

# agenda

Future Planning Committee



Please be advised that a **Future Planning Committee** meeting will be held at **5.30pm** on **Monday 11 February 2019** in the council chambers at the administration building, 99 Shepperton Road, Victoria Park.

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

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

**7 February 2019**

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## 1 OPENING

## 2 ATTENDANCE

**Members:**

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

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

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

**Chief Community Planner** Ms N (Natalie) Martin Goode  
**Manager Development Services** Mr R (Robert) Cruickshank  
**Manager Place Planning** Mr D (David) Doy

**Secretary:** Mr L (Liam) O'Neill

### 2.1 Apologies

### 2.2 Approved Leave of Absence

## 3 DECLARATIONS OF INTEREST

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

**Declaration of Financial Interests**

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

**Declaration of Proximity Interest**

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

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

**Declaration of Interest affecting impartiality**

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

**4 CONFIRMATION OF MINUTES**

**That the minutes of the Future Planning Committee meeting, held on 12 December 2018, be confirmed.**

**5 TERMS OF REFERENCE****1 Name**

Future Planning Committee

**2 Purpose**

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

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

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

### **3 Scope**

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

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

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

- Everyone receives appropriate information in the most efficient and effective way for them.
- Appropriate devolution of decision making and service provision to an empowered community.
- People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.
- A community that is authentically engaged and informed in a timely manner.

### **4 Deliverables**

The Committee will –

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

Specifically the Committee will ensure delivery of the following –

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

## **5 Reporting**

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

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

## **6 Governance**

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

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

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

## **7 Meeting arrangements**

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

## **8 Authority**

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

## **9 Review**

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

## **6 PRESENTATIONS**

<b>6.1 Deputations</b>
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## **7 METHOD OF DEALING WITH AGENDA BUSINESS**

**RECOMMENDATION:**

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

## 8 REPORTS

### 8.1 Review of Local Planning Policies 8 and 34

<b>File Reference:</b>	PLA/6/44
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Current version of Local Planning Policy 8 'Sunbury Park Site Design Guidelines'</li> <li>2. Current version of Local Planning Policy 34 'Sea Containers'</li> <li>3. Draft revised Local Planning Policy 8 'Sunbury Park Site Design Guidelines'</li> <li>4. Draft revised Local Planning Policy 34 'Sea Containers'</li> </ol>
<b>Attachments</b>	No

<b>Date:</b>	24 January 2018
<b>Reporting Officer:</b>	L. Parker
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

#### Executive Summary:

**That the Future Planning Committee recommends to Council that draft revised Local Planning Policies 8 and 34 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*.**

- Council's Urban Planning Business Unit are currently undertaking a comprehensive review of all 37 Local Planning Policies (LPPs). The local planning policies are being progressively amended, adopted and/or revoked following their review and public advertising of any recommended changes.
- This report deals with a review of the following LPPs :
  - LPP 8 'Sunbury Park Site Design Guidelines'; and
  - LPP 34 'Sea Containers'.
- 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.
- It is recommended that LPPs 8 and 34 be amended as detailed within the Officer's Report and the Attachments.
- It is recommended that draft revised LPPs 8 and 34 be advertised for public comment.

#### TABLED ITEMS:

Nil

#### BACKGROUND:

##### LPP 8 'Sunbury Park Design Guidelines'

LPP 8 previously formed part of the Town Planning Scheme No. 1 (TPS 1) Policy Manual and was adopted as part of Amendment 2 to TPS1 in October 1999. The Policy was prepared to guide the development of the Sunbury Park site, bound by Gresham Street,



Kitchener Avenue, Miller Street and Sunbury Road and incorporating a number of adjacent in Gresham Street and Sunbury Road, Victoria Park.

The subject land was formerly the site of a non-conforming use factory building and following its demolition was the subject of a small lot subdivision, for redevelopment of the land into a medium density single residential neighbourhood comprised of townhouse style homes housing with a distinctly urban character. The design guidelines were considered necessary to guide development of the lots given their small size and the desire to create a well-defined and cohesive streetscape character as well as ensuring that the redevelopment of the land would respond appropriately to the surrounding locality in which it is situated.

Amendment 69 to TPS 1, which was gazetted on 2 December 2016, removed the subject Policy as well as all other Policies contained in the Policy Manual 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 LPP 8 the subject of this review.

#### LPP 34 'Sea Containers'

LPP 34 was originally adopted as an Administrative Policy (Council Policy PLNG8) on 11 November 2014. The policy was prepared in order to provide Council with a basis upon which to consider two applications for retrospective approval of sea containers that is had received around this time.

The policy established a general prohibition of sea containers in Residential areas, other than where the sea container is being used in connection with building works or is being used for the purposes of relocating personal effects for a maximum period of 7 days. It also allows for sea containers in other zones/areas subject to compliance with specific requirements.

At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt the planning policies contained within the former TPS1 Policy Manual, those adopted as Local Planning Policies prepared under the R-Codes, and those adopted as Administrative Policies (otherwise known as PLNG Policies) as Local Planning Policies, including LPP 34 the subject of this review.

#### **DETAILS:**

A review of LPP8 and LPP34 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:

LPP 8 'Sunbury Park Site Design Guidelines'

Almost all lots within the Sunbury Park subdivision have been developed in accordance with the site design guidelines, with only one lot remaining to be developed. Notwithstanding, LPP 8 remains applicable in the case of additions or alterations to any of the existing dwellings and in the event an existing house (or other structures including garages, carports, outbuildings and front fences) is demolished or destroyed and new or replacement structure(s) of this kind are proposed.

Significant changes to the existing design guidelines are not considered necessary or appropriate given the almost complete build out of the locality and to ensure that any future development remains consistent with the now established built form and streetscape. Notwithstanding the review of the existing policy has identified the following:

- Contains minor spelling, grammatical and formatting/text alignment errors.
- Refers to policies contained in the former Scheme Policy Manual.
- Clause 4 'Approvals' is no longer applicable since the introduction of *the Planning and Development (Local Planning Schemes) Regulations 2015* (specifically Clause 63 of the deemed provisions), which are now the determinant of whether development approval is required. Therefore Clause 4 can be removed from the policy.
- Some provisions lack a clause letter and/or a designation of essential (E) or discretionary (D).
- There are minor inconsistencies between the numbering and (E)/(D) designations between Parts A and B of the guidelines.
- Does not reflect Council's consistent practice of consulting with adjoining property owners where a proposal does not meet the deemed-to-comply requirements of the Residential Design Codes with respect to visual privacy.
- Drawings S1 and S2 at end of policy are not clearly labelled, are duplicated and Drawing S1 displays an incorrect (formerly proposed) lot configuration for Lots 500 to 569 creating inconsistency the two diagrams and potential confusion for document users.

In view of the above the following revisions are proposed to LPP 8:

1. Incorporate standardised formatting changes consistent with all other reviewed policies;
2. Incorporate minor grammatical and formatting changes as identified in the Tracked Changes version of the Policy;
3. Remove reference to Scheme Policy Manual and old policy numbers;
4. Remove Clause 4 'Approvals' and renumber subsequent clause numbers accordingly;
5. Correct inconsistencies in clause lettering and apply designation of *Essential* (E) or *Discretionary* (D) to policy provisions that are currently missing them;
6. Update references to other Local Planning Policies;
7. Insert provision in Parts A and B in respect to visual privacy (refer proposed Clauses A8.3(b) and B8.3(b));

8. Increase the size of Drawings S1 and S2, include clear title/labels, and shade the lots within the subdivision that each diagram refers to;
9. Superimpose the actual lot configuration for Lots 500 to 569 on Drawing S1.
10. Delete duplication of Drawings S1 and S2.

#### LPP 34 'Sea Containers'

Only a single development application for sea containers has been received since adoption of the original policy (PLNG 8) in November 2014. Prior to this, 5 development applications (2 retrospective) were received for sea container installations on both residential and non-residential properties.

The policy has proven useful in advising property owners of the circumstances in which a sea container may be temporarily located on a private property during the construction process or for the purposes of relocating goods/belongings to/from a property. The temporary use of sea containers in accordance with the policy is exempt from the requirement for development approval.

Approximately six compliance matters have been dealt with that relate to sea containers being placed on private property since the adoption of the policy. The policy has proven useful in effectively managing and resolving these matters, and giving accurate advice to the general public and property owners when complaints or queries are received by the Town's Compliance Officer.

The review of existing LPP 34 has not identified major shortcomings with the policy given its relatively recent introduction and its effectiveness in outlining permissible circumstances in which sea containers may be temporarily used without requiring development approval. However, its review has identified the following:

- Contains minor spelling, grammatical and formatting/text alignment errors.
- Refers to 'planning approval' rather than current terminology of 'development approval'; and
- There is currently an overlap between the provisions applying to residential versus non-residential circumstances. This occurs where a sea container is proposed on land zoned for residential purposes but is used for non-residential purposes, and where land is zoned for non-residential purposes but is used for wholly residential purposes. This is not consistent with the intent of the Policy. It is possible to resolve this by specifying that the provisions applying in relation to non-residential uses apply only where the land is both used and zoned for non-residential purposes (i.e. not an either/or scenario).

In view of the above the following revisions are proposed to LPP 8:

1. Incorporate standardised formatting changes consistent with all other reviewed policies and insert provision numbers and headings;
2. Update outdated terminology;
3. Simply/refine background information where relevant and reorganise explanatory content into an Introduction, Objectives and Policy Scope;

4. Amend the provisions applying to sea containers on non-residential land to clarify that they apply to land that is both used and zoned for non-residential purposes.

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

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

### **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.

### **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>
<b>Compliance:</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.

#### 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.

**Sustainability Assessment:**External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

The review of Local Planning 8 and 34 has resulted in a number of recommended changes to resolve issues of interpretation, address identified gaps or deficiencies, ensure alignment with relevant State legislation, provide greater clarity in their objectives and improve their presentation.

It is recommended that the Future Planning Committee recommend to Council that draft revised Local Planning Policies 8 and 34 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).

**RECOMMENDATION/S:**

**That the Future Planning Committee recommends that Council request that the draft revised Local Planning Policies 8 'Sunbury Park Design Guidelines' and 34 'Sea Containers', 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*.**

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

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

**10 MEETING CLOSED TO THE PUBLIC****10.1 Matters for which the meeting may be closed****10.2 Public reading of resolution that may be made public**

**11 CLOSURE OF COMMITTEE MEETING**

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

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

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

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

**Note: Motions to Stand Alone**

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

**Reason:**

**Note: Explanation for changes to Recommendations**

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



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

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

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

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

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

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