

agenda

Future Planning Committee



Please be advised that a **Future Planning Committee Meeting** will be held at **5.30pm** on **Wednesday 18 July 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

13 July 2018

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1 OPENING

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
Chief Operations Officer Mr B (Ben) Killigrew
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 20 June 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

8 REPORTS

8.1 Review of Local Planning Policy 6 'Child Care Facilities in Residential Areas'

File Reference:	PLA/9/0001
Appendices:	<ol style="list-style-type: none"> 1. Current version of Local Planning Policy 6 'Child Care Facilities in Residential Areas' 2. Draft revised Local Planning Policy 6 'Family Day Care and Child Care Premises'
Attachments	No

Date:	12 July 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 6 'Family Day Care and Child Care Premises' as contained in the Appendices, for public comment for a minimum period of 21 days in accordance with *Schedule 2 clauses 4 and 5 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

- Council's Urban Planning Business Unit have undertaken a review of all 37 Local Planning Policies (LPPs). It is intended to progressively amend and advertise a number of LPPs.
- This report deals with a review of LPP6 'Child Care Facilities in Residential Areas'.
- In reviewing the Policy, consideration has been given to a number of matters including: the effectiveness of the current Policy including any issues of interpretation, application and gaps or deficiencies; like Policies of other Local Governments; alignment with relevant State legislation, policy and/or guidelines (where applicable); greater clarity in the objectives of the Policy; improving the presentation of the Policy.
- It is recommended that LPP6 be amended as detailed within the Officer's Report and the Appendices.
- It is recommended that the draft revised LPP6 be advertised for public comments.

TABLED ITEMS:

Nil

BACKGROUND:

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

Amendment 69 to TPS 1, which was gazetted on 2 December 2016, removed the Policies as forming part of the Town Planning Scheme.

At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt a number

of planning policies as Local Planning Policies, including the Policies the subject of this review.

DETAILS:

A review of LPP6 'Child Care Facilities in Residential Areas' has been undertaken by Council Officers including considering:

- the effectiveness of the current Policy including any issues of interpretation, application and gaps or deficiencies;
- like Policies of other Local Governments;
- alignment with relevant State legislation, policy and/or guidelines (where applicable);
- greater clarity in the objectives of the Policy; and
- improving the presentation of the Policy.

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

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

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

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

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

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

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

Legal Compliance:

Local Planning Policies

The amendment of a Local Planning Policy is to be undertaken in accordance with deemed clauses 4 and 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, including:

- Community consultation for a period of not less than 21 days; and
- Consideration of public submissions and a Council resolution to proceed with the policy with or without modifications, or not proceed.

Policy Implications:

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

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

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/ Actions
LPP6 contains outdated and obsolete provisions that do not align with the currently applicable State and Federal legislative framework. It is also limited in scope, applying only to child care centres in residential areas. Delaying its amendment will exacerbate its already restricted scope and applicability, and leave the Town with deficient policy guidance to consider proposals for family day care and child care premises.	High	Likely	Moderate – Applications for child care premises are infrequent/ rarely received by the Town however it is considered essential to have a relevant and effective policy to adequately consider these proposals.	Support the proposed draft revised Policy for the purposes of community consultation.

Strategic Plan Implications:

Environment

EN1 – Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town’s character.

Economic

EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.

Financial Implications:

There will be a cost for advertising of the proposal in the Southern Gazette newspaper, with their being funds available to cover this cost.

Sustainability Assessment:

External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

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

It is recommended that the Future Planning Committee recommend to Council that draft revised Local Planning Policy 6 as contained in the Appendices to this report, be advertised for public comment. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the draft Policy (in its current revised form or in a further modified form).

RECOMMENDATION:

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

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 PUBLIC**11 CLOSURE OF COMMITTEE MEETING****12 WORKSHOP TOPICS AND PRESENTATIONS****12.1 John Mactivation – Concept Plans****13 GENERAL BUSINESS**

14 REQUEST FOR REPORTS FOR FUTURE CONSIDERATION

Forthcoming Agenda Items	
Reports	
Burswood Station East Structure Plan	August 2018
Local Planning Policies: 1 (M) and 37 (M)	August 2018
Local Planning Policies: 31 (H); 2 (M) and 29 (M)	August 2018
Urban Forest Strategy - Final	August 2018
Strategic Waste Management Plan	August 2018
Local Planning Policies: 7 (H); 28 (M) and 36 (M)	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	
Draft Policy - Site Landscaping Requirements for Developments	August 2018
Higgins Park Master Plan (BK)	TBC
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”.