Description of the sections used by the public as a road
  - (e) Description of how the private road was constructed
  - (f) Written confirmation that the Town has complied with s56(2) of the LAA and
  - (g) The requirement of a survey depicted the ROW as a road.
38. Historical photos from the Towns records clearly display the ROW was being used as a road in 2009, over the 10-year minimum requirement for dedication. Additionally, the old aerial photos on Intramaps show vehicles using the ROW as a road during the 1980s. The ROW has also been for multiple Albany Hwy properties the only vehicle access point for over 10 years. The ROW has also been the only access point to a public car park for over 10 years. The combination of the above satisfies the requirement for the Town to evidence that the private road is land which the public has uninterrupted use for a period of not less than 10 years. And that the ROW has been used for the purpose it was originally intended.
39. The Towns Solicitor has assured the Town that it has taken both legal advice and has sought the advice and guidance of the Department of Planning, Lands and Heritage in connection with the dedication request, and has followed the appropriate and necessary processes to give effect to the dedication of the Right of Way.

## Relevant documents

Not applicable.

There were no questions asked or presentations made in relation to this item.

## 14 Chief Financial Officer reports

### 14.1 Schedule of Accounts for June 2020

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Ann Thampoe
<b>Responsible officer</b>	Michael Cole
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Payment Summary Report - June 2020 [ <b>14.1.1</b> - 9 pages]

#### Recommendation

That Council:

0. Confirms the accounts for 30 June 2020, as included in the attachment, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
1. Confirms the direct lodgment of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

#### Purpose

To present the payments made from the municipal fund and the trust fund for the month ended 30 June 2020.

#### In brief

- Council is required to confirm payments made from the municipal fund and the trust fund each month, under Section 13 of the Local Government (Financial Management) Regulations 1996.
- The information required for Council to confirm the payments made is included in the attachment.

#### Background

1. Council has delegated the Chief Executive Officer the authority to make payments from the municipal and trust funds in accordance with the Local Government (Financial Management) Regulations 1996.
2. Under Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment is to be noted on a list compiled for each month showing:
  - (a) The payee's name
  - (b) The amount of the payment
  - (c) The date of the payment
  - (d) Sufficient information to identify the transaction
3. That payment list should then be presented at the next Ordinary Meeting of the Council, following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.
4. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.

The list of accounts paid in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 is contained within the attachment and is summarised below.

Fund	Reference	Amounts
<b>Municipal Account</b>		
Automatic Cheques Drawn	608769 - 608722	2,559
Creditors – EFT Payments		9,379,108
Payroll		982,448
Bank Fees		2,391
Corporate MasterCard		4,160
		<b>10,370,666</b>

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town.
CL06 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably	The presentation of the payment listing to Council is a requirement of Regulation 13 of Local Government (Finance Management) Regulation 1996.

## Legal compliance

[Section 6.10\(d\) of the Local Government Act 1995](#)

[Regulation 13 of the Local Government \(Financial Management\) Regulations 1996](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in Schedule of accounts.	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
	Fraud or illegal transactions	Severe	Unlikely	High	Low	Treat risk by ensuring stringent

						internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable					
Health and safety	Not applicable					
Infrastructure/ICT systems/utilities	Not applicable					
Legislative compliance	Not accepting Schedule of accounts will lead to non-compliance.	Major	Unlikely	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.
Reputation	Not applicable					
Service Delivery	Not applicable					



## Financial implications

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

## Analysis

1. All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures. It is therefore requested that Council confirm the payments, as included in the attachments.

## Relevant documents

[Procurement Policy](#)

There were no questions asked or presentations made in relation to this item.

## 14.2 Financial Statements for the month ending 30 June 2020

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Ann Thampoe
<b>Responsible officer</b>	Michael Cole
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Financial Statements for the month ending - June 2020 [14.2.1 - 43 pages]

### Recommendation

That Council:

1. Accepts the Financial Activity Statement Report – 30 June 2020, as attached
2. Notes the Town’s final financial position for the period ended 30 June 2020 is subject to final audit.

### Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 30 June 2020.

### In brief

- The financial activity statement report is presented for the month ending June 2020.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the Local Government (Financial Management) Regulations 1996.
- The financial information as shown in this report does not include number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town’s final financial position for the period ended 30 June 2020.

### Background

1. Regulation 34 of the Local Government (Financial Management) Regulations 1996 states that each month, officers are required to prepare monthly financial reports covering prescribed information, and present these to Council for acceptance.
2. As part of the monthly financial reports, material variances are reported. Thresholds are set by Council and are as follows:
  - (a) Revenue  
Operating revenue and non-operating revenue – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.
  - (b) Expense  
Operating expense, capital expense and non-operating expense – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and in these instances, an explanatory comment has been provided.
3. For the purposes of explaining each material variance, a three-part approach has been applied. The parts are:
  - (a) Period variation

Relates specifically to the value of the variance between the budget and actual figures for the period of the report.

(b) Primary reason(s)

Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.

(c) End-of-year budget impact

Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are 'indicative only' at the time of reporting and may subsequently change prior to the end of the financial year.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
The presentation of the payment listing to Council is a requirement of Regulation 13 of Local Government (Finance Management) Regulation 1996.	The presentation of the payment listing to Council is a requirement of Regulation 13 of Local Government (Finance Management) Regulation 1996.
The presentation of the payment listing to Council is a requirement of Regulation 13 of Local Government (Finance Management) Regulation 1996.	The presentation of the payment listing to Council is a requirement of Regulation 13 of Local Government (Finance Management) Regulation 1996.

## Engagement

Internal engagement	
Service Area Leaders	All Service Area Leaders have reviewed the monthly management reports and provided commentary on any identified material variance relevant to their service area.

## Legal compliance

[Regulation 34 of the Local Government \(Financial Management\) Regulations 1996](#)

[Local Government Act 1995 Section 6.8](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in financial statements	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and

	Fraud or illegal transaction	Severe	Unlikely	High	Low	external audits.  Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable					
Health and safety	Not applicable					
Infrastructure/ICT systems/utilities	Not applicable					
Legislative compliance	Council not accepting Financial statements will lead to non-compliance	Major	Unlikely	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.

## Financial implications

<b>Current budget impact</b>	Commentary around the current budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.
<b>Future budget impact</b>	Commentary around the future budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.

## Analysis

1. The Financial Activity Statement Report – 30 June 2020 complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996. It is therefore recommended that the Financial Activity Statement Report – 30 June 2020 be accepted.

## Relevant documents

Not applicable.

There were no questions asked or presentations made in relation to this item.

## 15 Committee reports

### 15.1 Review of Policy 002 Appeals against Town policy

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Liam O'Neill
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Policy 002 Review of decisions Clean Copy [U82Z] [15.1.1 - 2 pages]</li><li>2. Policy 002 Review of decisions Tracked Changes [6QWN] [15.1.2 - 2 pages]</li><li>3. Policy 002 Appeals against Town policy [15.1.3 - 2 pages]</li></ol>

#### Recommendation from the Policy Committee:

That Council:

1. Adopts Policy 002 Review of decisions as at attachment 1; and
2. Repeals Policy 002 Appeals against Town policy as at attachment 3.

### Purpose

To review Policy 002 Appeals against Town policy.

### In brief

- Council Policy 002 was adopted at an undetermined date, likely having been carried forward from the City of Perth.
- No individual review appears to have been conducted of the Policy and no recent appeal lodged under this policy can be found.
- The current policy is unclear on how or for what purpose it would be utilised, however having a policy for the review of decisions is considered valuable, as it demonstrates the Council's commitment to accountability through procedural fairness.
- A new version of the policy has been drafted to make clear the ability to seek a review of decisions made under council policies.

### Background

0. Policy 002 Appeal of Town Policy was adopted at an unknown time prior to 1999. While the policy lists an adoption day in September 1999, this was the adoption of the first policy manual of the Town. This manual incorporated policy brought from the City of Perth. Since 1999 it does not appear that a substantive review or changes have occurred to the policy. An examination of the Town's record management system also indicates that no 'appeal against a policy' has been submitted.
1. The other three councils that formed part of the old City of Perth do not maintain this policy.
2. The current policy sets out that a person may submit an appeal against a policy. However, if they do not meet the definition of a person in the policy, they may only submit an appeal against the wording, not the intent, of the policy.
3. People have the right to seek review of decisions, orders or other use of the Town powers under various forms of legislation. These include review by the State Ombudsman, State Administrative Tribunal or through a court.

4. A number of Town policies provide for the Town to make decisions that may affect a person's rights or property. This includes as examples:
  - (i) Erection of directional signs;
  - (a) Determining if someone is experiencing financial hardship;
  - (b) Refusing the removal of a street tree;
5. Some of these policies provide for review of those decisions, some do not.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Demonstration of accountability and probity through the application of principles of natural justice, which include procedural fairness.

## Engagement

Internal engagement	
Stakeholder	Comments
Development Services	Development services was consulted in relation to establishing that this policy does not apply to statutory appeals and was confirmed that it did not previously apply for planning matters.

## Legal compliance

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

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable				Low	
Environmental	Not applicable				Medium	
Health and safety	Not applicable				Low	
Infrastructure / ICT systems/ utilities	Not applicable				Medium	

Legislative compliance	Not applicable					Low
Reputation	Members of the public feel aggrieved by a decision of the Town made under a policy.	Minor	Possible	Medium	Low	Treat risk by adoption of a policy providing for internal review of decisions made under a policy.
Service delivery	Not applicable					Medium

## Financial implications

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

## Analysis

6. In reviewing this policy, two courses of action were identified. To either repeal the policy or revise the policy.
7. A repeal of the policy is a low risk response, given the absence of any appeal having been submitted, and repeal of the policy by other Councils it is unlikely to affect any person.
8. The recommended course of action is to adopt a revised policy that provides for the review of officer decisions made under policies of Council. This does not include local planning policies (which are governed under planning legislation) or other decisions made under other laws which may establish different review systems. Likewise, if it is a decision of a panel, committee or working group, as there is no supervisor in the conventional sense, the policy would not apply.
9. This proposed revised policy establishes that every request for review of a decision should be referred to, and determined by, the immediate supervisor of the original decision-maker. A request for review will be submitted in a form determined by the CEO, which could include an electronic form. It is intended that the Town will respond to these requests within 20 working days. There will also be only 20 working days from being told of the original decision to apply for the review.
10. The proposed policy reflects the good governance principle of procedural fairness by ensuring people have access to a means of review of administrative decisions.

## Relevant documents

Not applicable.



There were no questions asked or presentations made in relation to this item.

## 15.2 Review of Policy 023 - Provision of Information and Services - Elected Members

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Amy Noon
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Current Policy 023 Provision of Information and Services - Elected Members [<b>15.2.1</b> - 4 pages]</li><li>2. Proposed Policy 023 - Provision of Information and Services - Elected Members [<b>15.2.2</b> - 5 pages]</li></ol>

### Recommendation from the Policy Committee:

That Council:

1. Repeals existing Policy 023 – Provision of Information and Services – Elected Members, as at attachment 1.
2. Adopts amended Policy 023 – Provision of Information and Services – Elected Members, as at attachment 2, subject to the following amendments:

a. That Clause 23(a) be amended to read:

*a) general governance advice including declarations of interest.*

b. b) That Clause 13 be amended to read:

*13. In line with Section 2.10 of the Local Government Act 1995, the role of elected members is to represent and facilitate communication with the community as a whole.*

### Purpose

To adopt changes to Policy 023 – Provision of Information and Services – Elected Members.

### In brief

- A review of Policy 023 – Provision of Information and Services – Elected Members was required by the policy work plan, adopted by Council in April 2020.
- Council provided feedback on the effectiveness of communication between the Town and elected members. This feedback has informed proposed changes.
- Changes to the policy are recommended to strengthen the integrity of the decision-making process, by clarifying and improving processes for requesting and providing information and services.
- The proposed changes cover when the policy applies, limitations on requests for information, how breaches of the policy are to be handled, how confidentiality will be maintained and when verbal requests and provision of information is permitted.

## Background

0. At its meeting on 21 April 2020, Council adopted a work plan to complete the review of a number of policies. Policy 023 – Provision of Information and Services was one of the policies identified for review.
1. This policy was originally adopted by Council in May 2019 to set direction regarding appropriate methods of providing information to elected members. It also sought to preserve the integrity of the decision-making process by committing to consistency and equity in the provision of information and services to elected members. The policy was informed through engagement with elected members and Town employees and developed with the aim of solving concerns raised at the time.
2. The policy was amended in September 2019 to:
  - (i) require that requests be sent to the Chief Executive Officer
  - (a) emphasise the need for requests to be relevant to elected members’ functions under the Act
  - (b) change the timeframe for responses
  - (c) include a process for rejecting requests
  - (d) add the requirement for records to be kept.
3. The policy was amended in April 2020 to align the description of what a concept forum is with Policy 051 – Agenda Briefing Forum, Concept Forum and workshops.
4. To inform this review, elected members were surveyed about communication effectiveness. The majority of elected members indicated that they were satisfied with communication between the Town and elected members, satisfied with the process for handling requests and that communication between the Town and elected members has improved since the introduction of this policy.
5. Opportunities for further improvement were identified through the survey, with some elected members believing that the policy is only somewhat effective in guiding how requests from elected members should be dealt with. This could be related to views that there is currently a moderate – high level of operational requests being sent by elected members.
6. The majority of elected members indicated that they are satisfied with the proactive communication provided to them by the Town, that they are kept fairly well informed and an adequate amount of information is provided.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	This policy sets agreed methods that are informed by those receiving the information.
CL07 - People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	The policy includes timeframes for providing information and initiates a process that ensures elected members receive the information they need.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The proposed changes strengthen the governance of the Town. They provide further clarity about the role of elected members and the Town.

## Engagement

### Internal engagement

Stakeholder	Comments
Elected members	<p>Six elected members provided their views by completing the communication effectiveness survey.</p> <p>The proposed policy was put on the Councillor Portal for feedback. Feedback was received in relation to contacting the executive and requests on behalf of community members when they are not satisfied with responses received from the Town.</p>
C-Suite and Managers	C-Suite and Managers were provided the proposed policy for comment. Some indicated their support for the changes and some minor changes were made due to the feedback provided.

## Legal compliance

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

[Section 2.8 of the Local Government Act 1995](#)

[Section 2.9 of the Local Government Act 1995](#)

[Section 2.10 of the Local Government Act 1995](#)

[Section 5.92 of the Local Government Act 1995](#)

[Regulation 10 of the Local Government \(Rules of Conduct\) Regulations 2007](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ICT systems/utilities	Not applicable.				Medium	
Legislative compliance	Consistent and equitable information may not be provided to all elected members, affecting the integrity of the decision-making	Insignificant	Possible	Low	Low	TREAT the risk by adopting the proposed changes to the policy.

	process.	
Reputation	Not applicable.	Low
Service delivery	Not applicable.	Medium

## Financial implications

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

## Analysis

7. Policy 023 – Provision of Information and Services – Elected Members was reviewed, as required by the policy work plan set by Council.
8. During the review, the structure of the policy was altered so that the information contained was easier to follow and digest.
9. Changes are also proposed to strengthen the consistency and equity in the provision of information and services to elected members. These changes are explained in the table below and cover when the policy applies, limitations on requests for information, how breaches of the policy are to be handled, how confidentiality will be maintained and when verbal requests and provision of information is permitted.
10. The changes also further align the policy to the role and functions of elected members, as outlined in the *Local Government Act 1995*.

Clause	Proposed	Reason
<b>Policy objective</b> This policy is to identify the process and expectations for the provision of information and services to elected members when performing their role, outlined in Section 2.10 in the <i>Local Government Act 1995</i> .	Add that the policy applies to elected members when performing their role, outlined in Sections 2.8, 2.9 and 2.10 in the <i>Local Government Act 1995</i> .	To make it clear that the policy only applies when elected members are performing their role, as outlined in the Act, and not when they are interacting with the Town as a ratepayer, business owner or member of a community group.
<b>Clause 5</b> To ensure consistency and integrity in the way requests from elected members are dealt with,	Add the section of the Act that outlines elected member functions.	To reference elected members' functions in the Act.

<p>requests for information are limited to information that is relevant to the performance of elected members' functions under Sections 2.8, 2.9 and 2.10 of the Local Government Act 1995.</p>	
<p><b>Clause 6</b> Elected members will make every endeavor to obtain information that is already publicly available before making a request.</p>	<p>Remove reference to the website, customer service officers and the administration email address.</p> <p>To simplify the intention of the clause, that elected members don't use formal channels to request information they already have access to.</p>
<p><b>Clause 11</b> To assist with maintaining a shared understanding, elected members shall report any breaches of this policy to the Chief Executive Officer to be addressed.</p>	<p>Add clause.</p> <p>To provide a formal, agreed avenue for elected members to communicate their concerns and work together to maintain a process that follows the agreed policy.</p>
<p><b>Clause 13</b> In line with Section 2.10 of the Local Government Act 1995, the role of elected members is to represent and facilitate communication with the community as a whole. It is not the role of elected members to request information on behalf of a single elector, ratepayer or resident of the district in accordance with both the Act and this policy. Requests of this nature will be rejected in accordance with clause 14 and are to be dealt with through the general customer</p>	<p>Add clause.</p> <p>The addition of this clause seeks to address concerns from both the elected members and Town about the amount of operational requests being made, which is contrary to the role of an elected member. When an elected member uses this policy to address the concerns of a single elector, ratepayer or resident, these are generally operational in nature. Examples of these include parking issues in a particular street, the need for repairs to infrastructure, waste management complaints, and planning or building matters. Items of this nature should be reported by calling or emailing customer relations, or through the Town's website. This can also be done by residents and ratepayer themselves.</p>

<p>service request processes.</p>	
<p><b>Clause 14 (b)</b> The Chief Executive Officer may reject a request for information if the request: (b) is considered to be of a nature outlined in clauses 12 and 13 of this policy.</p>	<p>Add clause.</p> <p>To provide more clarity around what information can be requested and provided.</p>
<p><b>Clause 15</b> If an elected members' request for information is rejected in accordance with clause 14, the Chief Executive Officer shall provide written reasons for the rejection within two working days. These reasons are to be communicated to all elected members to provide transparency and maintain a shared understanding.</p>	<p>Add that reasons for rejecting a request will be provided to all elected members.</p> <p>To give all elected members the opportunity to see the nature of requests that have been rejected, to help maintain a shared understanding.</p>
<p><b>Clause 18</b> Identifying personal information related to any electors, ratepayers or residents of the district included by an elected member in a request will be redacted if a response is to be sent to all elected members.</p>	<p>Add clause.</p> <p>To formalise the process of removing any identifying personal information to protect the identity of individuals.</p>
<p><b>Clauses 19 and 20</b> <i>Permitted verbal requests and provision of information</i></p> <p>Verbal communication with staff, in person or by phone, is not to occur without approval</p>	<p>Add clauses.</p> <p>To formalise and clarify permitted verbal interaction between Town employees and elected members. This will assist with preserving the integrity of the decision-making process, by being consistent and ensuring equity in the provision of information and services to all elected members. It will further help encourage all involved to interact in ways that are appropriate for their roles and functions.</p>

from the Chief Executive Officer, except in the following circumstances:

- a) preparing for a concept forum presentation
- b) gaining support or information to assist in representing the Town on an external body or committee
- c) an event briefing when representing the Town in an official capacity
- d) a media briefing when representing the Town in an official capacity
- e) requesting a service outlined in the Town's Customer Service Charter through customer service channels
- f) seeking clarification on a request made in writing

Any requests for information or services as a result of verbal communication, that fall outside of the exemptions in clause 19, must be put in writing, as outlined in clause 7 of this policy.

**Clause 21**  
*Concept forum*  
Complex matters in which feedback or input is sought from elected members to help guide an officer report that will be presented for an eventual Council decision.

Change the words consensus outcome to feedback or input.

To emphasise that concept forums are not decision-making forums and should be used as an engagement method to seek feedback and views from elected members, to inform recommendations to Council.



11. Following the adoption of an amended policy, an internal practice will be developed and approved by the Chief Executive Officer, to further strengthen the consistency of how the policy is applied.

## **Relevant documents**

[Policy 001 – Policy management and development](#)

## **Further consideration**

Following the Policy Committee meeting held on 27 June 2020, the attached version of the policy includes the amendments proposed by the Policy Committee.

There were no questions asked or presentations made in relation to this item.

## 15.3 Adoption of Policy 121 COVID-19 Business Grants

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Carly Pidco
<b>Responsible officer</b>	David Doy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Draft Policy 121 Covid-19 Business Grants - Final Update for ABF 200730 [15.3.1 - 6 pages]

### Recommendation from the Policy Committee:

That Council adopts Policy 121 Covid-19 Business Grants as at attachment 1.

### Purpose

The purpose of this report is for Council to adopt Draft Policy 121 Covid-19 Business Grants, which will establish a grants program specifically targeted at local businesses to assist in Covid-19 recovery.

### In brief

- At its meeting of 16 July 2020, the Covid-19 Response Working Group (CRWG) endorsed the inclusion of a Covid-19 business grants program as a project in the Covid-19 Action Plan (CAP) which is currently being finalised.
- Draft Policy 121 Covid-19 Business Grants (the Draft Policy) establishes guidelines for this business grants program. It includes two grants categories, one being micro-grants to help small businesses improve resilience, and the second being for larger projects that have broad economic and business benefits.
- The Draft Policy has been drafted as a separate policy to the Town's existing Policy 114 Community Funding so that it can be easily managed as a recovery initiative focused on business.

### Background

1. Under Policy 001 Policy management and development, a policy response was identified as required in order 'to meet the Town's strategic objectives'.
2. The Town is currently in the process of planning the recovery from the Covid-19 pandemic. To guide recovery process, the Town has adopted the "Restart VicPark" strategy which lays out the broad process for preparing a CAP and a series of strategic objectives for recovery.
3. At its meeting of 16 July 2020, the Covid-19 Response Working Group (CRWG) endorsed a Covid-19 Business Grants program as a suitable project for inclusion in the CAP. The program is consistent with the following Restart VicPark objectives:
  - R1.3: Support a community-led approach to allow recovery to start from sideways and bottom-up;
  - R2.1: Invest in the local economy by creating new opportunities;
  - R2.2: Make it easy for local businesses to adapt and evolve; and
  - T2.1: Look after the stability of our local economy.

4. To ensure that the Covid-19 Business Grants program is delivered in a fair, consistent and transparent manner, it is necessary to introduce the Draft Policy to guide the program.

Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The Policy guides the grants program, particularly the assessment of applications. The Policy provides a concise, transparent framework for the awarding of Town funds to private parties as grants to aid Covid-19 recovery.

<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The grants program is intended to help local small businesses build their resilience and support delivery of programs with broad benefits for the local business community. The program encourages businesses to innovate in adapting to and recovering from the effects of Covid-19.

<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	The grants program provides funding directly to local businesses to make positive changes or deliver projects with local benefits.

## Engagement

<b>Internal engagement</b>	
Stakeholder	Comments
CRWG	CRWG has provided general support for a Covid-19 Business Grants program and some guidance on the key concepts.
Governance	Governance has provided advice on the policy approach and feedback on the draft policy document.
Economic Recovery Taskforce (ERT)	The policy concepts were discussed at an ERT meeting and the draft policy document circulated to ERT members for feedback.
Place Planning, Community Development	The draft policy document was circulated to several staff from these teams who have experience with grants and community funding initiatives for feedback.

## Legal compliance

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

### Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Successful projects fail to deliver the expected benefit	Insignificant	Unlikely	Low	Low	TREAT risk through preparing a Management Practice to guide project delivery, including a robust acquittals process; utilise a cross-functional panel for grants assessment to thoroughly consider likelihood of project success ACCEPT that a range of unforeseen factors may limit project success
Environmental	Not applicable				Medium	
Health and safety	Not applicable				Low	
Infrastructure/ ICT systems/ utilities	Not applicable				Medium	
Legislative compliance	Not applicable				Low	
Reputation	Delivery of grants projects is unsuccessful or triggers events that could reflect badly on the Town	Unlikely	Minor	Low	Low	TREAT the risk through preparing a Management Practice and establishing strong guidelines

						for the Town's role in projects
Reputation	Demand for "Small Business Resilience" grants exceeds availability of funding, causing frustration for businesses or negative feedback	Unlikely	Minor	Low	Low	TREAT the risk through preparing clear guidelines and communications on how the program is managed ("first in, first served" assessment). Ongoing review of the program delivery.
Service delivery	Administration of grants program requires more staff resources than anticipated	Minor	Possible	Medium	Medium	TREAT the risk through thorough cross-functional project planning to maximise efficiency in delivery. ACCEPT the risk if volume of applications received exceeds planned capacity.

## Financial implications

<b>Current budget impact</b>	Sufficient funds do not exist within the annual budget. There is currently no funding available. It is proposed that funding will be acquired through: <ul style="list-style-type: none"> <li>Covid-19 Recovery Funds - \$91,500.00</li> </ul>
<b>Future budget impact</b>	Not applicable.

## Analysis

- The rationale for the clauses in the Draft Policy is outlined below and should be read in conjunction with the Draft Policy which is contained in Attachment 1.

Clause	Proposed	Reason
1 to 4	See attached	These clauses provide basic parameters for administration of Covid-19 Business Grants.
5 to 6	See attached	These clauses provide basic eligibility and ineligibility requirements for applicants. These

		clauses are largely consistent with those for Community Funding.
7 to 14	See attached	These clauses outline the basic standards for the Town to assess applications for grants.
15 to 16	See attached	These clauses outline the basic requirements for recipients to acquit grants
17 to 22	See attached	These clauses provide specific aims and criteria for the Covid-19 Small Business Resilience Grants category.
23 to 27	See attached	These clauses provide specific aims and criteria for the Covid-19 Economic Development Grants category.
28	See attached	Clause 28 is a sunset clause, that will automatically revoke the policy 12 months from its intended launch. This is included because the program is intended to be a specific Covid-19 recovery action, rather than an ongoing program. This clause can be reviewed and the life of the policy extended if necessary.

6. A Council Policy and associated Management Practice should guide the delivery of the Covid-19 Business Grants program endorsed by the CRWG. This could potentially be achieved through amendments to the existing Policy 114 Community Funding or through the adoption of a new, separate policy. The latter approach is recommended as it clearly establishes the grants program as a temporary Covid-19 recovery initiative, with a simple sunset clause and the ability to tailor general provisions to the unique needs of the program.
7. The Policy establishes two categories of Covid-19 Business Grants – Covid-19 Small Business Resilience Grants and Covid-19 Economic Development Grants.
8. Covid-19 Small Business Resilience Grants are micro-grants intended to provide responsive, readily accessible support to local small businesses as they adapt to the impacts of the pandemic. Funding of up to \$1,000 can be given to projects that help small business adapt and build resilience – these grants are not to be used for standard operational costs, and only local small businesses are eligible to apply. Building resilience will benefit the individual business and the broader local economy in the long-term.
9. Covid-19 Small Business Resilience Grants will be awarded on an open, ongoing basis for as long as funds are available. Applicants that meet the eligibility criteria will be awarded funds in the order of receipt. This approach is recommended for two reasons – firstly, it makes the timing of application swifter and more flexible for business. Successful applicants can potentially receive funding within weeks of the program launching and applications can continue to be submitted when businesses are ready. Secondly, this approach removes the need for administration to assess the merit of applications that are potentially very similar from similarly deserving businesses. This makes the entire process simpler and objective for all parties.

10. Covid-19 Small Business Resilience Grants will be implemented in a similar manner to the Town's CCTV Partnership Program, with funds being provided as a reimbursement. This is both to ensure accountability for the Town when distributing funds with minimal assessment criteria, and to allow businesses to progress projects while waiting for the outcome of their application – the Draft Policy does not state that retrospective applications are ineligible, unlike Policy 114 Community Funding. It is possible for businesses to commence the project after having their application assessed, where cashflow or project timing issues require this.
11. Covid-19 Economic Development Grants are larger grants of up to \$8,000 for projects that deliver a broader, more strategic economic benefit. Applications can be accepted from businesses, incorporated associations or individuals/groups under an auspice organisation. These broader criteria contemplate potential applications from bodies wanting to deliver a project with clear economic benefits but who do not fall within the Draft Policy's definition of a small or medium business (eg Chamber of Commerce, business networking groups, an informal collaboration of employees or experts). The project must still clearly demonstrate a benefit for business and the economy within the Town of Victoria Park.
12. Covid-19 Economic Development Grants will be assessed and administered through a similar process to other community grants, with advertised funding rounds and a panel assessing applications on a competitive basis. This approach reflects the higher value and associated higher expected benefits/return for this grant category.
13. It is recommended that the Council adopt the Draft Policy without a public comment period. This is so that the proposed grants program can commence and ultimately deliver assistance to the business community as soon as possible. The Local Government Act does not set mandatory statutory advertising requirements for Council policies.
14. A Management Practice will be prepared to support administration of the Covid-19 Business Grants program. In keeping with Policy 001 Policy Management, this Management Practice will be approved by the CEO and finalised prior to the launch of the Covid-19 Business Grants program.
15. Funding for the grants program is proposed to come from the proposed Covid-19 recovery funding. At the time of preparing this report, the 2020/21 budget has not been finalised and the exact allocation of this funding is not confirmed. However, the Draft Policy does not place any budget obligations on the Council and the details of program funding can be managed as the budget is finalised.

## Relevant documents

[Covid-19 Response Strategy - Restart VicPark](#)

[Policy 114 Community Funding](#)

## Further consideration

Following the Policy Committee meeting held on 27 June 2020, the attached version of the policy includes the amendments proposed by the Policy Committee.

There were no questions asked or presentations made in relation to this item.

## **16 Public participation time**

### **Vince Maxwell**

Mr Maxwell made a statement regarding information regarding private use vehicles and the provision of information regarding these.

1. Will the CEO apologise in refusing my initial request and refund the \$30 for my freedom of information request?

The Mayor said there is no basis for a refund or an apology.

2. Is there any recourse that a ratepayer can take simply because a staff member refuses to provide information that should have justifiably should have been supplied without going through a freedom of information process?

The Mayor advised that you can seek information by writing to the Town, ask at a meeting of Council or lodging a freedom of information request.

Mr Maxwell made a statement around the accuracy of information regarding private use vehicles and senior employees.

### **Sam Zammit**

1. I believe we have spend over \$1 Million on Edward Millen House?

The Chief Operations Officer advised that he believes there was 1.2 million dollars spent several years ago to make the building water tight to enable it to remain intact.

2. Does Edward Millen House have a kitchen?

The Mayor advised it does not.

3. Do we plan to have an operational kitchen in there?

The Mayor advised that at this time we have some planning works underway for this building which has included a significant amount of community consultation.

4. Are the rose gardens still at Edward Millen House?

The Mayor advised that yes the gardens are well maintained by our Parks team.

Mr Zammit made a statement regarding Edward Millen House and its potential uses.

## **17 Questions from members without notice on general matters**

Nil.

## **18 Confidential matters**

### **18.1 - CEO 2019 - 2020 Performance review**

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**18.2 - CEO Key Performance Indicators**

**18.3 - Mindarie Regional Council - proposed actions for Resource Recovery Facility**

Item withdrawn.

**19 Closure**

There being no further business, Mayor Karen Vernon closed the meeting at 07:52 pm.

I confirm these minutes to be true and accurate record of the proceedings of the Council/Committee.

Signed: .....  
.....

Dated this: ..... Day of: ..... 2020