

## 15.2 Review of Policy 204 Plant containers on commercial paved areas and Policy 209 Paving of verges in commercial areas

<b>Location</b>	<b>Town-wide</b>
<b>Reporting officer</b>	Ellie Van Rhyn
<b>Responsible officer</b>	David Doy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Policy 204 Plant containers on commercial paved areas [<b>15.2.1</b> - 3 pages]</li><li>2. Policy 209 Paving of verges in commercial areas [<b>15.2.2</b> - 2 pages]</li><li>3. Policy 204 Improvement of verges or footpaths adjacent to commercial properties - Tracked changes [<b>15.2.3</b> - 5 pages]</li><li>4. Policy 204 Improvement of verges or footpaths adjacent to commercial propertie [<b>15.2.4</b> - 3 pages]</li></ol>

### Recommendation from the Policy Committee

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That Council:

1. Repeals:
  - a. Policy 204 Plant containers on commercial paved areas, as at attachment 1;
  - b. Policy 209 Paving of verges in commercial areas, as at attachment 2.
2. Adopts Policy 204, Improvement of verges or footpaths adjacent to commercial properties, as at attachment 4, subject to the following amendments:
  - a. The definition of applicant be amended be deleting the words 'or other improvement'
  - b. In the definition of applicant, remove the comma between "paving" and "plant", and insert the word "or".

### Purpose

To review the content of Policy 204 and Policy 209, to combine these two policies in to one, and to ensure clear, concise and consistent information is provided.

### In brief

- Both Policy 204 'Plant containers on commercial paved areas' and Policy 209 'Paving of verges in commercial areas' relate to methods of aesthetically improving verges adjacent to commercial properties.
- The content of Policy 209 is duplicated both in Policy 204 and in the existing Street Verge Guidelines.
- To ensure policy content is clear, concise and consistent, it is recommended that these two policies are combined into Policy 204, and the prescriptive statements are addressed in the Street Verge Guidelines.

### Background

1. Policy 204 'Plant containers on commercial paved areas' was most recently reviewed and amended in August 2019. It relates to the placement of plant containers on commercial paved areas. The policy statement details the size, design, plant material, quantity, location, approvals, cleaning, costs and damage related to the placement of plant containers on commercial paved areas. The policy scope, however, currently relates to the paving of verges in commercial areas.

2. Policy 209 'Paving of verges in commercial areas' was most recently reviewed and amended in August 2019. The title of the policy relates to the paving of verges in commercial areas, however the policy objective, scope and statement of Policy 209 all relate to the placement of plant containers on verges in commercial areas.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL04 - Appropriate information management that is easily accessible, accurate and reliable.	Information is currently duplicated across Policies 204 and 209. By combining their content appropriate information can be provided that is accurate, reliable and located within one policy.

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	The changes made to Policy 204 and Policy 209 look to provide clear guidance on the improvements permissible to verges of commercial properties. These improvements will look to ensure that these verges provide clean, safe and accessible places to visit.

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.	Improvements to the verges adjacent to commercial properties can result in good design outcomes and contribute to the character of the street and the public realm. The changes proposed to the two policies look to provide guidance that ensures that these verges put people first.

## Engagement

Internal engagement	
Street Improvement	Input in to revised policy. Support the proposed changes and recommendation.
Technical Services	Input in to revised policy. Support the proposed changes and recommendation. Support the intent to update the Street Verge Guidelines to reflect the technical requirements that were removed from the policy.
Operations	Input in to and drafting of the revised policy. Support the proposed changes and recommendation.
Place Planning	Review lead. Support the proposed changes and recommendation.

## Legal compliance

[Section 2.7 \(2b\) of the Local Government Act 1995](#)

[Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 Consolidated](#)

## 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	Unacceptable paving or planting containers result in damage to pedestrians or Town assets.	Minor	Unlikely	Low	Low	ACCEPT guidelines provided to avoid potential risk.
Infrastructure/ ICT systems/ utilities	Not applicable				Medium	
Legislative Compliance	Plant containers may not be compliant with the requirements of the proposed policy document.	Minor	Unlikely	Low	Low	ACCEPT the Town reserves the right to remove the containers at any time.
Reputation	Not applicable				Low	
Service delivery	Not applicable				Medium	

## Financial implications

<b>Current budget impact</b>	None.
<b>Future budget impact</b>	None.

## Analysis

- Policy 204 and Policy 209 both relate to improvements that can be made on the verges of commercial properties.
- As they currently stand, there is duplicated information, contradictory information, and information missing from these two policies.
- To simplify the policies and to allow for ease of use, the two policies are recommended to be combined and the information clarified.
- The content of Policy 209 'Paving of verges in commercial areas' currently relates entirely to the placement of containers on commercial verges. It is therefore recommended that the content of this policy be covered in the revised Policy 204, and that Policy 209 be repealed.

7. To more accurately describe this revised policy, it is recommended that Policy 204 'Plant containers on commercial paved areas' be renamed to 'Improvement of verges or footpaths adjacent to commercial properties'.
8. The objective of the revised Policy 204 is therefore recommended to be updated to refer to the aesthetic improvement of areas immediately adjacent to a commercial property, involving both paving or placing plant containers on the verge or footpath.
9. The scope of Policy 204 'Plant containers on commercial paved areas' currently refers to the paving of verges in commercial areas. This is proposed to be updated to cover both paving and placing plant containers on the verge.
10. The definition of Applicant has been added to clarify that this may be the property owner, business owner, tenant or other body associated with the property.
11. The definition of Commercial property has been added to clarify what properties this policy relates to.
12. The definition of Verge has been added to align to the Activities on Thoroughfares and Trading in Public Places Local Law 2000 definition.
13. The definition of Footpath has been added to align to the Activities on Thoroughfares and Trading in Public Places Local Law 2000 definition.
14. The policy statement has been updated to more accurately reflect the combined policy, being to allow for and encourage aesthetic enhancements to verge areas or footpaths immediately adjacent to commercial properties, be it paving or placing plant containers.
15. Currently, the Town's requirements of street verges, including paving of verges adjacent to commercial properties, are covered in the Town's Street Verge Guidelines. It is recommended that the policy refer to these Street Verge Guidelines.
16. The policy statement of Policy 204 currently includes the Town's requirements for the size, design, plant material, quantity, location and cleaning relevant to placing plant containers on the verge. To be consistent with the paving of verges, it is recommended that these requirements be removed from the policy and added to the Town's Street Verge Guidelines.
17. The requirements of the plant containers added to the Town's Street Verge Guidelines have been updated to align to the Activities on Thoroughfares and Trading in Public Places Local Law 2000.
18. The policy statement of Policy 204 currently includes the Town's requirements for maintenance, costs, damage and indemnification relevant to placing plant containers on the verge. It is recommended that these statements remain in the policy, with edits to be relevant to both plant containers and paving.

### Next Steps

19. The Town's Street Verge Guidelines will be updated to include the relevant plant container requirements that have been removed from Policy 204 prior to the updated Policy 204 being implemented.

### Relevant documents

Policy 204 'Plant containers on commercial paved areas' - <https://www.victoriapark.wa.gov.au/About-Council/Policy-library/Policy-204-Plant-containers-on-commercial-paved-areas>

Policy 209 'Paving of verges in commercial areas' - <https://www.victoriapark.wa.gov.au/About-Council/Policy-library/Policy-209-Paving-of-verges-in-commercial-areas>

Street Verge Guidelines 2016 - <https://www.victoriapark.wa.gov.au/files/assets/public/document-resources/operations/street-verge-guidelines-2016.pdf>

### Further considerations

During the Policy Committee meeting, a question was asked regarding the suitability of existing plant containers, specifically with regards to those sitting within six (6) metres of an intersection.

Should the revised Policy 204 be adopted, the requirements for plant containers will be included in the updated Town's Street Verge Guidelines. The guidelines document still allows a degree of flexibility to the Town given that each location and situation is different. The updated guidelines provide advice on plant containers that are within 6m from an intersection or crossover and provide greater detail regarding setback and pedestrian access requirements. Plant containers that do not strictly adhere to the guidelines are still capable of approval by the Town (given every location is different and potential constraints within the public realm exist that often require a bespoke assessment) as long as the provisions of the Activities on Thoroughfares and Trading in Public Places Local Law 2000 is adhered to. Existing plant containers can also be assessed by the Town's compliance team to ensure compliance with this Local Law. The Town continues to reserve the right to remove the containers or paving at any time.