

agenda



Please be advised that a **Future Planning Committee Meeting** will be held at **5.30pm** on **Wednesday 15 August 2018** in Meeting Room 1 at the Administration Building, 99 Shepperton Road, Victoria Park.

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

ANTHONY VULETA
CHIEF EXECUTIVE OFFICER

10 August 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	5
5	TERMS OF REFERENCE	5
6	PRESENTATIONS	7
	6.1 Deputations	7
7	METHOD OF DEALING WITH AGENDA BUSINESS	7
8	REPORTS	8
	8.1 Review of Local Planning Policies 1 and 37	8
9	MOTION FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN	14
10	MEETING CLOSED TO THE PUBLIC	14
	10.1 Matters for which the meeting may be closed	14
	10.2 Public reading of resolution that may be made public	14
11	CLOSURE OF COMMITTEE MEETING	14
12	WORKSHOP TOPICS AND PRESENTATIONS	14
	12.1 Burswood Station East Developer Contribution Plan Investigation	14
	12.2 Draft Policy - Site Landscaping Requirements for Developments	14
	12.3 Special Meeting - Future Planning Committee	14
13	GENERAL BUSINESS	14
14	REQUEST FOR REPORTS FOR FUTURE CONSIDERATION	15
15	CLOSURE OF WORKSHOP	15

1 OPENING

2 ATTENDANCE

Members:

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

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

Independent Committee Member: Mr S (Scott) Davies

Chief Community Planner Ms N (Natalie) Martin Goode
Manager Development Services Mr R (Robert) Cruickshank
Manager Place Planning Mr D (David) Doy
Senior Place Leader Ms C (Carly) Pidco

Secretary: Mrs S (Susan) Fraser

Guests: Ms N (Natasha) Horner

2.1 Apologies

2.2 Approved Leave of Absence

3 DECLARATIONS OF INTEREST

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

Declaration of Financial Interests

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

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

Declaration of Proximity Interest

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

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

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

Declaration of Interest affecting impartiality

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

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

4 CONFIRMATION OF MINUTES

That the Minutes of the Future Planning Committee Meeting held on 18 July 2018 be confirmed

5 TERMS OF REFERENCE

1 Name

Future Planning Committee

2 Purpose

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

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

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

3 Scope

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

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

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

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

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

4 Deliverables

The Committee will –

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

Specifically the Committee will ensure delivery of the following –

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

5 Reporting

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

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

6 Governance

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

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

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

7 Meeting arrangements

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

8 Authority

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

9 Review

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

6 PRESENTATIONS

6.1 Deputations

7 METHOD OF DEALING WITH AGENDA BUSINESS

RECOMMENDATION:

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

8 REPORTS

8.1 Review of Local Planning Policies 1 and 37

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

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

Executive Summary:

That the Future Planning Committee recommends that Council advertise the draft revised Local Planning Policy 37, as contained in the Appendices, 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

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
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:
 - 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:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/ Actions
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.

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/ Actions
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.

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'.

RECOMMENDATION/S:

That the Future Planning Committee recommend that Council advertise the draft revised Local Planning Policy 37 'Community Consultation on Planning Proposals', as contained in the Appendices, 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****12 WORKSHOP TOPICS AND PRESENTATIONS****12.1 Burswood Station East Developer Contribution Plan Investigation**

The Manager Place Planning, David Doy, and the Senior Place Leader, Carly Pidco, will provide the Committee with an overview of the investigation outcomes, including:

- Summary of the funding options and infrastructure categories assessed through the BSE DCP Investigation;
- Summary of the internal and peer reviewer's recommendations; and
- Proposed actions to progress the BSE Local Structure Plan project.

12.2 Draft Policy - Site Landscaping Requirements for Developments

The Manager Development Services will present a draft policy for Site Landscaping Requirements for Developments, requesting feedback on the draft policy.

12.3 Special Meeting - Future Planning Committee**13 GENERAL BUSINESS**

14 REQUEST FOR REPORTS FOR FUTURE CONSIDERATION

Forthcoming Agenda Items	
Reports	
Urban Forest Strategy - Final	TBC
Strategic Waste Management Plan	OCM
Burswood Station East Structure Plan	September 2018
Local Planning Policies: 31 (H); 2 (M) and 29 (M)	September
Local Planning Policies: 7 (H); 28 (M) and 36 (M)	September 2018
Signs LPP	September 2018
Local Planning Policies: 8; 9; 10; 11 and 14	October 2018
Local Planning Policies: 15; 16; 17; 18 and 19	November 2018
Local Planning Policies: 20; 21; 22; 24 and 33	December 2018
Local Planning Policies: 26; 27; 34; and 35	February 2019
Possible 40km/hour speed limit for Archer Street (Railway to Orrong Road), Burswood Road (Teddington to Great Eastern Highway) & Duncan Street (Albany Highway to Railway) JW	TBC 2018
Review of Streetscape Policy (RC)	TBC 2018
Workshop Topics	
Environmental Plan 2013 – 2018 Review and Update	September 2018
Parking Policy	September 2018
Presentations / Deputations	

15 CLOSURE OF WORKSHOP

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

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

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

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

Note: Motions to Stand Alone

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

Reason:

Note: Explanation for changes to Recommendations

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



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

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

Name & Position	
Meeting Date	
Item No/Subject	
Nature of Interest	Financial Interest* <i>(*Delete where</i> Proximity Interest* <i>not applicable)</i> Interest that may affect impartiality*
Extent of Interest	
Signature	
Date	

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”.