

# agenda

Future Planning Committee



Please be advised that a **Future Planning Committee Meeting** will be held at **5.30pm** on **Wednesday 21 November 2018** in Meeting Room 1 at the Administration Building, 99 Shepperton Road, Victoria Park.

A handwritten signature in black ink, appearing to read "A Vuleta".

**ANTHONY VULETA**  
**CHIEF EXECUTIVE OFFICER**

**16 November 2018**

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## 1 OPENING

## 2 ATTENDANCE

**Members:**

**Banksia Ward:** Cr C (Claire) Anderson  
Cr R (Ronhda) Potter (Presiding Member)

**Jarraah Ward:** Cr B (Brian) Oliver  
Cr V (Vicki) Potter (Deputy Mayor)

**Independent Committee Member:** Mr S (Scott) Davies

**Chief Community Planner** Ms N (Natalie) Martin Goode

**Manager Development Services** Mr R (Robert) Cruickshank

**Manager Place Planning** Mr D (David) Doy

**Manager Technical Services** Mr J (John) Wong

**Principal Infrastructure** Mr F (Frank) Squadrito

**Coordinator**

**Environment Officer** Mr B (Brendan) Nock

**Secretary:** Mrs S (Susan) Fraser

**Guests:**

### 2.1 Apologies

### 2.2 Approved Leave of Absence

## 3 DECLARATIONS OF INTEREST

Declarations of interest are to be made in writing prior to the commencement of the Meeting, (a form to assist Elected Members and Staff is attached at the end of this Agenda).

### **Declaration of Financial Interests**

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

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

**Declaration of Proximity Interest**

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

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

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

**Declaration of Interest affecting impartiality**

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

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

## 4 CONFIRMATION OF MINUTES

**That the Minutes of the Future Planning Committee Meeting held on 17 October 2018 be confirmed**

## 5 TERMS OF REFERENCE

### 1 Name

Future Planning Committee

### 2 Purpose

The Town's *Strategic Community Plan* notes four components of the Mission Statement, namely –

- Social – To promote sustainable connected, safe and diverse places for everyone.
- Economic – To promote sustainable diverse, resilient and prosperous places for everyone.
- Environment – To promote sustainable liveable, healthy and green places for everyone.
- Civic Leadership – To show leadership by communicating with, empowering and supporting people in the community.

The primary purpose of this committee shall be the Environment component of the Town's Mission Statement, which is to promote sustainable liveable, healthy and green places for everyone.

### 3 Scope

The Committee will primarily focus on the following key Environment Strategic Outcomes –

- Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town's character.
- A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.
- A place with sustainable, safe and convenient transport options for everyone.
- A clean place where everyone knows the value of waste, water and energy.
- Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.
- Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.
- Increased vegetation and tree canopy.

Wherever possible, the Committee will seek opportunities to address the following additional Strategic Outcomes –

- Everyone receives appropriate information in the most efficient and effective way for them.
- Appropriate devolution of decision making and service provision to an empowered community.

- People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.
- A community that is authentically engaged and informed in a timely manner.

#### **4 Deliverables**

The Committee will –

- Provide strategic leadership in the development and regular review of policies and strategies that are inclusive, empowering and build capacity of the Town of Victoria Community.
- Be proactive in planning to accommodate population growth.
- Maintain and build on the existing heritage and character of the Town.
- Promote a strong identity for the Town as an inner-city urban centre.
- Ensure the Council is an advocate for the community in local and regional matters.

Specifically the Committee will ensure delivery of the following –

- Annual review of policies, strategies and plans related to the Scope of the Committee.
- Public Open Space Strategy.
- Housing Strategy.
- Local Planning Strategy.
- Local Planning Scheme Review.
- Environmental Plan.
- Integrated Movement Network Strategy.
- Urban Forest Strategy.

#### **5 Reporting**

Although any Service Area of the Town may report through this Committee on matters associated with the Primary Purpose and Scope, the following Service Areas of Council are likely to predominantly feature –

- Asset Planning
- Building Services
- Environment
- Fleet Services
- General Compliance
- Parks and Reserves
- Place Management
- Strategic Town Planning
- Street Improvement
- Street Operations
- Urban Planning
- Waste Services

#### **6 Governance**

The Committee is a Council-created Committee formed under Subdivision 2 (Committees and their meetings) of the *Local Government Act 1995* and is governed by the provisions of the *Town of Victoria Park Standing Orders Local Law 2011* and the *Local Government Act 1995* and its Regulations.

The Committee will comprise a maximum of four (4) Elected Members (being two (2) Elected Member representatives from each of the Town's two (2) wards with five (5) Elected Members being appointed in a hierarchical order as alternate deputy members) and up to two (2) other persons (that may be co-opted from time-to-time for such period, or in relation to such matters, as determined, where that person's experience, skills or qualifications would enable him or her to make a contribution to the Committee's functions).

In accordance with section 5.19 of the *Local Government Act 1995*, the quorum for a meeting of the Committee is at least 50% of the number of offices (whether vacant or not) of members of the Committee.

#### **7 Meeting arrangements**

The Committee shall convene in accordance with the annual adopted meeting schedule.

#### **8 Authority**

The Committee has no delegated power. The Committee may only make recommendations to Council for a decision.

#### **9 Review**

The Committee and Committee Terms of Reference will be reviewed from time-to-time and immediately following each local government election.

## **6 PRESENTATIONS**

### **6.1 Deputations**

## **7 METHOD OF DEALING WITH AGENDA BUSINESS**

### **RECOMMENDATION:**

**That clause 6.10 *Speaking Twice of the Town of Victoria Park Standing Orders Local Law 2011* be suspended for the duration of this meeting.**

## 8 REPORTS

### 8.1 Adoption of Revised Local Planning Policies 3 and 4 and Revocation of Local Planning Policy 5

<b>File Reference:</b>	PLA/6/44
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Draft Revised Local Planning Policy 3 ‘Non-Residential Uses In or Adjacent to Residential Areas’ (as modified)</li> <li>2. Draft Revised Local Planning Policy 4 ‘Mixed Use Development and Residential Uses in Non-Residential Areas’ (as modified)</li> <li>3. Ordinary Council Meeting Minutes of 10 July 2018</li> </ol>
<b>Attachments</b>	No

<b>Date:</b>	2 November 2018
<b>Reporting Officer:</b>	L. Parker
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:**

**Recommendation – The Future Planning Committee recommend that Council adopt Draft Revised Local Planning Policies 3 and 4 (as further modified and contained within the Appendices) and revoke Local Planning Policy 5.**

- Council’s Urban Planning Business Unit are currently undertaking a comprehensive review of all 37 Local Planning Policies (LPPs). The local planning policies are being progressively amended, adopted and/or revoked following their review and public advertising of any recommended changes.
- Existing LPP3 has been revised to provide clearer provisions for non-residential uses and contribute to improved streetscape and amenity outcomes for surrounding properties.
- Existing LPPs 4 and 5 have been reviewed and consolidated to form a single policy outlining the requirements that apply to mixed use development and residential uses in non-residential areas. The consolidation of these LPPs means existing LPP5 will become redundant and is therefore proposed to be revoked.
- The revisions to LPPs 3 and 4, and revocation of LPP5, have been advertised for public comment. No submissions were received during the consultation period.
- Further refinement of the provisions contained in Draft Revised LPPs 3 and 4, has resulted in a number of modifications to address minor spelling or grammatical errors and text alignment issues.
- Clause 5 of draft revised LPP3 has been further modified to clarify that the requirement for non-residential development to comply with residential side setback requirements applies where the non-residential development is proposed adjacent to a Residential zoned property (rather than any residential property irrespective of zoning). This is to avoid overly onerous side setback requirements to an existing residential development on non-residential zoned land that is likely to be redeveloped for non-residential or mixed use development in the future.
- It is recommended that Draft Revised LPPs 3 and 4 (as modified) be adopted by the Council.
- It is recommended that Council revoke LPP5, as it is now redundant following its consolidation to form part of revised LPP4.



**TABLED ITEMS:**

Nil

**BACKGROUND:**

The subject Policies were previously Policies forming part of the Town Planning Scheme No. 1 (TPS 1) Policy Manual.

Amendment 69 to TPS 1, which was gazetted on 2 December 2016, removed the Policies as forming part of the Town Planning Scheme.

At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt a number of planning policies as Local Planning Policies, including the Policies the subject of this review.

**DETAILS:**

A review of LPPs 3, 4 and 5 has been undertaken by Council Officers, which has included consideration of:

- the effectiveness of the current Policies including any issues of interpretation, application and gaps or deficiencies;
- like Policies of other Local Governments;
- alignment with relevant State legislation, policy and/or guidelines (where applicable);
- greater clarity in the objectives of the Policies; and
- improving the presentation of the Policies.

The detailed review of each of the LPPs is detailed in the Minutes of the Ordinary Council Meeting held on 10 July 2018, where consent to publicly advertise the recommended changes to the LPPs was granted by Council.

Community Consultation

Draft revised LPPs 3 and 4, and the proposed revocation of LPP5, were publicly advertised from 11 September to 2 October 2018, and included:

- Publication of a notice in the Southern Gazette on 11 September 2018;
- Hard copy displays at Council's Library and Administration Building;
- Online consultation and invitations to submit comments via the Town's 'Your Thoughts' consultation hub; and
- Advertising/promotion on the Town's online social media platforms.

No submissions were received during the consultation period, however a summary of the Your Thoughts activity during the consultation period is provided below.

Policy Proposal	No. of visitors	No. of document downloads	No. of submissions
Draft Revised LPP3	35 (39 visits total)	35	0
Draft Revised LPP4	9	5	0
Revocation of LPP5	11	4	0

### Modifications to Revised LPPs 3 and 4

Further refinement of the provisions contained in Draft Revised LPPs 3 and 4, has resulted in a number of modifications to address minor spelling or grammatical errors and text alignment issues.

Clause 5 of draft revised LPP3 has also been modified to clarify that the requirement for non-residential development to comply with residential side setback requirements (i.e. as per the Residential Design Codes) applies where the non-residential development is proposed adjacent to a 'Residential' zoned property (rather than any residential property irrespective of zoning). This is to avoid overly onerous side setback requirements to an existing residential development (e.g. an original house) on non-residential zoned land that is likely to be redeveloped for non-residential or mixed use development in the future. This change ensures that the intended built form outcomes as defined by the relevant Precinct Plan and/or Design Guidelines (if applicable) are able to be achieved. Clause 6 of LPP3 continues to provide for amenity considerations of adjoining residential properties irrespective of zoning, with major openings of new developments being required to be either setback or visually screened from existing neighbouring residential development.

No substantive changes are proposed to draft revised LPP4.

A copy of draft revised LPPs 3 and 4 (as further modified by Council Officers) are contained in the Appendices to this report.

### **Legal Compliance:**

#### *Planning and Development (Local Planning Scheme) Regulations 2015*

The amendment of a Local Planning Policy is to be undertaken in accordance with deemed clauses 4 and 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations), including:

- Community consultation for a period of not less than 21 days; and
- Consideration of public submissions and a Council resolution to proceed with the new or amended policy with or without modifications, or not to proceed.

A Local Planning Policy may be revoked in accordance with deemed clause 6 of the Regulations, where:

- It is expressly revoked by a subsequent local planning policy prepared in accordance with deemed clause 4; or
- By a notice of revocation prepared by the local government and published in a newspaper circulating within the Scheme area.

As per deemed clause 4(5) and clause 6(b)(ii), the adoption of a new or revised local planning policy, or the revocation of an existing local planning policy, takes effect upon publication of a notice in a newspaper circulating within the Scheme Area.

### **Policy Implications:**

The draft revised LPPs provide greater clarity in their objectives, application and applicable requirements, and forms part of a review of all of the Town's LPPs.

**Risk Management Considerations:**

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/ Actions
<p>Compliance: LPPs 3, 4 and 5 are currently lacking in clear, comprehensive provisions to ensure appropriate built form, neighbourhood amenity and streetscape outcomes. Should revised LPPs 3 and 4 not be amended (and LPP5 not be revoked) there will continue to be a shortfall in adequate policy provisions to address neighbouring property amenity issues and clearly articulate location, design and other requirements for various forms of development within the Town.</p>	<p>Moderate</p>	<p>Likely</p>	<p>Low</p>	<p>Adopt revised LPPs 3 and 4 (as modified) and revoke LPP5, which is now redundant.</p>

**Strategic Plan Implications:**

Environment

EN1 – Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town’s character.

Economic

EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.

**Financial Implications:**

There will be a cost for public advertising of the proposals and the publication of required notices in the Southern Gazette newspaper, with their being funds available to cover this cost.

**Sustainability Assessment:**

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

The relevant LPPs have been reasonably effective in dealing with the forms of development that they relate to. However it is considered that revisions should be made to further improve their effectiveness and ease of use and understanding by members of the public. Further, the review has indicated that existing LPPs 4 and 5 will be more easily administered and more effective in achieving their objectives by consolidating them as a single revised policy.

It is recommended that the Future Planning Committee recommend that Council formally adopt draft revised LPPs 3 and 4, as modified and contained within the Appendices to this report. It also recommended that existing LPP5 be revoked as it is now redundant following its incorporation as part of revised LPP4.

**RECOMMENDATION/S:**

The Future Planning Committee recommends that Council:

1. **Adopt revised Local Planning Policy 3 ‘Non-residential Development In or Adjacent to Residential Areas’, as modified and contained in Appendix 1;**
2. **Adopt revised Local Planning Policy 4 ‘Mixed Use Development and Residential Uses in Non-Residential Areas’, as modified and contained in Appendix 2;**
3. **Revoke Local Planning Policy 5 ‘Mixed Residential/Commercial Development’;  
and**
4. **Notes the adoption of revised Local Planning Policies 3 and 4, and revocation of Local Planning Policy 5, taking effect upon publication of a notice in the Southern Gazette newspaper.**

## 8.2 Review of Local Planning Policy 31 ‘Specialised Forms of Accommodation Other Than Dwellings’

<b>File Reference:</b>	PLA/6/44
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1 Draft revised Local Planning Policy 31 ‘Serviced Apartments and Residential Buildings including Short Term Accommodation’</li> <li>2 Existing Local Planning Policy 31 ‘Specialised Forms of Accommodation Other Than Dwellings’</li> </ol>
<b>Attachments</b>	No

<b>Date:</b>	2 November 2018
<b>Reporting Officer:</b>	L. Parker
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

### Executive Summary:

**The Future Planning Committee Recommends to Council that the draft revised Local Planning Policy 31 as contained within Appendix 1, be advertised for public comment for a minimum period of 21 days in accordance with deemed clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

- Council’s Urban Planning Business Unit are currently undertaking a comprehensive review of all 37 Local Planning Policies (LPPs). The local planning policies are being progressively amended, adopted and/or revoked following their review and public advertising of any recommended changes.
- In reviewing LPP31, consideration has been given to a number of matters including: the effectiveness of the current Policy including any issues of interpretation, application and gaps or deficiencies; like Policies of other Local Governments; alignment with relevant State legislation, policy and/or guidelines (where applicable); greater clarity in the objectives of the Policy; improving the presentation of the Policy.
- Several improvements have been identified to assist applicants, community members and Council staff in utilising the policy, and to address a number of deficiencies that have been identified since its introduction.
- It is recommended that draft revised LPP31 be advertised for public comments.

### TABLED ITEMS:

Nil

### BACKGROUND:

Local Planning Policy 31 ‘Specialised Forms of Accommodation Other Than Dwellings’ was originally adopted as an Administrative Policy (Council Policy PLNG17) on 10 April 2012. The policy was prepared further to a Council directive to develop a short term accommodation policy in August 2011, following Council’s decision to refuse a retrospective application for a Residential Building comprising lodging house accommodation.

Rather than dealing with short term accommodation alone, the policy was prepared to deal with all forms of Residential Building (including short term accommodation, bed and breakfast accommodation and lodging houses) and Serviced Apartments in order to comprehensively guide and facilitate the appropriate provision of all forms of commercial

accommodation in the Town, aside from Hotel and Motel uses.

Amendment 69 to TPS1, which was gazetted on 2 December 2016, removed the TPS1 Policy Manual as forming part of the Town Planning Scheme.

At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt the planning policies contained within the former TPS1 Policy Manual, those adopted as Local Planning Policies prepared under the R-Codes, and those adopted as Administrative Policies (otherwise known as PLNG Policies) as Local Planning Policies, including the Policy the subject of this review.

#### **DETAILS:**

A review of LPP31 has been undertaken by Council Officers including considering:

- the effectiveness of the current Policy including any issues of interpretation, application and gaps or deficiencies;
- like Policies of other Local Governments;
- alignment with relevant State legislation, policy and/or guidelines (where applicable);
- greater clarity in the objectives of the Policy;
- improving the presentation of the Policy; and
- consolidating the provisions of the Policy where possible to avoid unnecessary duplication or overlap in its provisions.

The following improvements have been identified to assist applicants, community members and Council staff in utilising the policy, and to address a number of deficiencies that have been previously identified during the assessment and consideration of applications for Residential Buildings by the Town. The proposed changes include:

1. Incorporating standardised formatting changes consistent with all other reviewed policies;
2. Retitling the policy to 'Serviced Apartments and Residential Buildings including Short Term Accommodation' to more clearly identify the policy as dealing with the most common form of Residential Building land use, namely Short Term Accommodation;
3. Deletion of the policy contents page and renumbering of policy clauses;
4. Moving the information relating to other non-planning legislation to Appendix 1 at the back of the Policy;
5. Updating terminology and references to policies and legislation to reflect their current versions;
6. Inserting new policy objective (f) with the stated aim to locate Residential Buildings and Serviced Apartments in a coordinated manner that provides accessibility and convenience for guests/occupants while minimising potential adverse amenity impacts, particularly within low density residential areas and local neighbourhood streets;
7. Inserting new section clarifying when development approval for Serviced Apartment or a Residential Building is required from the Town (i.e. in all instances).
8. Converting the former Part 1.3 of the existing Policy to a simplified 'Policy Scope' section and list of definitions that are more user-friendly and easier to refer to;
9. Substantially reviewing and consolidating the design and location requirements in part 2 of the existing Policy which separately listed the requirements for the various types of Residential Buildings (e.g. Lodging Houses, Bed and Breakfast and Short Term

- Accommodation) but which contained significant overlap in provisions. This change resulted in deletion of approximately two pages of policy clauses;
10. Modifying the locational criteria used to consider the appropriate location of Residential Buildings and Serviced Apartments (revised Clause 1) by:
    - a. Clarifying the objective of the clause to reduce potential adverse amenity impacts, particularly within low density, suburban environments (refer Clause 1.1); and
    - b. Requiring proposals to meet at least two (2) of the locational criteria in order to be considered for support by Council, in order to achieve Clause 1.1 (refer Clause 1.2);
  11. Modifying the entrance design requirements for Serviced Apartment to allow for suitable alternatives to a manned reception lobby/foyer for convenient access to accommodation by guests at their time arrival and the pick-up/drop-off of any keys (e.g. secure combination key safes or electronically coded access to accommodation) (refer Clause 3.2(e));
  12. Revision of the requirements to be addressed by the Management Plan for a Residential Building or Serviced Apartments, namely that it should address the following additional information:
    - a. Name and contact details of the owner, manager and other persons responsible for management or servicing of the premises, including addresses, email and direct telephone contact details (refer Clause 6.1(a));
    - b. Expansion of the Complaints Management Procedure requirement (refer Clause 6.1(c) to:
      - i. detail the approach and timeframe to resolve any complaints received and provide feedback to the complainant that appropriate actions have been taken to resolve the issue and prevent further occurrences;
      - ii. require it to be provided to all properties surrounding the premises (if approved) and for revised copies to be provided should the person(s) responsible for receiving and responding to complaints (or their contact details) change; and
      - iii. there being at least one person available by direct telephone at all times of operation of the accommodation, that is within local proximity of the premises to be able to respond and be present at the site, within one hour of any complaints or other issues being received;
    - c. Car parking management measures to include instructions to guests on vehicle numbers (refer Clause 6.1(h));
    - d. Revision of the Code of Conduct requirements to include instructions on the appropriate use of outdoor entertainment areas, guests/visitors to the accommodation, noise and the playing of loud music (Refer Clause 6.1(i); and
    - e. Details of consequences/measures that will be taken should guests fail to adhere to House Rules/Code of Conduct etc. (e.g. eviction of guest).
  13. Amending the 'Application Information' requirements to specify that proposals involving the use of common property must include signed consent from the Strata Council/Body Corporate or all relevant owners in order to be a valid development application (refer Clause 9.3);
  14. Deletion of the requirement for an on-site register (existing Clause 3.4) as it is unclear what advantage such a register would provide, particularly as the vast majority of bookings and guest details of accommodation are made online and stored electronically;
  15. Deletion of the requirement for Council to maintain a register of approved Residential Buildings and Services Apartments (existing Clause 3.5) as such a register has not

been implemented by Council's administration given the ability to search for and extract details of approvals from Council's development applications database and electronic records management system;

16. Modification of the term of approval clause, to specify that approval of more than 12 months (which is the standard temporary approval timeframe) may be considered for prospective applications that involve construction of a new building for the use (refer Clause 10.1); and
17. The creation of a Management Plan template to inform and assist applicants in preparing the document and addressing the requirements outlined in the Policy.

The above changes have resulted in an overall reduction in the length of the Policy from 22 to 10 pages, excluding the Appendices.

A copy of draft revised LPP31 is contained within Appendix 1 to this report. For comparison, the existing (currently operative) version of LPP31 is also contained in the Appendices (Appendix 2).

### **Legal Compliance:**

#### Local Planning Policies

The amendment of a Local Planning Policy is to be undertaken in accordance with deemed clauses 4 and 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, including:

- Community consultation for a period of not less than 21 days; and
- Consideration of public submissions and a Council resolution to proceed with the policy with or without modifications, or not proceed.

As per deemed clause 4(5), the adoption of a new or revised local planning policy takes effect upon publication of a notice in a newspaper circulating within the Scheme Area.

It is proposed that the community consultation will include the following in accordance with Council's Local Planning Policy 37 'Community Consultation on Planning Proposals' :

- Notice in the Southern Gazette newspaper once a week for the duration of the consultation period.
- Notice via social media platforms.
- Online consultation through Your Thoughts.

### **Policy Implications:**

The proposed draft revised Policies provide greater clarity in the objectives, application and applicable requirements, and form part of a review of all of the Town's LPPs.

#### Proposed Amendment No. 80 to TPS1

Amendment 80 to TPS1, which is currently being progressed with the WAPC for final approval following its initiation and public advertising, proposes to substantially amend the land use definitions and Zoning Table contained within the Scheme Text to bring it broadly into alignment with the WAPC's Model Scheme Text. The review of LPP31 has considered the changes proposed as part of Amendment 80 and has included alteration of the definition used in the Policy for 'Bed and Breakfast' to bring it into consistency with the land use definition contained in the Model Scheme Text.



Review of the definitions of the various forms of Residential Building used in LPP31 was undertaken as part of the preparation of Amendment 80, and included consideration of a variety of other land use and general definitions contained in the Model Scheme Text relating to transient accommodation of various kinds. The majority of these were found not to be required for introduction to TPS1 as the existing use class of ‘Residential Building’ captures the vast majority of accommodation types that have or are likely to be developed in the Town, aside from Hotels and Serviced Apartments, which are already separately defined land uses under TPS1.

**Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/ Actions</b>
Compliance: Application of Policies which could be clearer in their intent, and in some instances could have been more effective if clearer and containing additional requirements	Moderate	Likely	Low	Support the proposed draft revised Policy for the purposes of community consultation.
Compliance: Application of Policies that contain superfluous or duplicated provisions which are capable of being consolidated to form shorter, more user-friendly documents.	Moderate	Likely	Low	Support the proposed draft revised Policy for the purposes of community consultation.

**Strategic Plan Implications:**

Environment

EN1 – Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town’s character.

Economic

EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.

**Financial Implications:**

There will be a cost for advertising of the proposal in the Southern Gazette newspaper, with their being funds available to cover this cost.

**Sustainability Assessment:**

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

Existing LPP31 has proven effective in guiding Council's consideration of Residential Building and Serviced Apartments proposals since its introduction.

A number of improvements have been identified to assist applicants, community members and Council staff in utilising the policy, and to address a number of deficiencies that have been previously identified during the assessment and consideration of applications received since its introduction. The proposed changes significantly reduce the length of the policy through the consolidation of its provisions and removal of duplicated requirements for the various forms of Residential Building. They also improve and clarify the requirements to be addressed as part of the Management Plan required for these uses and improves the locational criteria used to determine whether a proposal is suitably located to avoid potential adverse amenity impacts, particularly within low density, suburban environments.

It is recommended that the Future Planning Committee recommend to Council that draft revised Local Planning Policy 31 as contained within Appendix 1 to this report, be advertised for public comment. 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 Policy (in its current revised form or in a further modified form).

**RECOMMENDATION FROM THE FUTURE PLANNING COMMITTEE:**

**That draft revised Local Planning Policy 31 'Serviced Apartments and Residential Buildings Including Short Term Accommodation' (as contained within Appendix 1) be advertised for public comment for a minimum period of 21 days in accordance with deemed clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

### 8.3 Revocation of Local Planning Policy 1 and Adoption of Revised Local Planning Policies 6 and 37

<b>File Reference:</b>	PLA/6/44
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Draft Revised Local Planning Policy 6 'Family Day Care and Child Care Premises' (as modified)</li> <li>2. Draft Revised Local Planning Policy 37 'Community Consultation on Planning Proposals' (as modified)</li> <li>3. Ordinary Council Meeting Minutes of 14 August 2018</li> <li>4. Ordinary Council Meeting Minutes of 11 September 2018</li> </ol>
<b>Attachments</b>	No

<b>Date:</b>	2 November 2018
<b>Reporting Officer:</b>	L. Parker
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

#### **Executive Summary:**

**Recommendation – The Future Planning Committee recommend that Council adopt Draft Revised Local Planning Policies 6 and 37 (as further modified and contained within the Appendices) and revoke Local Planning Policy 1.**

- Council's Urban Planning Business Unit are currently undertaking a comprehensive review of all 37 Local Planning Policies (LPPs). The local planning policies are being progressively amended, adopted and/or revoked following their review and public advertising of any recommended changes.
- Existing LPP1 has been reviewed with the majority of its provisions being found to be superseded by those of Draft Revised LPP37, and is therefore redundant.
- LPP6 has been reviewed and revised to bring it into line with current State Government childcare legislation, including provisions related to Family Day Care and provide robust criteria for the assessment of proposed Child Care Premises.
- LPP37 has been reviewed and revised to improve its format and readability, consolidate and revise the consultation requirements for a number of development/land use types, and link the policy to the Town's Strategic Community Plan.
- The revocation of LPP1, and revisions to LPPs 6 and 37, have been advertised for public comment.
- One (1) submission was received in relation to LPP6, which raised concerns with respect to the application of the policy provisions to a particular site intended to be developed for a child care premises/early learning centre. The concerns raised have been responded to and considered by Council Officers and were not found to necessitate any substantial changes to the policy provisions although minor wording changes have been made where considered appropriate.
- Further refinement of the provisions contained in Draft Revised LPPs 6 and 37, has resulted in a number of modifications to address minor spelling or grammatical errors and text alignment issues. There are no substantive modifications proposed to the provisions contained within the draft revised LPPs.
- It is recommended that Council revoke LPP1, as it has been found to be redundant following its review and having regard to the revised provisions contained in Draft Revised LPP37.
- It is recommended that Draft Revised LPPs 6 and 37 (as modified) be adopted by the Council.

**TABLED ITEMS:**

Nil

**BACKGROUND:**

The subject Policies were previously Policies forming part of the Town Planning Scheme No. 1 (TPS 1) Policy Manual.

Amendment 69 to TPS 1, which was gazetted on 2 December 2016, removed the Policies as forming part of the Town Planning Scheme.

At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt a number of planning policies as Local Planning Policies, including the Policies the subject of this review.

**DETAILS:**

A review of LPPs 1, 6 and 37 has been undertaken by Council Officers, which has included consideration of:

- the effectiveness of the current Policies including any issues of interpretation, application and gaps or deficiencies;
- like Policies of other Local Governments;
- alignment with relevant State legislation, policy and/or guidelines (where applicable);
- greater clarity in the objectives of the Policies; and
- improving the presentation of the Policies.

The detailed review of each of the LPPs is detailed in the Minutes of the Ordinary Council Meetings held on 14 August 2018 (LPP6) and 11 September 2018 (LPPs 1 and 37), where consent to publicly advertise the recommended changes to the LPPs was granted by Council.

Community Consultation

Draft revised LPPs 6 and 37, and the proposed revocation of LPP1, were publicly advertised from 9 to 30 October 2018, and included:

- Publication of a notice in the Southern Gazette on 9 October 2018;
- Hard copy displays at Council's Library and Administration Building;
- Online consultation and invitations to submit comments via the Town's 'Your Thoughts' consultation hub; and
- Advertising/promotion on the Town's online social media platforms.

One (1) submission was received in relation to LPP6 during the consultation period. A summary of the Your Thoughts activity during the consultation period is provided below.

Policy Proposal	No. of visitors	No. of document downloads	No. of submissions
Revocation of LPP1	7	4	0
Draft Revised LPP6	18	16	1
Draft Revised LPP37	10	7	0

**Submission from owner of 12 Lathlain Place**

The single submission received during the consultation period was an objection from the owner of 12 Lathlain Place (sold by the Town), who is intending to develop the site as child care premises.

The objection raised a number of concerns in relation to several specific provision contained in draft revised LPP6, which are summarised and responded to below. It is noted that the submission also comments on provisions contained in revised LPP3 ‘Non-Residential Uses Within or Adjacent to Residential Areas’, which underwent previous separate consultation. Notwithstanding, these concerns are also summarised and responded to below.

<b>General Comments:</b>	<b>Response from Council Officers</b>
<p>We are greatly looking forward to meeting and collaborating with the Town of Victoria Park as part of our journey to the proposed quality development of the site into a great space</p>	<p>Comments and constructive approach to the development of the site is acknowledged.</p>
<p>If the proposed relevant policies were to be interpreted very literally, then the site, just by way of example, could be very difficult to develop to a quality outcome. In our view, 12 Lathlain Place is a fantastic site that should be appropriately developed with activation of the ‘town centre style’ streetfront in mind.</p>	<p>12 Lathlain Place is a unique example in that the properties along the same side of Lathlain Place are all zoned ‘Residential’ but are intended to be developed as part of a local, predominantly civic and commercial ‘main street’ environment.</p> <p>Accordingly, the Town would still have discretion to consider any proposal on its merits having regard to this intent and local streetscape context.</p>
<p>The site should be assessed on its merits: the literal application of many of the components of the relevant policies could substantially compromise the development quality and outcomes. For example the relevant policies application to this site would prescribe all focus/attention on the requirements around the one neighbouring residential property rather than focus on the other significant benefits and factors this site has ie a street front to Lathlain Place, etc.</p>	<p>Refer to comments above. The site-specific circumstances of 12 Lathlain Place are considered to warrant discretion by Council in terms of applying the provisions contained in revised LPP3 and revised LPP6. Development of sites along the eastern side of Lathlain Place is expected to take a similar scale and form to that of a main street environment within a ‘Local Centre’ zone.</p> <p>The Town has discretion to consider any proposal on its merits having regard to this intent and local streetscape context.</p> <p>Accordingly, no substantial changes are considered necessary to either revised LPP3 or revised LPP6, the provisions of which are considered necessary and appropriate for the vast majority of relevant development proposals.</p>

<b>Comments in relation to revised LPP3</b>	<b>Response from Council Officers</b>
<p>The last sentence of Paragraph 3 in the Introduction that states:</p> <p><i>“and demonstrate that that the use of land for non-residential purposes and any associated amenity impacts will not detrimentally impact upon the amenity of residential properties and areas”</i></p> <p>should read “unreasonably/ significantly/ unacceptably detrimentally impacting” or wording to give effect to an application being considered on its merits and considering all relevant factors as with orderly and proper planning.</p>	<p>Paragraph 3 of LPP3 is contained in the introduction and is a general statement rather than a specific policy requirement.</p> <p>Any development application must be considered on its merits having regard to any relevant local planning policies as well as orderly and proper planning.</p> <p>The suggested change would have little to no significance and is not considered necessary.</p>
<p>In relation to Clause 7 ‘Building Design’, an application should be considered on its merits and consider all relevant factors in line with orderly and proper planning. For example the requirements of ‘a residential scale and appearance’ on the Site would be a poor design outcome given the Lathlain place frontage.</p>	<p>12 Lathlain Place is a unique example in that the properties along the same side of Lathlain Place are all zoned ‘Residential’ but are intended to be developed as part of a local (predominantly civic and commercial) ‘main street’ environment.</p> <p>Accordingly, the Town would still have discretion to consider any proposal on its merits having regard to this intent and local streetscape context.</p> <p>These very site-specific circumstances do not warrant a change to Clause 7, which is considered necessary and appropriate in the vast majority of circumstances where non-residential development on Residential zoned land is proposed.</p> <p>Accordingly, Council Officers do not recommend any change to Clause 7.</p>
<p>In relation to Clause 11 ‘Landscaping’, the prescriptive requirements of subclauses (b) and (f) could create unworkable site constraints and result in a poor design outcome for the Lathlain Place frontage. An application should be considered on its merits.</p>	<p>Refer to comments above in relation to Clause 7 and the very site-specific circumstances of 12 Lathlain Place, which are considered to warrant Council discretion in relation to the requirements of LPP3.</p> <p>Council Officers do not recommend any changes to Clause 11(b) or (f).</p>

<b>Comments in relation to revised LPP6:</b>	<b>Response from Council Officers</b>
<p>As a general comment many of the clauses below on impact (noise, traffic, amenity etc) are already covered in the process of orderly and proper planning through Town Planning Schemes and planning precedent and therefore the inclusion of this detail in local planning policies is adding an extra layer of prescription (perhaps unnecessary in some circumstances).</p>	<p>The review of LPP6 has taken into account what existing provisions are contained in Council’s TPS1. The review has found that there is a significant policy gap with respect to child care premises and TPS1 does not provide guidance with respect to their appropriate location, design or operation within the Town.</p>
<p>The portion of Clause 2.2(a)(v) that states “without affecting the amenity of the area” should have the word unreasonably/significantly/unacceptable precede the word “affecting”, as a very literal interpretation would suggest no early learning centres could ever be approved near any residential zones.</p>	<p>Suggested change is not significant and is consistent with the intent of the clause. The subject clause has been modified to include the word “unreasonably” as requested.</p>
<p>Clause 2.2(b) subclauses (iii) and (iv) are adequately covered by Clause 2.5 ‘Car Parking, vehicular Access and Traffic’, subclause (b)(i).</p>	<p>Clause 2.5(b)(i) relates only to safety issues arising due to traffic associated with a proposal. Clause 2.2(b) relates to locations that may be unsuitable, and has wider regard to other amenity impacts associated with traffic or car parking in addition to safety (e.g. noise, disturbance to surrounding residents, overspill of car parking into local residential streets. etc.).</p> <p>The wording of Clause 2.2(b) subclause (iv) has been modified to state “unreasonable adverse amenity impacts due to traffic and parking” (changed from “impacts on amenity due to traffic and parking”).</p>
<p>In relation to Clause 2.4 ‘Building Design’ subclause (a)(iii), an application should be considered on its merits and consider all relevant factors in line with orderly and proper planning. For example the requirements of ‘a residential scale and appearance’ on the Site would be a poor design outcome given the Lathlain Place frontage.</p>	<p>Refer to comment in relation to Clause 7 of revised LPP3 in preceding table. The very site-specific circumstances of 12 Lathlain Place are considered to warrant Council discretion in relation to building design requirements, having regard to the local streetscape and intended form of development for properties along Lathlain Place.</p> <p>The policy provision is otherwise considered necessary and appropriate for the vast majority of circumstances where a child care premises is proposed on Residential zoned land. Accordingly,</p>

Comments in relation to revised LPP6:	Response from Council Officers
	Council Officers do not recommend any change to this clause.
In relation to Clause 2.4(b) 'Street Walls and Fencing' subclause (ii) and (iii) an application should be considered on its merits.	As previously stated all applications are considered on their merits. The referred to subclauses provide for a flexible, performance-based approach to the consideration of fencing proposals to child care premises. Council Officers do not recommend any change to these subclauses.
In relation to Clause 2.4(d) 'Location of openings, play areas and other noise sources' an application should be considered on its merits.	Refer to comments above. The referred to clause provides for a flexible, performance-based approach. Council Officers do not recommend any change to this clause.
In relation to Clause 2.6 'Noise' (a) 'General Design and Layout Considerations' subclause (i) an application should be considered on its merits.	Refer to comments above. Subclause (ii) provides that where (i) cannot be achieved, noise mitigation measures can be employed to prevent or reduce noise spill to adjoining noise sensitive uses. Council Officers do not recommend any change to this clause.

#### Modifications to Revised LPP6

A number of minor modifications (as detailed in the response from Council Officers in the table above) are proposed to the provisions of Draft Revised LPP6 having regard to the concerns raised in the single submission received during the consultation period and the further refinement of the policy to correct minor spelling, grammatical and text alignment issues. There are no substantial modifications proposed to the provisions contained within the draft revised LPP.

#### Modifications to Revised LPP37

A number of very minor modifications to Draft Revised LPP37 are proposed to address minor spelling, grammatical and text alignment issues. There are no substantive modifications proposed to provision contained with the draft revised LPP.

A copy of draft revised LPPs 6 and 37 (as further modified by Council Officers) are contained in Appendices 1 and 2 to this report.

#### **Legal Compliance:**

##### *Planning and Development (Local Planning Scheme) Regulations 2015*

The amendment of a Local Planning Policy is to be undertaken in accordance with deemed clauses 4 and 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations), including:

- Community consultation for a period of not less than 21 days; and
- Consideration of public submissions and a Council resolution to proceed with the new or amended policy with or without modifications, or not to proceed.



A Local Planning Policy may be revoked in accordance with deemed clause 6 of the Regulations, where:

- It is expressly revoked by a subsequent local planning policy prepared in accordance with deemed clause 4; or
- By a notice of revocation prepared by the local government and published in a newspaper circulating within the Scheme area.

As per deemed clause 4(5) and clause 6(b)(ii), the adoption of a new or revised local planning policy, or the revocation of an existing local planning policy, takes effect upon publication of a notice in a newspaper circulating within the Scheme Area.

**Policy Implications:**

The draft revised LPPs provide greater clarity in their objectives, application and applicable requirements, and forms part of a review of all of the Town’s LPPs.

Alignment with State and Federal Government childcare legislation

The revisions to LPP6 bring it up to date with current State Government planning legislation and Federal legislation related to the definition and operation of education and care services.

Alignment with Planning and Development (Local Planning Schemes) Regulations 2015

The changes to applicable consultation requirements for demolition of existing properties/structures in revised LPP37 aligns with the demolition and heritage provisions contained within the Planning and Development (Local Planning Schemes) Regulations 2015.

State Planning Policy 3.1 - Residential Design Codes

Part 4 of the Residential Design Codes (R Codes) provides that local governments may adopt policies requiring community consultation to be undertaken with adjoining properties where variations to the deemed-to-comply requirements of the R-Codes are proposed as part of a development proposal. The review of LPP37 has considered the existing scope of R Code variations that are specified as requiring consultation and these are considered to remain relevant and appropriate.

**Risk Management Considerations:**

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/ Actions
Compliance: The continued operation of obsolete policies (existing LPP1) creating uncertainty or confusion to applicants and members of the community	Low	Some likelihood	Low	Revoke redundant LPP1.

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/ Actions
<p>LPP6 contains outdated and obsolete provisions that do not align with the currently applicable State and Federal legislative framework. It is also limited in scope, applying only to child care centres in residential areas. Delaying its amendment will exacerbate its already restricted scope and applicability, and leave the Town with deficient policy guidance to consider proposals for family day care and child care premises.</p>	<p>High</p>	<p>Likely</p>	<p>Moderate – Applications for child care premises are infrequent/ rarely received by the Town however it is considered essential to have a relevant and effective policy to adequately consider these proposals.</p>	<p>Adopt revised LPP6, as further modified by Council Officers.</p>
<p>Compliance: The continued operation of clauses within LPP37 that are unclear, confusingly worded or limited in their applicability to development applications only, rather than planning proposals of all kinds. Policy is not currently linked to the Strategic Community Plan.</p>	<p>Moderate</p>	<p>Likely</p>	<p>Medium</p>	<p>Adopt revised LPP37, as further modified by Council Officers.</p>

**Strategic Plan Implications:**

Environment

EN1 – Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town’s character.

Economic

EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.

Civic Leadership

CL1 – Everyone receives appropriate information in the most efficient and effective way for them; and

CL2 – A community that is authentically engaged and informed in a timely manner.

**Financial Implications:**

There will be a cost for publication of required notices in the Southern Gazette newspaper, with their being funds available to cover this cost.

**Sustainability Assessment:**

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

Review of LPP6

Existing LPP6 is in need of significant revision to reflect proposed changes to Town Planning Scheme No.1, the current State and Federal legislative framework, and State Government (WAPC) level guidance on relevant policy considerations that should be addressed by local government in the preparation of local planning policies related to the to the establishment and operation of child care premises. There is also a gap in policy coverage for Family Day Care services, where they are not exempt and development approval is required to be obtained from the Town.

The single submission received in relation to LPP6 has been responded to and considered by Council Officers. The majority of matters raised related to very specific provisions and their applicability to a particular site intended to be developed for a child care premises/early learning centre. Council retains discretion to consider any development application on its merits, including variations to the requirements contained within Local Planning Policies where site-specific circumstances warrant special consideration. The site referred to in the submission is considered to be an example that would warrant Council exercising its discretion with respect to a number of the provisions raised by the submitter, as the site is not typical of 'Residential' zoned land being developed for non-residential purposes such as a child care premises. However, it is otherwise considered that the referred to provisions are appropriate and necessary for the vast majority of circumstances where such development may occur elsewhere within the Town, and so these are strongly recommended by Council Officers to remain within the draft revised policy.

Review of LPPs 1 and 37

The matters dealt with by existing LPP1 are almost entirely covered by and/or superseded by the provisions of LPP37 'Community Consultation on Planning Proposals', which is the primary policy guiding the public advertising and community consultation requirements for planning proposals of all kinds. With the revisions proposed to LPP37, existing LPP1 becomes entirely redundant.

Existing LPP37 is currently proving effective in guiding the public advertising and community consultation requirements for planning proposals of all kinds. Changes have been identified to improve its structure and formatting, clarify consultation requirements for a small number of land use/development types, and reflect the increasing use of online consultation tools.

The consultation requirements listed within the tables contained in the Policy have also been reduced in length and simplified by deleting duplicated text and amending them to a tick and cross style format, reducing the overall length of the policy.

The review has considered the operative policies of other local governments, some of which are substantially shorter in length than both the current and draft revised versions of LPP37. While shorter, the majority of these policies do not specify circumstances where consultation will not be required and so result in the requirement to consult for development applications that propose variations of any kind to the Residential Design Codes, even in circumstances where such variations are extremely minor in nature, have negligible adverse impact on surrounding properties or the streetscape, and are routinely supported under delegated authority and at a Council level. Additionally, many of these shorter policies provide for significant discretion by Officers and Council to modify, reduce or require additional consultation methods for a broad range of proposals without outlining the scope or circumstances where such discretion will be exercised. Existing LPP37 has the significant advantage of addressing both of these matters, delivering confidence, certainty and consistency to the public and applicants of when consultation will or will not be required, and greater efficiency in the use of time and resources by applicants and officers. Accordingly, these aspects of existing LPP37 are proposed to remain (albeit in a revised format) as part of draft revised LPP37.

#### Conclusion

The proposed revisions to LPPs 6 and 37 address the current shortcomings or gaps in robust policy provisions identified during their review and will increase the ease with which the policies are able to be understood and administered.

It is recommended that the Future Planning Committee recommend that Council formally adopt draft revised LPPs 6 and 37, as modified and contained within Appendices 1 and 2 to this report. It also recommended that redundant existing LPP1 be revoked by the Council.

#### **RECOMMENDATION/S:**

**The Future Planning Committee recommends that Council:**

- 1. Revoke Local Planning Policy 1 ‘Public Notification/Advertising Procedure’;**
- 2. Adopt revised Local Planning Policy 6 ‘Family Day Care and Child Care Premises’, as modified and contained in Appendix 1;**
- 3. Adopt revised Local Planning Policy 37 ‘Community Consultation on Planning Proposals’, as modified and contained in Appendix 2; and**
- 4. Note the revocation of Local Planning Policy 1, and the adoption of revised Local Planning Policies 6 and 37, taking effect upon publication of a notice in the Southern Gazette newspaper.**

## 8.4 Keep Australia Beautiful Bin Advertising Trial

<b>File Reference:</b>	ENV/10/1
<b>Appendices:</b>	1 Bin Advertising Trial Report
<b>Attachment:</b>	No

<b>Date:</b>	November 2018
<b>Reporting Officer:</b>	B. Nock
<b>Responsible Officer:</b>	B. Killigrew
<b>Voting Requirement:</b>	Simple Majority

### Executive Summary:

**Recommendation – That the Future Planning Committee, on the basis of the results of the trial, recommend that Council close the existing bin advertising program and investigate other cost effective bin programs that are more acceptable to the Town and the community.**

- In February 2018 the Town initiated a six-month trial campaign in partnership with Keep Australia Beautiful Council (KABC) and NatSales Advertising (NSA) to promote an important anti-litter message to our community. It was also an opportunity for local businesses to be promoted.
- The bin program included free litter bin installation, maintenance and cleaning services.
- The KABC trial was intended to gauge public perception regarding the new bins and associated advertising; local business response and uptake of the opportunity to advertise on the bins; and enable the Town to assess the workings of the campaign itself.
- The survey result obtained at the end of the trial indicated that a slight majority of the respondents were not supportive of the continuation of this program. A number of complaints from residents have been received during the trial.

### TABLED ITEMS:

Nil

### BACKGROUND:

In February 2018, the Town of Victoria Park (the Town) initiated a six-month trial campaign in partnership with Keep Australia Beautiful Council (KABC) and NatSales Advertising (NSA) to promote an important anti-litter message to our community.

The KABC bin advertising trial offered the following:

#### **Free litter bins including installation, maintenance and cleaning services**

- Free replacement of existing unsightly and outdated round public letter bins and 240 litre wheelie bins at various bus stops, parks and community areas.
- Free supply and installation to any Perth Metro Local Council of bin enclosures as well as a 120 or 140 litre Sulo wheelie bin.
- Free weekly bin maintenance including checking for damage and graffiti with seasonal bin detailing (pressure cleaned, sprayed for insects and all locks, hinges and display panels inspected to make sure that they are in good working order). If display panels need replacing this would be at the expense of NSA.

- Free bin panel advertising poster with the Council logo included to help Local Governments promote the Keep Australia Beautiful Bin It Campaign.

### **Bin advertising**

- Once the trial bins were installed, NSA worked with local businesses and community organisations to sell the remaining advertising panels.
- Local Governments get the free anti-litter message panel on any bin installed and can purchase the remaining three sides to include the full 'Bin it' campaign artwork or help promote community messages and upcoming events.

There were two styles of bin that were targeted for replacement in the trial (see the location of these bins on the attached map). These included:



#### **Wooden Framed Cylinder bins**

The Town had 18 old wooden cylinder 40Ltr bins situated at various locations. All of these bins were due for replacing as they were old, unsightly, broken and many had graffiti.



#### **Metal Framed Cylinder bins**

The Town has a number of old cylinder 40Ltr bins situated at various locations. Most of these bins are not in good working order and difficult to maintain.

This style of bin is particularly expensive to replace, estimated at \$850 per unit replacement cost.

Both styles of street litter bin are awkward for the refuse team to empty and would not comply with current Occupational Health and Safety codes.

The KABC trial was intended to gauge public perception regarding the new bins and associated advertising, local business response and uptake of the opportunity to advertise on the bins, and to enable the Town to assess the workings of the campaign itself.

As agreed with NSA, the Town's commitment to undertaking a more permanent campaign was dependent on the results of the trial, community views and the support of Council.

### Bin Locations



**DETAILS:**

## Community Consultation

In conjunction with the trial, the Town ran a Your Thoughts survey.

The Your Thought online survey asked the following questions:

- *Do you support Town of Victoria Park bin advertising? Yes /No*
- *What elements of the program do you like?*
- *What elements of the program do you dislike?*
- *What could be improved?*

## Results

The information below summarises the results of the trial (as at 30<sup>th</sup> September 2018):

- ***Number of local businesses that have engaged in advertising:***  
Currently there are 15 separate agreements, with approximately 20 potential clients on the waiting list. All bins were taken up by various local businesses within the Town.
- ***Do you support Town of Victoria Park bin advertising?***  
Yes=41      No=42
- ***What elements of the program do you like?***
  - The fact that bins are provided and maintained at no cost to ratepayer
  - An anti-litter promotion is occurring in the town.
  - Local business exposure.
  - Cost effective asset replacement, while promoting positive messages. Win-win.
  - The bins are more robust as other bins around the town leak, overflow and appear to be easily vandalised. The commitment to weekly maintenance inspections. The ability to advertise local businesses and/or anti-littering and community messages is fantastic.
- ***What elements of the program do you dislike?***
  - The advertising is ugly and detracts from the street scape
  - Does not separate recycling from general waste.
  - Bins are one of the first responsibilities of Council. They look tacky, cheap and are inappropriate. They contribute excessive advertising to our public realm thereby increasing visual pollution.
  - There is no money to be made by the Town.
- ***What could be improved?***
  - Local businesses advertising to be ethical or environmental - for example they are a franchise fast food outlet or a business that doesn't have environmentally sustainable practices, there should be conditions stipulating 'appropriate messaging' consistent with the public health/environmental health messages of the program.
  - Do not stick big ugly ads on quiet suburban streets. Save money elsewhere that doesn't reduce the amenity of our neighbourhoods.
  - If it must go ahead please turn the advertising into revenue for the town so as to reduce the rates we pay.
  - Ad-free attractive bins that provide recycling separation.
  - Offer compost and recycling options in public areas, particularly around parks and picnic areas. Perhaps the new poster space on the bins could allow for some



- bin content trials as well?
- Recycling options.
- Consideration of bin sizes and locations and effects on residents when locating directly in front of their homes
- Stick to one bin type across the entire town.
- Community messages and local business advertising should instead feature on electronic billboards situated in key locations around town that the Town owns and receives all ad revenue from.
- If advertising does continue, would like a policy about what colours can be used, how many bins one product or business can purchase and for how long, and the types of companies and products that can be advertised. Specifically, the health of the community prioritised with no junk food or fast food advertising.
- Would like for community groups to have the opportunity to advertise on the bins free of charge.
- Trial a SMART bin programme. This technology enables the responsible authority to know when the bin is becoming full and can automatically add it to a collection and cleaning schedule.

### **Town Staff Consultation**

The following feedback was provided from the Town's staff during the trial:

- In principle, the replacement of the old bins is supported.
- The proposal to minimise the costs of replacing the old bins is considered a reasonable concept. There are no cost implications to the Town.
- For consideration, third party advertising signage (advertising the sale of goods or services in an area far from the location of the responsible businesses) are generally not supported by the Town under its Local Laws (Clause 3(l) of the Signs Local Law) and the proposed draft Local Planning Policy, and it is considered that the installation of these bins (albeit smaller in scale to a billboard) would be considered as falling under the same advertisement category.  
**Note:** In all cases, the Town would need to provide approval for the signage to be installed.
- In the first instance, it would be recommended that bins without advertisement replace the bins which are old and not-fit for purpose/or non-compliant with occupational health and safety requirements.
- Where advertisement bins are the only possible option, it is recommended that the replacement bins have a more visually appealing design that provides a positive contribution to the street scene.  
**Note:** NSA has advised that the design and colour palette can be changed.
- Some anecdotal staff observations include that one side is generally against a wall or a fence or a bus stop and therefore non-visible, and that this side is reserved for the community message.  
**Note:** NSA has recognised this issue has arisen in four locations due to space limitations of the location.

**DISCUSSION:**

The table below outlines the perceived benefits and disadvantages of the KABC bin campaign:

<b>Benefits</b>	<b>Disadvantages</b>
<ul style="list-style-type: none"> <li>• Promote local business.</li> <li>• Promote KABC messaging.</li> <li>• No advertising of tobacco, alcohol or indecent materials.</li> <li>• The location of bins is determined by the Town.</li> <li>• NSA is prepared to trial a recycling bin option at heavy traffic areas, as selected by the Town. These bins would not have any advertisements except for the recycling message.</li> <li>• Compliance with Occupational Health and Safety standards. With current old bins, staff are required to manually lift them.</li> <li>• NSA visually inspect twice weekly and all maintenance is carried out by NSA.</li> <li>• The NSA bins are up to three times larger in volume than the bins that were replaced. This means that they may not need emptying as frequently, which can translate to a cost saving to the Town (as under current contract the waste provider, the Town is charged based on a per lift basis).</li> <li>• Not for profit organisations and community groups can advertise at half the cost of business advertising.</li> </ul>	<ul style="list-style-type: none"> <li>• There is no money to be made by the Town. However, the Town does save money on bin maintenance etc.</li> <li>• The Town does not own the infrastructure.</li> <li>• Not well received by all in the community.</li> <li>• Currently there is no recycling option. However, NSA are prepared to trial this option.</li> </ul>

The survey result obtained at the end of the trial indicated that a slight majority of the respondents were not supportive of the continuation of this program. A number of complaints from residents have been received during the trial.

Given the result, the Town needs to determine if the KABC bin campaign should continue. It is recommended that if the program were to continue, there would need to be some conditions to be considered. These conditions may include:

- Advertise only on high-traffic streets, not in quiet suburban areas;
- Re-assess the terms of the arrangement with NSA. This could include terms such as conditions of advertising, type of messaging, size of bins, maintenance and payment arrangements; and
- Explore the inclusion of a recycling bin option.

**Legal Compliance:**

Nil

**Policy Implications:**

Nil

**Risk management considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
Reputational: Whether or not the program is adopted, there will potentially be community members who will disagree with the choice.	High	Likely	High	Community will be kept clearly informed of the reason for the choice made.
Should the program continues, there may be increased staff time required to administer the program and field enquires from the community and businesses.	High	Likely	High	Consolidated agreement with NSA as to roles and responsibilities under the program. Potential part time staff resource being required.

**Strategic Plan Implications:**

Under the Town’s new Strategic Community Plan 2017 – 2032, the KABC bin trial aligns with the following Mission statement:

- Environment: To promote sustainable, connected, safe and diverse places for everyone.
  - Strategic Outcomes EN4 (A clean place where everyone knows the value of waste, water and energy).

**Financial Implications:**

Internal Budget:

Financially, the KABC is advantageous to the Town as it provides free replacement bins, free supply and installation of bin enclosures, free weekly bin maintenance and free bin panel advertising to promote Town events, consultations and other benefits. However, ownership of the bins themselves is with NSA.

Should the campaign be closed, the Town will need to install replacement bins at the trial locations. This will be at an estimated cost of approximately \$300/unit for OHS compliant

120 or 140 litre bins. With the 33 bins that were encompassed in the trial this equates to \$9,900. The Town has an existing budget to accommodate bin replacement (GL 19274.1244).

**Sustainability Assessment:**External Economic Implications:

The KABC bin campaign provides a promotional opportunity for local businesses with the potential to assist with stimulating the local economy.

Social Issues:

Socially, there is an expectation that the Town operates its waste management services in a socially and environmentally responsible manner. This is inclusive of the street bins.

The KABC trial has brought about some polarising opinions from the community. If the Town were to continue with the program, in order to meet social expectation as far as practicable there are various adjustments to the program that may necessary (see above).

Cultural Issues:

Nil

Environmental Issues:

Environmentally, the KABC bin advertising campaign assists spreading the important anti-litter messaging of the KABC. All bins have a single panel upon which this messaging is displayed.

However, it is understood that the community may view the bins themselves as visual pollution.

Also, the bins themselves do not have a recycling option in their trialled form. They cater for general waste currently. Ideally, a recycling option would need to be made available.

**COMMENT:**

Based on the results of the trial, Officers recommend that the existing bin advertising campaign be closed and investigation into alternative bin programs to continue.

**CONCLUSION:**

The six-month bin advertising trial was implemented with the aim of promoting an important anti-litter message to our community. It was also an opportunity for local businesses to be promoted. The trial has demonstrated that there was a slight majority of the survey respondents who did not support the adoption of this bin program.

Based on the results of the trial, Officers recommended that the campaign be closed and investigation into alternative bin programs to continue.

**RECOMMENDATION:**

**That the Future Planning Committee, on the basis of the results of the trial, recommend that Council close the existing bin advertising program and investigate other cost effective bin programs that are more acceptable to the Town and the community.**

**9 MOTION FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

*(required 3 ½ business days prior to the meeting, in writing to the CEO.)*

**10 MEETING CLOSED TO THE PUBLIC**

**10.1 Matters for which the meeting may be closed**

**10.2 Public reading of resolution that may be made public**

**11 CLOSURE OF COMMITTEE MEETING**

## 12 WORKSHOP TOPICS AND PRESENTATIONS

### 12.1 Consideration to Reduce the Posted Speed of Archer Street

The Manager Technical Service, Mr John Wong will provide the committee with an update on the progress of works undertaken to date on this initiative.

### 12.2 Update on Crossover Policy

## 13 GENERAL BUSINESS

## 14 REQUEST FOR REPORTS FOR FUTURE CONSIDERATION

<b>Forthcoming Agenda Items</b>	
<b>Reports</b>	
Landscaping Development Sites	December 2018
Local Planning Policies: 31 (H); and 29 (M)	November 2018
Local Planning Policies: 15; 16; 17; 18 and 19	December 2018
Local Planning Policies: 20; 21; 22; 24 and 33	December 2018
Local Planning Policies: 26; 27; 34; and 35	February 2019
Local Planning Policies: 7 (H); 28 (M) and 36 (M) -	TBC'd 2018
Local Planning Policies: 8; 9; 10; 11 and 14	TBC'd 2018
Review of Streetscape Policy	TBC'd 2018
<b>Workshop Topics</b>	
Parking Policy (Planning)	TBA
Higgins Park Master Plan	TBC'd
<b>Presentations / Deputations</b>	

## 15 CLOSURE OF WORKSHOP

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

Please be advised that I wish to move an ALTERNATE MOTION / AMENDMENT

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

Alternate Motion / Amendment: *(strike out which is not applicable)*

**Note: Motions to Stand Alone**

All decisions of the council must be in the form of motions that are clear in their intent and enable a person to understand what has been decided without reference to another motion or information contained in the body of a report.

**Reason:**

**Note: Explanation for changes to Recommendations**

Administration Regulation 11 requires the minutes to include written reasons for each decision that is significantly different from the written recommendation. Members must therefore provide a written reason in the space provided above.



**DECLARATION OF  
FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT  
IMPARTIALITY**

**TO: CHIEF EXECUTIVE OFFICER  
TOWN OF VICTORIA PARK**

<b>Name &amp; Position</b>	
<b>Meeting Date</b>	
<b>Item No/Subject</b>	
<b>Nature of Interest</b>	Financial Interest* <span style="float: right;"><i>(*Delete where</i></span> Proximity Interest* <span style="float: right;"><i>not applicable)</i></span> Interest that may affect impartiality*
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed”.