

# appendices

Future Planning Committee



**Future Planning Committee  
21 November 2018**

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**8.1 Appendix 1    Draft Revised LPP 3**



## Local Planning Policy No. 3 Non-Residential Uses In or Adjacent to Residential Areas

Date of Adoption: 30 September 1998

Date Amended: 11 December 2018

### INTRODUCTION

The Council recognises that certain non-residential uses can co-exist with and integrate into residential areas without adversely affecting residential amenity. A range of such uses is provided for under the Town Planning Scheme, and some of these are subject to separate policies.

The purpose of this Policy is to provide general guidance and development standards applicable to non-residential development in or adjacent to residential areas, notwithstanding any additional requirements stipulated under the relevant Scheme Precinct Plan or in other Policies or area-specific Design Guidelines adopted by the Council.

Non-residential uses are to have regard to the objectives and Statement of Intent contained in the relevant Precinct Plan for the locality in which they are located, and demonstrate that the use of the land for non-residential purposes and any associated amenity impacts will not detrimentally impact upon the amenity of residential properties and areas.

### OBJECTIVES

The objectives of this policy are:

- 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;
- c) to encourage the re-use of existing purpose built non-residential buildings for a mix of appropriate local convenience/service and commercial uses where it results in an economically viable use of the building and provides a service to 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;
- g) to avoid the concentration of non-residential uses where it would create a de-facto commercial area, isolate residential properties or contribute to the unplanned expansion of commercial or mixed use zones into surrounding residential zoned land.

## **POLICY SCOPE**

This Policy applies to both :

- a) Non-residential development on Residential zoned land; and
- b) Non-residential development adjacent to Residential zoned land.

Unless otherwise specifically stated, the Policy provisions apply in both situations.

This Policy does not however apply to Home Occupations, which are subject to *Local Planning Policy 2*, or a Home Office.

## **POLICY REQUIREMENTS**

### **1. Preferred Location**

- a) Non-residential uses are generally encouraged to locate on sites which have access to main streets or major roads, and are discouraged from locating within a local access street or laneway. Other locations may be considered where it can be demonstrated that residential amenity can be protected;
- b) Should be located such that residential properties are not isolated between non-residential uses;

### **2. Traffic Generation**

- a) Non-residential development should only be permitted where it does not negatively impact the function or safety of the adjacent roads or cause undue conflict through the generation of traffic or demand for parking.
- b) In assessing an application for non-residential development, in addition to considering matters such as traffic volumes, road capacity and road safety from a technical engineering perspective, Council will have also regard to these matters from a residential amenity perspective.
- b) A Transport Impact Statement (TIS) or Transport Impact Assessment (TIA) prepared by a suitably qualified independent traffic consultant may be required to be submitted as part of a development application, which assesses the likely traffic impacts associated with the proposed development.
- c) The appropriate level of traffic assessment required to be undertaken for the proposed development will be determined by Council having regard to the requirements of the Western Australian Planning Commission's (WAPC) (2016) *Transport Impact Assessment Guidelines*.

### **3. Control of Noise, Pollution or Other Impacts Associated with the Use**

Non-residential development shall only be permitted where the nature of the non-residential use will not cause undue conflict or adversely affect the amenity of the neighbourhood through the emission of light, noise, fumes, odours, dust, vibration, electrical interference, waste water, or any other form of pollution which may be undesirable in residential areas. Development applications for a non-residential use should be accompanied by a statement and/or specialist reports outlining if and how any impacts arising from the activities proposed to be conducted on the site will be prevented or appropriately managed to ensure that the amenity of surrounding residential properties is maintained (e.g. Acoustic Report).

#### 4. Plot Ratio

Non-residential development on Residential zoned land is required to comply with the plot ratio development standards for Multiple Dwellings of the relevant R-Code on which the development is located. For the purposes of this Policy, in areas with a density coding of less than R40, a plot ratio of 0.5:1 applies.

#### 5. Building Setbacks

- a) Front setback requirements:
  - (i) For non-residential development on Residential zoned land – to comply with the requirements applicable to residential development under the relevant Precinct Plan, R-Codes and/or Council Policies.
  - (ii) For non-residential development adjacent to Residential zoned land or land used for residential purposes – to comply with the requirements applicable under the relevant Precinct Plan and/or Council Policies.
- b) Side setback requirements for non-residential development on Residential zoned land or those portions of a non-residential development adjacent to Residential zoned land:
  - (i) To be setback from side boundaries as per the requirements for residential development under the Residential Design Codes;
  - (ii) A wall containing a window, door or other opening which is capable of affecting the privacy or amenity (e.g. through associated access/activity/noise) of nearby residences or future residences will be treated as a 'major opening' for calculating the required side setback under this clause; and
  - (iii) A nil side setback may be permitted to an adjoining Residential zoned property where the length and height of the boundary wall complies with the requirements for residential development applicable to the adjoining residential property under Council's *Local Planning Policy No.26 – Boundary Walls*.

#### 6. Visual Privacy

Major openings (any window, door or other opening which may affect the privacy of nearby residences or future residences) should be located such that they do not directly face or are screened from surrounding residential properties. This is particularly important where they may serve as a means of frequent access, allow the escape of noise, or serve as sources of overlooking into adjoining residential properties by staff or visitors/customers to the site.

Where located adjacent to existing residential properties, developments are to be designed to satisfy the following criteria:

- a) All major openings to operational rooms or amenities frequented by staff/customers of the development that have a finished floor level raised 0.5 metres or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line, are to:
  - i. be setback, in direct line of sight, a minimum of 6.0 metres from the boundary of the adjoining residential property (as measured from a 45 degree cone of vision from the external face of the opening); or
  - ii. be provided with permanent vertical screening to a minimum height of 1.6 metres above



the finished floor level.

- b) All unenclosed outdoor spaces (balconies, decks, verandahs and the like) where the finished floor level is raised 0.5 metres or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line, are to:
  - i. be setback, in direct line of sight, a minimum of 7.5 metres from the boundary of the adjoining residential property (as measured from a 45 degree cone of vision from the external perimeter of the unenclosed outdoor space); or
  - ii. be provided with permanent vertical screening to a minimum height of 1.6 metres above the finished floor level of the unenclosed outdoor space.

## **7. Building Design**

The design and siting of new non-residential buildings/facilities on Residential zoned land should have regard to the existing neighbourhood character and reflect a residential scale and appearance, particularly with regard to the following elements:

- a) Building and roof form;
- b) Building height and setback;
- c) Design detail, including façade articulation, verandahs, window and door style and placement; and
- d) Building materials, colours and finishes.

## **8. Location of Vehicular Access/Car Parking and Provision of Boundary Fencing**

- a) Where car parking or vehicular access ways are already provided in the vicinity of adjacent residential properties or cannot be (re)located elsewhere, suitable barriers shall be provided to protect boundary fencing, which may be required to be upgraded to protect the amenity and/or privacy of adjoining residents.
- b) New or upgraded boundary fencing should be a minimum of 1.8 metres high and be of masonry construction in a colour/finish that complements the development as well as being of compatible colours and materials to any neighbouring residential properties.
- c) It is recommended that the applicant obtain agreement with neighbouring properties regarding the height, materials and finish of any new/upgraded boundary fencing.
- d) The provision of new/upgraded boundary fencing may be applied as a condition of development approval where it is deemed necessary by the Council to reduce the potential impacts of the non-residential development on adjoining residential properties.

## **9. Location of Building Services and Bin Storage Areas**

- a) Delivery, loading and building services areas are to be located such that they are not visible from the street or adjoining residential properties.
- b) Bin storage areas are to be appropriately screened and located so that they do not harm the amenity of surrounding residential properties by way of visual nuisance, noise, odours or other impacts.

## **10. Antisocial Behaviour & Crime Prevention**

The development should demonstrate that it has been designed and will operate in a manner that



does not encourage crime or antisocial behaviour to occur. Non-residential development should be designed in accordance with relevant Crime Prevention Through Environmental Design (CPTED) principles, having regard to the Policies adopted by Council as well as relevant State Planning Guidelines, to address matters including propensity for crime and antisocial behaviour to occur, personal safety, passive surveillance, vandalism/graffiti etc. Roller doors/shutters will not be acceptable in any instance.

## **11. Landscaping**

- a) A high quality of landscaping should be provided to soften the appearance of the development, screen car parking areas and provide for a pleasing aspect that is compatible with the streetscape and amenity of surrounding residential properties.
- b) For non-residential development on Residential zoned land, a minimum of twenty five per cent (25%) of the site area is to be landscaped, and a minimum of fifty per cent (50%) of the front setback area is to be soft landscaping.
- c) For non-residential development adjacent to Residential zoned land or land used for residential purposes, on-site landscaping is to be provided in accordance with any standards applicable under the Precinct Plan and/or Council Policies.
- d) Car parking areas located within the front setback area are to be setback from the front property boundary behind a soft landscaping strip of at least 1.5 metres in width.
- e) The development to be designed to retain and conserve existing mature trees on the site as well as existing Council verge trees, wherever possible.
- f) Where a vehicular access way or car parking area is located adjacent to any residential property and is unable to be (re)located elsewhere, it shall be setback behind a barrier to protect neighbouring boundary fencing that incorporates a planted perimeter strip of at least 1.0 metre in width between the car park/vehicular access way and any adjoining residential property.

## **12. Signage**

- a) All signage associated with the non-residential development should be detailed as part of the development application for the main (re)development. Where final specifications are unknown, a signage strategy identifying the location, size and type of external advertising signage to be installed on the building/site is to be submitted to Council as part of the development application.
- b) All signage is to be designed and located so as to provide a balance between providing appropriate identification for visitors to the site and ensuring that the signage has regard to its residential context and minimises any adverse amenity impacts, as follows:
  - i. being designed integrally with the building, and being of a modest size and scale that respects the amenity and streetscape of surrounding residential properties;
  - ii. where illuminated, not contain any flashing, pulsating or chasing light, and being located and baffled to prevent light spill/glare into surrounding residential properties;
  - iii. not comprise highly reflective materials or visually 'loud'/obtrusive colour schemes that cause glare or visual nuisance in direct line of site of adjoining residential properties; and
  - iv. are generally located (or are provided with screening or landscaping) such that they primarily face the street/public realm and do not directly face dwelling entries or



windows to habitable rooms of adjoining residential properties.

- c) The design, type, location and number of signs on the site/building is subject to the requirements of Council's Local Planning Policy and/or Local Law related to Signs and/or a signage strategy approved by Council as part of a development application.

### 13. Hours of Operation

- a) Hours of operation for all non-residential uses will be considered having regard to the nature and intensity of the use and the context of the site and surrounding areas.
- b) Loading and unloading of vehicles should only occur between the hours of 7am to 7pm.

## CONSIDERATION OF APPLICATION FOR DEVELOPMENT APPROVAL

### Submission Requirements

A development application should be accompanied by the following:

- a) a description of the proposal that responds to the requirements of this Policy, including proposed hours and days of operation, number of staff, type and frequency of deliveries, number of visitors/patrons/customers, length of appointments and any other relevant information;
- b) a traffic impact statement or traffic impact assessment should be provided where the proposed development is of a scale that warrants their submission, in accordance with the WAPC's *Transport Impact Assessment Guidelines* (Refer to Clause 2 of this Policy);
- c) a written explanation of the need for the proposed facility or service in the area; and
- d) details of how amenity impacts will be managed to an acceptable level, which may include specialist reports (e.g. an Acoustic Report to address noise).

### Conditions of approval

The Council shall have regard to and may apply conditions relating to matters including hours and days of operation, number of clients/customers to the site, car parking, deliveries, advertising signs (including hours of illumination), provision of landscaping and boundary fencing, and other matters pertaining to the design and operation of the development.

### VERSION CONTROL

Date Initially Adopted :	Former Policy 3.5 under Town Planning Scheme Policy Manual – adopted 30 September 1998
Date(s) Amended :	1. Adopted as Local Planning Policy 3 at Ordinary Council Meeting 9 February 2016; 2. Amended by Council resolution at Ordinary Council Meeting 11 December 2018.

**8.1 Appendix 2    Draft Revised LPP 4**



## **INTRODUCTION**

It is possible to develop housing amongst many areas which are primarily of a non-residential (commercial) nature. Council's Scheme also encourages residential uses to be developed in conjunction with non-residential activities in certain areas, for example within the Residential/Commercial Zone or District Centre Zone, found along the Albany Highway activity corridor. Here, the residents of appropriately designed mixed use developments or stand-alone residential developments can benefit from proximity to various services, facilities and attractions often available in non-residential and mixed-use environments, and can contribute to after-hours activity.

This Policy has been prepared to provide guidelines for residential and mixed-use development proposed within non-residential areas.

## **OBJECTIVES**

- a) To ensure that, where residential and non-residential uses are developed on the site, the activities are compatible so that each can function without undue interference from another use, and are developed in such a manner that the amenity of all uses is safeguarded.
- b) To promote successful development of residential uses in non-residential areas, as a means of achieving a diversity of uses, benefitting from proximity to services and attractions, and contributing to after-hours activity.
- c) To ensure non-residential uses are able to conduct their normal day to day activities without undue influence from or conflict with residential uses.

## **POLICY SCOPE**

Where permitted under the relevant Scheme and Precinct provisions.

## **POLICY REQUIREMENTS**

### **1. Wholly Residential Development**

In considering an application for a wholly residential development within a non-residential area (i.e. on non-Residential zoned land), the Council shall have regard to:

- a) protecting the character of the area and ensuring non-residential uses are able to conduct their normal day to day activities without undue influence from residential uses;
- b) ensuring residential uses are not developed where it will result in significant

unacceptable disturbance to residents resulting in a reduced level of amenity, acknowledging that residential uses in non-residential areas should expect a different level of amenity to that available in a residential area; and

- c) the relevant provisions of the Residential Design Codes and the development standards of the Scheme.

## 2. Mixed-Use Development

Where residential uses are to be developed in conjunction with non-residential uses, the development should have regard to the following matters, in addition to any area-specific development standards or design guidelines applicable to the site under Council's Scheme or adopted State and/or Local Planning Policies:

- a) Address, Servicing and Access

The address and entry points for the residential use must be separate from other uses and readily identifiable. All necessary rubbish bin areas, letterboxes, drying areas and similar facilities and services must be separately provided for residential uses.

- b) Amenity and Security

A high level of amenity and security should be ensured for all uses, particularly residential. All development should be designed to avoid problems such as overlooking, overshadowing and nuisances. In addition, maximum advantage should be taken of available views and favourable orientation for residential development.

- c) Parking

Car parking shall be provided as required under the relevant Local Planning Policy requirements. Parking for the residential use(s) shall be separate from parking for other uses. Access to car parking spaces shall be available for all uses at all times of operation.

- d) Setbacks

Setbacks for residential development shall be provided as required under the Scheme and relevant Precinct Plan requirements. For the purpose of determining the distance between non-residential and residential buildings or parts of buildings on the same site, both shall be treated as though they are residential and set back accordingly. Likewise, windows, doors and similar openings in non-residential buildings shall be treated, for the purposes of calculating setbacks, as though they are major openings in residential buildings.

- e) Open Space

Open space shall be provided for residential uses as required under the Residential Design Codes. For the purposes of calculating the amount of required open space for Single Houses and Grouped Dwellings, the 'site' (area) shall be that portion of the site set aside for residential purposes.

f) Visual Privacy

The non-residential portion of any mixed-use development is to be designed to minimise overlooking of major openings and outdoor active habitable spaces of the multiple dwellings within the site.

**VERSION CONTROL**

Date Initially Adopted :	Former Policy 3.6 and 3.7 under Town Planning Scheme Policy Manual – adopted 30 September 1998
Date(s) Amended :	1. Adopted as Local Planning Policies 4 and 5 at Ordinary Council Meeting 9 February 2016; 2. Amended by Council resolution at Ordinary Council Meeting 11 December 2018.

DRAFT

**8.1 Appendix 3    OCM Minutes 10 July 2018**

(To be confirmed 14 August 2018)

### 14.10 Recommendation from the Future Planning Committee - Review of Local Planning Policies 3, 4 and 5

<b>File Reference:</b>	PLA/9/0001
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Current version of Local Planning Policy 3 'Non-Residential Uses in or Adjacent to Residential Areas'</li> <li>2. Current version of Local Planning Policy 4 'Residential Uses in Non-Residential Areas'</li> <li>3. Current version of Local Planning Policy 5 'Mixed Residential/Commercial Development'</li> </ol>
<b>Attachments</b>	No
<b>Date:</b>	12 June 2018
<b>Reporting Officer:</b>	R. Cruickshank
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority
<p><b>Executive Summary:</b>  <b>Recommended:</b> That the Draft Local Planning Policies 3 and 4 as contained in the Appendices, be advertised for public comment for a minimum period of 21 days in accordance with deemed clause 4 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <ul style="list-style-type: none"> <li>• Council's Urban Planning Business Unit have undertaken a review of all 37 Local Planning Policies (LPPs). It is intended to progressively amend and advertise a number of LPPs.</li> <li>• This report deals with a review of the following LPPs : <ul style="list-style-type: none"> <li>○ LPP3 'Non-Residential Uses in or Adjacent to Residential Areas';</li> <li>○ LPP4 'Residential Uses in Non-Residential Areas'; and</li> <li>○ LPP5 'Mixed Residential/Commercial Development'.</li> </ul> </li> <li>• In reviewing the LPPs, consideration has been given to a number of matters including: 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; improving the presentation of the Policies.</li> <li>• It is recommended that all three (3) Policies be amended as detailed within the Officer's Report and the Attachments, with Policies 4 and 5 to be amalgamated into a single Policy (a new LPP 4).</li> <li>• It is recommended that the draft LPPs be advertised for public comments.</li> </ul>	

**TABLED ITEMS:**

Nil

**BACKGROUND:**

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

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(To be confirmed 14 August 2018)

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 all three (3) LPPs has been undertaken by Council Officers including considering:

- 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 review of each of the Policies is summarised as follows:

LPP3 'Non-Residential Uses in or Adjacent to Residential Areas

Policy is presently lacking in terms of the number, and clear articulation, of its provisions, but can be amended to provide clearer, more specific requirements for non-residential uses in or adjacent to residential areas, which will contribute to the improved location and quality of non-residential development and promote reasonable streetscape and amenity outcomes.

1. Incorporate standardised formatting changes consistent with all other reviewed policies.
2. Incorporate minor grammatical and formatting changes.
3. Expand the policy Introduction and Aim to more comprehensively explain and justify the basis of the Policy.
4. Separately title/list the Policy Clauses according to the aspects/matters they are dealing with (i.e. 'Landscaping', 'Privacy', 'Fencing' etc.)
5. Include expanded traffic impact provision having regard to the WAPC's Traffic Impact Assessment Guidelines.
6. Insert new provision relating to the preferred location.
7. Insert new provision relating to front setback requirements on residential zoned land to be as for residential development under adopted Council Policy (rather than R-Codes as is stated presently).
8. Alter provision relating to side setbacks, such that a R-Codes setback applies to any neighbouring residential zoned property (not only if the non-residential development is located on Residential zoned land as is stated presently).
9. Policy to refer to Council's Boundary Walls policy in relation to side setback requirements.
10. Insert new provision relating to the ability for Council to apply conditions of approval related to scale or operations, operating hours, deliveries, etc.
11. Include new provision explicitly relating to visual privacy and protection of residential amenity from overlooking from adjoining non-residential development.



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(To be confirmed 14 August 2018)

12. Expand landscaping requirement, to reference the landscaping requirements of the car parking policy and specify a minimum landscape buffer between car parking areas and the front boundary, as well as provision of landscaping down the length of any vehicular access leg abutting a residential property boundary
13. Insert provision relating to signage requirements (design to minimise amenity impacts in surrounding residences) and provision of a signage strategy where final details are unknown.
14. Include new general provision relating to CPTED principles. It is also recommended that the Council adopt a new stand-alone LPP relating to CPTED.

#### LPP4 'Residential Uses in Non-Residential Areas'

1. Incorporate standardised formatting changes consistent with all other reviewed policies.
2. Consolidate policy with Local Planning Policy 5 'Mixed Residential/Commercial Development' to form new combined Local Planning Policy 4 'Mixed-Use Development and Residential Uses in Non-Residential Areas'.
3. Incorporate minor grammatical and formatting changes as identified in the Tracked Changes version of the Policy.
4. Expand the policy Introduction and Aim to more comprehensively explain and justify the basis of the Policy.
5. Other changes as identified under Local Planning Policy 5 review, relating to mixed use (residential/commercial) development.

#### LPP5 'Mixed Residential/Commercial Development'

Changes as per LPP4 above.

A copy of the proposed draft revised Policies are contained as an Attachment to this report. For comparison, the current and operative versions of the Policies are contained as Appendices.

#### **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.

#### **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.

(To be confirmed 14 August 2018)

**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>
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 Policies 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:**

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.

It is recommended that the Future Planning Committee recommend to Council that draft revised Policies 3 and 4 as attached 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 Policies (in their current revised form or in a further modified form). It will be necessary at this time to also formally revoke the current Local Planning Policy 5 ‘Mixed Residential/Commercial Development’.

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(To be confirmed 14 August 2018)

**RESOLVED BY EXCEPTION RESOLUTION:**

**Moved: Cr Anderson**

**Seconded: Cr Ife**

**That draft revised Local Planning Policies 3 ‘Non-Residential Uses in or Adjacent to Residential Areas’ and 4 ‘Mixed Use Development and Residential Uses in Non-Residential Areas’ as contained in the Appendices, 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*.**

**CARRIED (8-0)**

**8.2 Appendix 1    Draft Revised LPP31**



## **INTRODUCTION**

The Town has witnessed a growing demand for more diverse forms of accommodation due to its close proximity to the Perth CBD, Curtin University, Perth Airport and the Swan River, as well as the wide range of commercial, retail, and educational opportunities available within the Town.

This policy has been designed to guide and facilitate the appropriate provision of specialised forms of accommodation other than dwellings. In particular, the policy provides guidance and standards for the location and operation of Serviced Apartments, and Residential Buildings as defined by their land use definition contained under the Scheme. This Policy also further defines and categorises particular forms of Residential Building as either Bed and Breakfast Accommodation, Short Term Accommodation or a Lodging House.

This Policy should be read in conjunction with the Town of Victoria Park Town Planning Scheme No. 1 (Scheme), Precinct Plans and all relevant Local Planning Policies, including:

- *Local Planning Policy 3 - Non-Residential Uses in or Adjacent to Residential Areas;*
- *Local Planning Policy 4 - Mixed Use Development and Residential Uses in Non-residential Areas;*
- *Local Planning Policy 23 - Parking Policy; and*
- *Local Planning Policy 25 - Streetscape*

## **OBJECTIVES**

- a) To facilitate the development of appropriately located and high quality accommodation other than permanent residential dwellings within the Town of Victoria Park;
- b) To define and control the use, management and level of service provided for Residential Buildings and Serviced Apartments, including specialised forms of accommodation such as Lodging Houses, Bed and Breakfast Accommodation and Short Term Accommodation;
- c) To provide guidelines for the design of Serviced Apartments, particularly where they are proposed as part of a residential or mixed use development occupied by permanent residents;
- d) To protect the residential amenity of permanent and long term residents and minimise the perceived negative impacts that may be caused by the transient nature of alternative forms of accommodation;
- e) To ensure various forms of accommodation, particularly where they are to be located within existing residential areas, are of a compatible scale and design with surrounding development;
- f) 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.

## **REQUIREMENT FOR DEVELOPMENT APPROVAL**

Serviced Apartments and Residential Buildings are 'AA' discretionary uses in all zones within the Scheme Area and therefore require development approval to be obtained from the Council in all instances. The requirement for development approval applies to all forms of accommodation that may comprise a Residential Building land use, including bed and breakfast, short term accommodation and lodging houses.

## POLICY SCOPE

This Policy applies to any proposal for a Residential Building or Serviced Apartment(s) within the Town of Victoria Park.

Given that a Residential Building may take a variety of forms (and therefore variety of design/operational requirements and potential impacts) this Policy further defines the use of Residential Building under the three subcategories of Bed and Breakfast, Short Term Accommodation and Lodging House (refer to Definitions below).

Hotel and Motel are defined and listed as separate land use classifications under the Scheme and are not dealt with by this Policy. In general, Hotel or Motel developments will be considered on their merits subject to compliance with the Scheme, Precinct Plan and all relevant Local Planning Policies.

### Conversion of existing dwellings

Where an existing dwelling is proposed to be used or occupied contrary to the definition of a dwelling (refer to Definitions below), it ceases to be classified as a dwelling and is instead classified as a Residential Building, or in some circumstances as Serviced Apartments. This also applies in the case of a new building proposed or capable of occupation in a manner that is inconsistent with the definition of a dwelling.

## DEFINITIONS

**Bed and Breakfast** means a *dwelling*:

- (a) used by a resident of the dwelling to provide *short-term* accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms.

**Dwelling** a building or portion of a building that is used, adapted, or designed or intended to be used for the purpose of human habitation on a *permanent* basis by a single person, a single family, or no more than six (6) persons who do not comprise a single family, and includes a Single House, Grouped Dwelling, Multiple Dwelling and Ancillary Accommodation as defined by the Scheme and the Residential Design Codes.

**Lodging House** has the same meaning as defined in the *Health Act 1911*, namely any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include–

- (a) premises licensed under a publican’s general licence, limited hotel licence, or
- (b) wayside-house licence, granted under the *Licensing Act 1912*;
- (c) residential accommodation for students in a non-government school within the meaning of the *School Education Act 1999*; or
- (d) any building comprising residential flats.

Examples of Lodging Houses include youth hostels, guesthouses, boarding houses, backpackers and workers accommodation and any other form of *Residential Building* proposed or capable of providing accommodation for 7 or more guests/occupants, whether on a *short-term* commercial basis or on a *long term* basis.

Applications seeking approval for a building determined by the Council as capable of providing accommodation for 7 or more persons who do not comprise a single family, shall be assessed as a Lodging House under the provisions of this Policy.

**Permanent/  
Permanently** In relation to the terms used to describe the length or nature of occupation of a building in this Policy, the terms “*long term*”, and “*permanent*” have the same



meaning as the definition of “*permanently*” contained in the Scheme (i.e. the habitation of a building or part of a building for 6 months or more).

**Residential Building**

a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- *temporarily* by two or more persons; or
- *permanently* by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.

For the purposes of this Policy, the use of part of a building (such as a unit or room) in the manner described above shall also be regarded as a Residential Building.

**Serviced Apartment(s)**

*means a group of units or apartments providing –*

- (a) *self-contained temporary accommodation for guests; and*
- (b) *any associated reception or recreational facilities.*

Examples include complexes of two or more units that are commonly maintained and operated, and are furnished and equipped to be occupied in a manner similar to Multiple Dwellings but on a temporary basis. Serviced Apartments will usually be provided with laundry and cleaning services, with or without other ancillary amenities.

Applications which seek the use of an individual *dwelling* for the provision of accommodation on a *short term* basis where the maintenance and management of the accommodation is independent of other units (although generally not supported by the Council) shall be classified as *Short Term Accommodation*.

There are three (3) specific accommodation types that fall under the general ‘Residential Building’ definition:

**Short Term Accommodation**

*means a Residential Building occupied on a short term/temporary basis by no more than 6 unrelated persons at any one time; and excludes a Lodging House, Bed and Breakfast accommodation and Serviced Apartments.*

Examples of Short Term Accommodation include short stay rental accommodation, holiday homes, student accommodation, share housing, etc.

**Temporarily/Temporary**

In relation to the terms used to describe the length or nature of occupation of a building in this Policy, the terms “*short term*”, “*short stay*”, “*temporary*” and “*transient*” have the same meaning as the definition of “*temporarily*” contained in the Scheme (i.e. the habitation of a building or part of a building for less than 6 months).

## POLICY REQUIREMENTS

### 1. Location

- 1.1 Residential Buildings and Serviced Apartments should be appropriately located to ensure they are in convenient, easily accessible locations for their guests, and to minimise potential adverse impacts on the amenity of surrounding residential properties, particularly within low density, suburban environments.
- 1.2 To achieve 1.1 above, Residential Buildings and Serviced Apartments will only be supported by the Council where they are located on sites which meet at least two or more of the following criteria:
  - a) Are on a Primary, District or Local Distributor road;
  - b) Are within 400 metres of a train station or high frequency bus route stop;
  - c) Are within 400 metres of an area of tourist potential as determined by the Town, such as adjacent to the Swan River foreshore and major sporting/entertainment complexes;
  - d) Are within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services; and/or
  - e) Are within 800 metres of a higher education provider (TAFE or University campus), where the proposal is for Short Term Accommodation to house students.
- 1.3 Applications for a Lodging House will generally not be supported on 'Residential' zoned land with a designated density coding of 'R60' or lower under the Scheme.

### 2. Design of Residential Buildings

#### 2.1 Conversion of Existing Buildings

Applications involving the conversion or change of use of an existing dwelling(s) to a Residential Building will generally only be supported where:

- a) The existing building is approved by the Council as a Single House or Grouped Dwelling; or
- b) The existing building is an approved non-residential building but meets (or will be modified to meet) the visual privacy, open space and outdoor living area requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site;
- c) In the case of a Bed and Breakfast, the guest accommodation does not comprise more than 2 guest bedrooms providing accommodation for a total of 4 adult persons or one family;
- d) In the case of Short Term Accommodation, there are a maximum of six (6) rooms designed for and/or capable of use as bedrooms;
- e) Applications to convert an existing Grouped Dwelling to Bed and Breakfast accommodation or Short Term Accommodation will be considered on their merit but must demonstrate that the amenity of the occupants of the other Grouped Dwellings within the development/complex will not be adversely affected by the proposal by way of noise, interruption, access or other impacts;
- f) The conversion of single Multiple Dwellings to Short Term Accommodation or Bed and Breakfast accommodation will generally not be supported by the Council given the potential for negative impacts and conflict to occur with permanent residents of other units. Any applications of this kind shall be additionally subject to the location and design requirements for Serviced Apartments outlined in Clause 3 of this Policy; and
- g) In the case of a Lodging House proposal, the applicant has demonstrated that the



internal design and layout of the building is consistent with the construction and use requirements specified for Lodging Houses in Part V, Division 2 of the *Health Act 1911* and Council's *Health Local Law 2003*, except where the proposal is specifically excluded from the definition of a 'Lodging House' contained in the *Health Act 1911*. This includes the requirement for a keeper/manager to reside on the premises at all times;

## 2.2 New Buildings

Applications proposing the construction of a new building(s) to accommodate a Residential Building(s) shall:

- a) Meet the requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site in relation to density (i.e. number of buildings), boundary setbacks, open space, outdoor living area, site works, building height, visual privacy and design for climate;
- b) Meet the requirements of Council's *Local Planning Policy 25 – Streetscape* that apply to a Single House or Grouped Dwelling constructed on the site, where it is located on Residential zoned land;
- c) a) and b) above apply to the design and location of carports, garages and any other incidental development associated with a Residential Building(s);
- d) In the case of a Bed and Breakfast, the guest accommodation does not comprise more than 2 guest bedrooms providing accommodation for a total of 4 adult persons or one family;
- e) In the case of Short Term Accommodation, there are a maximum of six (6) rooms designed for and/or capable of use as bedrooms;
- f) In the case of a Lodging House proposal, the applicant has demonstrated that the proposed internal design and layout of the building is consistent with the construction and use requirements specified for Lodging Houses in Part V, Division 2 of the *Health Act 1911* and Council's *Health Local Law 2003*, except where the proposal is specifically excluded from the definition of a 'Lodging House' contained in the *Health Act 1911*. This includes the requirement for a keeper/manager to reside on the premises at all times.

## 2.3 Additional Requirements for Bed and Breakfast Accommodation

- a) The permanent residents responsible for the operation of the Bed and Breakfast accommodation must reside in the building from which the accommodation is provided. Where the accommodation is provided from within a building detached from the main dwelling they shall reside within the main dwelling (or vice versa); and
- b) The permanent residents responsible for the operation of the Bed and Breakfast accommodation must have dedicated bedroom and bathroom facilities, separate from those of the guest accommodation.

## 3. **Design of Serviced Apartments**

### 3.1 Conversion of existing dwellings

- a) The conversion of dwellings to Serviced Apartments (or vice versa) on a unit by unit basis will generally not be supported by the Council; and
- b) Applications for the conversion of existing Multiple Dwelling(s) to Serviced Apartments will generally only be considered where they seek to change the use of entire floors to ensure compliance with the separation of uses within the building, outlined in 3.3(b) below.

### 3.2 New Buildings

- a) Applications for Serviced Apartments shall be subject to the siting, design and location



requirements applicable to the site for Multiple Dwellings under the Council's Scheme, the relevant Precinct Plan for the locality and the Residential Design Codes. Where Serviced Apartments are located on Residential zoned land they are additionally subject to the requirements of Council's Local Planning Policy – Streetscape;

- b) Where a combination of dwellings (permanent occupancy) and Serviced Apartments are proposed within a development, the applicant must demonstrate how the amenity and security of all occupants will be protected and maintained through the design and management of the development;
- c) In such instances the Serviced Apartments will be required to be separated from the permanent/long term residents of the development by being located on separate floors of the building;
- d) Separate entrances should be provided for permanent and temporary residents where a combination of dwellings and Serviced Apartments are proposed within a single development;
- e) Applications for Serviced Apartments shall include within the entrance foyer or lobby, a reception desk which is to be attended by staff at all times or suitable other arrangements (e.g. provision of a secure combination key safe) to ensure the accommodation guests are able to check-in/check-out of the accommodation at their intended time of arrival/departure; and
- f) Consideration should be given to providing some communal facilities for the use of permanent residents only, where a combination of dwellings and Serviced Apartments are proposed within a single development.

#### **4. Signage and Advertising**

##### **4.1 Residential Zoned Land**

On land zoned 'Residential' under the Scheme, a maximum of one (1) sign on the site not exceeding 0.2m<sup>2</sup> in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the accommodation is permitted.

##### **4.2 Land in Zones other than Residential**

Signage associated with the accommodation on land zoned other than 'Residential' shall be subject to Local Planning Policy 38 'Signs'.

#### **5. Car Parking**

- 5.1 All resident, guest, staff or visitor car parking associated with the accommodation shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas;
- 5.2 The number of car parking bays to be provided for the development shall be in accordance with *Local Planning Policy 23 – Car Parking*;
- 5.3 Serviced Apartment developments must make provision for the parking of delivery, servicing and maintenance vehicles on the site;
- 5.4 Tandem car parking may be considered in relation to proposals for Bed and Breakfast Accommodation and Short Term Accommodation, only; and
- 5.5 Where a development involves a combination of dwellings (permanent occupancy) and Serviced Apartments, the parking area for permanent residents and their visitors shall be clearly separated and delineated from the parking area for the Serviced Apartments.

#### **6. Management Plan**

- 6.1 A detailed Management Plan shall be submitted for all applications for a Residential Building



or Serviced Apartments to the satisfaction of the Council. As a minimum the Management Plan should address and/or provide details of the following:

- 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.
- b) Control of noise and other disturbances, including the appropriate use of outdoor entertainment areas, appropriate times for the checking-in and checking-out of occupants, etc.;
- c) Complaints Management Procedure detailing the person(s) responsible and measures that will be taken in the event a complaint is received in relation to the guests or operation of the premises. This will 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. The Complaints Management Procedure is to be provided to all properties surrounding the premises (if approved) and revised copies provided should the person(s) responsible for receiving and responding to complaints (or their contact details) change. There shall be 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.
- d) The use and on-going maintenance of the premises, landscaping and gardens, and any common property areas or common facilities (where applicable);
- e) Security of guests, residents and visitors;
- f) Exclusive use of the storage areas by the operator of the building, where the operator of the accommodation is to reside within the premises;
- g) Details of car parking management, including the expected number of vehicle trips to and from the premises by guests, visitors and occupants of the accommodation, including delivery vehicles. The plan shall demonstrate the sufficient provision of car parking on the site, and as a minimum shall comply with the requirements of *Local Planning Policy 23 – Parking Policy*, unless otherwise stipulated by this policy. The plan should also detail the manner in which occupants and visitors will be directed to park vehicles on the site at all times – e.g. guest instructions and limitations on vehicle numbers;
- h) Preparation of guest House Rules or a Code of Conduct setting out the expected behaviour of residents/guests and other matters in order to minimise any impact on adjoining properties and prevent anti-social behaviour. These matters include rubbish disposal and collection, removal of old furniture, maintenance of building and gardens, use of outdoor entertainment areas, guests/parties, noise and playing of loud music, etc.);
- i) Compliance with Lodging House management requirements, if the premises is deemed a Lodging House (such as registers, water supply, cleaning, disease notification, maintenance, room occupancy, painting, linen washing, cooking and food storage, fire control, etc.) as defined in the *Health Act 1911*; and
- j) 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).

6.2 The Management Plan shall be kept at the premises at all times, and the House Rules/Code of Conduct shall be displayed in a prominent position within the premises.

## 7. Servicing Strategy (Serviced Apartments)

7.1 In addition to a Management Plan, all applications for Serviced Apartments shall include a



Servicing Strategy detailing the level of servicing that contains, but is not limited to, the following:

- a) Opening hours for guest check-ins and check-out;
- b) Method of reservations/bookings;
- c) Means of attending to guest complaints;
- d) Type or extent of room service to be offered;
- e) Cleaning and laundry services, where applicable;
- f) Company name and relevant experience of management/operator;
- g) Back of house facilities (e.g. kitchen, laundry, office); and
- h) Management and accommodation of servicing vehicles within the context of the overall car parking for the development.

## **8. Community Consultation**

Community consultation will be carried out in relation to a proposed Residential Building or Serviced Apartments development in accordance with *Local Planning Policy 37 – Community Consultation on Planning Proposals*.

## **9. Application Information**

In addition to the Management Plan and Servicing Strategy (in the case of Serviced Apartments) referred to above and normal development application information requirements (submission of forms, plans etc.), the following additional information is required to be submitted for development approval for any application for a Residential Building or Serviced Apartments:

- 9.1 Information justifying the proposed location of the accommodation; and
- 9.2 Justification as to how and why the proposed accommodation will be compatible with the adjoining area and is consistent with the objectives and provisions of this Policy.
- 9.3 Development applications for a Residential Building or Serviced Apartments that involve the proposed use of common property within an existing Grouped Dwelling or Multiple Dwelling development (including for guest/customer access or car parking) require signed consent from the Strata Council/Body Corporate (as applicable) or all owners within the complex in order to be a valid development application.

## **10. Validity and Extent of Development Approval**

### **10.1 Term of Approval for Residential Buildings**

Where the Town has exercised its discretion and determined to grant development approval for a Residential Building, the initial approval period shall not exceed a maximum of 12 months. An extended timeframe may be considered for prospective applications that involve construction of a new building for the use. Owners/managers are to update management plans and other supporting documents/evidence as appropriate when applying for further development approval.

### **10.2 Restriction of Operator**

Any approval of a Residential Building or Serviced Apartments is restricted to the approved operator of the Residential Building or Serviced Apartments only. Fresh approval must be obtained in the event that the approved operator of a Residential Building or Serviced Apartments development changes.

## **11. Assessment of Applications for Dwellings**



### 11.1 Criteria used to determine accommodation type

The Council will have regard to the following criteria in determining whether an application for a building providing accommodation will be determined as a dwelling (for example a Single House or Grouped Dwelling) or a Residential Building:

- a) The number of proposed and potential bedrooms and occupants, in particular where there are 6 or more rooms proposed or considered capable for use as bedrooms. The Council may consider any enclosed habitable room greater than 10m<sup>2</sup> in area as capable of occupation by two persons;
- b) The ratio of bathrooms and toilets to the number of bedrooms/occupants. As a guide, the Council will consider a building that provides a high ratio of toilets and bathrooms to the number of proposed or potential bedrooms as characteristic of a Residential Building (i.e. a ratio of more than 1 toilet per 2 bedrooms or more than 1 bathroom per 2 bedrooms);
- c) The floor area ratio of potential bedrooms to living areas;
- d) The location and provision of outdoor living areas so that they do not provide opportunity for conversion to car parking spaces;
- e) The proportion of soft landscaping in comparison to hard/paved surfaces to determine whether a proposed building will have landscaped surroundings and a level of maintenance usually associated with a dwelling for permanent occupation, particularly in the case of applications for a Single House or Grouped Dwelling(s);
- f) Proximity of the site to higher education providers (i.e. Curtin University and Carlisle TAFE), high frequency public transport and/or commercial centres, which serve as attractive locations for Short Term Accommodation and other forms of Residential Buildings (i.e. within 400 to 800 metre radius).

### 11.2 Restriction on use of approved dwellings

Where the Council is satisfied that an application for a Single House, Grouped Dwelling or Multiple Dwelling is proposed and intended for use and occupation as a 'dwelling', the Council may impose the following or similar condition on the development approval:

*This approval is for the use and occupation of the building as a dwelling only, to be occupied by a single family or no more than six (6) persons who do not comprise a single family, on a permanent basis. Any alternative use or occupation of the building is not permitted unless further development approval has been granted by the Council.*

### 11.3 Notification to prospective owners & occupiers

Where the Council is of the view that there is a risk that a proposed building may be used or occupied as a Residential Building rather than as a dwelling (i.e. Single House, Grouped Dwelling, etc.) as stated by an applicant or owner of a property, the Council may impose the following or similar condition on the development approval:

*Prior to submission of an application for building permit, a notification in the following terms shall be registered on the Certificate of Title for (property address) under section 70A of the Transfer of Land Act 1893 at the expense of the owner/developer:*

- a) *Under the provisions of the Town of Victoria Park Town Planning Scheme No. 1, the whole of the building on the lot is approved as a dwelling, which may only be occupied by members of the same family or by no more than six (6) persons who do not comprise a single family, on a permanent basis. The lease or occupation of any part of the building on a temporary basis or as self-contained living accommodation separate from any other part of the building is not permitted without development approval first being granted by the Town of Victoria Park.*

*The use or occupation of the dwelling in contravention of this requirement is an offence under the Planning and Development Act 2005.*

#### **VERSION CONTROL**

Date Initially Adopted :	Former Administrative Policy PLNG 17 'Specialised Forms of Accommodation Other Than Dwellings' – adopted 10 April 2012
Date(s) Amended :	<ol style="list-style-type: none"><li>1. Adopted as Local Planning Policy 31 at Ordinary Council Meeting 8 November 2016.</li><li>2. Amended by Council resolution at Ordinary Council Meeting [insert date of adoption].</li></ol>

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## APPENDICES

### APPENDIX 1: Non-planning related legislation and Other Matters

#### 1. Building Code of Australia

Serviced Apartments and Residential Buildings, including Bed and Breakfast Accommodation, Short Term Accommodation and Lodging Houses, may be subject to Building Code of Australia (BCA) and Australian Standards requirements over and above those normally required for a dwelling. These may include requirements relating to access to, mobility within and egress from buildings for disabled and ambulant persons. Applicants are strongly advised to familiarise themselves with these requirements and ensure they have been factored into the design, management and operation of the proposal, prior to submitting an application for development approval.

#### 2. Strata Titles Act 1985

Serviced Apartments or Residential Building proposals within a strata development may require additional (i.e. separate) approval by the Council of Owners or strata by-laws of the body corporate under the *Strata Titles Act 1985*. The granting of development approval does not affect any requirement to obtain necessary approvals under the *Strata Titles Act 1985*.

#### 3. Health Act 1911 & Town of Victoria Park Health Local Law

Where the development or use of a building as a Residential Building falls within the definition of a Lodging House, it is subject to the strict requirements of the *Health Act 1911* and the Town of Victoria Park's Health Local Law in relation to Lodging Houses, including the requirement for a keeper/manager to reside on the premises at all times.

Applicants are strongly advised to familiarise themselves with these requirements and ensure that they have been factored into the design, management and operation of the proposal, prior to submitting an application for a Residential Building which falls within the definition of a Lodging House.

#### 4. Voluntary Accreditation

Owners and operators of short term or tourism based accommodation such as Bed and Breakfast Accommodation, certain forms of Short Stay Accommodation such as holiday homes, Lodging Houses, and Serviced Apartments are encouraged to attain accreditation from the Tourism Council of Western Australia.

Accreditation is a non-regulatory, voluntary means of addressing customer service and consumer protection issues. The benefits of accreditation include improvements and consistency in the quality of accommodation product through the application of best practice standards and capture of accommodation provider details. Programs include the Australian Tourism Accreditation Program (ATAP) and the Australian STAR Rating Scheme.

#### 5. Other Legislation and Insurance

It is recommended that landowners/operators seek independent legal advice on legislative requirements regarding the use and management of Residential Buildings and Serviced Apartments developments, including but not limited to the *Equal Opportunity Act 1984* and the *Fair Trading Act 1987*.

As many residential public liability insurance policies exclude the use of premises for short term rental accommodation, it is recommended that landowners/operators check this matter with their insurance providers.

## <PROPOSED USE> MANAGEMENT PLAN

ADDRESS

DATE

### 1. BACKGROUND

< Provide details of the property (e.g. single dwelling, grouped dwelling, multiple dwelling), the layout of the dwelling (e.g. number of bedrooms, bathrooms etc.) and where the property exists within the Town of Victoria Park municipality >

### 2. OBJECTIVES OF MANAGEMENT PLAN

< Outline objectives of the Management Plan >

### 3. MANAGEMENT STRATEGIES

#### 3.1 MANAGER

<Name and contact details of the owner, manager and any other personnel in relation to the property, email and direct telephone contact details . Proximity (in estimated typical driving time) of Managers place of residence from the proposed residential building (specify suburb/postcode) and general availability to respond to any issues that may arise at the subject premises.>

<Revisions to the management of the property are to be reflected in an updated version of the management plan which is to be provided to the Town within two weeks of change of management>

#### 3.2 CHECK-IN/CHECK-OUT

< Check-in and check-out times and procedure, as well as procedure for late/early check-in/check-out >

#### 3.3 MITIGATION AND COMPLAINTS PROCEDURE

< Mitigation strategies for the control of noise and other disturbances, including the appropriate use of outdoor living areas. Complaints procedure for both neighbours and guests and resolution procedure and timeframe (refer to Complaints Management Form). Complaints Management Form to be provided to all adjoining property owners and tenants >

<Revisions to the management of the property are to be reflected in an updated version of the Complaints Management Form which is to be provided to the adjoining property owners and tenants within two weeks of change of management>



## 2.4 USE AND MAINTENANCE

< The use of the premises (refer to Code of Conduct) and on-going maintenance of the property including but not limited to:

- landscaping and gardens;
- upkeep of any common property areas or facilities; and
- removal of old/disused furniture (if applicable)>

## 3.4 SAFETY, HYGIENE AND SECURITY

### 3.4.1 SAFETY

< Details regarding smoke alarms, fire blankets and extinguishers, medical supplies and any other safety related facilities >

### 3.4.2 HYGIENE AND COMFORT

< Details regarding food storage, bins, vermin control, linen and towels, exhaust fans, air conditioning/heating, laundry facilities >

### 3.4.3 SECURITY

< Details regarding door locks, security alarms, security cameras >

## 3.5 CAR PARKING

< Details regarding where the designated car parking is located, the manner in which occupants and guests shall park and the expected number of vehicle trips to and from the premises by guests, visitors and occupants of the accommodation.>

<NOTE 1: applicant to provide a site plan clearly depicting the location of the parking bays. NOTE 2: The Car Parking ratio required for commercial accommodation *under Local Planning Policy 23*. Please refer to *Local Planning Policy 23* on the Town's website to ensure the most up-to-date standard is applied.>

**8.2 Appendix 2 Existing LPP31**

**POLICY:**

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#### 4.4 Determination of Applications

## **PART 1 POLICY OBJECTIVES & CLASSIFICATION OF ACCOMMODATION**

### **1.1 INTRODUCTION**

The Town has witnessed a growing demand for more diverse forms of accommodation due to its close proximity to the Perth CBD, Curtin University, airport and the Swan River, as well as the wide range of commercial, retail, and educational opportunities available within the Town.

This policy has been designed to guide and facilitate the appropriate provision of specialised forms of accommodation other than dwellings occupied on a permanent basis. In particular, the policy provides guidance and standards for the location and operation of Serviced Apartment developments, and Residential Buildings comprising Bed and Breakfast Accommodation, Short Term Accommodation or a Lodging House, as defined by this Policy.

This Policy should be read in conjunction with the Town of Victoria Park Town Planning Scheme No. 1 (Scheme), Precinct Plans and all relevant Policies of the Town Planning Scheme No. 1 Policy Manual, including:

- Policy 3.5 'Non-Residential Uses in or Adjacent to Residential Areas';
- Policy 3.7 'Mixed Residential/Commercial Development'; and
- Policy 5.1 'Parking Policy'

### **1.2 POLICY OBJECTIVES**

- To facilitate the development of appropriately located and high quality accommodation other than permanent residential dwellings within the Town of Victoria Park;
- To define and control the use, management and level of service provided for Residential Buildings and Serviced Apartments, including specialised forms of accommodation such as Lodging Houses, Bed and Breakfast Accommodation and Short Term Accommodation;
- To provide guidelines for the design of Serviced Apartments, particularly where it is proposed they will be incorporated into a residential or mixed use development occupied by permanent residents;
- To protect the residential amenity of permanent and long term residents and minimise the perceived negative impacts that may be caused by the

transient nature of alternative forms of accommodation; and

- To ensure various forms of accommodation, particularly where they are to be located within existing residential areas, are of a compatible scale and design with surrounding development.

### 1.3 TYPES OF ACCOMMODATION

A **dwelling** is a building or portion of a building that is used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six (6) persons who do not comprise a single family, and includes a Single House, Grouped Dwelling, Multiple Dwelling and Ancillary Accommodation as defined by the Scheme and the Residential Design Codes.

Where an existing dwelling is proposed to be used or occupied contrary to the above, it ceases to be classified as a dwelling and is instead classified as a **Residential Building**, or in some circumstances as **Serviced Apartments**. This also applies in the case of a new building proposed or capable of occupation in a manner that is inconsistent with the definition of a dwelling.

Where an applicant has been unable to satisfy the Council that a proposed building is intended to be occupied in a manner consistent with the definition of a dwelling, it shall be subject to the provisions outlined in this Policy for a Residential Building or Serviced Apartments (as applicable) and determined accordingly.

#### Permanent Accommodation

In relation to the terms used to describe the length or nature of occupation of a building in this Policy, the terms “long term”, and “permanent” have the same meaning as the definition of “permanently” contained in the Scheme (i.e. the habitation of a building or part of a building for 6 months or more).

#### Temporary Accommodation

In relation to the terms used to describe the length or nature of occupation of a building in this Policy, the terms “short term”, “short stay”, “temporary” and “transient” have the same meaning as the definition of “temporarily” contained in the Scheme (i.e. the habitation of a building or part of a building for less than 6 months).

### 1.3.1 RESIDENTIAL BUILDINGS

A **Residential Building** is defined by the Scheme and means:

*“a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be*

*used for the purpose of human habitation:*

- *temporarily by two or more persons; or*
- *permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”*

For the purposes of this Policy, the use of part of a building (such as a unit or room) in the manner described above shall also be regarded as a Residential Building.

Given the wide range of forms (and therefore variety of impacts) that a Residential Building can have, this Policy splits Residential Buildings into three defined categories as follows:

- **“Bed and Breakfast Accommodation”** means a dwelling, used by a resident(s) of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast; and excludes a Lodging House, Short Term Accommodation and Serviced Apartments.
- **“Short Term Accommodation”** means a Residential Building occupied on a short term basis by no more than 6 unrelated persons at any one time; and excludes a Lodging House, Bed and Breakfast Accommodation and Serviced Apartments.

Examples of Short Term Accommodation include short stay rental accommodation, holiday homes, student accommodation, share housing, etc.

- **“Lodging House”** has the same meaning as defined in the Health Act 1911, namely:

*“means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include—*

- (a) premises licensed under a publican’s general licence, limited hotel licence, or*
- (b) wayside-house licence, granted under the Licensing Act 1911<sup>2</sup>;*
- (c) residential accommodation for students in a non-government school within the meaning of the School Education Act 1999; or*
- (c) any building comprising residential flats”.*

Examples of Lodging Houses include youth hostels, guesthouses, boarding houses, backpackers and workers accommodation and any other form of Residential Building proposed or capable of providing accommodation for 7 or more guests/occupants.

Applications seeking approval for a building determined by the Council as capable of providing accommodation for 7 or more persons who do not comprise a single family,

whether on a short-term commercial basis or on a long term basis shall be assessed as a Lodging House under the provisions of this Policy.

### **1.3.2 SERVICED APARTMENTS**

A **Serviced Apartment** is defined by the Scheme as:

*“a building or buildings which include self-contained units for transient accommodation.”*

For the purposes of this Policy, applications proposing a number of units within a complex where common maintenance or other services are provided will be classified as Serviced Apartments. Examples include complexes of two or more units that are commonly maintained and operated, and are furnished and equipped to be used on a temporary basis in a manner similar to Multiple Dwellings. Serviced Apartments will usually be provided with laundry and cleaning services, with or without other ancillary amenities.

Applications which seek the use of a dwelling for the provision of accommodation on a short term basis where the maintenance and management of the accommodation is independent of other units (although generally not supported by the Council) shall be classified as Short Term Accommodation.

## **1.4 COMMUNITY CONSULTATION**

All applications for Residential Buildings and Serviced Apartments shall be subject to consultation with the owners and occupiers of surrounding properties. The extent of consultation is subject to the discretion of the Council. The Council shall have regard to any valid submissions received during the community consultation period.

## **1.5 VALIDITY AND EXTENT OF PLANNING APPROVAL**

### **1.5.1 Term of Approval for Residential Buildings**

Where the Council has exercised its discretion and determined to grant planning approval for a Residential Building, the initial approval period shall not exceed a maximum of 12 months. Owners/managers are to update management plans and other supporting documents/evidence as appropriate when applying for further planning approval.

### **1.5.2 Restriction of Operator**

Any approval of a Residential Building or Serviced Apartments is restricted to the approved operator of the Residential Building or Serviced Apartments only. Fresh approval must be obtained in the event that the approved operator of a Residential

Building or Serviced Apartments development changes.

## **1.6 HOTEL & MOTEL DEVELOPMENTS**

A Hotel and Motel are listed as separate land use classifications under the Scheme and are not dealt with in detail by this Policy. In general, Hotel or Motel developments will be considered on their merits subject to compliance with the Scheme, Precinct Plan and other relevant Planning Policy provisions.

## **1.7 BUILDING CODE OF AUSTRALIA**

Serviced Apartments and Residential Buildings, including Bed and Breakfast Accommodation, Short Term Accommodation and Lodging Houses, may be subject to Building Code of Australia (BCA) and Australian Standards requirements over and above those normally required for a dwelling. These may include requirements relating to access to, mobility within and egress from buildings for disabled and ambulant persons. Applicants are strongly advised to familiarise themselves with these requirements and ensure they have been factored into the design, management and operation of the proposal, prior to submitting an application for planning approval.

## **1.8 HEALTH ACT 1911 & TOWN OF VICTORIA PARK HEALTH LOCAL LAW**

Where the development or use of a building as a Residential Building falls within the definition of a Lodging House, it is subject to the strict requirements of the *Health Act 1911* and the Town of Victoria Park's Health Local Law in relation to Lodging Houses, including the requirement for a keeper/manager to reside on the premises at all times.

Applicants are strongly advised to familiarise themselves with these requirements and ensure that they have been factored into the design, management and operation of the proposal, prior to submitting an application for a Residential Building which falls within the definition of a Lodging House.

## **1.9 VOLUNTARY ACCREDITATION**

Owners and operators of short term or tourism based accommodation such as Bed and Breakfast Accommodation, certain forms of Short Stay Accommodation such as holiday homes, Lodging Houses, and Serviced Apartments are encouraged to attain accreditation from the Tourism Council of Western Australia.

Accreditation is a non-regulatory, voluntary means of addressing customer service



and consumer protection issues. The benefits of accreditation include improvements and consistency in the quality of accommodation product through the application of best practice standards and capture of accommodation provider details. Programs include the Australian Tourism Accreditation Program (ATAP) and the Australian STAR Rating Scheme.

### **1.10 OTHER MATTERS**

It is recommended that landowners/operators seek independent legal advice on legislative requirements regarding the use and management of Residential Buildings and Serviced Apartments developments, including but not limited to the *Equal Opportunity Act 1984* and the *Fair Trading Act 1987*.

As many residential public liability insurance policies exclude the use of premises for short term rental accommodation, it is recommended that landowners/operators check this matter with their insurance providers.

## **PART 2 DESIGN AND LOCATION OF ACCOMMODATION**

### **2.1 BED & BREAKFAST ACCOMMODATION**

#### Note:

Applications seeking approval to provide accommodation for 7 or more persons on a short-term commercial basis shall be assessed as a Lodging House under this policy, regardless of whether it includes the provision of breakfast, and may be subject to the requirements set out in Part V, Division 2 of the *Health Act 1911* and Council's Health Local Law 2003 relating to Lodging Houses.

#### **2.1.1 Location**

Bed and Breakfast Accommodation will be more favourably considered by the Council, where it is located in the following preferred locations:

- i) On a Primary, District or Local Distributor road;
- ii) Within 400 metres of a train station or high frequency bus route stop;
- iii) Within 400 metres of an area of tourist potential, such as adjacent to the Swan River foreshore, an entertainment centre or other attraction; and
- iv) In or within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services.

#### **2.1.2 Design**

Applications for Bed and Breakfast Accommodation will generally not be supported by the Council unless the proposed site and building in which the use/occupation is to occur is consistent with the following:

**2.1.2.1 Existing Buildings:**

- (a) The existing building is approved by the Council as a Single House or Grouped Dwelling; or
- (b) The existing building is approved (excluding a Multiple Dwelling) but meets the visual privacy, open space and outdoor living area requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site.

**2.1.2.2 New Buildings:**

- (a) The proposed building meets the requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site in relation to density (i.e. number of buildings), boundary setbacks, open space, outdoor living area, site works, building height, visual privacy and design for climate; and
- (b) The proposed building meets the requirements of Council's Local Planning Policy – Streetscape that apply to a Single House or Grouped Dwelling constructed on the site, where it is located on Residential zoned land;
- (c) 2.1.2.2(a) and 2.1.2.2(b) apply to the design and location of carports, garages and any other incidental development associated with Bed and Breakfast Accommodation.

**2.1.3 Residence of Operator**

2.1.3.1 The permanent residents responsible for the operation of the Bed and Breakfast Accommodation shall reside in the building from which the accommodation is provided. Where the accommodation is provided from within a building detached from the main dwelling they shall reside within the main dwelling (or vice versa).

2.1.3.2 The permanent residents responsible for the operation of the Bed and Breakfast Accommodation are provided with their own dedicated bedroom and bathroom facilities.

## **2.1.4 Car Parking**

2.1.4.1 All resident, guest, staff or visitor car parking associated with Bed and Breakfast Accommodation shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas.

2.1.4.2 Applications for Bed and Breakfast Accommodation shall be subject to the car parking requirements for 'commercial accommodation' stipulated by the Scheme Policy Manual, except as otherwise stated below.

2.1.4.3 Where the proposed Bed and Breakfast Accommodation comprises no more than two rooms for a combined total of 4 persons, then only 1 additional car bay shall be required on the site for the Bed and Breakfast Accommodation. This is in addition to the minimum car parking requirements for the permanent residents of the dwelling providing the accommodation.

(For example, a Single House or Grouped Dwelling would require 2 car bays for the permanent residents plus one additional car bay for the Bed and Breakfast Accommodation).

### **2.1.4.4 Tandem Parking**

Where compliant with 2.1.4.3, tandem car parking (i.e. one bay parked behind another) may be included as part of the approved car parking requirement for the development, except where it conflicts with any requirement for vehicles to exit onto the street in forward gear.

## **2.1.5 Signage**

### **2.1.5.1 Residential Zoned Land**

On land zoned 'Residential' under the Scheme, a maximum of only one (1) sign on the site not exceeding 0.2m<sup>2</sup> in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Bed and Breakfast Accommodation is permitted.

### **2.1.5.2 Land in Zones other than Residential**

Signage associated with Bed and Breakfast Accommodation on land zoned other than 'Residential' shall be subject to Council's Signs Local Law.

## **2.1.6 Use of Grouped Dwellings and Multiple Dwellings**

### **2.1.6.1 Grouped Dwellings**

Applications for Bed and Breakfast accommodation from a Grouped Dwelling will be considered on their merit and should demonstrate that the amenity of the occupants of the other Grouped Dwellings within the development/complex will not be adversely affected by the proposal by way of noise, interruption, access or other impacts.

#### 2.1.6.2 Multiple Dwellings

Provision of Bed and Breakfast Accommodation from a Multiple Dwelling will generally not be supported by the Council given the potential for negative impacts and conflict to occur with permanent residents of other units. Any applications of this kind shall be additionally subject to the location and design requirements for Serviced Apartments set out in this Policy.

## 2.2 SHORT TERM ACCOMMODATION

Note: Applications seeking approval to provide accommodation for 7 or more persons on a short-term commercial basis shall be assessed as a Lodging House under this Policy, and may be subject to the requirements set out in Part V, Division 2 of the *Health Act 1911* and Council's Health Local Law 2003 relating to Lodging Houses.

### 2.2.1 Location

Short Term Accommodation will be more favourably considered by the Council, where it is located in the following preferred locations:

- i) On a Primary, District or Local Distributor road;
- ii) Within 400 metres of a train station or high frequency bus route stop;
- iii) Within 400 metres of an area of tourist potential, such as adjacent to the Swan River foreshore, an entertainment centre or other attraction;
- iv) In or within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services; and
- v) Within 800 metres of a higher education provider, where the Short Term Accommodation is proposed to house students.

### 2.2.2 Design

Applications for Short Term Accommodation will generally not be supported by the Council unless the proposed site and building in which the use/occupation is to occur is consistent with the following:

#### 2.2.2.1 Existing Buildings:

- (a) There are a maximum of six (6) rooms designed for and/or capable of use as bedrooms; and
- (b) The existing building is approved by the Council as a Single House or Grouped Dwelling; or
- (c) The existing building is approved (excluding a Multiple Dwelling) but meets the visual privacy, open space and outdoor living area requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site.

#### 2.2.2.2 New Buildings:

- (a) There are a maximum of six (6) rooms designed for and/or capable of use as bedrooms;
- (b) The proposed building meets the requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site in relation to density (i.e. number of buildings), boundary setbacks, open space, outdoor living area, site works, building height, visual privacy and design for climate; and
- (c) The proposed building meets the requirements of Council's Local Planning Policy – Streetscape that apply to a Single House or Grouped Dwelling constructed on the site, where it is located on Residential zoned Land.
- (d) 2.2.2.2(b) and 2.2.2.2(c) applies to the design and location of carports, garages and any other incidental development associated with the Short Term Accommodation.

### **2.2.3 Use of Multiple Dwellings**

The conversion of single Multiple Dwellings to Short Stay Accommodation will generally not be supported by the Council given the potential for negative impacts and conflict to occur with permanent residents of other units. Any applications of this kind shall be additionally subject to the location and design requirements for Serviced Apartments set out in this Policy.

Applications should only seek to change the use of entire floors (i.e. as Serviced Apartments) to ensure compliance with the separation of uses within the building.

## 2.2.4 Car Parking

2.2.4.1 All resident, guest, staff or visitor car parking associated with the Short Term Accommodation shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas.

2.2.4.2 Applications for Short Term Accommodation shall be subject to the car parking requirements for 'commercial accommodation' stipulated by the Scheme Policy Manual, except as otherwise stated below:

### 2.2.4.3 Tandem Car Parking

Tandem car parking arrangements (one bay behind another) will only be permitted for applications which comply with the definition of Short Term Accommodation contained in this Policy (i.e. accommodation for 6 or less persons) and where it does not conflict with any requirement for vehicles to exit onto the street in forward gear.

### 2.2.4.4 Short Term Accommodation for Students

Given the unique circumstances and reduced need for students to own a vehicle where they live in close proximity to their education provider, the Council will permit a reduction to the car parking requirements for Short Term Accommodation (i.e. 6 or less persons) where it is to be provided for students only, as follows:

- (a) Where the property is located within a 400 metres radius of a higher education provider (i.e. Carlisle TAFE or Curtin University) a 50% reduction to the commercial accommodation car parking requirement under Council's Scheme will be permitted, subject to a minimum of 2 on-site car parking bays being provided in any instance.
- (b) Where the property is located within a 800 metres radius of a higher education provider (i.e. Carlisle TAFE or Curtin University) a 25% reduction to the commercial accommodation car parking requirement under Council's Scheme will be permitted, subject to a minimum of 2 on-site car parking bays being provided in any instance;
- (c) The radii referred to in 2.2.4.4(a) and 2.2.4.4(b) are to be measured in a straight line from the lot boundary of the subject property on which the Short Term Accommodation is located to the boundary of the lot containing the main/central campus of the higher education provider.
- (d) The car parking reductions permitted by this clause do not apply to

buildings or research facilities associated with a higher education provider that are not located on the same lot as the main/central campus of the higher education provider.

- (d) Where Council's approval of the car parking for the proposed Short Term Accommodation is based on the provision of accommodation for students within proximity of a higher education provider, all persons occupying the building must be enrolled students of that same education provider.
- (e) Details of student enrolments of all persons occupying the premises shall be kept in the Register required to be kept on the site (refer Part 3.4 of this Policy), which shall be available for inspection by Council Officers upon request.

## **2.2.5 Signage**

### **2.2.5.1 Residential Zoned Land**

On land zoned 'Residential' under the Scheme, a maximum of only one (1) sign on the site not exceeding 0.2m<sup>2</sup> in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Short Term Accommodation is permitted.

### **2.2.5.2 Land in Zones other than Residential**

Signage associated with Short Term Accommodation on land zoned other than 'Residential' shall be subject to Council's Signs Local Law.

## **2.3 LODGING HOUSES**

Note: Applications seeking approval to provide accommodation for 7 or more persons who do not comprise a single family, whether on a short-term commercial basis or on a long term basis shall be assessed as a Lodging House under the provisions of this Policy.

Applications for a Residential Building falling into the category of a Lodging House are also subject to the requirements set out in Part V, Division 2 of the *Health Act 1911* and Council's Health Local Law 2003 relating to Lodging Houses, except where the proposal is specifically excluded from the definition of 'Lodging House' contained in the *Health Act 1911*.

### **2.3.1 Location**

- 2.3.1.1 Where a Lodging House is proposed on 'Residential' zoned land, it will generally only be considered for approval where it has a designated

density coding of R60 or higher under the Scheme.

2.3.1.2 In addition to the above, applications for a Lodging House will be more favourably considered by the Council, where it is located in the following preferred locations:

- i) On a Primary, District or Local Distributor road;
- ii) Within 400 metres of a train station or high frequency bus route stop;
- iii) Within 400 metres of an area of tourist potential, such as adjacent to the Swan River foreshore, an entertainment centre or other attraction; and
- iv) In or within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services.

### **2.3.2 Design**

Applications for a Lodging House will generally not be supported by the Council unless the proposed site and building in which the use/occupation is to occur is consistent with the following:

#### **2.3.2.1 Existing Buildings:**

- (a) The applicant has demonstrated that the internal design and layout of the building is consistent with the construction and use requirements specified for Lodging Houses in Part V, Division 2 of the *Health Act 1911* and Council's Health Local Law 2003, except where the proposal is specifically excluded from the definition of a 'Lodging House' contained in the *Health Act 1911*. This includes the requirement for a keeper/manager to reside on the premises at all times; and
- (b) The existing building is approved by the Council as a Single House or Grouped Dwelling; or
- (c) The existing building is approved (excluding a Multiple Dwelling) but meets the visual privacy, open space and outdoor living area requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site.

#### **2.3.2.2 New Buildings:**

- (a) The applicant has demonstrated that the internal design and layout of the building is consistent with the construction and use



requirements specified for Lodging Houses in Part V, Division 2 of the Health Act 1911 and Council's Health Local Law 2003, except where the proposal is specifically excluded from the definition of a 'Lodging House' contained in the Health Act 1911. This includes the requirement for a keeper/manager to reside on the premises at all times;

- (b) The proposed building meets the requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site in relation to density (i.e. number of buildings), boundary setbacks, open space, outdoor living area, site works, building height, visual privacy and design for climate;
- (c) The proposed building meets the requirements of Council's Local Planning Policy – Streetscape that apply to a Single House or Grouped Dwelling constructed on the site, where it is located on Residential Zoned Land;
- (d) 2.3.2.2(b) and 2.3.2.2(c) applies to the design and location of carports, garages and any other incidental development associated with the Lodging House.

### **2.3.3 Car Parking**

2.3.3.1 All resident, guest, staff and visitor car parking associated with a Lodging House shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas.

2.3.3.2 Applications for a Lodging House shall be subject to the car parking requirements for 'commercial accommodation' stipulated by the Scheme Policy Manual.

### **2.3.4 Signage**

#### **2.3.4.1 Residential Zoned Land**

On land zoned 'Residential' under the Scheme, a maximum of only one (1) sign on the site not exceeding 0.2m<sup>2</sup> in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Lodging House is permitted.

#### **2.3.4.2 Land in Zones other than Residential**

Signage associated with a Lodging House on land zoned other than 'Residential' shall be subject to Council's Signs Local Law.

## **2.4 SERVICED APARTMENTS**

## **2.4.1 Location**

2.4.1.1 Applications for Serviced Apartments will be favourably considered by the Council where they are classified as 'P' (permitted) uses under the Scheme for the particular zone in which they are proposed to be located, subject to the provisions outlined in this policy, those of the Scheme and any other relevant policies.

2.4.1.2 Consideration may be given to locations where Serviced Apartments are classified as an 'AA' (discretionary use) under the Scheme, however this is limited only to locations where Multiple Dwellings are classified as a 'P' (permitted) or 'AA' (discretionary) use under the Scheme.

2.4.1.3 In addition to the above, applications for Serviced Apartments will be more favourably considered by the Council, where they are located in the following preferred locations:

- i) On a Primary, District or Local Distributor road;
- ii) Within 400 metres of a train station or high frequency bus route stop;
- iii) Within 400 metres of an area of tourist potential, such as adjacent to the Swan River foreshore, an entertainment centre or other attraction; and
- iv) In or within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services.

## **2.4.2 Design**

2.4.2.1 Applications for Serviced Apartments shall be subject to the siting, design and location requirements applicable to the site for Multiple Dwellings under the Council's Scheme, the relevant Precinct Plan for the locality and the Residential Design Codes. Where Serviced Apartments are located on Residential zoned land they are additionally subject to the requirements of Council's Local Planning Policy – Streetscape.

2.4.2.2 Where a combination of dwellings (permanent occupancy) and Serviced Apartments are proposed within a development, the applicant must demonstrate how the amenity and security of all occupants will be protected and maintained through the design and management of the development.

- 2.4.2.3 In such instances the Serviced Apartments will be required to be separated from the permanent/long term residents of the development by being located on separate floors of the building.
- 2.4.2.4 The conversion of dwellings to Serviced Apartments (or vice versa) on a unit by unit basis will generally not be supported by the Council. Applications should only seek to change the use of entire floors to ensure compliance with the separation of uses within the building.
- 2.4.2.5 Separate entrances should be provided for permanent and temporary residents where a combination of dwellings and Serviced Apartments are proposed within a single development.
- 2.4.2.6 Applications for Serviced Apartments shall include within the entrance foyer or lobby, a reception desk which is to be attended by staff at all times when apartment check-ins and check-outs can occur.
- 2.4.2.7 Consideration should be given to providing some communal facilities for the use of permanent residents only, where a combination of dwellings and Serviced Apartments are proposed within a single development.

### **2.4.3 Car Parking**

- 2.4.3.1 All resident, guest, staff and visitor car parking associated with Serviced Apartments shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas.
- 2.4.3.2 Applications for Serviced Apartments shall be subject to the minimum on-site car parking requirements applicable to:
  - (a) “commercial accommodation” as specified in Policy 5.1 ‘Parking Policy’ of the Scheme Policy Manual; or
  - (b) Multiple Dwellings under the Residential Design Codes, including visitor car parking;

Whichever is the lesser.

Applications shall demonstrate the sufficient and appropriate allocation of car parking bays for occupants, staff and visitors of Serviced Apartments developments. Applications must also demonstrate the sufficient provision of facilities for the loading/unloading of goods on the site, as per the requirements of Town Planning Scheme 5.2 ‘Loading and Unloading’.

- 2.4.3.3 Where a development involves a combination of dwellings (permanent occupancy) and Serviced Apartments, the parking area for permanent

residents and their visitors shall be clearly separated and delineated from the parking area for the Serviced Apartments.

- 2.4.3.4 Tandem car parking arrangements (one bay behind another) will only be considered where the bays are allocated to the same apartment. Only one of two tandem car bays shall be calculated as part of the approved car parking requirement for a development in other instances.

#### **2.4.4 Signage**

##### **2.4.4.1 Residential Zoned Land**

On land zoned 'Residential' under the Scheme, a maximum of only one (1) sign on the site not exceeding 0.2m<sup>2</sup> in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Serviced Apartments is permitted.

##### **2.4.4.2 Land in Zones other than Residential**

Signage associated with Serviced Apartments on land zoned other than 'Residential' shall be subject to Council's Signs Local Law.

### **PART 3 MANAGEMENT & OPERATION**

#### **3.1 MANAGEMENT PLAN**

The Council will require a detailed Management Plan to be submitted for all applications for a Residential Building or Serviced Apartments. The Management Plan should include, but not be limited to, the following:

- a) Control of noise and other disturbances, including the appropriate use of outdoor entertainment areas, appropriate times for the checking-in and checking-out of occupants, etc.;
- b) Complaints management procedure, which is to include the provision of the telephone number of the accommodation owner and operator to adjoining neighbours;
- c) The use and on-going maintenance of the premises, landscaping and gardens, and any common property areas or common facilities (where applicable);
- d) Security of guests, residents and visitors;
- e) Control of anti-social behaviour and potential conflict between short-term residents with neighbouring long-term residents. A Code of Conduct shall be prepared detailing the expected behaviour of residents/guests in order to minimise any impact on adjoining properties;

- f) Strata titled developments should include appropriate By-Laws to be entered into the strata management statement acknowledging the type and nature of the accommodation (for example Short Term Accommodation), which also acts as a mechanism to advise future and prospective owners of the existence of the accommodation within the development;
- g) Exclusive use of the storage areas by the operator of the building, where the operator of the accommodation is to reside within the premises;
- h) Parking Management Plan detailing the expected number of vehicle trips to and from the premises by guests, visitors and occupants of the accommodation, including delivery vehicles. The plan shall demonstrate the sufficient provision of car parking on the site, and as a minimum shall comply with the requirements of Council's Scheme in relation to on-site car parking for commercial accommodation, unless otherwise stipulated by this policy. The plan should also detail the manner in which occupants and visitors will be directed to park vehicles on the site at all times;
- i) Compliance with House Rules (such as recycling, rubbish disposal, removal of old furniture, maintenance of building and gardens, etc.); and
- j) Compliance with Lodging House management requirements, if the premises is deemed a Lodging House (such as registers, water supply, cleaning, disease notification, maintenance, room occupancy, painting, linen washing, cooking and food storage, fire control, etc.) as defined in the Health Act 1911.

The Management Plan shall be kept at the premises at all times, and the Code of Conduct shall be displayed in a prominent position within the premises.

### **3.2 SERVICING STRATEGY (SERVICED APARTMENTS)**

In addition to a Management Plan, all applications for Serviced Apartments shall include a Servicing Strategy detailing the level of servicing containing, but not limited to, the following:

- a) Opening hours for guest check-ins and check-out;
- b) Method of reservations/bookings;
- c) Means of attending to guest complaints;
- d) Type or extent of room service to be offered;
- e) Cleaning and laundry services, where applicable;
- f) Company name and relevant experience of management/operator;

- g) Back of house facilities (e.g. kitchen, laundry, office); and
- h) Management and accommodation of servicing vehicles within the context of the overall car parking for the development.

### **3.3 APPLICATION INFORMATION**

In addition to the Management Plan and Servicing Strategy (in the case of Serviced Apartments) referred to above and normal planning application information requirements (submission of forms, plans etc.), the following additional information is required to be submitted for planning approval for any application for a Residential Building or Serviced Apartments:

- (a) Information justifying the proposed location of the accommodation;
- (b) Justification as to how and why the proposed accommodation will be compatible with the adjoining area and is consistent with the objectives of this Policy;

### **3.4 ON-SITE REGISTER**

A register of all occupants of an approved Residential Building or Serviced Apartments development is required to be kept by the operator of the accommodation and shall be made available for inspection upon the request or demand of an authorised Council Officer.

The register shall:

- a) Show the name and usual place of residence of every occupant staying within the accommodation; and
- b) Include the date of arrival and date of departure of the occupants of the accommodation.

### **3.5 COUNCIL REGISTER**

3.5.1 A register of approved Residential Buildings and Serviced Apartments shall be established and maintained by the Council.

- i. The register should record basic details of the property including the contact details of the owner and/or manager, property address, and configuration of the accommodation (bedroom number, number of beds, bathrooms, car parking spaces etc.). These matters should be consistent with the Management Plan

and/or Servicing Strategy approved for the Residential Building or Serviced Apartments.

## **PART 4 ASSESSMENT OF APPLICATIONS FOR DWELLINGS**

### **4.1 CRITERIA USED TO DETERMINE TYPE OF ACCOMMODATION**

The Council will have regard to the following criteria in determining whether an application for a building providing accommodation will be determined as a dwelling (for example a Single House or Grouped Dwelling) or a Residential Building:

- (a) The number of proposed and potential bedrooms and occupants, in particular where there are 6 or more rooms proposed or considered capable for use as bedrooms. The Council may consider any enclosed habitable room greater than 10m<sup>2</sup> in area as capable of occupation by two persons;
- (b) The ratio of bathrooms and toilets to the number of bedrooms/occupants. As a guide, the Council will consider a building that provides a high ratio of toilets and bathrooms to the number of proposed or potential bedrooms as characteristic of a Residential Building (i.e. a ratio of more than 1 toilet per 2 bedrooms or more than 1 bathroom per 2 bedrooms);
- (c) The floor area ratio of potential bedrooms to living areas;
- (d) The location and provision of outdoor living areas so that they do not provide opportunity for conversion to car parking spaces;
- (e) The provision of soft landscaping in comparison to hard/paved surfaces to determine whether a proposed building will have landscaped surroundings and a level of maintenance usually associated with a dwelling for permanent occupation, particularly in the case of applications for a Single House or Grouped Dwelling(s);
- (f) Proximity of the site to higher education providers (i.e. Curtin University and Carlisle TAFE), high frequency public transport and/or commercial centres, which serve as attractive locations for Short Term Accommodation and other forms of Residential Buildings (i.e. within 400 to 800 metre radius).

## **4.2 RESTRICTION ON USE OF APPROVED DWELLINGS**

Where the Council is satisfied that an application for a Single House, Grouped Dwelling or Multiple Dwelling is proposed and intended for use and occupation as a 'dwelling', the Council may impose the following or similar condition on the planning approval:

*This approval is for the use and occupation of the building as a dwelling only, to be occupied by a single family or no more than six (6) persons who do not comprise a single family, on a permanent basis. Any alternative use or occupation of the building is not permitted unless further planning approval has been granted by the Council.*

## **4.3 NOTIFICATION TO PROSPECTIVE OWNERS & OCCUPIERS**

Where the Council is of the view that there is a risk that a proposed building may be used or occupied as a Residential Building rather than as a dwelling (i.e. Single House, Grouped Dwelling, etc.) as stated by an applicant or owner of a property, the Council may impose the following or similar condition on the planning approval:

*Prior to submission of an application for building permit, a notification in the following terms shall be registered on the Certificate of Title for (property address) under section 70A of the Transfer of Land Act 1893 at the expense of the owner/developer:*

- a) *Under the provisions of the Town of Victoria Park Town Planning Scheme No. 1, the whole of the building on the lot is approved as a dwelling, which may only be occupied by members of the same family or by no more than six (6) persons who do not comprise a single family, on a permanent basis. The lease or occupation of any part of the building on a temporary basis or as self-contained living accommodation separate from any other part of the building is not permitted without planning approval first being granted by the Town of Victoria Park.*

*The use or occupation of the dwelling in contravention of this requirement is an offence under the Planning and Development Act 2005.*



**8.3 Appendix 1    Draft Revised LPP6**



## INTRODUCTION

The policy establishes a consistent approach for the Council to consider proposals for the establishment of new or expanded child care services within the Town, with particular regard to location, site characteristics, environmental suitability, design, traffic, access, noise, and health and safety issues.

## OBJECTIVES

- (a) To provide an appropriate planning framework from which planning decisions can be made regarding the location and design of family day care services and child care premises;
- (b) To clarify the circumstances in which a family day care service will require development approval to be obtained from the Town;
- (c) To locate family day care services and child care premises appropriately in relation to their surrounding service area;
- (d) To minimise the impact a child care premises has on its surrounds, in particular on the amenity of existing residential areas;
- (e) To minimise the impact that the surrounds may have on a child care premises; and
- (f) To consider the health and safety of children attending the child care premises within the confines of the planning system.

## POLICY SCOPE

This policy aims to differentiate between child care related activities operating in existing residential areas, such as family day care that takes place in dwellings, and non-residential child care activities, namely 'Child Care Premises', that are centre-based child care services operated from purpose-built facilities.

## DEFINITIONS

The following terms are defined specifically under Council's Town Planning Scheme No. 1.

General and expanded definitions are provided below, having regard to the *Education and Care Services National Law (WA) Act* and the *Education and Care Services National Regulations*, and to clarify the application of the provisions contained in this policy.

**Child Care Premises** means premises where:

- (a) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.

More generally, a child care premises refers to a centre-based child care service that offers education and care from a premises used exclusively for this purpose and includes long day care, out of school hours care and occasional care.

**Family Day Care** means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided.

**The Act** refers to the *Education and Care Services National Law (Western Australia) 2012*.

Under the *Act*, a **family day care service** means an education and care service that is delivered through the use of 2 or more educators to provide education and care for children in residences whether or not the service also provides education and care to children at a place other than a residence.

**The Regulations** refers to the *Education and Care National Regulations 2012*.

Under the Regulations, a family day care educator must not educate and care for more than seven (7) children at a family day care residence or approved family day care venue at any one time, with no more than four (4) being of preschool age or under.

In addition to referring to the relevant requirements of the Act and Regulations referred to above, applicants are encouraged to refer to the Australian Children's Education and Care Quality Authority ([www.acecqa.gov.au](http://www.acecqa.gov.au)) or contact the relevant State Government regulatory authority for further information and licensing requirements for the establishment and operation of education and care services.

## **REQUIREMENT FOR DEVELOPMENT APPROVAL**

### **Family Day Care**

Under Schedule A 'Supplemental Provisions to the Deemed Provisions' of the Scheme, a family day care service is exempt from the requirement for development approval where:

- (a) it is for five (5) children or less (including any children of the service provider(s)); and
- (b) operates within the hours of 7am and 7pm by no more than one person in addition to any occupier of the dwelling.

A family day care service that does not operate in strict accordance with the above requires development approval to be obtained from the Council.

Notwithstanding the above, the operators of family day care services exempt from the requirement for development approval are encouraged to locate, design and operate their services in accordance with the requirements set out in this policy.

### **Child Care Premises**

Development approval is required to be obtained from the Council to establish a child care premises in all instances.

An education and care service that does not satisfy the requirements of the Act or Regulations with respect to a family day care service is deemed to be, and will be assessed as, a child care premises in accordance with the provisions of Council's Scheme and this Local Planning Policy.

## POLICY REQUIREMENTS

### 1. Requirements Applying to Family Day Care (where development approval is required)

#### 1.1 Location

Family day care services should be appropriately located to ensure they meet the needs of children and their families as well as limiting any adverse impacts they may have on surrounding activities and vice versa.

Family day care may be suitable in locations that are:

- (a) within convenient walking distance (5-10 minutes) of appropriate commercial, recreation or community nodes and education facilities, (e.g. local parks and playground facilities, schools and kindergartens, etc.); and
- (b) serviced by public transport (where available); and
- (c) considered suitable from a traffic engineering/safety perspective.

#### 1.2 Design

##### (a) Dwelling Type

- i. Family day care should preferentially be provided from a Single House on a site of sufficient size and shape to provide:
  - all required outdoor play space or other facilities required under the Act and Regulations;
  - adequate security and privacy;
  - minimal potential for adverse impacts on adjoining residential properties; and
  - adequate on-site car parking for the drop-off and collection of children.
- ii. The operation of family day care from a Grouped Dwelling will only be supported if it can be demonstrated by the applicant that the requirements detailed in *i.* above can be achieved, as well as having regard to the outcomes of any required community consultation; and
- iii. The operation of family day care from a Multiple Dwelling will generally not be permitted, having regard to their limited ability to adequately provide for the facilities and outdoor play spaces required under the Act and Regulations, and the significant potential for adverse amenity impacts to occur with the residents of other Multiple Dwellings by way of car parking, noise, disturbance or other impacts.

##### (b) Building Appearance

Where alterations or additions are required to the dwelling to accommodate the family day care service the dwelling must continue to comply with the relevant requirements of the Residential Design Codes, Council's Scheme and all relevant Local Planning Policies, including the *Local Planning Policy 25 – Streetscape*.

##### (c) Street Walls and Fencing

All front fencing to primary and secondary streets must comply with the relevant requirements applicable to a residential dwelling on the site, as per the *Local Planning Policy 25 – Streetscape* or any applicable Design Guidelines.

(d) Signage

Any signage in relation to a family day care service is limited to that permissible for a Home Occupation, as per Council's Local Planning Policy and/or Local Law related to Signs.

### 1.3 Car Parking and Vehicular Access

(a) On-site Car Parking

Car parking shall be provided in accordance with Council's *Local Planning Policy 23 – Parking Policy*.

(b) Vehicular Access

- i. The provision of family day care services from dwellings situated on a rear battleaxe lot should be avoided, due to their constrained ability to accommodate the on-site parking of vehicles for the drop off and collection of children, and the increased traffic and safety hazards associated with customer vehicles reversing onto the street.
- ii. The driveway servicing the family day care service is to be designed to allow customer vehicles to enter the street in forward gear where:
  - the distance from the nominated car parking bay/drop off and collection area to the street is 15m or more; or
  - the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.
- iii. Where the driveway servicing the family day care service is situated on land held in common property and/or is shared by a dwelling other than the dwelling from which the family day care is proposed to operate, then the signed consent of all affected landowners who own or have a right of access to utilise the shared driveway is required to be provided as part of the application.

### 1.4 Noise Impacts

(a) Hours of Operation

As a general rule, the hours of operation of a child care premises should be limited to between the hours of 7am and 7pm Monday to Saturday, and 9am to 5pm on Sunday, unless otherwise agreed to by Council.

(b) Noise Regulations

Sound levels associated with a family day care service are required to comply with the provisions of the *Environmental Protection (Noise) Regulations 1997* at all times.

## 2. Requirements Applying to Child Care Premises

### 2.1 Child care premises proposed within or adjacent to residential areas

Where a child care premises is proposed adjacent to or on land zoned for Residential purposes, the provisions of Council's *Local Planning Policy 3 – Non-Residential Uses In or Adjacent to Residential Areas* (LPP3) shall apply to the development, in addition to the provisions of this policy. In the circumstance that there is a conflict between a provision of this policy and a provision of LPP3 then the provisions of this policy shall prevail.

LPP3 provides a range of provisions relating to building size/plot ratio, setbacks, design, privacy, landscaping, signage, traffic and noise (amongst others) that may affect the location, design or operation of a child care premises proposed on or adjacent to Residential zoned land, in addition to the policy requirements outlined below.

### 2.2 Location

Child care premises should be appropriately located to ensure they meet the needs of children and their families as well as limiting the impact they may have on surrounding activities and vice versa.

(a) A proposed child care premises may be suitable in locations that are:

- i. within convenient walking distance (5-10 minutes), or part of, appropriate commercial, recreation or community nodes and education facilities (e.g. local parks and playground facilities, schools and kindergartens, etc.);
- ii. located in areas where adjoining uses are compatible with a child care premises (includes considering all permissible uses under the zoning of adjoining properties);
- iii. serviced by public transport;
- iv. considered suitable from a traffic engineering/safety perspective; and
- v. of sufficient size and dimension to accommodate the development, including provision of sufficient outdoor play space and other facilities as required by the Act and the Regulations, and on-site car parking, without unreasonably affecting the amenity of the area.

(b) Child care premises are not considered suitable in locations where:

- i. soil contamination exceeds the levels regarded by DEC and DOH as suitable for standard residential land uses with accessible soils as published in guideline "Assessment Levels for Soil, Sediment and Water" (Department of Environment, November 2003);
- ii. groundwater is to be abstracted for the irrigation of gardens and play area within the child care premises and groundwater contamination exceeds 10 x Australian Drinking Water Criteria in accordance with the "Contaminated Sites Reporting Guideline for chemicals in groundwater" (Department of Health 2006);
- iii. access is from a major road or in close proximity to a major intersection where there may be safety concerns;
- iv. access is from a local access street where there may be unreasonable adverse amenity impacts due to traffic and parking;
- v. the current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes or emissions or poses a

- potential hazard by reason of activities or materials stored on site;
- vi. noise produced by roads, railways and aircraft are likely to have an adverse impact on the site; and/or
- vii. the site is in a heavy industry area or within the buffer area of a heavy industry area.

## 2.3 Site Characteristics

### (a) Size and Shape of Site

- i. Sites selected for child care premises should be of sufficient size and suitable shape to accommodate the development, including all buildings and structures, parking for staff and parents, outdoor play areas and landscaping.
- ii. Sites in residential areas should have a regular shape, with a minimum lot area of 1,000m<sup>2</sup> and effective frontage of 20 metres width to provide the opportunity for design aimed at minimising the impact on surrounding properties.

### (b) Topography

The site should generally be flat or gently sloping, as steep slopes may affect access to the facility, noise transfer and methods of noise mitigation.

### (c) Site Contamination

As a sensitive land use, any party considering development of a child care premises should obtain and consider any information the Department of Water and Environment Regulation (DWER) may have about the contamination status of a given site. Even in the absence of a report to DWER there is no guarantee that the site has not been contaminated by a previously operating land use and applicants/operators must exercise a duty of care to ensure that the site is suitable for use as a child care premises.

If the site or adjoining site(s) may have been used for a potentially contaminating activity, a *Form 2 – Request for a Summary of Records in Respect of Land* is to be applied for and obtained from the Department of Water and Environment Regulation (available from <https://www.der.wa.gov.au/your-environment/contaminated-sites/57-forms>) for all relevant sites, and supplied to Council with the development application.

The site will be assessed by Council to determine potential of soil or groundwater contamination having regard to previous or currently operating land uses on and within the vicinity of the site, and may refer the application to the Department of Water and Environment Regulation for comment and advice should the subject site be known or suspected to be affected by a potentially contaminating land use.

## 2.4 Design

### (a) Building Appearance

- i. The visual appearance of the development should reflect the character of the area, enhance its amenity and be considered appropriate for regular use by children, with a welcoming and inviting appearance from the street.
- ii. The development should be designed having regard to any adopted design guidelines, built form/streetscape policies or other development requirements applicable to the site under the relevant Precinct Plan.

- iii. Development within or adjacent to residential areas should reflect a residential appearance, character and proportions that responds to the requirements of Council's *Local Planning Policy 3 – Non-Residential Uses In or Adjacent to Residential Areas*. Particular regard should be given to appropriate building setbacks, roof form and style, external colours, finishes and materials and orientation of building openings, that is sympathetic to surrounding development.

(b) Street Walls and Fencing

- i. Fencing and walls visible from the street should be suitably designed to provide appropriate access, privacy, safety and security, whilst maintaining adequate levels of passive surveillance (i.e. 'open style' fencing) and have a visually interesting appearance.
- ii. Areas of solid walls or screening visible from the street should be of high quality materials and be articulated/visually interesting. Soft landscaping should also be used to reduce the visual dominance of solid portions of walls or fences and soften their appearance from the street.
- iii. Front fences to child care premises within or adjacent to residential areas should attempt to comply with residential street fencing requirements as far as possible and be constructed of appropriate materials that compliment the development and respect the amenity of the streetscape and surrounding residential properties.

(c) Fencing to Boundaries with Neighbouring Properties

- i. New or upgraded boundary fencing shall be required to be a minimum of 1.8 metres high and is encouraged to be of masonry construction in a colour/finish that complements the development as well being of compatible colours and materials to any neighbouring residential properties.
- ii. Efforts should be made to obtain agreement with neighbouring properties regarding the height, materials and finish of any new/upgraded boundary fencing.
- iii. The provision of new/upgraded boundary fencing may be applied as a condition of development approval where it is deemed necessary by the Council to reduce the impacts of the development, in particular where the site adjoins residential properties.

(d) Location of openings, play areas and other noise sources

Openings to rooms which may create a source for unreasonable noise levels, such as play areas, should be oriented away from adjacent residential properties, and be provided with suitable setbacks.

(e) Landscaping

- i. Where car parking is provided between the building and street alignment(s) a minimum 1.5 metre wide landscaping strip to be established and thereafter maintained along the street alignment(s).
- ii. The development to be designed to retain and conserve existing mature trees on the site as well as existing Council verge trees, wherever possible.
- iii. Car parking areas to be landscaped and provided with shade trees at a minimum rate of 1 tree per 4 car parking bays provided.



- (f) Signage
- i. All signage associated with the development should be detailed as part of the development application. Where final specifications are unknown, a signage strategy identifying the location, size and type of external advertising signage to be installed on the building/site is to be submitted to Council as part of the development application.
  - ii. Signage should be designed integrally with the building/site and be of modest scale and proportions so as not to visually dominate the site/building or detract from the visual amenity of the streetscape or surrounding properties.
  - iii. The use of tethered banners, inflatable signage or free-standing transportable signs is inappropriate and will not be supported by Council.
  - iv. The design, type, location and number of signs on the site/building is subject to the requirements of Council's Local Planning Policy and/or Local Law related to Signs and/or a signage strategy approved by Council as part of a development application for the site.

## 2.5 Car Parking, Vehicular Access and Traffic

(a) On-site Car Parking and Vehicular Access

Car parking and vehicular access shall be provided and designed in accordance with Council's *Local Planning Policy 23 – Parking Policy*.

(b) Traffic Generation

- i. Development should only be permitted where it does not negatively impact the function or safety of the adjacent roads or cause undue conflict through the generation of traffic or demand for parking.
- ii. In assessing an application for a new or expanded child care premises, in addition to considering matters such as traffic volumes, road capacity and road safety from a technical engineering perspective, Council will have also regard to these matters from a residential amenity perspective.
- iii. A Transport Impact Statement (TIS) or Transport Impact Assessment (TIA) prepared by a suitably qualified independent traffic consultant may be required to be submitted as part of a development application, which assesses the likely traffic impacts associated with the proposed development and details how parking and/or traffic will be managed.
- iv. The appropriate level of traffic assessment required to be undertaken for the proposed development will be determined by Council having regard to the requirements of the Western Australian Planning Commission's (WAPC) (2016) *Transport Impact Assessment Guidelines*.

## 2.6 Noise Impacts

(a) General Design and Layout Considerations

Child care premises should be appropriately designed and operated to minimise the noise impact it may have on adjacent properties, and also limit the impact noise from external sources may have on the child care premises. This may be achieved either by physical separation, design and layout of the premises or by implementing noise-

mitigation measures, such as acoustic treatments to buildings or other noise attenuation measures. The following basic principles will apply when considering a proposal:

- i. Where a child care premises is located adjacent to a noise-sensitive use, such as residential dwellings, retirement villages and nursing homes, the noise-generating activities of the child care premises, such as the outdoor play areas, parking areas and any plant and equipment, are to be located away from the noise-sensitive use;
  - ii. Where, due to design limitations or safety considerations, noise-generating activities such as outdoor play areas are located close to noise-sensitive uses, appropriate noise mitigation is to be undertaken; and
  - iii. The design and construction of buildings may include noise-mitigation measures to reduce impact from external sources and to achieve accepted indoor noise limits.
- (b) Noise Impact Assessment
- In general a noise impact assessment/acoustic report will be required by Council where a child care premises is proposed adjacent to a noise sensitive use such as a residential dwelling(s), retirement village or a nursing home.
- (c) Hours of Operation
- As a general rule, the hours of operation of a child care premises should be limited to between the hours of 7am and 7pm Monday to Saturday, and 9am to 5pm on Sunday, unless otherwise agreed to by Council.
- (d) Noise Regulations
- Sound levels associated with a child care premises are required to comply with the provisions of the *Environmental Protection (Noise) Regulations 1997* at all times.

### 3. CONSIDERATION OF APPLICATION FOR DEVELOPMENT APPROVAL

#### 3.1 Submission Requirements

In addition to the mandatory application form and fees and standard application requirements for non-residential development, applications for family day care or a child care premises should also be accompanied by:

- (a) a written statement and/or Management Plan outlining the number of children proposed, age group breakdown, days and hours of operation, staff requirement, and explanation of why the use is appropriate for its location;
- (b) a detailed site plan to a scale sufficient to identify clearly the boundaries and all proposed structures, external play areas; landscaping, refuse storage area, car parking, pedestrian and vehicle access ways, crossover(s) and kerb locations, verge width and associated road infrastructure (e.g. light poles, traffic islands) for the full road reserve width for all roads abutting the application site;
- (c) a traffic impact statement/assessment, where the proposed development is of a scale that warrants its submission, in accordance with the WAPC's *Transport Impact Assessment Guidelines*;
- (d) a noise impact assessment (in the case of a child care premises), where the proposal is located adjacent to one or more noise-sensitive uses;

- (e) signage details or a signage strategy;
- (f) if the site or adjoining site(s) may have been used for a potentially contaminating activity, a *Form 2 - Request for a Summary of Records in Respect of Land* is to be applied for and obtained from the Department of Water and Environment Regulation (available from <https://www.der.wa.gov.au/your-environment/contaminated-sites/57-forms>) for all relevant sites, and supplied to Council with the development application; and
- (g) any additional information or written justification relevant to the assessment of the application.

### 3.2 Community Consultation

Development applications for a family day care service or child care premises will be publicly advertised by the Council, including seeking the comments of the owners and occupiers of adjoining or surrounding properties, in accordance with *Local Planning Policy 37 – Community Consultation on Planning Proposals* (LPP37). The applicant may also be required to advertise the proposal in a local newspaper and install sign(s) on site during the community consultation period, where required by LPP37.

### 3.3 Conditions of approval

Where a development application is submitted to Council for approval of a family day care service or child care premises the Council shall have regard to and may apply conditions relating to matters including hours and days of operation, number of children/customers to the site, car parking, deliveries, advertising signs, provision of landscaping and boundary fencing, and other matters pertaining to the design and operation of the development.

### 3.4 Building Regulations 2012 and Building Code of Australia Requirements

The conversion of an existing building to a child care premises may trigger the requirement to undertake building improvement works to bring the building into compliance with the disabled access and facilities requirements of the Building Code of Australia.

Applicants are encouraged to consult the services of a registered building surveyor and/or universal access consultant to ensure that any applicable requirements are capable of being met, prior to submission of an application involving the conversion of an existing building.

## VERSION CONTROL

Date Initially Adopted :	Former Policy 3.9 under Town Planning Scheme Policy Manual – adopted 30 September 1998
Date(s) Amended :	1. Adopted as Local Planning Policy 6 at Ordinary Council Meeting 9 February 2016; 2. Amended by Council resolution at Ordinary Council Meeting 11 December 2018.

**8.3 Appendix 2    Draft Revised LPP37**



## INTRODUCTION

Council recognises that development within the Town may impact the amenity of neighbouring properties or the community as a whole. Community consultation plays an important role in ensuring that those who may be affected by a *planning proposal* are given an opportunity to comment on the proposal, and allows for their comments to be considered as part of the decision-making process.

This policy provides guidance on the community consultation process for *planning proposals*, including when consultation will occur, the means and duration of consultation, and the manner in which Council will keep the community informed of the decision-making process.

Notwithstanding this policy, applicants are strongly encouraged to discuss proposals with nearby owners and occupiers prior to the submission of any *planning proposal*.

## POLICY SCOPE

This policy is applicable to the entire municipal area of the Town of Victoria Park and will be applied by the Town when making discretionary decisions relating to advertising of *planning proposals*. In circumstances where consultation is undertaken it will include both the owners and occupiers of properties that, in the opinion of the Town, may be impacted by the proposal and/or other stakeholders where these are identified. The Policy also applies to *planning proposals* for which the Council is not the final decision making authority.

## OBJECTIVES

The objectives of this policy are to:

- (a) outline the process the Council will use when undertaking community consultation and considering submissions; and
- (b) recognise the balance between the desire for the community to be informed and have reasonable opportunity for input into *planning proposals* and the administrative requirement to process *planning proposals* in an efficient manner and within prescribed statutory time frames.

## STATUTORY BACKGROUND

The Town of Victoria Park Town Planning Scheme No. 1 includes a number of clauses relating to community consultation for development applications, Structure Plans, Local Development Plans and Local Planning Policies. Many requirements relating to community consultation are mandatory while others provide the Town with discretion as to whether a proposal is to be advertised and the method of advertising.

Part 4 of the Residential Design Codes (R-Codes) requires that for residential developments, the Town may notify potentially affected neighbours in certain circumstances. These circumstances are outlined in the tables contained in this Policy.

## RELATIONSHIP TO OTHER COUNCIL POLICIES

Council Policy GEN6 'Public Participation Policy' provides a framework for Council to engage with the community in relation to any Town proposal or initiative. This local planning policy complements Council

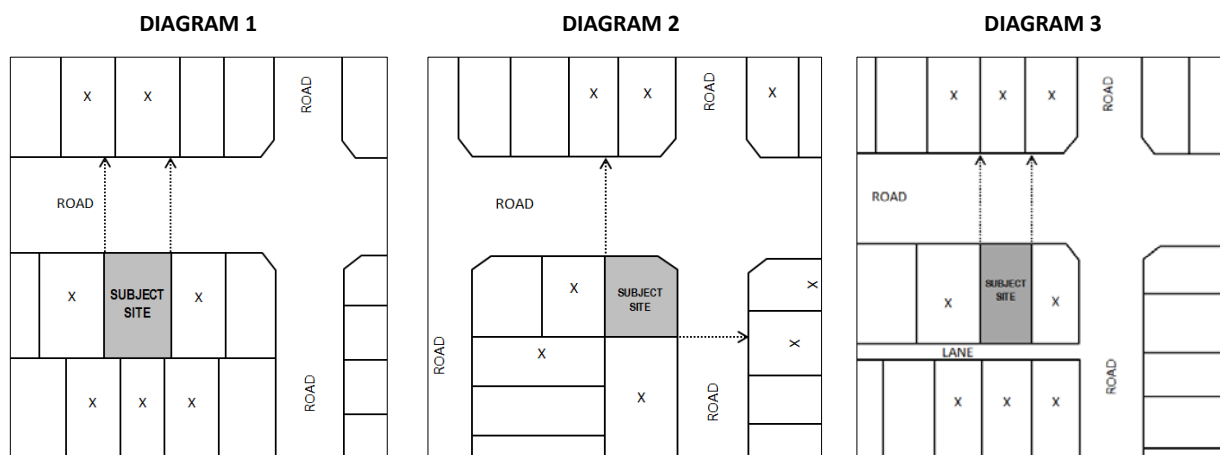
Policy GEN6. In most instances, the level of public participation to be undertaken for *planning proposals* will be Level 2 ‘Consult’.

This Policy also aligns with the strategic outcomes of the Town’s Strategic Community Plan, specifically Civic Leadership outcomes CL1 and CL2, which aim to ensure that members of the community:

- Receive information in various ways and at different times, that is easy to understand; and
- Are authentically engaged and informed in a timely manner.

## DEFINITIONS

‘**Adjoining properties**’ (AP) is to be determined by reference to Diagrams 1 to 3 below:



‘**Directly adjoining property**’ means only the property(ies) with a boundary directly adjacent to that part of the building for which a variation is proposed. For example if a development proposes a reduced setback to the western lot boundary, then only the property to the west will be consulted.

‘**LPP**’ refers to an adopted Local Planning Policy of the Council.

‘**Online**’ where referred to as an applicable consultation method in Table 1 or Tables 2A, 2B, 2C or 2D includes advertising/display of the proposal on the Town’s ‘Your Thoughts’ consultation hub, and where considered necessary may additionally include the Town’s website or other online platforms.

‘**Planning proposal**’ in the context of this policy includes a development application; Structure Plans; Scheme Amendments and Local Development Plans.

‘**Significant application**’ means a development application that:

- involves a significant exercise of discretion in terms of the Scheme, R-Codes or Council Policies; or
- proposes a scale of development that is considered to be significantly different from the predominant and expected pattern of land use or development within the locality; or
- proposes development with potentially significant amenity impacts on nearby residential areas or neighbours in terms of visual impact, streetscape, privacy, noise, intensity of use, traffic generation and adequacy of parking.

‘**Surrounding properties**’ (SP) means those properties which fall wholly or partly within a 100m radius of the subject site, unless specified otherwise, in Table 1 and Tables 2A, 2B, 2C or 2D.

## POLICY REQUIREMENTS

The following provisions apply to community consultation on *planning proposals*:

### 1. Scheme Amendments, Structure Plans and Local Development Plans

#### (a) Consultation Requirements (Table 1)

- i. Community consultation in relation to Scheme Amendments, Structure Plans, Local Development Plans and Local Planning Policies will be undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, relevant provisions of this Policy, and Table 1 below.
- ii. Within Table 1, the:
  - ‘✓’ symbol denotes that a particular consultation method does apply; and
  - ‘✗’ symbol denotes that a particular method does not apply.

#### (b) Preliminary Consultation for Scheme Amendments

In the case of a proposed Scheme Amendment that is not consistent with a Council approved strategy or policy, an approved Structure Plan, or Council’s strategic planning position, then Council will undertake community consultation for 21 days prior to determining whether or not to initiate a Scheme Amendment.

TABLE 1: Scheme Amendments, Structure Plans and Local Development Plans						
PROPOSAL TYPE	COMMENT PERIOD Minimum No. of Days	REQUIRED CONSULTATION METHODS				
		LETTERS	SIGN(S) ON SITE	NEWS- PAPER	ONLINE	NOTICE BOARD
BASIC SCHEME AMENDMENT		Consultation not required				
STANDARD SCHEME AMENDMENT	42	✓*	✓*	✓	✓	✓
COMPLEX SCHEME AMENDMENT	60	✓*	✓*	✓	✓	✓
STRUCTURE PLAN	28	✓*	✓	✓	✓	✗
LOCAL DEVELOPMENT PLAN	14	✓*	✓	✓	✓	✗
LOCAL PLANNING POLICY	21	✓*	✗	✓	✓	✗

\* The method(s) and extent of consultation will be determined by the Manager Development Services or Coordinator Urban Planning having regard to the nature of the proposal, its significance and its potential impact upon the area.

### 2. Applications for Development Approval

#### (a) Consultation Requirements for Development Applications (Tables 2A to 2D)

- i. The circumstances where an application for development approval will be the subject of community consultation and the methods and duration of consultation that will apply are contained in Tables 2A, 2B, 2C and 2D below.

- ii. Within Tables 2A to 2D, the:
- ‘✓’ symbol denotes that a particular consultation method does apply;
  - ‘✗’ symbol denotes that a particular method does not apply;
  - ‘AP’ refers to *Adjoining Properties* as defined in the Definitions; and
  - ‘SP’ refers to *Surrounding Properties* as defined in the Definitions.
- iii. The requirements of more than one Table may apply to a development application. Where more than one category/circumstance applies to a particular development application, then the greater of the relevant consultation requirements shall apply.
- (b) Circumstances where Community Consultation will not be required
- Community consultation will not be undertaken for a development application that:
- Complies with all applicable provisions of the Scheme, R-Codes or Local Planning Policies; or
  - Proposes variations to Scheme, R-Codes or Council Policies that are not specifically identified in Tables 2A, 2B, 2C or 2D as requiring consultation; or
  - Seeks to renew a previous approval issued, provided that the previous approval did not expire more than 12 months ago and the design has not significantly changed or increased the extent of any non-compliances.
- (c) Notwithstanding (b) above, the Council may inform adjoining or surrounding properties of a *Significant Application* (by letter, email or other methods), advising them of the Council’s decision (or that of another relevant decision maker) in relation to that application.

TABLE 2A: LAND USE (Refer Note 1)					
LAND USE OR DEVELOPMENT TYPE	COMMENT PERIOD Minimum No. of Days	REQUIRED CONSULTATION METHODS			
		ONLINE	LETTERS	SIGN(S) ON SITE	NEWS-PAPER
<b>“X” PROHIBITED USES</b>	NO CONSULTATION AS THE APPLICATION CANNOT BE APPROVED				
<b>UNLISTED USES</b> <u>Exemption from consultation</u> Minor additions to a building used as an Unlisted Use, where the additions comply with applicable development standards.	21	✓	✓ (SP)	✓	✓
<b>CHANGE OF NON-CONFORMING USE</b> <u>Exemption from consultation</u> Minor additions to a building with non-conforming use rights, where the additions comply with applicable development standards.	14	✓	✓ (SP)	✓	✗
<b>“AA” DISCRETIONARY USES</b> <u>Exemptions from consultation</u> (a) Minor additions to a building approved as an ‘AA’ use, where the additions comply with applicable development standards. (b) Home Occupations that do not involve activities generating any noise, traffic, odours, parking or customers to the site. *A Sign on Site is not required for a Home Occupation, Family Day Care or Residential Building (short term accommodation) in the Residential zone.	14	✓	✓ (AP)	✓ *	✗



TABLE 2B: DEVELOPMENT TYPE (Refer Note 1)					
LAND USE OR DEVELOPMENT TYPE	COMMENT PERIOD Minimum No. of Days	REQUIRED CONSULTATION METHODS			
		ONLINE	LETTERS	SIGN(S) ON SITE	NEWS-PAPER
<b>SIGNIFICANT APPLICATIONS</b>  *Includes notice on Public Notices section of Council's Website. **Surrounding properties within 200m radius of the subject site.	21	✓*	✓(SP**)	✓	✓
<b>TELECOMMUNICATIONS FACILITIES</b>  (excluding exempt 'Low Impact' facilities)	21	✓	✓(SP)	✓	✓
<b>SATELLITE DISHES</b>  (where non-compliant with Local Planning Policy 19 – Satellite Dishes)	14	✓	✓(AP)	✗	✗
<b>SIGN(S) FOR A NON-RESIDENTIAL USE WITHIN A RESIDENTIAL ZONE</b>  (where non-compliant with a Local Law or Local Planning Policy applying to Signs)	14	✓	✓(AP)	✗	✗
<b>DEMOLITION OF A PROPERTY OR STRUCTURE THAT IS:</b>  - On a Heritage List adopted under the Scheme; - Located within a designated Heritage Area under the Scheme; or - Entered in the State Register of Heritage Places	14	✓	✓(SP)	✓	✗
<b>DEMOLITION OF AN ORIGINAL SHOPFRONT</b>  (where located on a property fronting Albany Highway in a District Centre or Commercial Zone)	14	✓	✓(AP)	✓	✗
<b>VEHICULAR ACCESS TO A PROPERTY VIA A R.O.W.</b>  (where the R.O.W. is subject to possible future closure action)	14	✓	✓*	✗	✗
				*To owners and occupiers of land abutting the ROW which is subject to a possible future closure action.	
<b>DEVELOPMENT BY LOCAL GOVERNMENT ON A PARKS AND RECREATION RESERVE; PUBLIC PURPOSE RESERVE; OR CIVIC USE RESERVE</b>	<b>Minor Works</b>	14*	✓	✓(AP*)	✓*
	<b>Major Works</b>	21	✓	✓(SP)	✓
*Where considered by the Manager Development Services or Coordinator Urban Planning that a particular development could have an impact on the amenity of the surrounding area (particularly adjacent residential uses)					

TABLE 2C: NON-RESIDENTIAL OR MIXED USE DEVELOPMENT (Refer Note 1)					
VARIATION TYPE	COMMENT PERIOD Minimum No. of Days	REQUIRED CONSULTATION METHODS			
		ONLINE	LETTERS	SIGN(S) ON SITE	NEWS-PAPER
<b>VARIATIONS TO SCHEME, PRECINCT PLAN OR LOCAL PLANNING POLICY DEVELOPMENT STANDARDS RELATING TO:</b>  - Plot ratio, Building Height; Setbacks; On-site Parking Provision; and - Boundary Walls, Visual Privacy, and Overshadowing for Residential component only  <u>Exemptions from consultation</u> A car parking shortfall, where there is no net increase in an existing parking shortfall.	14	✓	✓(SP*)	✗	✗
				*Directly adjoining properties only in case of setback variations	

**TABLE 2D: RESIDENTIAL DEVELOPMENT (Refer Note 1)**

VARIATION TYPE	COMMENT PERIOD Minimum No. of Days	REQUIRED CONSULTATION METHODS			
		ONLINE	LETTERS	SIGN(S) ON SITE	NEWS-PAPER
<p><b>STREET SETBACKS:</b> Applications not complying with the Acceptable Development requirements of LPP 25 – Streetscape in relation to <b>Primary Street, Secondary Street</b> and <b>Right of Way</b> setbacks.</p> <p><u>Exemptions from consultation</u></p> <p>(a) A carport in the Residential Character Study Area, a Weatherboard Precinct or Weatherboard Streetscape, with a minimum primary street setback of 1.5m but with an average setback of less than 6.0m;</p> <p>(b) A wall height variation to a wall with a pitched/gable roof, that would comply if measured from natural ground level to the underside of the eaves;</p> <p>(c) A front setback average of 5.8m or greater;</p> <p>(d) Porches or an entry feature to a secondary street with a setback of 1.5m or greater;</p> <p>(e) Variations to Communal Street setback requirements of LPP 25.</p>	14	✓	✓ (AP)	✗	✗
<p><b>SIDE SETBACKS:</b> Setbacks not complying with the Deemed-to-Comply requirements of the R Codes.</p> <p><u>Exemptions from consultation</u></p> <p>(a) Ground floor side or rear setback variation, where the variation is no greater than 10% of the required minimum setback.</p> <p>(b) A wall exceeding a length of 9m due to the wall length including a boundary wall, where the wall is single storey and the side setback would comply if the length of boundary wall were not included.</p> <p>(c) A side or rear setback variation where the setback would be compliant if the wall height was measured from natural ground level to the underside of the eaves;</p> <p>(d) A side setback variation to an open sided carport including where the columns/posts are up to the boundary.</p>	14	✓	✓ (AP*)	✗	✗
<p><b>BOUNDARY WALLS:</b> Boundary walls not complying with the Acceptable Development requirements of Local Planning Policy 26 – Boundary Walls.</p> <p><u>Exemption from consultation</u></p> <p>Structures with an open side adjacent to the boundary, if compliant with the wall height and length limitations prescribed by the Local Planning Policy 26 – Boundary Walls.</p>	14	✓	✓ (AP*)	✗	✗
<p><b>PARKING:</b> Applications proposing a lesser number of on-site car bays (including visitors bays) than required under the Deemed-to-Comply provisions of the R-Codes, LPP 23 or LPP 30</p>	14	✓	✓ (AP)	✗	✗
<p><b>PLOT RATIO:</b> Applications not complying with the plot ratio requirements outlined in the Deemed-to-Comply requirements of the Scheme or the R-Codes.</p>	14	✓	✓ (AP)	✗	✗
<p><b>BUILDING HEIGHT:</b> Applications not complying with the requirements of the TPS Scheme or Precinct Plan, R- Codes (Deemed-to-Comply requirements) or LPP 27</p> <p><u>Exemptions from consultation</u></p> <p>A wall height variation to a wall with a pitched/gable roof that would comply if measured from natural ground level to the underside of the eaves.</p>	14	✓	✓ (AP)	✗	✗

TABLE 2D: RESIDENTIAL DEVELOPMENT (CONTINUED) (Refer Note 1)					
VARIATION TYPE	COMMENT PERIOD Minimum No. of Days	REQUIRED CONSULTATION METHODS			
		ONLINE	LETTERS	SIGN(S) ON SITE	NEWS- PAPER
<b>RETAINING WALLS HIGHER THAN 500MM ABOVE NATURAL GROUND LEVEL</b>	14	✓	✓ (AP*)	✗	✗
<i>*directly adjoining properties only</i>					
<b>PRIVACY AND OVERLOOKING</b>	14	✓	✓ (AP*)	✗	✗
*Where the proposal does not comply with the Deemed-to-Comply requirements of the R-Codes.					
<b>OVERSHADOWING:</b> Applications not complying with the Deemed-to-Comply requirements of the R-Codes or LPP 36	14	✓	✓ (AP*)	✗	✗
<i>*directly adjoining properties only</i>					
<b>OUTBUILDINGS:</b> Applications not complying with the Deemed-to-Comply requirements of the Residential Design Codes in relation to floor area, wall height, ridge height or setbacks. <u>Exemptions from consultation</u> An outbuilding with a wall height of no more than 3.0m.	14	✓	✓ (AP*)	✗	✗
<i>*Directly adjoining properties only</i>					

**Note 1:** Where there is an inconsistency in the requirements under this Policy, then the greater consultation requirements apply. Additionally, if an application is deemed to be a *significant application* then the consultation requirements for *significant applications* prevail over the consultation requirements that would otherwise apply.

### 3. Discretion to vary requirements

Notwithstanding Table 1 and Tables 2A, 2B, 2C and 2D, the Town may require consultation to be undertaken, or require additional consultation (method and/or duration), where it is considered appropriate based upon the nature of a particular *planning proposal*.

### 4. Holiday Periods

The consultation period for any *planning proposal* excludes all public holidays and the whole of the weeks in which Christmas Day to the day after New Year's Day (inclusive) falls.

### 5. Evidence of non-objection

- (a) In the case of development applications, consultation will not be required where the applicant provides a copy of the application plans(s) with certification from the owners and occupiers of the relevant property(ies) stating no objection to the proposal. Such certification must include a clearly printed and signed statement containing the following:
- i. A list of the specific variation(s) or aspect(s) of the development for which consultation would otherwise be required;
  - ii. A statement that the plans have been viewed and there is no objection to the proposal;
  - iii. The full name of the owner/s or occupier/s of the relevant properties;
  - iv. Signatures of all persons shown as owners on the Town's IntraMaps system (which is linked to the rate records);
  - v. a current contact address and telephone number for all signatories.

- (b) Council Officers (at their discretion) may contact the owners and occupiers (by telephone where possible) to confirm that they have sighted and signed the plan(s), and will be checked against available Council records to ensure all relevant signatures have been provided.
- (c) With respect to Tables 2A, 2B, 2C and 2D, where the consultation period is yet to conclude but written responses have already been received from all relevant persons notified of the proposal, then Council Officers may proceed to determine the application without awaiting the conclusion of the advertising period.

## 6. Ownership Details

- (a) Council will rely on the ownership details displayed on the IntraMaps system (which is linked to the rate records) for the purpose of notifying owners and occupiers of properties.
- (b) It is the responsibility of the owners and occupiers of the properties within the Town to inform the Council in writing of any changes in their address details as and when these occur.

## 7. Requirement for consultation within a strata development

- (a) Where a development application requires community consultation in accordance with Clause 2 and any of Tables 2A to 2D, and the proposal is located within a strata development, consultation with the owners and occupiers of all properties within the strata development will be undertaken except where the development application form is signed by all strata owners who appear on the rate records held by the Council. The sending of a letter/email to a Strata Company only in lieu of directly notifying each individual property owner is not accepted.
- (b) In all instances, Council Officers will notify the owners and occupiers of the properties within the strata development of the determination of the development application.

## 8. Letters and Email Notices

- (a) Where consultation for a *planning proposal* includes the sending of letters or emails (where email addresses are known and available), then this shall be the responsibility of Council, and will be sent at the commencement of the consultation period or the first week in which any required newspaper notice is published.
- (b) Letter or emails are to be sent to both the owners and occupiers of the adjoining or surrounding properties specified in Table 1 and Tables 2A, 2B, 2C and 2D.
- (c) Council's consultation letter/email notice shall contain the following:
  - i. the site and general nature of the proposal;
  - ii. the nature of the discretionary decision or concern involved;
  - iii. the availability of plans/information for viewing and how to access the plans and other relevant documents online from the Town's website, 'Your Thoughts' consultation hub or other platforms;
  - iv. the last date by which any comments are to be lodged with the Council;
  - v. an invitation to comment on that part of the proposal that is being consulted on; and
  - vi. a statement that it should not be construed that final approval will be granted for the proposal.

## 9. Sign(s) on Site

- (a) It is the responsibility of the applicant to arrange for installation of the sign(s) and payment of associated costs.
- (b) The sign board(s) is to be professionally prepared, constructed of aluminium composite material (ACM), acrylic, corflute or similar weather-resistant material. Alternative materials

- may be considered at the discretion of the Coordinator Urban Planning, such as where the sign is to be displayed from a shopfront window in direct view of the street.
- (c) Where a development application is to be advertised by way of a sign on-site, then the notice shall be in the format outlined in Appendix 1 and comply with the below:
    - i. The sign(s) being in a prominent position(s) on the land so that it can be clearly read from the adjoining streets;
    - ii. The sign board(s) being 1200mm x 1000mm, with black lettering on a white background;
  - (d) The sign(s) should be in place on the same day as consultation commences and is to remain on-site for the duration of the consultation/comment period.
  - (e) The applicant is to submit evidence, such as dated photographs, of all required signs on the site, no later than five (5) working days following installation.

#### **10. Newspaper Notice**

- (a) If a development application is required to be advertised by way of a newspaper notice then it shall be in the format outlined in Appendix 1 and comply with the below:
  - i. Be published once a week for the duration of the consultation period, in a newspaper circulating, at least weekly, in the area in which the land subject of the application is located; and
  - ii. The size of such advertisement(s) being sufficient for people to read clearly;
- (b) It is the responsibility of the applicant to arrange for publication of the notice and payment of associated costs.
- (c) The applicant is to submit evidence of the newspaper notice being published, no later than five (5) working days following its publication.
- (d) The Town will arrange for publication of any required newspaper notices for a *planning proposal* listed in Table 1.
- (e) The applicant shall reimburse the Town for payment of associated costs for publication of any newspaper notices for a *planning proposal* listed in Table 1.

#### **11. Display and Viewing of Plans**

- (a) Community consultation for all *planning proposals* will include relevant plans and documents (or links to plans and documents) on Council's website, 'Your Thoughts' consultation hub or other online platforms for the duration of the consultation period.
- (b) Copies of relevant plans and documents will be made available for viewing at Council's Administration Centre upon request, or in extenuating circumstances may be mailed upon request.
- (c) The submission of a *planning proposal* for assessment by the Town is taken to be agreement for plans and/or documents to be displayed, viewed or circulated in accordance with (a) to (b) above, for the duration of the consultation period.

#### **12. Community Information Sessions**

- (a) A community information session or drop-in session on a *significant application* or any other *planning proposal* may be held by Council Officers, where it is considered by the Town, that it will assist the community's understanding of the proposal and provide increased opportunity to view plans and any relevant additional information.
- (b) The community information session or drop-in session will be held at least one week prior to conclusion of the consultation period.

### **13. Submissions received by Council**

- (a) Where a *planning proposal* is the subject of a report to a Council Meeting or other decision maker, the Officer's report will include a summary of the submissions received during the consultation period, along with an accompanying response from Council Officers considering the issues raised in the submissions.
- (b) Full copies of submissions will be made available to Elected Members but will not be made available to members of the public unless required by law.
- (c) All submissions received in relation to a planning proposal will be communicated by Council Officers to the applicant, with full copies (with personally identifying information removed) of submissions being provided to the applicant upon request.
- (d) The applicant will be provided with a minimum of ten (10) days to respond to any objection(s) received during the consultation period and/or amend a planning proposal in order to overcome the objection(s).

### **14. Notification of Submitters**

Those persons who lodge a submission in a relation to a *planning proposal* will receive written notification of:

- (a) The decision of Council Officers where the proposal is a development application determined under delegated authority, along with a response to the matters raised in their submission;
- (b) The time, date and particulars of the Elected Members Briefing Session and Ordinary Council Meeting, where the *planning proposal* will be considered/determined by the Council, with notification to include instructions on how to access the agenda prior to the scheduled meetings.
- (c) The decision of the Council, where the *planning proposal* was considered at a Council Meeting, and any associated conditions of approval or reasons for refusal.

### **15. Planning proposals where Council is not the final decision maker**

- (a) *Planning proposals* which are required to be determined by other planning authorities, for example the Metropolitan Central Joint Development Assessment Panel (DAP) or the Western Australian Planning Commission (WAPC), will be subject to the consultation procedures outlined in this Policy.
- (b) Those persons who lodge a submission in a relation to a *planning proposal* to be determined by the DAP or WAPC will receive written notification of:
  - i. Council's recommendation to the DAP or WAPC;
  - ii. Instructions on how to access the agenda of the DAP meeting on the DAP website, and the date and venue of the DAP meeting, where the proposal is to be considered by the DAP; and
  - iii. The decision of the DAP or WAPC once the proposal is determined.

### **16. Review of Applications by State Administrative Tribunal (SAT)**

- (a) Development application decisions subject to an application for review by the SAT will be subject to the community consultation requirements contained in Tables 2A, 2B, 2C and 2D where the review:
  - i. Includes consideration of an amended proposal that introduces new, or increases the extent of, any previously proposed non-compliances; or
  - ii. where deemed appropriate by the Manager Development Services or Coordinator Urban Planning.



- (b) Those persons who lodge a submission in relation to a development application reviewed by the SAT (during the consultation for the original application, or consultation carried out in accordance with (a) above) will be notified as per Clause 14 of this Policy.

#### VERSION CONTROL

Date Initially Adopted :	Former Administrative Policy GEN3 'Community Consultation' – adopted 28 September 1999
Date(s) Amended :	1. Adopted as Local Planning Policy 37 at Ordinary Council Meeting 8 November 2016; 2. Amended by Council resolution at Ordinary Council Meeting 11 December 2018.



## APPENDIX 1

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### NOTICE OF APPLICATION FOR DEVELOPMENT APPROVAL

#### TOWN OF VICTORIA PARK TOWN PLANNING SCHEME NO. 1

Notice is hereby given that (1) \_\_\_\_\_

has applied to the Town of Victoria Park for approval of (2) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

on land situated at (3) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Any person wishing to comment upon this proposal can do so either via email to [admin@vicpark.wa.gov.au](mailto:admin@vicpark.wa.gov.au) or in writing to the Chief Executive Officer, Town of Victoria Park, Locked Bag No 437 Victoria Park WA 6979. Public comments are to be made by no later than (4) \_\_\_\_\_.

- 
- (1) *Insert name of applicant.*
  - (2) *Insert the particulars of the proposed land use or development.*
  - (3) *Insert the postal address and lot number of the land subject of the application.*
  - (4) *Insert the date that submissions close.*





**8.3 Appendix 3    OCM Minutes 14 August 2018**

**14.8 Recommendation from the Future Planning Committee - Review of Local Planning 6 ‘Child Care Facilities in Residential Areas’**

<b>File Reference:</b>	PLA/9/0001
<b>Appendices:</b>	1. Current version of Local Planning Policy 6 ‘Child Care Facilities in Residential Areas’ 2. Draft revised Local Planning Policy 6 ‘Family Day Care and Child Care Premises’
<b>Attachments</b>	No

<b>Date:</b>	12 July 2018
<b>Reporting Officer:</b>	L. Parker
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:**  
**Recommendation - That Council advertise the draft revised Local Planning Policies 6 ‘Family Day Care and Child Care Premises’ as contained within the Appendices, for public comment for a minimum period of 21 days in accordance with *Schedule 2 clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.***

- Council’s Urban Planning Business Unit have undertaken a review of all 37 Local Planning Policies (LPPs). It is intended to progressively amend and advertise a number of LPPs.
- This report deals with a review of LPP6 ‘Child Care Facilities in Residential Areas’.
- In reviewing the Policy, 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.
- It is recommended that LPP6 be amended as detailed within the Officer’s Report and the Apendice.
- It is recommended that the draft revised LPP6 be advertised for public comments.

**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.

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(To be confirmed 11 September 2018)

**DETAILS:**

A review of LPP6 'Child Care Facilities in Residential Areas' 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; and
- improving the presentation of the Policy.

The existing Policy provides limited guidance on the location of child care premises within residential areas, and emphasises consideration of external amenity impact on surrounding residential properties when considering development applications for such proposals.

Review of this Policy has identified the following issues and shortcomings:

- Has very few provisions and deals only with child care centres within residential areas, to the exclusion of child care premises elsewhere within the Town;
- The Scheme Text definitions for "child care premises", "day care centre" and "family day care" refer to out-dated, superseded Acts or Regulations that are no longer in force;
- The use class of "Day Care Centre" which refers to out-dated State Government childcare services legislation is no longer a term used in current childcare legislation in the State or Nationally;
- There is a need to align the policy with proposed Amendment 80 to TPS1, which seeks to update the definitions in line with the Model Scheme Text and current childcare legislation, namely the Education and Care Services National Law (WA) Act 2012 and the Education and Care Services National Regulations 2012;
- The Policy does not currently cover the range of matters outline in WAPC Planning Bulletin 72/2009 'Child Care Centres', which seeks to guide local governments in the preparation of scheme provisions and local planning policies dealing which such uses;
- Provides very little guidance with respect to the location or design of child care premises;
- Does not outline the requirements in relation to previous potentially contaminating land uses, which must be considered when considering proposals for a sensitive land use such as a child care premises; and
- Does not capture or provide any requirements for family day care services, where they are not exempt from the requirement for development approval from the Town.

The changes proposed to LPP6 following its review include the following:

1. Incorporate standardised formatting changes, and correction of minor grammar and formatting errors, consistent with all other reviewed policies;
2. Incorporate revised scheme definitions for 'child care premises' and 'family day care' to reflect Amendment 80 to TPS1 and make reference to the relevant childcare legislation currently in force;
3. Expand the policy scope to capture all education and care services (family day care and child care premises) throughout the Town (not just within residential areas);

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(To be confirmed 11 September 2018)

4. Retitle policy to 'Family Day Care and Child Care Premises' accordingly;
5. Expand the policy Introduction and Objectives to more comprehensively explain and justify the basis of the Policy;
6. Incorporate the majority of content contained in WAPC's Planning Bulletin 72/2009 'Child Care Premises', including provisions related to:
  - a. suitable and unsuitable locations;
  - b. site characteristics (lot size/shape, topography, site contamination);
  - c. design (building appearance, street walls and fencing, boundary fencing, landscaping and signage);
  - d. car parking, vehicular access and traffic; and
  - e. noise impacts
7. Align the policy provisions with revised LPP3 'Non-residential Uses In or Adjacent to Residential Areas' and minimise excessive overlap or duplication of provisions for childcare premises proposed in residential areas;
8. Insert provisions applying to Family Day Care acknowledging that these are typically of a small scale and provided from dwellings within residential areas/settings, to:
  - a. Clarify the circumstances in which development approval is required; and
  - b. Outline requirements for the location, design and operation of family day care, where development approval is required;
9. State that Family Day Care from a Multiple Dwelling will not be permitted (where development approval is required), due to significant risk of adverse amenity impacts on adjoining residents; and
10. Insert provisions related to application submission requirements, community consultation, conditions of approval and disabled access requirements when proposing the conversion of an existing building to a child care premises.

A copy of the draft revised Policy is contained in the Appendices to this report. For comparison, the currently operative version of the Policy is also contained in the Appendices.

### **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.

### **Policy Implications:**

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

It also aligns LPP6 with current State Government planning legislation and Federal legislation related to education and care services.

**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>
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.	High	Likely	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.	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

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(To be confirmed 11 September 2018)

**COMMENT:**

The review of LPP6 has identified that it is in need of significant revision to reflect proposed changes to TPS1, current legislative requirements, State (WAPC) level guidance on relevant policy considerations and the need to include provisions related to family day care services, where development approval is required from the Town.

It is recommended that the Future Planning Committee recommend to Council that draft revised Local Planning Policy 6 as contained in the Appendices 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).

**RESOLVED BY EXCEPTION RESOLUTION:****Moved: Cr V Potter****Seconded: Cr Vernon**

**That Council advertise the draft revised Local Planning Policy 6 ‘Family Day Care and Child Care Premises’ as contained within the Appendices, for public comment for a minimum period of 21 days in accordance with Schedule 2 Clauses 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**The Motion was Put and****CARRIED (8-0)**

**8.3 Appendix 4 OCM Minutes 11 September 2018**

## FUTURE PLANNING COMMITTEE

### Recommendation from the Future Planning Committee: Review of Local Planning Policies 1 and 37

<b>File Reference:</b>	PLA/9/0001
<b>14.5 Appendices:</b>	<ol style="list-style-type: none"> <li>1. Current version of Local Planning Policy 1 'Public Notification/Advertising Procedure'</li> <li>2. Current version of Local Planning Policy 37 'Community Consultation on Planning Proposals'</li> <li>3. Draft revised Local Planning Policy 37 'Community Consultation on Planning Proposals'</li> </ol>
<b>Attachments</b>	No

<b>Date:</b>	7 August 2018
<b>Reporting Officer:</b>	L. Parker
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

**Executive Summary:**

**That Council advertise the draft revised Local Planning Policy 37, as contained in the Appendix 3, 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 have undertaken a review of all 37 Local Planning Policies (LPPs). It is intended to progressively amend and advertise a number of LPPs.
- This report deals with a review of the following LPPs:
  - LPP1 'Public Notification/Advertising Procedure'; and
  - LPP37 'Community Consultation on Planning Proposals'.
- In reviewing the LPPs, consideration has been given to a number of matters including: 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 and ease of use.
- The following actions are proposed as a result of the review:
  - That LPP37 be amended as detailed within the report and the Appendices.
  - That LPP1 to be revoked, as it is now redundant, with all provisions either currently superseded or proposed for incorporation into LPP37.
  - That draft LPP37 be advertised for public comments.

**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



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(To be confirmed 9 October 2018)

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 which are the subject of this review.

#### **DETAILS:**

Officers have undertaken a review of LPP1 and LPP37 by considering:

- 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 and ease of use (for both the public and the Town's officers) of the policies.

The review of each of the policies is summarised as follows:

#### LPP1 'Public Notification/Advertising Procedure'

The matters dealt with by the Policy 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.

The exception to the above is Clause 2.2.3(f) which outlines that the posting of consultation letters to owners/occupiers should coincide with the first week that a related newspaper notice is published, where both methods of consultation are required for a particular planning proposal. This clause is proposed for inclusion in the draft revised LPP37.

As existing LPP1 is otherwise redundant, it is recommended that LPP1 be revoked at the time of adoption of the recommended revisions to LPP37.

#### LPP37 'Community Consultation on Planning Proposals'

This policy was adopted in November 2016, and replaced the former administrative policy GEN3 'Community Consultation', which dealt almost exclusively with consultation requirements for development applications.

LPP37 is the primary policy guiding the public advertising and community consultation requirements for planning proposals of all kinds, including development applications, local planning scheme amendments, structure plans and local planning policies.

The policy is currently being implemented successfully, however improvements have been identified to assist applicants, community members and the administration in utilising the policy, such as reference to the increasing use of online consultation tools (i.e. Town's 'Your Thoughts' online consultation hub, etc.). The proposed changes include:

1. Incorporating standardised formatting changes consistent with all other reviewed policies

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(To be confirmed 9 October 2018)

2. Linking the policy to the strategic outcomes of the Town's Strategic Community Plan
3. Removing references to position titles to reflect the current organisational structure and management
4. Changes to the format and layout of existing Table 1 (under Clause 1) to:
5. Move the development application consultation requirements to Clause 2
  - a. Name and categorise existing Table 1 (which is actually 4 separate tables) as Tables 2A, 2B, 2C and 2D
  - b. Improve clarity, user-friendliness and substantially reduce the length of the Policy through deletion of repetitive text in the tables and their replacement with a tick and cross style format
  - c. Group like categories of development types together
  - d. List online consultation methods (Council's website and 'Your Thoughts' online consultation hub)
  - e. Clarify the requirement for on-site signage when undertaking consultation for 'AA' discretionary uses, namely Residential Building (short term accommodation) and Family Day Care
  - f. Specify matters to be considered when consulting in relation to a proposed Home Occupation
  - g. Modify the consultation requirements for demolition of properties listed on the Town's Municipal Heritage Inventory to instead refer to properties heritage listed under the Scheme, located within a designated heritage area under the Scheme or entered in the State Register of Heritage Places, to align with the demolition and heritage provisions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*.
6. Changes to the format and layout of current Table 2 (now moved under Clause 1 as Table 1) to:
  - a. Include online consultation methods; and
  - b. Reformat to a tick and cross style to remove duplicated text, reduce its length and improve its readability/ease of use.
7. Changes to existing Clauses 3 to 18 to:
  - a. Consolidate and reduce the number of clauses
  - b. Reorder the clauses to reflect a more logical sequence
  - c. Reflect the changes to existing consultation requirements and layout of Tables 1 and 2
  - d. Separate the current paragraph-style clauses into separate provisions to provide for improved readability and ease of reference
8. Changes to Clause 4 'Holiday Periods' to exclude the whole of the weeks in which Christmas Day to the day after New Year's Day (inclusive) falls from the consultation period for a planning proposal
9. Incorporating Clause 2.2.3(f) of obsolete LPP1 under Clause 8 'Letters and Email Notices'
10. New provisions under Clause 9 'Sign(s) on Site' and Clause 10 'Newspaper Notice' to:
  - a. Detail acceptable on-site signage materials; and
  - b. Require evidence to be submitted of the installation of any required signs or publication of required newspaper notices within 5 working days of installation/publication.
11. Changes to existing Clause 10 (proposed Clause 7 'Requirement for consultation within a strata development') to:

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(To be confirmed 9 October 2018)

- a. More clearly outline the circumstances where consultation for a development application within a strata development will not be required; and
  - b. Specify that notification of the Council's decision will be provided to all owners and occupiers within the strata development in such circumstances.
12. Changes to Clauses 13 'Submissions received by Council' to state the clause applies in respect to any planning proposal, not only development applications.
  13. Clarify the situations where an application before SAT may be the subject of further community consultation.

A copy of draft revised LPP37 is contained in the Appendices to this report. For comparison, the current and operative versions of LPP1 and LPP37 are also contained as Appendices.

### **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.

### **Policy Implications:**

The review of LPP1 and LPP37, and proposed draft revised LPP37 provides greater clarity in the objectives, application and applicable requirements, and forms part of a review of all of the Town's LPPs.

#### Alignment with State Government Legislation

The changes to applicable consultation requirements for demolition of existing properties/structures also aligns with relevant State Government legislation, namely 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:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/ Actions</b>
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.
The continued operation of obsolete policies creating uncertainty or confusion to applicants and members of the community	Low	Some likelihood	Low	Support the proposed draft revised Policy for the purposes of community consultation (including revocation of LPP1).
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.	Moderate	Likely	Medium	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.

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 advertising of the proposal in the Southern Gazette newspaper, with their being funds available to cover this cost.

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(To be confirmed 9 October 2018)

**Sustainability Assessment:**External Economic Implications:

Nil.

Cultural Issues:

Nil.

Environmental Issues:

Nil.

**COMMENT:**

Existing LPP37 is currently proving effective in guiding the public advertising and community consultation requirements for planning proposals of all kinds, and has made existing LPP1 largely redundant further to reviews conducted in previous years. 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 by over three (3) pages.

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.

It is recommended that the Future Planning Committee recommend to Council that draft revised Local Planning Policy 37, as included in the Appendices, be advertised for public comment. A further report will be presented to Council in the future following the conclusion of the consultation 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). It will be necessary at this time to also formally revoke the current Local Planning Policy 1 'Public Notification/Advertising Procedure'.

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(To be confirmed 9 October 2018)

**RESOLVED BY EXCEPTION RESOLUTION:**

**Moved: Cr V Potter**

**Seconded: Cr Vernon**

**That Council advertise the draft revised Local Planning Policy 37 'Community Consultation on Planning Proposals', as contained in the Appendix 3, 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*.**

**The Motion was Put and**

**CARRIED (9-0)**

**In favour of the Motion: Mayor Vaughan; Cr Ammons Noble; Cr Anderson; Cr Ife; Cr Jacobs; Cr Oliver; Cr R Potter; Cr V Potter; and Cr Vernon**

**8.4 Appendix 1 Bin Advertising Trial**

Survey Response				
Date of contribution	Do you support Town of Victoria Park bin advertising ?	What elements of the program do you like?	What elements of the program do you dislike?	What could be improved?
Mar 29 18 08:22:27 am	No	None. The bins are ugly and the advertising which I feel is pollution has crept into the burbs.	Bins are one of the first responsibilities of Council They look tacky, cheap and are inappropriate. I feel it's the advertising company cashing in. Just because Belmont and Cannington use them doesn't mean we should	Get rid of them. Go back to the old bins and have Council take responsibility for them
Mar 30 18 01:52:27 pm	No	1. An anti-litter promotion is occurring in the town. 2. Local business exposure 3. It is a trial and it will come to an end and we will hopefully never see these nasty looking things ever again on our streetscapes!	1. Bin design is awful and significantly detracts from the streetscape. 2. The company providing the bins is taking home the lion's share of profit from ad revenue. Cleaning and maintenance for a square plastic bin would be minimal. Not a good deal for the ToVP at all. 3. Does not separate recycling from general waste.	1. We choose ad-free attractive bins that provide recycling separation. 2. Stick to one bin type across the entire town. 3. Community messages and local business advertising should instead feature on electronic billboards situated in key locations around town that the ToVP owns and receives all ad revenue from.
Mar 30 18 06:01:37 pm	No	I like the idea of replacing old bins.	I do not support more advertising in our community. We, including our kids, are overexposed to advertising. It's everywhere and it's unsightly - it's on buses, bus stops, bill boards, etc. Plus advertising usually promotes unhealthy lifestyles. Enough already.	Replace the old bins but drop the advertising please
Apr 04 18 09:00:25 am	No	new bins	terrible design of new bins, advertising on bins and that the council does not make any revenue off of the bin advertising	if it must go ahead please turn the advertising into revenue for the town so as to reduce the rates we pay or at the very least prevent further rate increases in the coming years.
Apr 04 18 09:18:04 am	No	Relinquishing the responsibility and cost for maintenance of the bins.	Plastic bins with poor aesthetics and street appeal. Advertising on side of bins (or any street furniture).  The ToVP always stood out from other surrounding LGAs in terms of street appeal, purely due to the distinct lack of advertising on street furniture. By introducing advertising on any street furniture, the ToVP has lost a significant element of it's character.	I understand that budgets can often be restrictive, and organisations are willing to consider any and all methods to reduce expenditure. The introduction of advertising on street furniture can assist with this, but if the cost savings are not significant when compared to the loss of character and public opinion within the ToVP.
Apr 04 18 09:36:46 am	No	I like that we have public bins. I like that the town is trying something new.	Lack of revenue, bin design, advertising in the public realm and no separation for recycling.	If the Town is set on advertising on street bins... and philosophically I like to see a clear separation of the public and civic use from the private realm( where I think advertising does have a place, such as shop fronts). There are so few places where advertisements are not bombarding the senses, and technology is making that worse.  The bins are very flimsy and many have already got kicked in sides(how long til they are fixed, who do we contact...the Town or someone else?). They look very cheap. Advertisements have no standards and some are very garish. Limiting fonts and colours in advertisements may alleviate the starkness of the bins.  I would like to see in kind advertising for community groups(small community groups particularly) such as local playgroups, toy libraries, sports groups, neighbourhood watch groups etc.  Advertising available to local businesses only. No political advertising or real estate agents.  Spilt bins, one side for recycling and other for general waste( I quite like the design of the bins around the stadium). I would also like a better agreement with the advertisers/ bin suppliers that provides bespoke high quality bins that are unique to the Town and that provide some revenue to the Town( such as a percentage of advertising income in the Town). The trial should assess whether bin replacement and/ or revenue from advertising is a better deal for ratepayers.  I would like a permanent ban on video advertisements on bins and no smart bins ever.
Apr 04 18 09:56:54 am	No	None	- Civic infrastructure being used for advertising. - Advertising profits not benefiting the community. - The actual bins look like cheap plastic rubbish. - The only companies buying advertising are real estate agents. - So far i've not seen "one of the panels used for council anti-littering messages" on any of the bins. - The one nearest my house has not been leased for ads, the only thing that looks worse than the ads! - All of the bins i've seen are general rubbish and not recycling.	End the trial early. Get rid of the bins. Replace with bins without ads.  Maybe there is an opportunity to go to the community for ideas for replacements bins that are interesting and cost effective.
Apr 04 18 10:28:34 am	Yes	Great for local businesses and to get the message out against unnecessary littering	I don't have an opinion - the information provided in the newsletter and website is limited	Can you confirm How businesses can register??
Apr 04 18 11:47:54 am	No	None	The bins are ugly and do not fit in with the streetscape at all. In an area which is lucky to have some character we need to do everything we can to keep it alive. The icecream bin on Albany Hwy is a perfect example of a considered, interesting item of street furniture that works within it's environment. Even the old, wrought-iron bins at least fitted well into the streetscape. These new bins are soulless boxes, and the TOVP appears to have been conned! I cannot believe that the "Keep Australia Beautiful" Campaign endorses these ugly things, and I do not understand why this trial has even been considered. The advertising revenue does not go to the town so I do not see what benefit there is to the TOVP or it's ratepayers.	Bring back the old bins. There was nothing wrong with them that a lick of paint and a little maintenance wouldn't fix.
Apr 04 18 03:58:02 pm	No	Bigger bin capacity	The bins are ugly. They look damaged the way the advertising hoardings are concave in the panels. They look cheap and nasty plastic. They don't blend in to the town's street character and lack aesthetic appeal. If replacing bins, it would have been an opportune time to incorporate some sort of recycling programme.	See answer above.



Date of contribution	Survey Response			
	Do you support Town of Victoria Park bin advertising ?	What elements of the program do you like?	What elements of the program do you dislike?	What could be improved?
Apr 04 18 07:09:07 pm	No		<p>1. The use of public space for commercial advertising wrong</p> <p>2. There are strict controls within the TOVP to protect visual space from clutter and signage, yet this bin advertising introduces crass advertising (mainly real estate agents heads) directly into main streets in the Town.</p> <p>3. The rate payers do not profit from the sale of advertising space. There seems to be no business sense in giving away space to bin advertising companies. This is prime visual space due to the absence of any other forms of advertising. The TOVP take no income for giving away this space.</p> <p>4. This trial, if it passes will most likely expand the footprint of these bins, introducing more cheap garbage advertising into the Town.</p> <p>5. There are far better designed appealing bins within the town, made of metal and painted in Town colours. The current bins are crass and plastic and a poor design.</p> <p>6. Some locations chosen are in side streets. For example, Cargill Street. This is not the place for advertising signage.</p> <p>7. Advertising on bins must be one of the lowest forms of outdoor advertising. It is just gross.</p>	
Apr 04 18 09:10:15 pm	No	No cost to town	It looks tacky and plasticky. Just adds to the oversupply of real estate advertisements that plaster Vic Park	Get rid of them. We can do better. It doesn't add any value to our town
Apr 04 18 09:17:15 pm	No		I do not support this project. The bins are visually unappealing. They contribute excessive advertising to our public realm thereby increasing visual pollution. They do not represent Vic Park in anyway. They are generic. The look cheap and nasty (especially next to smart new bus stops).	See above.
Apr 05 18 05:21:06 am	No			No advertising. Utilise local artists.
Apr 05 18 06:21:40 am	No	The 'seasonal maintenance'.	<p>That there's advertising on the bins, much of which is currently very 'bold'.</p> <p>I would prefer to move through my community spaces with no, or minimal, advertising.</p> <p>I had no issue with the last bins.</p>	If advertising does continue I would like a policy about 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, I would like the health of the community prioritised with no junk food or fast food advertising.
Apr 05 18 06:51:25 am	Yes			
Apr 05 18 10:45:47 am	Yes	I like all elements.	I don't dislike anything.	Yes, it could. Maybe public toilets.
Apr 05 18 07:44:15 pm	Yes	Generates money for the community Provides advertising for local businesses	Capitalist.	Make sure a percentage is set aside for local businesses
Apr 07 18 07:24:03 am	Yes	Some businesses are struggling so why not promote them if it helps	None. Bins will be bigger	Not sure
Apr 07 18 09:55:19 am	Yes	I love the fact that local businesses get this opportunity for advertising at such an affordable price. Also I like the aesthetics of the bins they look much better than the old ones. hadn't even noticed how ugly the old ones were until I saw the new bins	There are not enough. I think all the blue plastic bins should be replaced too	If there were more, more local businesses could advertise. They are already sold out for the next year, and I wasn't quick enough to put in my order
Apr 13 18 12:19:08 pm	No	New bins are nice.	I don't like seeing advertising on residential streets. I don't think there should be any advertising on residential streets. Whilst I don't like it, I can accept advertising on commercial streets, eg Albany Highway.	Advertising removed from residential streets.
Apr 16 18 07:28:53 pm	Yes	I love that the bins are good for the environment but also support businesses and charities. They let businesses interact with the community. It also makes it interesting (especially when I wait for the bus) and it makes ugly bins more pleasant on the eyes	None. It is a great program.	More bins would be great.
Apr 16 18 08:07:42 pm	Yes	It looks nice	Nothing	Nothing
Apr 17 18 04:10:39 pm	Yes	The ability for Council and local businesses to advertise in a different and more localised way	The reluctance to advertise on bins and the negativity it has caused	Nothing, I think we should continue with the trial
Apr 17 18 04:31:27 pm	Yes	As a frequent visitor to your area and a friend of long-term residents, I am always aware that rubbish is a major issue in what is otherwise a lovely urban landscape. I really support any efforts to influence the culture of responsible garbage disposal anywhere and I think Perth's outer suburbs are in desperate need of proactive campaigns such as this. Well done David and Haley!	Nothing- I think it is a concise, polite way to get people to consider their rubbish disposal behaviour, so long as a bin is near (which can be an issue)	Maybe the number of bins, but of course servicing the bins is an expense that the Council would have to pass back to its rate payer base- I think this would be justified, others may beg to differ!
Apr 17 18 05:20:06 pm	No		From experience there is no money to be made by the Town. Residents of some local governments that have them want them out. They are an eyesore. Best not to introduce them.	It would be better for the Town to invest in good quality bin enclosures that do not carry advertising. If the majority support the advertising negotiate a fixed payment for each of them. Thanks for consulting the community
Apr 17 18 08:47:38 pm	Yes	Bin upgrades and advertising for local businesses	Undesirables may graffitii them	
Apr 17 18 09:48:48 pm	No		Not convinced that helping local businesses advertise to only locals actually helps "local business". It only serves to give a local business with a bin advert an advantage over another local business who does not have a bin advert - net result is less competition, higher costs and no additional growth. Local businesses were not made aware of the advertising in a fair and equitable way. A few businesses took many bins while other businesses knew nothing until the bins were installed and all were booked. It is likely that those taking advantage of the bins now will get first refusal and keep the unfair advantage. Very poor management by the council. You made the change, so you own the result. Also the bins are ugliest I've seen, much nicer one can be seen on Albany highway opposite Walpole Str. In any case advertising in our nice residential streets detracts from the amenity of the area - it's ugly and makes a mockery of the councils planning laws that are aimed at keeping the suburb looking nice.	If these are to be local businesses only, then when the trial ends, they must all be open to lease again. Advertise the bins availability for a month on the bins themselves as Natsales do elsewhere, so that locals can see the opportunity. Use a fair means of allocating this very limited council created opportunity e.g. Limit each business to 1 bin for 1st round of sales, then increase to 2 in the very unlikely event that they are not all leased. Use a set date lottery or online auction to allocate the limited opportunities annually - this is not difficult, and I'd be happy to help with it if it sounds too complicated. If auctioned the council could keep the income over and above the current fixed common price per bin. Note some bins are worth more than others.
Apr 18 18 10:07:22 am	Yes	Anti litter, anti graffiti, and recycle	Do not allow commercial business advertising	
Apr 18 18 11:15:15 am	Yes	draws attention to local services. its not obtrusive.	garish advertisements. One properly using bright orange and green logo is a bit bright. I wouldn't like to see Think Pink real estate advertise on the bins with their hot pink advertisements. I have no issue with the business but hope they would use pink lettering on black.	I like the bins. If they are hard to smash that would be even better.

Survey Response				
Date of contribution	Do you support Town of Victoria Park bin advertising ?	What elements of the program do you like?	What elements of the program do you dislike?	What could be improved?
Apr 19 18 08:26:13 am	Yes	This is a great idea. I like the fact that the bins are more robust as other bins around the town leak, overflow and appear to be easily vandalised. I appreciate the commitment to weekly maintenance inspections. The ability to advertise local businesses and/or anti-littering and community messages is fantastic.	Nothing, I love the trial concept.	Nothing at this stage.
Apr 19 18 11:08:03 am	Yes	More bins and advertising anti littering		
Apr 19 18 03:22:49 pm	Yes	I found out about this trial when I saw bins around Perth and wanted to advertise my business on one. I own a small business and find it such a brilliant idea because it is a win win situation. The residents don't pay for it, the bins are maintained and I get to put my business out there.	It would be nice if more shires did it.	Can't think of anything.
Apr 26 18 12:01:10 pm	No	None	The crass commercialism.	The council using our rates to provide suitable bins that are aesthetically pleasing.
Apr 28 18 07:22:56 am	No	None - advertising on bins is just horrible and significantly lowers the tone of the neighbourhood.	Advertising on bins	Not advertising on bins
Apr 28 18 03:19:53 pm	No		Turning our neighbourhood into a giant advertising space	
May 11 18 07:26:59 pm	Yes	Dear Vic Park council,  My name is Dean Morris, I am 14 years old and I started GOSAC - Give Our Strays A Chance. It is an organisation to raise awareness and donations for stray animals in shelters and pounds.  I have started GOSAC 4 years ago when I was 10 years old, I worked so hard and raised tens of thousands of dollars in cash and item donations. I have saved so many animals and I still am.  I contacted Natsales a few months ago because I saw one of their bins at the end of my street and wondered if they can put a poster of GOSAC on it for me. I thought it would be a great way to raise awareness of stray animals.  Natsales heard of what I do and were happy to meet and were even happier to donate space on some of their bins to promote GOSAC. They have been so encouraging and supportive.  Every year I organise GOSAC DAY at a shopping centre where I bring stray animals available for adoption and I run a huge raffle. It takes so much organising but GOSAC DAYS are so successful and literally save lives. This year Natsales offered to put GOSAC DAY posters near my local schools and areas around the shopping centre so people can come and take part. It has been so successful that I have been contacted by dozens of people and companies wanting to help with the day or be a part of it. I can't believe what an impact it made.  I am only a kid so I am not sure if you will listen to me but I just wanted you to know that Natsales is an amazing company and they actually care about the		
May 17 18 11:33:07 pm	Yes	Larger bin size	Plastic construction of bins not as durable. No recycling - makes it difficult on the go to recycle.	Recycling options.
May 30 18 10:49:21 am	No	nil	Visual clutter	Art on bins
Jun 05 18 09:24:35 pm	No	Nothing	The bins look cheap and detract from the character of the streetscape.	I would not support this plan in any form. Bin advertising is cheap and tacky and detracts from the area
Jun 06 18 06:58:19 am	No	Old bins have been replaced	Advertising is another form of visual pollution and a distraction for drivers. There are enough signs you must read when driving without the addition distraction of bin advertising.	New bins with no advertising
Jun 06 18 10:31:00 am	Yes	I like that the advertising will promote recycling messages, town events and local businesses (only)	I guess my only hesitation about local businesses advertising is ethical or environmental considerations - for example they are a franchise fast food outlet or a business that doesn't have environmentally sustainable practices. I think there should be conditions stipulating 'appropriate messaging' consistent with the public health/environmental health messages of the program.	
Jun 08 18 10:25:49 am	Yes	I support the messages to encourage people not to litter	I would suggest that the program includes recycling messages and recycling bins so that bottles, cans can be deposited into a recycling bin rather than waste bin.	
Jun 19 18 12:33:49 pm	Yes	Good to have anti litter message.		More anti litter messaging
Jun 28 18 08:45:49 pm	Yes	Funding to have sufficient bins available and therefore encourage public to use them	Can not see a problem with the program The only issue could be inappropriate advertising	More available bins
Jul 03 18 08:03:52 pm	Yes	I would prefer to support local seeing local business on bin advertising is a great reminder to seek out local rather than big name companies	Nil	The bins look great, I don't have any suggestions for improvement.
Jul 10 18 10:45:09 am	No	The fact that bins are provided and maintained at no cost to ratepayer	The bins look tacky and inappropriate in suburban streets. I believe they reduce the amenity of the street (Sussex St and Etwell St are those I have seen) and I would be furious if one was stuck outside my house as I think it would reduce the house value.	Do not stick big ugly ads on quiet suburban streets. Save money elsewhere that doesn't reduce the amenity of our neighbourhoods.
Jul 10 18 03:42:43 pm	Yes	More bins, cleaner, newer.	None.	It would be good if we could have public recycling bins - maybe split into green waste/compost, recyclables, general waste.

Survey Response				
Date of contribution	Do you support Town of Victoria Park bin advertising ?	What elements of the program do you like?	What elements of the program do you dislike?	What could be improved?
Jul 16 18 09:17:13 pm	Yes	Litter collection and retention, plus the opportunity to offer up to date local information. A few more bins around the place might help people remember what to do with their litter!	Little bit concerned that the ads will look like mini billboards.	I very much like the idea of trialling a SMART bin programme similar to what I saw in Stirling, Scotland earlier this year. The technology enables the responsible authority to know when the bin is becoming full and can automatically add it to a collection and cleaning schedule. I also like the idea of offering 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?
Jul 17 18 12:09:34 pm	Yes	Good cost saving measure for the town	I do not support the use of these bins along Albany hwy or in other high visibility areas as they are unsightly when compared to the steel bins currently in use in these areas.	Information on where the bins will be placed.
Jul 19 18 02:09:03 pm	Yes	To cover up the bins but also to know where the are.	The possible extra vandalism it will attract, political ads	Not sure
Jul 20 18 09:17:22 pm	Yes	Modern looking bins	None	None
Jul 21 18 07:01:45 am	Yes	More advertising possibility for small bussines.	I would like to see that it is not almost always real estate agents which advertise on these bins.	
Jul 21 18 11:29:19 am	Yes	Good opportunity to spread messages	Messages could be more focussed on those doing the hands-on work dealing with litter related issues - for free	I would like for community groups to have the opportunity to advertise on the bins free of charge. Especially those focussed on the impact of litter. WA Seabird Rescue does a massive amount of work in the Burswood/Vic Park area rescuing seabirds suffering from fishing debris related injuries. It would be fabulous if their work could be advertised. Boycott Balloons is the work of a vet nurse at the Perth Zoo. The impact of stray balloons on animals is huge and would be a worthy cause to advertise on the bins. Essentially both causes are local and should be supported. They can be found on facebook
Jul 23 18 09:22:21 am	Yes	We need the bins so why not utilise them?		
Jul 23 18 12:34:03 pm	No	maintenance costs covered	The new bins are large and very conspicuous and not suitable for primarily residential streets on directly in front of residential properties.  The fact the the previous. smaller and less prominent bin on Etwell Street was in line with a block border and now the new, bright and extra large bin is right in front of my gate is extremely distressing for myself and my wife.	Consideration of bin sizes and locations and effects on residents when locating directly in front of their homes
Jul 25 18 07:02:14 pm	Yes	Cost effective asset replacement, while promoting positive messages. Win-win.	nil	Can it be extended in scope later?
Aug 04 18 07:28:24 pm	No	Nothing	Large ugly bins in residential areas with advertising are not a good look. Was the public asked about it before the trial began? The old bins blended in, these stick out and look so cheap and nasty. Who decided advertising was needed - this again a cheap look. Also is the waste separated and recycled?	Remove and replace with small bins like those that were there. Remove the advertising.
Aug 07 18 12:19:53 pm	Yes	Local community advertising only	No recycling. It should be dual bins to promote recycling outside of the home.	Recycling
Aug 07 18 01:15:24 pm	No	More bins available	No recycling bins made available Do not fit the aesthetic of the town.	Metal Bins that provide both deposit for general and recyclable waste - with or without advertising
Aug 07 18 03:00:56 pm	No	Partnership with keep Australia beautiful	Advertising material, aesthetic of bins	Get rid of the advertising. How about making bins colourful and arty- maybe local schools can have competition to have art pictures on side of bins.
Aug 07 18 09:13:03 pm	No	I like that there are bins	The advertising is ugly & detracts from the street scape	No advertising on bins
Aug 13 18 07:38:27 pm	No	The revenue	More visual pollution on our streets	Make the bins interesting. How about local schools or community groups get to paint them?
Aug 16 18 03:29:52 pm	No		The ins are lacky degrade the local	Smaller less advertising
Aug 17 18 02:02:13 pm	Yes	Cleaner bins in the ToVP located in important areas (bus stops). Advertising for local businesses only allowing rate payers to identify and support businesses in ToVP.	My experience is the company chosen do not clean the bins often enough and dirt and flies start to occupy the area around the bins. Makes them smelly and unpleasant in areas rate payers use.	Better standards of cleaning, regular inspections by ToVP staff to ensure the Company is maintaining what they promise.
Aug 17 18 04:18:01 pm	No	No need to go and fix the public litter bins for my team and myself.	The benefits of this program this program goes to the advertising company. We do not have many maintenance issues with our public litter bins	A program like the Adshel (bus stops) or sharing the revenue will be more beneficial for the Town.
Aug 18 18 10:58:18 am	No	None of it,	This advertising is just another form of pollution that the Council can make more money out of it, as if we don't have enough signs already, they are becoming a visual eyesore, look at Albany Highway from the Causeway to the intersection of Welshpool Rd. / Shepperton Rd. and Albany Highway. It's all right, the Council will make money out of it. You can't fix the present problems with the rubbish bins, "below is an extract from an e-mail from the Council regarding Council Law and rubbish bins."  further to my telephone call earlier on, we will do the letter drop in the next few days. As discussed, the Town's Environmental Health Officers deal with a wide variety of requests and their time and resources are allocated according to the risk that is posed to public health. Rubbish bins around the Mews area while unacceptable to be left out, does not pause any significant public health risk to the members of the public. This is an aesthetic issue to a large extend.  Please contact me if you have any issues in future and I will try and help you.  Regards  Steve Kipkurgat Acting Manager, Environmental Health Services  The letter drop was never done because it cost the Council money. This is an aesthetic issue, nothing to do with rubbish blowing down the road, day in day out, but we don't make money out of this, unless, like a Council in the Eastern States we start fining the residence \$200.00 for leaving their bins out, now that a good idea, we can make more money and do nothing.	Enforce the "Laws the Council" have already, then look at new ways of increasing your income. That's means someone will have to do something, now we can't have that, can we.

Survey Response				
Date of contribution	Do you support Town of Victoria Park bin advertising ?	What elements of the program do you like?	What elements of the program do you dislike?	What could be improved?
Aug 20 18 05:57:56 pm	No		They are large and grey. The old green ones were unobtrusive and on the side of the bus stops. These ones are large with advertising - do we need advertisements on our doorsteps and in our faces every time we walk outside. What happened to nice streets?	Colour and no pictures - not in front of houses.
Aug 21 18 09:13:41 am	Yes	That it is multi purpose and more attractive to the town	The bins that are being used are ugly	Better design of the bins
Aug 21 18 04:36:37 pm	Yes	Smart way of generating funds necessary to resolve the social ill of waste.		Install these bins outside 54 Kent Street and 55 Kent Street as so much rubbish is being littered especially due to the new bus stops for Route 960.
Aug 22 18 07:57:18 pm	No			
Aug 22 18 11:07:02 pm	Yes	The upgrade of the bins are attractive. I think the advertising is modest and not too intrusive	There is nothing I dislike with this program	It would be great for the bins to include a recycling component.
Sep 12 18 12:17:42 am	No	None. They look hideous and should be removed. They go against everything I am working for with Zyra Knight and David Doy.	All of it.	Removing them.
Sep 12 18 07:11:21 am	No	They are clean	They are unsightly	The cost to local businesses to advertise, the price is far too high
Sep 12 18 07:44:50 am	No	Bins need to have distinct messages about what plastic is doing to the environment. Bins need very separate messages so people can understand what can and can't go in them. Public bins are more confusing than those at home. For example -can the packet from potato crisps be recycled or the container blue berries go in. Never sure.	That businesses might advertise on the bins. There are better ways to promote their business and if they are local the. They have premises that can display their message - not on bins.	The colour of local bins. Get them specially made in colours locals come to recognise therefore know what to put in them. Also place them where people eat, walk and sit. I often need to take my limited rubbish home with me as there are no bins or not enough such as at the fore shores.
Sep 16 18 01:25:18 am	No	Local bins hopefully assist in keeping the town tidy	Continuing visual pollution of advertising signage	Keep bins discreet or with calming artistry
Sep 19 18 08:10:30 am	Yes	Support and promote local businesses who support the community	It's a real estate monopoly. All bins were bought by 2 real estate companies.	All bins were bought by 2 real estate companies. Either bin location consideration for applicants or maximum amount to limit and share to local small businesses too.  For example: I run a local Kids Karate club for the last 11+ years in East Vic Park. A bin is available outside Lathlain Park Primary School but the real estate war over that bin allocation means i cant use it either. Perfect location for complimenting our younger generations education.
Sep 20 18 02:38:44 pm	Yes	It gives local businesses the chance to advertise in the Town. It is a program that does not cost the Town and residents yet the bins receive a much needed upgrade	None	No suggestions
Sep 28 18 07:14:31 am	Yes	Community messages	Over use by real estate agents...one in particular	Limit on commercial use. Different posters on bins so always a mix of community and local business.
Sep 28 18 07:32:59 am	Yes			
Sep 29 18 06:59:57 am	No	None	Ugly bins and more advertising	Remove the bins and replace with ones without advertising
Sep 29 18 07:04:45 am	No			
Sep 30 18 06:20:26 am	No	Advertising on bins is ok in theory but in practice these bins are too big and ugly.	The new oversized bins are extremely ugly.	Make them significantly smaller.

