

agenda

Future Planning Committee



Please be advised that a **Future Planning Committee Meeting** will be held at **5.30pm** on **Wednesday 17 October 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

12 October 2018

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1 OPENING

1.1 Resignation of the Presiding Member

1.2 Election of a Presiding Member

2 ATTENDANCE

Members:

Banksia Ward:	Cr C (Claire) Anderson (Presiding Member) Cr R (Ronhda) 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
Strategic Projects Manager	Mr J (Jack) Bidwell
Secretary:	Mrs S (Susan) Fraser

Guests:

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 19 September 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 Proposed Local Planning Policy 38 'Signs' and Associated Actions

File Reference:	PLA/6/41
Appendices:	1. Advertised version of draft Local Planning Policy 'Signs'; 2. Modified version of draft Local Planning Policy 'Signs'
Attachments:	No

Date:	8 October 2018
Reporting Officer:	R. Cruickshank
Responsible Officer:	R. Cruickshank
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That the Future Planning Committee recommend that Council adopt Local Planning Policy 38 'Signs' as contained at Appendix 2, and that other associated actions be undertaken.

- The Town's Signs Local Law 2006 provides for the regulation, control and management of signs within the Town. The Town's Signs Local Law outlines the need to obtain a sign licence, the need for development approval to be obtained in some circumstances, and then prescribes the allowable sizes, heights etc. for each sign type.
- The Town's Town Planning Scheme No. 1 (TPS 1) contains provisions which outlines the need for development approval for signs in accordance with the Town's Signs Local Law, and the matters to be considered when determining an application for signs.
- Additionally there are provisions contained within specific Local Planning Policies that relate to specific sign types and/or signs within specific areas of the Town.
- It is more appropriate that planning provisions relating to signage be contained within a planning instrument such as a Local Planning Policy, rather than being within a Local Law.
- There are a number of sign types that are not addressed in the current Signs Local Law that require attention.
- The Council resolved at its meeting in April 2018 to advertise the draft Local Planning Policy 'Signs' for public comment.
- The draft Policy was advertised for public comment, with one (1) submission received.
- A further review of the Policy has been undertaken by Council Officers, which has resulted in further changes to the policy as advertised.
- It is now recommended that Council adopts the draft Policy and that other associated actions be undertaken.

TABLED ITEMS:

Nil

DETAILS:

The Town's *Signs Local Law 2006* was gazetted on 22 January 2007. Following a review in 2016, Council resolved to retain the *Signs Local Law 2006*.

In the Officer's report to the Ordinary Council Meeting of 14 June 2016, the following comments were made:

“Council Officers have identified a number of sign provisions that require consideration for amendment or inclusion, such as:

- *Provisions for monolith signs;*
- *Provisions for community event signs;*
- *Provisions for development signs marketing future developments;*
- *Provisions for A-frame signs on private properties;*
- *Provisions dealing with trailer signs for commercial purposes;*
- *Clarity on painted window signage; and*
- *Signage for home occupations.*

It is not proposed by the Administration to make any amendments to the Local Law as it is intended to prepare a Signs Local Planning Policy that will take the place of the Signs Local Law at a future time.

The advantages of having signage provisions contained within a Local Planning Policy rather than within a Local Law is largely one of efficiency and responsibility. It is a much more efficient process to amend a Local Planning Policy rather than a Local Law, and the responsibility for approving a Local Planning Policy rests with the Council rather than a Parliamentary Committee.

It is noted that most other Council's appear to have signage provisions now contained within a Local Planning Policy rather than within a Local Law.”

Council Officers also note 'Report 28 – Local Laws Regulations Signs and Advertising Devices' prepared by the Joint Standing Committee on Delegated Legislation which amongst other things, notes that matters of general amenity and safety are inherent considerations in the regulation of signs and advertising devices from a planning and development perspective.

As per Schedule D of TPS 1, those signs that require development approval are those identified in Part 6 of the Town's *Signs Local Law 2006*, being:

- The sign types set out in Parts 4 and 5, where the signs do not meet the standards; or
- Signs on a heritage building or place; or
- Roof signs;
- Balloon/blimp signs;
- Signs above verandahs.

Having regard to the above, a review of the Town's signage provisions and controls has been undertaken focusing on the following:

- that planning provisions relating to signage be contained within a planning instrument such as a Local Planning Policy, rather than being within a Local Law.
- there are a number of sign types that are not addressed in the current Signs Local Law that require attention.
- exempting a greater range of sign types from development approval.
- reviewing the current provisions applying to above awning signs.

Notable content within the draft Policy as advertised for public comments (Appendix 1) included:

- clear objectives and background explanation clarifying the importance of having controls on signage while acknowledging the need for businesses to advertise.
- a greater range of exemptions from development approval.
- a more extensive range of sign types defined and addressed, including monolith signs, development site signs, community event signs and variable message signs.
- allowing for signs associated with Home Occupations (currently prohibited).
- providing greater opportunity for above awning signs, and providing specific criteria to ensure that any sign of this type is of a high quality and does not detract from the streetscape.
- transferring the relevant considerations for signs contained in the Scheme (Clause 30A) into the Policy.

At the Ordinary Council Meeting in April 2018, Council resolved to advertise the draft version of the proposed policy for public comment.

The draft Policy (see Appendix 1) was advertised for public comments for a period of 21 days, comprising consultation by way of Your Thoughts, the Southern Gazette newspaper, the Town's website and social media.

At the conclusion of the advertising period, one (1) formal submission was received, from a business owner as follows :

"I feel signage in the Town can be improved based on this proposal, particularly placement, quantity, size and suitability or stability of A-Frame signs which in some areas clutter the pavements. There are also instances of umbrellas and partition type signage on pavements that block or restrict passage of pedestrians. Grilled large umbrella is a good example of an unnecessarily large umbrella under an awning and placed in the middle of the pavement."

Legal Compliance:

Town of Victoria Park Town Planning Scheme No. 1

Schedule D of TPS 1 refers to those signs that require development approval being as identified in Part 6 of the Town's *Signs Local Law 2006*.

Local Planning Policies

The preparation of a Local Planning Policy is to be undertaken in accordance with deemed provisions 3 and 4 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 Policy will align with current State Government planning legislation and extend the scope of signs that do not require development approval to be obtained from the Council.

The Policy will provide greater clarity and certainty to members of the community regarding the requirement for development approval, and address sign types not currently dealt with in the Town's Signs Local Law.

Risk Management Considerations:

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation/Actions
Should the Policy not be prepared then there will be signs types which will continue to require development approval, notwithstanding that they may have minimal visual impact.	Moderate	Likely	High	Support the proposed draft Policy.
Having sign provisions contained in a Local Planning Policy rather than a Local Law is seen as reducing a level of red-tape and increasing efficiency.	Moderate	Likely	High	Support the proposed draft Policy.
Continued inconsistent application of current provisions which generally do not support above awning signs	Moderate	Likely	High	Support the proposed draft Policy.

Sustainability Assessment:

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Town's current provisions dealing with signs are contained within a combination of the Scheme, Local Planning Policies and the *Signs Local Law 2006*. This is considered to be inefficient, particularly given the timeframes and processes that apply when amending a Scheme or Local Law.

There are significant benefits to be gained from having planning related provisions dealing with signs being contained in a Local Planning Policy, both from a Council perspective in administering the provisions as well as reduced red-tape from a customer perspective.

The key features of the draft Policy as advertised for public comments (see Appendix 1) are described in the 'Details' section above.

Following conclusion of the advertising period, and based upon internal feedback from other staff, a further review of the draft Policy was undertaken. It was considered that there was further opportunity to improve the Policy, primarily in terms of its structure and ease of use, as well as its content in some respects. As such a modified draft Policy has now been prepared (see Appendix 2) which differs from the draft version of the Policy as advertised for public comments.

The notable modifications to the Policy from that advertised, can be summarised as follows:

- Clarification that in lieu of a sign licence, a building permit will be required for signs of a structural nature, and clarifying instances where a building permit for a sign will not be required.
- Definitions of specific sign types are now contained within Table 1 accompanying the standards that apply for that sign type.
- A change in scope so that the Policy applies to advertising signs throughout the Town, whereas previously it was intended to only apply to private property, however noting that signs on a thoroughfare will be exempt from development approval and will instead be subject to the Town's Activities on Thoroughfares and Trading in Public Places Local Law 2000.
- Reducing the number of compliant signs without development approval from a total of five (5) signs to three (3) signs, so that development approval is required wherever a business has more than three (3) signs.
- Removing proposed Part Two 'Above Awning Signs' and Part 3 'Non-preferred sign types' and instead including these provisions within Table 1.
- Modifying Table 1 to include a Column 2 and Column 4, detailing when a sign may be exempt from development approval.
- Including the following additional sign types within Table 1 and in many instances clarifying that these sign types do not require development approval : Above Awning Sign; Banner Sign (Building); Banner Sign (Mast); Building name or street number signage; Bus Shelter, Roadside Seat, Litter Bin or Public Payphone sign; Direction Sign; Flag Sign (General); Flag Sign (Mast); Plaques;
- Reducing the acceptable size of window signs without development approval from 50% of the window to 25%.

Accordingly it is now recommended that Council adopt the modified version of draft Local Planning Policy 38 'Signs' as contained at Appendix 2 to this report.

In view of the recommended adoption of Local Planning Policy 38 'Signs' which will now form the basis for determining exemptions from development approval for signs, and the applicable standards that apply to signs, the following additional actions are necessary :

1. Repeal the Town's Signs Local Law 2006. The Local Law can now be repealed as LPP38 now identifies the standards that apply for signs to be exempt from development approval, and in lieu of a sign licence, building permits will now be required. It should

be noted that a new Local Law needs to be prepared to repeal a Local Law. It is intended to present a separate report to Council to commence the process to repeal the Signs Local Law.

2. Revoke Local Planning Policies 12 'Control and Location of Advertising Balloons and Blimps' and 13 'Roof Signs'. These Policies can be deleted as provisions for these sign types are now included in LPP38.
3. Amend LPP32 'Exemptions from Development Approval', by replacing the words "Compliant with the Town's Signs Local Law or an adopted Local Planning Policy relating to signs" in Table 1 with the words "In accordance with Local Planning Policy 38 'Signs'".
4. Amend LPP2 'Home Occupations' to remove the current prohibition on signs associated with a Home Occupation, so as to be consistent with LPP38 which allows for one sign of a maximum size of 0.2m².
5. Initiate an Amendment to Town Planning Scheme No. 1 to :
 - (a) delete from Schedule A 'Supplemental Provisions to the Deemed Provisions', part 6(m) of Deemed Clause 61
 - (b) delete Schedule D 'Advertisements Requiring Development Approval' from the Scheme Text.

Neither of these provisions are now necessary as deemed Clause 61(1)(h) of the LPS Regulations and Local Planning Policy 38 will instead determine the circumstances where development approval is not required for a sign.

RECOMMENDATION:

That the Future Planning Committee recommends that Council:

1. **Adopt the modified version of Local Planning Policy 38 'Signs' as contained at Appendix 2, with the Policy taking effect upon publication of a notice in the Southern Gazette newspaper.**
2. **Notes the intention to prepare a separate report to Council proposing to prepare a new Local Law to repeal the Signs Local Law 2006.**
3. **Pursuant to deemed clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015, amend Local Planning Policy 32 'Exemptions from Development Approval':**
 - 3.1 **by replacing the words "Compliant with the Town's Signs Local Law or an adopted Local Planning Policy relating to signs" in Table 1 with the words "In accordance with Local Planning Policy 38 - Signs."**
 - 3.2 **with the amendment as outlined in part 3.1 being regarded as a minor amendment in accordance with deemed clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
 - 3.3 **with the amendment as outlined in part 3.1 being published in the Southern Gazette for public information.**

4. Pursuant to deemed clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, revoke Local Planning Policy 12 'Control and Location of Advertising Balloons and Blimps' and Local Planning Policy 13 'Roof Signs' effective upon publication of a notice in the Southern Gazette.
5. Pursuant to deemed clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, amend Local Planning Policy 2 'Home Occupations':
 - 5.1 by deleting policy provision b) iii.
 - 5.2 with the amendment as outlined in part 5.1 being regarded as a minor amendment in accordance with deemed clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - 5.3 with the amendment as outlined in part 5.1 being published in the Southern Gazette for public information.
6. Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 81) to the Town of Victoria Park Town Planning Scheme No. 1 Scheme Text as follows:
 - 6.1 delete from Schedule A 'Supplemental Provisions to the Deemed Provisions', part 6(m) of Deemed Clause 61, and renumber accordingly; and
 - 6.2 delete Schedule D 'Advertisements Requiring Development Approval' from the Scheme Text.
7. Considers Amendment No. 81 to the Town of Victoria Park Town Planning Scheme No. 1 to constitute a 'basic amendment' in accordance with Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the amendment will result in the Scheme Text being consistent with deemed clause 61(1)(h) of the Regulations.
8. Authorises the Chief Executive Officer and the Mayor to execute the Town Planning Scheme No. 1 Amendment No. 81 documents.
9. Forwards Amendment No. 81 to the Environmental Protection Authority for assessment in accordance with Section 81 of the *Planning and Development Act 2005*, and the Western Australian Planning Commission for information.

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 IGA Laneway Design

Jack Bidwell, Strategic Projects Manager will present the IGA Laneway designs.

12.2 Landscaping on Development Sites

Robert Cruickshank, Manager Development Services will discuss Landscaping on Development Sites.

12.3 Update on the Review of the Public Open Space Strategy

David Doy, Manager Place Planning will provide the Committee with a progress update on the review of the 'Public Open Space Strategy'.

13 GENERAL BUSINESS

14 REQUEST FOR REPORTS FOR FUTURE CONSIDERATION

Forthcoming Agenda Items	
Reports	
Local Planning Policies: 31 (H); and 29 (M)	November 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
Local Planning Policies: 7 (H); 28 (M) and 36 (M) -	TBC'd 2018
Local Planning Policies: 8; 9; 10; 11 and 14	TBC'd 2018
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'd 2018
Review of Streetscape Policy (RC)	TBC'd 2018
Workshop Topics	
Parking Policy (Planning)	November 2018
Update on the Review of the Public Open Space Strategy	November 2018
Update on Crossover Policy	November 2018
Higgins Park Master Plan	TBC'd
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”.