

agenda

Future Planning Committee



To: His Worship the Mayor and Councillors

Please be advised that a Future Planning Committee will be held at **5:30pm** on **Monday 11 March 2019** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

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

MR ANTHONY VULETA
CHIEF EXECUTIVE OFFICER

7 March 2018

TABLE OF CONTENTS

ITEM	TITLE	PAGE NO
1	Opening.....	3
2	Attendance.....	3
2.1	Apologies.....	3
2.2	Approved leave of absence	3
3	Declarations of Interest.....	3
4	Confirmation of Minutes	4
5	Presentations.....	4
5.1	Deputations	4
6	Method of Dealing with Agenda Business	4
7	Reports.....	5
7.1	Adoption of Revised Local Planning Policies 2 and 31.....	5
7.2	Climate Change Action.....	12
8	Motion for which previous notice has been given.....	20
9	Meeting Closed to the Public.....	20
9.1	Matters for which the meeting may be closed.....	20
9.2	Public reading of resolutions that may be made public.....	20
10	Closure of Committee Meeting.....	20

1 OPENING

2 ATTENDANCE

Banksia Ward	Cr Ronhhda Potter (Presiding Member)
Jarraah Ward	Cr Vicki Potter
Independent Committee Member	Mr Scott Davies
Chief Community Planner	Ms Natalie Martin Goode
Manager Development Services	Mr Robert Cruickshank
Environment Officer	Mr Brendan Nock
Secretary	Mr Liam O'Neill

2.1 Apologies

Banksia Ward	Cr Claire Anderson
---------------------	--------------------

2.2 Approved Leave Of Absence

Jarraah Ward	Cr Brian Oliver
---------------------	-----------------

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

RECOMMENDATION

That the minutes of the Future Planning Committee held on 11 February 2019 be confirmed.

5 PRESENTATIONS

5.1 Deputations

Nil.

6 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.

7 REPORTS

7.1 Adoption Of Revised Local Planning Policies 2 And 31

Location	Town-wide
Reporting officer	Leigh Parker
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Draft Revised Local Planning Policy 2 - Home Occupation (as modified) [7.1.1]2. Draft Revised Local Planning Policy 31- Serviced Apartments and Residential Buildings including Short Term Accommodation (as modified) [7.1.2]3. Minutes of Ordinary Council Meeting held 9 October 2018 (Consent to advertise draft revised LPP 2) [7.1.3]4. Minutes of Ordinary Council Meeting held 11 December 2018 (Consent to advertise draft revised LPP 31) [7.1.4]

RECOMMENDATION

That the Future Planning Committee recommend that Council:

1. Adopt revised Local Planning Policy 2 'Home Occupation', as modified and contained in Attachment 1;
2. Adopt revised Local Planning Policy 31 'Serviced Apartments and Residential Buildings including Short Term Accommodation', as modified and contained in Attachment 2.

Purpose

Consider submissions received during public advertising of Draft Revised Local Planning Policies 2 and 31, and determine whether to recommend that the Council adopt the revised policies with or without modifications.

In brief

- Council's Urban Planning Business Unit are currently undertaking a comprehensive review of all 37 Local Planning Policies (LPPs). The local planning policies are being progressively amended, adopted and/or revoked following their review and public advertising of any recommended changes.
- Existing LPP 2 has been revised to provide clearer policy objectives, clarify the circumstances where development approval is required, and better outline the range of matters to be considered by Council when assessing home occupation proposals.
- Existing LPP 31 has been revised to consolidate and remove duplicated provisions, improve the locational criteria used to assess proposals and clarify the matters to be addressed in the management plans prepared for short term accommodation proposals as well as other

forms of accommodation falling within the land use definition of Residential Building.

- The title of LPP 31 has also been modified to reflect the most commonly proposed form of accommodation dealt with by the policy, namely short term accommodation.
- The revisions to LPPs 2 and 31 have been advertised for public comment. One submission of support with concerns was received in relation to LPP 2. Two objections were received in relation to LPP 31. The concerns raised in submissions were not considered to warrant any further changes to the revised LPPs.
- Further refinement of the provisions contained in Draft Revised LPPs 2 and 31, has resulted in a number of minor changes to address grammatical errors and text alignment issues.
- It is recommended that Draft Revised LPPs 2 and 31 (as modified) be adopted by the Council.

Background

1. LPP 2 'Home Occupation' formerly comprised Policy 3.4 under the Town Planning Scheme No. 1 (TPS 1) Policy Manual. Amendment 69 to TPS 1, which was gazetted on 2 December 2016, removed this and all other Policies contained in the Policy Manual from the Town Planning Scheme.
2. LPP 31 'Specialised Forms of Accommodation Other Than Dwellings' was originally adopted as an Administrative Policy (Council Policy PLNG17) on 10 April 2012.
3. 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 LPPs 2 and 31, the subject of this report.
4. A review of LPPs 2 and 31 has been undertaken by Council Officers, which has included consideration of:
 - a. the effectiveness of the current Policies including any issues of interpretation, application and gaps or deficiencies;
 - b. like Policies of other Local Governments;
 - c. alignment with relevant State legislation, policy and/or guidelines (where applicable);
 - d. greater clarity in the objectives of the Policies; and
 - e. improving the presentation of the Policies.
5. The reviews of LPPs 2 and 31 are detailed in the Minutes of the Ordinary Council Meeting held on 9 October 2018 and 9 December 2018, respectively, where consent to publicly advertise the recommended changes to each of the LPPs was granted by the Council.

Strategic alignment

Civic Leadership	
Strategic outcome	
CL02 - A community that is authentically engaged and informed in a timely manner.	Community consultation and public advertising occurring in accordance with State legislative requirements and LPP 37 'Community Consultation on Planning Proposals.'
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The review of the Town's LPPs to ensure they remain relevant, effective and consistent with current legislative requirements and State Planning Polices.

Economic	
Strategic outcome	
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The development of LPPs that facilitate local employment, tourism and other economic outcomes while balancing amenity impacts and land use compatibility issues with surrounding residential uses.

Environment	
Strategic outcome	
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The development of LPPs that facilitate diverse housing and employment outcomes while minimising the potential for adverse amenity impacts.

Engagement

External Engagement – Community Consultation	
Stakeholders	Residents, property owners, general community
Period of engagement	21 days (15 January to 5 February 2019)
Level of engagement	2. Consult
Methods of engagement	<ul style="list-style-type: none"> • Publication of a notice in the Southern Gazette on 15 January 2018; • Hard copy displays at Council's Library and Administration Building; • Online consultation and invitations to submit comments via

	<p>the Town's 'Your Thoughts' consultation hub; and</p> <ul style="list-style-type: none"> Advertising/promotion on the Town's online social media platforms.
Advertising	As above.
Submission summary	<p><i>Draft Revised LPP 2:</i></p> <ul style="list-style-type: none"> One supporting submission noting concern; Your Thoughts page activity - 29 page visits by 28 visitors; 16 document downloads. <p><i>Draft Revised LPP 3:</i></p> <ul style="list-style-type: none"> Two objections; Your Thoughts page activity - 27 page visits by 24 visitors; 19 document downloads. <p>Refer to summary and response to submissions in proceeding table.</p>
Key findings	Comments received in submissions are not considered to warrant any further changes to the draft revised local planning policies.

Draft revised LPP 2 Submissions

Submission 1 – Property owner and resident of Carson Street, East Victoria Park

Position: I **support** the Draft Revised Policy but have some concerns

Concerns Raised	Officer's Comments
<p><i>How come construction work can start at 7 am but deliveries to a home business have to start at 8? Daft. Change the times to 7am to 6pm. When couriers start working. Who decides the definition of adverse in section 2a?</i></p>	<p>Not supported. While construction work may start prior to 7am, it occurs for a temporary period rather than indefinitely as is the case for the operations of a home occupation. Council's Urban Planning Unit are required to consider the amenity of the neighbourhood and surrounding properties when considering a development application for a home occupation. This may include consideration of submissions received from surrounding properties where consultation is required or deemed necessary in accordance with Local Planning Policy 37 'Community Consultation on Planning Proposals' as well as drawing on the professional experience and qualifications held by Council Officers, when considering issues of potential adverse impact and neighbourhood amenity.</p>

Draft revised LPP 31 Submissions

Submission 1 – Property owner and resident of O'Dea Street, Carlisle

Position: I **oppose** the Draft Revised Policy

Concerns Raised	Officer's Comments
<p><i>Do not want Air BnB's to operate in Town of</i></p>	<p>Not supported. It is considered that</p>

<p><i>Victoria Park.</i></p>	<p>appropriately managed and operated short term accommodation can coexist with minimal impacts on surrounding residential properties. The market for short term accommodation is established and likely to continue to grow and it is unrealistic to impose a ban or severe policy restriction on their location given they are 'AA' discretionary uses under Council's Scheme (as is the case for the residential areas of most local governments) and may exacerbate the establishment of unregulated, clandestine short term accommodation providers within the Town.</p>
<p>Submission 2 – Property owner and resident of Forster Avenue, Lathlain Position: I oppose the Draft Revised Policy</p>	
<p><i>Concerns Raised</i></p>	<p><i>Officer's Comments</i></p>
<p><i>My concerns are with the approvals of short-term accommodation within our Town that do not protect the local residents' safety, way of life and property values.</i></p>	<p>Concerns noted. The purpose of LPP 31 is to provide a comprehensive and robust policy tool that proposals for the establishment of short term accommodation will need to demonstrate compliance with in order to be approved by the Town. The protection of residential amenity and the minimisation of potential adverse impacts are primary considerations of LPP 31. Property values are not a relevant planning consideration.</p>

Legal compliance

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

6. The amendment of a Local Planning Policy is to be undertaken in accordance with deemed clauses 4 and 5 of the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations), including:
 - a. Community consultation for a period of not less than 21 days; and
 - b. Consideration of public submissions and a Council resolution to proceed with the new or amended policy with or without modifications, or not to proceed.
7. As per deemed clause 4(5) and clause 6(b)(ii), the adoption of a new or revised local planning policy, or the revocation of an existing local planning policy, takes effect upon publication of a notice in a newspaper circulating within the Scheme Area.

Policy Implications

8. The draft revised LPPs provide greater clarity in their objectives, application and applicable

requirements, and forms part of a review of all of the Town's LPPs.

Risk management considerations

Risk and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
Compliance Application of Policies which could have a clearer rationale, and contain more robust provisions to achieve their intent and objectives.	Moderate	Likely	Low	Adopt revised LPPs 2 and 31 (as modified).
Compliance Application of Policies that contain superfluous or duplicated provisions which are capable of being consolidated to form shorter, more user-friendly documents.	Moderate	Likely	Low	Adopt revised LPPs 2 and 31 (as modified).

Financial implications

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

Analysis

9. 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.
10. The review and revision of LPP 31 has resulted in improvements to assist applicants, community members and Council staff in utilising the policy, and to address a number of deficiencies that have been previously identified during the assessment and consideration of applications for short term accommodation received since its introduction. The proposed changes significantly reduce the length of the policy through the consolidation of its provisions and removal of duplicated requirements for the various forms of Residential Building. They also improve and clarify the requirements to be addressed as part of the Management Plan required for these uses and improves the locational criteria

used to determine whether a proposal is suitably located to avoid potential adverse amenity impacts, particularly within low density, suburban environments.

11. It is recommended that the Future Planning Committee recommend that Council formally adopt draft revised LPPs 2 and 31, as modified and contained within the Appendices to this report.

Relevant documents

[Existing Local Planning Policy 2 – Home Occupation](#)

[Existing Local Planning Policy 31 – Special Forms of Accommodation other than Dwellings](#)

7.2 Climate Change Action

Location	Town-wide
Reporting officer	B Nock
Responsible officer	J Wong
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That the Future Planning Committee recommends that Council approves the inclusion of the climate change adaptation actions, as drawn from the Town's Climate Change Adaptation Plan, into the revised Environmental Plan.

Purpose

In response to Councillor Ife's Notice of Motion, together with the forthcoming revision of the Town's Environmental Plan, the purpose of this report is for Council to approve the inclusion of the actions drawn from the Town's Climate Change Adaptation Plan into the revised Environmental Plan.

In brief

- Local Governments have an important role in adapting to the impacts of climate change
- The Town has developed a Climate Change Adaptation Plan, but this Plan has yet to be formally endorsed.
- It is proposed that the actions of the Climate Change Adaptation Plan be integrated into the Environmental Plan that is being developed this year. This way, the Climate Change Adaptation Plan actions will be strategically aligned and operationalised.

Background

1. Local Governments have a key role to play in helping communities adapt to the impacts of climate change.
2. On 14 August 2018, Cr Ife put forward a Notice of Motion –

"That Council:

- a. Recognises that there is a state of climate emergency that needs to be handled by all levels of government*
- b. Endorses WALGA's Policy Statement on Climate Change*
- c. Requests that the Administration create an action plan, in line with WALGA's Policy Statement on Climate Change, and report back to the Future Planning Committee*

by December 2018."

3. The Town has developed a Climate Change Adaptation Plan which aligns to the WALGA Policy Statement on Climate Change.
4. The Climate Change Adaptation Plan, although completed, has yet to be formally actioned.
5. The Notice of Motion comes at an opportune time for the Town to advance its efforts in the area of climate change as this year the Town is preparing a new Environmental Plan to replace the current Environment Plan 2013-2018.
6. It is proposed that the recommended actions of the Climate Change Adaptation Plan be integrated into the new Environmental Plan. This way, the Climate Change Adaptation Plan actions will be strategically aligned and actioned accordingly. Climate change actions within the Environmental Plan will include:
 7. Parks
 - a. Revise strategies and service level agreements for open space to facilitate the uptake of water wise practices (e.g. mulching) and replacement of water intensive landscapes with water wise landscapes.
 - b. Where appropriate, prioritise drought tolerant species and local natives for planting and revegetation in Town-managed reserves and progressively replace water intensive species with more drought resistant species.
 - c. Expand on the provision of revegetation education and information to the broader community, including a low water use plant list. i.e. as per the Urban Forest Strategy and Town of Victoria Park Your Street Verge: Sustainable Landscaping Guide.
 - d. Increase fire fuel load management on Town owned land and improve partnerships and communications with the Department of Fire and Emergency Services (DFES).
 - e. Review irrigation practices and opportunities to minimise irrigation use and further education and awareness of these within the community.
 - f. Improve Water Sensitive Urban Design (WSUD) in existing open spaces (as per the Town's Water Efficiency Action Plan) where applicable and practicable.
 8. Planning
 - a. Investigate ways to provide more green space as part of new developments, including the potential for:
 - i. Incorporation of Open Space into the design for higher density development, as per Design WA Guidelines

- ii. Advocating for the provision of open space and retention of trees as a requirement under planning codes
- b. Implement a Street Tree Retention Policy.

9. Environment

- a. Collaborate with relevant agencies to monitor changes in weeds / pests to adjust, control and manage approaches in response to climatic changes, i.e. Department of Biodiversity, Conservation and Attractions; Department of Health and Department of Agriculture and Food WA.
- b. Ensure all foreshore / river management plans include specific actions to enhance the long-term resilience of biodiversity and infrastructure to projected climatic changes.
- c. Identify green corridors in our local planning strategy and management plans.
- d. Collaborate with appropriate partner agencies to enhance and extend biodiversity corridors throughout the region – prioritising those corridors that are currently at high risk from climate change.
- e. Expand on existing programs (e.g. Adopt-a-Verge Program) and work with other government bodies to establish rebate programs for native plants and low water use vegetation.
- f. Create food source corridors for local fauna within verges and backyards.
- g. Develop and deliver relevant training and engagement for staff.

10. Operations

- a. Where practical, develop a simple climate change and sustainability checklist to be completed for all infrastructure projects to ensure the most suitable materials are used. e.g. recycled materials, use of permeable paving and whole of life cycle consideration.
- b. Improve Water Sensitive Urban Design (WSUD) in streetscapes (as per the Town's Water Efficiency Action Plan and the Flood Master Plan) where applicable and practicable.

11. Assets

- a. Conduct a comprehensive energy audit of all Town buildings and develop an energy efficiency strategy. This should include a cost benefit analysis of alternative resources to assess the viability of installing renewable energy sources on Town owned land or buildings, including partnerships with other agencies.
- b. Integrate lifecycle of materials and appropriate reuse methods into the Town of Victoria Park Asset Management Plans where applicable and practicable.

12. Community engagement, safety

- a. Develop a community education program for:
 - i. Town initiatives
 - ii. Town neighbourhood resilience programs - i.e. neighbourhood watch response to extreme weather events
 - iii. Building community preparedness
 - iv. Develop local community advocates
- b. Ensure future updates to the Emergency Management Plan include consideration of the risks, including consideration to multiple events occurring (e.g. erosion and flash flooding restricting access).

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	<ul style="list-style-type: none"> • Improved design of Town streetscapes • Climate change considered as part of all new infrastructure projects to ensure the most suitable materials are used. • Energy audits of all Town buildings and development of an energy efficiency strategy, the recommendations of which will result in energy and cost savings for the Town.
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	<ul style="list-style-type: none"> • As above.
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	<ul style="list-style-type: none"> • Implementation of water wise practices and landscapes, which will result in water and associated cost savings for the Town.
EN07 - Increased vegetation and tree canopy.	<ul style="list-style-type: none"> • Community revegetation information and education, including low water use plants. • Identification and creation of green corridors within the Town. • Expansion of community rebate programs

	to integrate native plants and low water use vegetation into their gardens.
--	---

Engagement

Internal Engagement	
Stakeholder	Comments
Whole of Town staff	<p>Staff were engaged via workshop participation and written feedback opportunities during the development of the Climate Change Action Plan itself.</p> <p>Specifically, the Climate Change Adaptation Plan was developed using a four-stage process:</p> <ul style="list-style-type: none"> • identification of climate change scenarios and developing workshop issues paper • identification and assessment of risks • defining potential adaptation responses; and • developing Climate Change Adaptation Plan.
Planning, Parks, Community Development, Operations, Governance, Community Engagement, Safety, Assets	The various business units were consulted during the development of the Future Planning Committee report to ensure proposed adaptation actions can be operationalised
Future Planning Committee	Workshop presentation on the proposed inclusion of Climate Change Adaptation Actions into the new Environment Plan.

Extensive community consultation is a critical component in the development of the new Environmental Plan for the Town. Should the climate change actions be included within the new Environmental Plan, the community will have opportunity to provide input on, and influence, these actions.

Legal compliance

Not applicable.

Risk management consideration

[Town's Risk Assessment and Acceptance Criteria](#)

Risk and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
Reputation risks due to any negative financial impacts that may result affecting the community	Moderate	Unlikely	Moderate	Assess the extent of potential consequential impacts as a result of implementing the proposed actions and ensure that sustainable financial management practices are adopted.
Lack of engagement with stakeholders and Town of Victoria Park's relevant officers.	Major	Possible	High	Project Officer to obtain inputs from stakeholders and advise Town of Victoria Park Project Director and the Town of Victoria Park Project Sponsor if delays are occurring.
Changeover of staff	Moderate	Unlikely	Moderate	Should there be a changeover of key staff, the project will remain integrated into current work planning and reporting. Detailed handover notes and record keeping will facilitate continuity of purpose and action during any changeover. The Project Manager

				will monitor progress and work to maintain progress.
Inadequate progress	Moderate	Unlikely	Moderate	Regular meetings between the Project Manager and Project Officer are used to monitor progress and ensure adequate project progress against project schedule.

Financial implications

Current budget impact	It is likely that the proposed actions within the Climate Change Adaptation Plan will have an impact on capital and operational budgets and these will be assessed during the budget process.
Future budget impact	It is likely that the commitments within the Climate Change Adaptation Plan will impact significantly on the Town's future budgets. Impacts will be considered as part of the development of the new Environment Plan.

Analysis

13. The Town is committed to acting on climate change and has signed the WALGA Declaration on Climate Change and subsequently developed this Climate Change Adaptation Plan
14. With the integration of the actions within the Climate Change Adaptation Plan into the new Environmental Plan it will be strategically aligned and ensure climate change adaptation is operationalised within the Town.

8 MOTION FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9 MEETING CLOSED TO THE PUBLIC

9.1 Matters For Which The Meeting May Be Closed

Nil.

9.2 Public Reading of Resolutions That May Be Made Public

Nil.

10 CLOSURE OF COMMITTEE MEETING