

# minutes

Future Planning Committee



Please be advised that a **Future Planning Committee Meeting** commenced at **5.30pm** on **Wednesday 19 September 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**

**20 September 2018**

(To be confirmed 17 October 2018)

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## 1 OPENING

The Presiding Member, Cr Ronhhda Potter, declared opened the meeting at 5:31pm.

The Presiding Member adjourned the meeting for want of a quorum. Members present were Cr R Potter and Cr B Oliver.

*Cr V Potter joined the meeting at 5:43pm.*

### RESOLVED:

**Moved: Cr V Potter**

**Seconded: Cr Oliver**

**That the meeting reconvene at 5:43pm.**

**The Motion was Put and**

**CARRIED (3-0)**

**In favour of the Motion: Cr Oliver; Cr R Potter; Cr V Potter.**

### Acknowledgement of Country (by A/Presiding Member)

I acknowledge the traditional custodians of this land the Noongar people and pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of Indigenous Australians.

## 2 ATTENDANCE

### Members:

<b>Banksia Ward:</b>	Cr R (Ronhhda) Potter (A/Presiding Member)
<b>Jarraah Ward:</b>	Cr B (Brian) Oliver
	Cr V (Vicki) Potter (Deputy Mayor)

<b>Chief Community Planner</b>	Ms N (Natalie) Martin Goode
<b>Manager Development Services</b>	Mr R (Robert) Cruickshank
<b>Manager Place Planning</b>	Mr D (David) Doy
<b>Senior Planning Officer</b>	Mr L (Leigh) Parker
<b>Strategic Projects Manager</b>	Mr J (Jack) Bidwell
<b>Environment Officer</b>	Mr B (Brendan) Nock

<b>Secretary:</b>	Ms A (Alison) Podmore
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### 2.1 Apologies

<b>Banksia Ward:</b>	Cr C (Claire) Anderson (Presiding Member)
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**Independent Committee Member:**  
**A/Chief Operations Officer Senior Place Leader**

Mr S (Scott) Davies  
 Mr G (Gregor) Wilson  
 Ms C (Carly) Pidco

## 2.2 Approved Leave of Absence

### 3 DECLARATIONS OF INTEREST

#### Declaration of Financial Interests

Nil.

#### Declaration of Proximity Interest

Nil.

#### Declaration of Interest affecting impartiality

Name/Position	Ronhhda Potter - Councillor
Item No/Subject	Item 8.3 – Food Truck Policy
Nature of Interest	Impartiality
Extent of Interest	Own a business on Lathlain Place, close to Rayment Park, a park up for consideration.

### 4 CONFIRMATION OF MINUTES

#### RESOLVED:

Moved: Cr V Potter

Seconded: Cr R Potter

That the Minutes from the Special Future Planning Committee meeting held on Tuesday 28 August 2018, be confirmed.

The Motion was Put and

CARRIED (3-0)

In favour of the Motion: Cr Oliver; Cr R Potter; and Cr V Potter

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(To be confirmed 17 October 2018)

**RESOLVED:****Moved: Cr Oliver****Seconded: Cr R Potter**

**That the Minutes of the Future Planning Committee Meeting held on Wednesday 15 August 2018, be confirmed.**

**The Motion was Put and****CARRIED (3-0)****In favour of the Motion: ; Cr Oliver; Cr R Potter; Cr V Potter;****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.

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(To be confirmed 17 October 2018)

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

(To be confirmed 17 October 2018)

**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**

Nil.

**7 METHOD OF DEALING WITH AGENDA BUSINESS**

RESOLVED:

Moved: Cr V Potter

Seconded: Cr Oliver

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.

The Motion was Put and

CARRIED (3-0)

In favour of the Motion: Cr Oliver; Cr R Potter; and Cr V Potter

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## 8 REPORTS

### 8.1 Environmental Plan 2013 – 2018 Review and Update

<b>File Reference:</b>	ENV/10/1
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Environmental Plan – Project Plan</li> <li>2. Environment Plan 2013-2018 <a href="https://www.victoriapark.wa.gov.au/Around-town/Environment/Environmental-Plan">https://www.victoriapark.wa.gov.au/Around-town/Environment/Environmental-Plan</a></li> </ol>

<b>Date:</b>	September 2018
<b>Reporting Officer:</b>	B. Nock
<b>Responsible Officer:</b>	B. Killigrew
<b>Voting Requirement:</b>	Simple Majority

<b>Executive Summary:</b>	
<b>Recommendation/s – That the Future Planning Committee receives the Environment Plan 2013 – 2018 review report and approves the proposed Project Plan for the preparation of an updated Environment Plan.</b>	
<ol style="list-style-type: none"> <li>1. The Town is committed to protecting and enhancing its natural environment, showing leadership through best practice environmental management as well as promoting growth and development within defined environmental parameters.</li> <li>2. The Town of Victoria Park Environmental Plan 2013 – 2018 has been the main strategic document guiding environmental management practices of the Town.</li> <li>3. This report was prepared based on reviews undertaken for the main actions that have been achieved under the Environmental Plan 2013 – 2018.</li> <li>4. As the Environment Plan has reached the end of its operational life, the Town proposes the development of a new Environment Plan.</li> </ol>	

**TABLED ITEMS:**

Nil

**BACKGROUND:**

There is a diverse range of community and land use considerations that can impact upon the Town's natural environment. These considerations include a growing population including visitors and commuters and increasingly activated precincts including the following areas:

- commercial;
- entertainment;
- sports;
- dining, food and beverage;
- residential;
- recreational; and
- technology/university precincts.



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The Town is committed to protecting and enhancing its natural environment, showing leadership through best practice environmental management as well as promoting growth and development within defined environmental parameters.

The development of an Environmental Plan was identified as a key project under the Town's Plan for the Future 2011 – 2026 and the Strategic Community Plan 2013 – 2028.

The Town of Victoria Park Environmental Plan 2013 – 2018 has been the main strategic document guiding environmental management practices of the Town.

Guided by the Town of Victoria Park Strategic Community Plan 2013 - 2028, the actions in the Environmental Plan were organised into the five focus areas including:

- Climate change adaptation and greenhouse protection;
- Water management;
- Land management;
- Natural areas and biodiversity; and
- Solid waste management.

Each focus area has a list of actions that the Town will implement in order to achieve the objectives of these focus areas.

#### **DETAILS:**

Based on the review performed on the recommended major actions of the Town's Environmental Plan 2013-2018, a summary of the achievements made is provided below.

#### **MAJOR ACTIONS 2013 – 2018**

##### **Climate Change Adaptation and Greenhouse Protection**

###### **Complete**

**Develop/implement TravelSmart Workplace Program.** Administration Centre Travel Plan developed by Transport Officer.

**Develop a green purchasing policy which encourages purchase of the most suitable product with the least possible impact on the environment.**

Policy had been developed. The content of this was then integrated into the 2016 Purchasing Policy and management guidance (due to identified need to have a single purchasing policy).

**Review the Greenhouse Gas Reduction Strategy 2003 and identify any relevant actions that remain incomplete.**

Complete.

**Investigate new energy efficient technology when replacing assets such as lights, HVAC systems and pumps.**

Actions complete across various Council facilities. e.g. Solar thermal hot water system installed on the pool-side change rooms and showers at Aqualife.

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**Promote the use of electric vehicles, particularly scooters, rather than conventionally-fuelled vehicles.**

Promoting use of electric bikes through Switch Your Thinking program. Business case for purchase of fleet of electric bikes for staff commuting use being explored.

Potential of installing electric car infrastructure within the Town has been explored. This will be guided by the outcome of Evolve.

**Development of a new Carbon Emissions Reduction Strategy.**

This was inclusive within the development of Climate Change Adaptation Strategy in 2016. Implementation of Climate Change Adaptation Strategy needs to be integrated into individual business unit's core business.

**Actively investigate and engage in development of a Climate Change Adaptation Strategy.**

Complete.

**Purchase a percentage of renewable energy for street lighting and highest electricity consuming buildings.**

For contestable sites, the Town has a contract with Landfill Gas and Power to supply eight facilities with green energy.

**Ongoing**

**Continue to participate in Carbon Neutral program to offset carbon emissions from Council's light vehicle fleet.** The Town has continued to offset fleet vehicle emissions through carbon sequestration planting. Since 2004 the Town has cumulatively contributed to 4658 tonnes of CO2 offset through offset projects.

**Continue to participate in the Switch Your Thinking! Program.** Recent initiatives under this program include:

- Town electric bike trial
- 'Responsible Cafes' (reusable cup promotion) initiative
- 'Switched on Staff' sustainability education
- Lunch n Learn sessions, such as Green Cleaning and Solar Powered Batteries
- Rewards for Residents, Rewards for Businesses and associated media
- 'Coffee and Change' sustainability series.

**Continue to promote cycling as an alternative method of transport, including providing bicycles for staff use; and encouraging cycling within the Town.**

Initiatives include:

- Electric bikes promotion;
- Town electric bike trial and adoption of bikes;
- Travelsmart - Administration Centre Travel Plan
- Bike Plan

**Continue to undertake energy audits on high use facilities, and associated energy efficiency retrofits.**

Audits undertaken on Town Administration Building, Aqualife and Leisurelife.

**Water Management****Complete****Participate in the Water Corporation's Waterwise Council Program.**

Town is engaged in the program, developed a new Water Efficiency Action Plan and achieved Gold Waterwise Council status for two consecutive years.

**Consider promoting the re-use of grey water within the Town (e.g. through application rebates).**

This was investigated and report put to Council, but resolution was instead to have this as a part of a potential broader water conservation and education program.

**Conduct a water audit of one high scheme water consuming site (as identified through the Water Campaign) each year from 2013 / 14.**

Water audits undertaken on Aqualife, Leisurelife and Depot. Data logging has been undertaken on several other Town sites and reported on, rather than commissioning audits on remaining sites that are much lower water consumers. This will ensure the best value and greatest savings long term.

**Create passive reserves and landscaped areas with waterwise plant species that have a low water requirement.**

Parks Technical Officer selects waterwise plants for the Town's own landscaping. Watering regime may need to be adjusted

**Reduce the amount of irrigated turf area throughout the Town and replace with local native plants with low water requirements.**

Adopt a Verge initiative is designed to convert verges to waterwise spaces that consume much less water than turf; Renovation plan for Taylor Reserve/McCallum Park will reduce turf area and revegetate with native plants; Town undertakes hydrozoning on parks.

**Implement the GO Edwards Concept Plan and Water Quality Improvement Plan with the development of a Detailed Design.**

Stage One complete in 2017/18. Stage Two commencing 2018/19.

**Ongoing****Continue to undertake and pursue sustainable irrigation practices.**

Suite of actions undertaken through the Parks team. Town is now an endorsed member of the Waterwise Garden Irrigator Program.

**Implement the Stormwater Management Plan.**

Ongoing.

**Encourage schools to participate in the Water Corporation's Waterwise Schools program.**

10 of the 17 schools in the Town are Waterwise. Regarding the remaining schools, the Environmental Officer coordinated with Water Corporation Waterwise Schools Program Coordinator to make several presentations at Principal's Meeting to attempt to engage

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schools further.

**Conduct an annual review of scheme water consumption in Council buildings and facilities, through data from Water Corporation, and investigate changes in annual water use of >15% for each facility.**

This occurs on annual basis through the Water Quality and Conservation Program.

**As the need arises, replace all old, inefficient water consuming fittings within Council owned or managed facilities (e.g. single flush toilets) with water efficient, Water Efficiency Labelling Standard (WELS) rated fittings.**

Retrofits have occurred to Aqualife, Leisurelife, Depot and Library, in accordance with water audit reports.

## Land Management

### Complete

**Prevent removal and / or damage to street trees when conducting Council construction works through modification of design.**

Street Life officers and Parks Technical Officer are collectively involved with street alignments being modified to prevent damage to trees.

**For new developments, check plans prior to the issue of planning approval, and schedule installation of street trees in new developments to occur after building construction has been completed, to ensure the retention of street trees wherever possible.**

This occurs.

To ensure retention of street trees within the municipality, if any trees are removed the applicant is charged for the subsequent replacement of a street tree anywhere in the Council area.

Street Trees are also addressed within the Town's Policy Manual.

The Town will provide and plant, at no charge, one or more street trees on the road verge adjacent to a private property upon the request of the owner or tenant of that property.

**Make available copies of 'Grow Local Plants' and 'Your Street Verge: Sustainable Landscaping Guide' brochures to residents to encourage the establishment of local, native plants.**

This is available on the Town's website and is distributed at Town events.

**Undertake detailed site investigation on Kent St Sandpit in order to change the classification of the site (to 'Contaminated – Restricted Use') and enable conversion to passive recreation.**

Complete.

(To be confirmed 17 October 2018)

## **Natural Areas and Biodiversity**

### **Complete**

#### **Implement the Dieback Hygiene Plan for Kensington and Hill View; Develop dieback and disease management protocols.**

Formal Dieback Protocols and Procedures have been developed and are implemented. Dieback boot wash stations have been installed at Kensington Bushland.

In partnership with Friends of Kensington Bushland, several sampling regimes to test for Dieback have been undertaken.

Dieback management is a specific consideration in the Kensington Bushland Management Plan.

#### **Pending DER ruling regarding the classification of the site, restore and revegetate the area surrounding Kent Street Sand Pit with provenance seed.**

Revegetation of surrounds of Kent Street Sand Pit with provenance seed has occurred and will continue, providing a buffer between Kent St and Kensington Bushland.

#### **With the gradual increase of buffer zone restoration in areas surrounding Kensington Bushland, prepare a review of the existing Fire Management Plan.**

Fire Management Plan Reviewed with FESA.

Memorandum of Understanding also established with Kensington Secondary School.

Fire management forms part of the Kensington Bushland Management Plan.

#### **Identify further seed collection sites for natural rehabilitation. The current provenance seed collection places limits of the extent of any future rehabilitation works and the diversity of future plantings.**

Established provenance seed collection agreement with City of South Perth to collect from several of their sites. City also assists with propagation of tubestock at their nursery for Town planting.

#### **Develop a GIS monitoring system for weeds and vegetation condition for ongoing monitoring and assessment of the Town's remnant bushland.**

An Environmental Planning Tool, Enviroplan, has been adopted by the Town. The Town has a dedicated environmental module in IntraMaps, integrating weed monitoring, photo monitoring, contaminated sites, revegetation projects etc.

#### **Develop a holistic Foreshore Access / Management Plan.**

Complete. The Town commenced implementation of the Plan, with Taylor Reserve/McCallum Park redesign.

#### **Review the Kensington Bushland Protection Study.**

Complete. New Kensington Bushland Management Plan produced, endorsed by Council in May 2018.

## Ongoing

**As per the Remnant Vegetation Management Plan and the Kensington Bushland Protection Study, continue the ongoing program of revegetation / restoration for natural areas within the Town of Victoria Park.**

Ongoing weed control and revegetation work undertaken by Team Leader, Natural Areas.

**Continue to encourage residents to adopt fertilise-wise and waterwise gardening practices by organising garden demonstrations and workshops, such as Great Gardens, and providing information at community events.**

Activities include Great Gardens and Beyond Gardens events; implementation of Adopt-a-Verge rebate program; information provided at events).

**Continue to work in partnership with City of Belmont to implement the management plan for the Balbuk Way foreshore area.**

Ongoing partnership in accordance with the Balbuk Way Management Plan.

**Implement the 11 year Concept Plan for George St Reserve.**

Staged revegetation works being implemented.

**Introduce an ongoing feral animal control program within Kensington Bushland.**

In progress.

Feral animal presence investigated through survey in 2015.

Survey found that there is no requirement for rabbit control, however cat control should be considered. Town has cat traps and is working in partnership with Rangers and Team Leader, Natural Areas.

## Solid Waste Management

**Recycling of Council's waste materials including organic waste (through a worm farm), paper and cardboard.**

Such waste recycling occurs. Stream of what can be recycled expanded in 2017 through new Cleanaway processing station.

**Providing collection facilities for the MRC dry cell battery and light globe recycling, and Planet Ark's mobile phone recycling.**

Recycling stations provided at Administration Building, Library, Aqualife and Leisurelife.

**Responding to issues of littering and illegal dumping. This includes resourcing and training of officers to monitor and prosecute illegal dumping offenders.**

Rangers have undergone illegal dumping training and action accordingly.

**Investigate feasibility of establishing an e-Waste (televisions and computer equipment) collection service (e.g. engage contractors to undertake several collections / year).**

Town has established a relationship with City of South Perth such that residents can take electronic waste to South Perth's transfer station for processing and recycling

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**Advocating and supporting the State Government and MRC to increase waste education services.**

The Town utilises and works in partnership with the MRC to increase waste education services (e.g. Composting in May; Garage Sale Trail; Recycling Stations; 'No Glass' campaign; presence at events).

**Run workshops for both community and staff on how to effectively use worm farms, bokashi buckets and composting, and raise awareness of the importance of diverting organic waste from landfill generally.**

The Town has held Switch Your Thinking Workshops, Great Gardens/Beyond Gardens workshops, and has had this education at events which address this. However, further engagement could be explored as part of the new Strategic Waste Management Plan.

**Ongoing****Using the Town's street tree prunings as mulch for landscaping and environmental restoration projects.**

Ongoing. Part of standard operations.

**MAJOR ACTIONS 2013/14 – 2016/17 – REDUNDANT/CLOSED**

Some of the major actions of the Plan are now redundant due to the following reasons:

- **Continue to participate in the *Emissions Reporting Platform* for Local Government hosted by Greensense.** This was discontinued due to the redundant nature of the platform.
- **Investigate with MRC the feasibility of including cardboard within green waste.** The Town has its own supplier, SITA, which accepts cardboard. In addition, the Town has a partnership arrangement with the City of South Perth (CoSP) where residents can dispose of clean cardboards at CoSP's transfer station off Hayman Road.
- **Advocate the State Government and MRC to investigate the possibility of additional grades of plastic to be recycled.** This is now redundant as the Town's contractor, Cleanaway, is responsible for the collection and processing of plastics.
- **Advocate for a Reverse Vending Machine (RVM) in Western Australia.** WALGA investigated interest in bringing the RVM to WA but there wasn't sufficient take up rate for this initiative. It is seemingly very expensive. MRC has found that they could promote cash for cans at events cheaper and just as effectively without the RVM.
- **Develop Waste Education on a local scale as a key project of the Community Environmental Working Group (CEWG).** CEWG disbanded.

**MAJOR ACTIONS – TO BE COMPLETED**

- **Develop guidelines for on-site sustainable landscaping, road reserves and parklands.**  
Guidelines currently available in draft form.
- **Integrate the EMRC / Swan River Trust (2008) Erosion and Sediment Control Local Planning Policy and Guidelines into Town planning and procedures.**  
Guidelines currently in draft form.

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- **Integrate EMRC / Swan River Trust Guidelines for Managing Small to Medium-Size Industry into Town planning and procedures.**  
To be commenced during 2018/19.
- **Consider the establishment of a Business Environmental Assessment Project and recognition program for businesses demonstrating ‘best practice’.**  
To be explored in 2018/19.
- **Convert Kent St Sandpit to a revegetated, passive public open space.**  
Pending. Kent St Sand Pit has had the contaminated site classification status changed. As a result, the State Government is now investigating a greater number of uses for the site. The Town is awaiting report from the State Government.
- **Develop and implement the Street Tree Management Plan.**  
Parks Technical Officer is developing this. Currently in draft form.
- **Review the Hill View Bushland Management Plan.**  
Project schedule is complete and request for quotation process has commenced. To be delivered in 2018/19.
- **Develop a Town Greening Plan.**  
Parks Technical Officer is progressing this.  
Activities include Street Tree Renewal Program, Street Tree Audit and Significant Tree Register.

### **UPDATE TO THE ENVIRONMENT PLAN**

As the Environment Plan 2013 – 2018 has reached the end of its operational life, the Town proposes the development of a new Environment Plan.

It is intended that the new Environment Plan will again be divided into key focus areas to address the Town’s environmental obligations and align with the Town’s Environmental mission under the Strategic Community Plan 2017 – 2032 to *promote sustainable, connected, safe and diverse places for everyone.*

This plan will develop strategies that focus on the following key areas –

1. Climate change adaptation (EN3);
2. Water and energy management (EN4, EN5);
3. Land (EN6);
4. Natural Areas & Biodiversity (EN6, EN7); and
5. Waste management (EN4).

The proposed development of a new Environment Plan is detailed in the Project Plan, which is attached to this report.

The Town is seeking approval of the proposed Project Plan.

### **Legal Compliance:**

Nil



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**Policy Implications:**

Nil

**Risk management considerations:**

<b>Risk</b>	<b>Consequence</b>	<b>Likelihood</b>	<b>Overall Risk</b>	<b>Mitigation Strategy</b>
Lack of engagement with Town of Victoria Park's relevant officers.	Major	Possible	High	Project Officer to advise Town of Victoria Park Project Director and the Town of Victoria Park Project Sponsor if delays are occurring.
Lack of information on various aspects to be addressed within the Environment Plan.	Major	Unlikely	High	Project Officer to review available resources, identify gaps, and where necessary liaise with appropriate staff to attempt to obtain relevant information.
Changeover of staff	Moderate	Unlikely	Medium	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	Major	Unlikely	High	Regular meetings between the Project Manager and Project Officer are used to monitor progress and ensure adequate project progress against project schedule.

**Strategic Plan Implications:**

The Town's *Strategic Community Plan 2013 to 2028* sets the strategic direction for the Town. The revised Environmental Plan will aligns with the Strategic Outcomes:

- *EN 3 – A place with sustainable, safe and convenient transport options for everyone.*
- *EN4 – A clean place where everyone knows the value of waste, water and energy.*
- *EN 5 – Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.*
- *EN6 – Appropriate, inviting and sustainable green spaces for everyone that are well maintained and managed);*
- *EN7 – Increased vegetation and tree canopy.*

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**Financial Implications:**Internal Budget:

It is likely that some of the commitments contained in a revised Environment Plan will impact on subsequent budgets for the 2019/20 – 2024/25 financial years, however it is anticipated that many of the actions will simply involve officer time.

Any major estimated costs for identified actions will be presented within the new Environment Plan. This will not include 'ongoing actions' which are already included within existing operating budgets.

**Sustainability Assessment:**External Economic Implications:

Nil

Social Issues:

Through the development of the Environmental Plan 2103 - 2018, the Town recognises its responsibility to maintain and protect the quality of the natural environment for the benefit of current and future generations, and to the full extent of the powers and influence of the Town. This position remains in the development of a new Environment Plan.

The importance of the natural environment is aligned with the aspirations of the Town's community. 'Environment' and 'Sustainability' themes have featured prominently in the Evolve process. Such outcomes are critically important in the future direction of the Town.

Cultural Issues:

Nil

Environmental Issues:

It is anticipated that a revised Environmental Plan will continue to deliver greater management of natural areas, reduce the pollution entering the environment, improve surface and ground water quality, reduce water use and reduce solid waste going to landfill.

As a strategic guidance document for the Town's future environmental management, the Environmental Plan's environmental programs do not have to be undertaken in an ad hoc fashion but instead as part of a broader, holistic approach. It also means that stronger justifications can be included in submissions made to funding bodies when applying for grants.

**COMMENT:**

Following approval of the Project Plan, the Environment Officer will immediately commence development of the revised Environment Plan.

**CONCLUSION:**

The *Town of Victoria Park Environmental Plan 2013 – 2018* has to date provided an environmental management framework for the Town to enhance environmental outcomes and ensure effective allocation of resources to environmental management activities.

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Implementation of the actions has demonstrated:

- the Town's commitment to protecting and enhancing its environment;
- the Town's leadership through best practice environmental management;
- the role the Town plays within the wider ecological area of the Swan Region; and
- the sustainable use and management of the region's natural resources.

Through the development of a revised Environmental Plan, the Town recognises its responsibility to maintain and protect the quality of the environment for the benefit of current and future generations.

**RESOLVED:**

**Moved: Cr Oliver**

**Seconded: Cr R Potter**

**That the Future Planning Committee:**

- 1. Receives the Environment Plan 2013 – 2018 review report; and**
- 2. Approves the proposed Project Plan, as included in the Appendices, for the preparation of an updated Environment Plan.**

**The Motion was Put and**

**CARRIED (3-0)**

**In favour of the Motion: Cr Oliver; Cr R Potter; and Cr V Potter**

## 8.2 Review of Local Planning Policy 2 – Home Occupation

<b>File Reference:</b>	PLA/6/44#2
<b>Appendices:</b>	1. Current version of Local Planning Policy 2 ‘Home Occupation’ 2. Draft revised Local Planning Policy 2 ‘Home Occupation’
<b>Attachments</b>	No

<b>Date:</b>	11 September 2018
<b>Reporting Officer:</b>	L. Parker
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

### Executive Summary:

**Recommendation:** That the draft revised Local Planning Policy 2 as contained in the Appendices, be advertised for public comment for a minimum period of 21 days in accordance with deemed clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- Council’s Urban Planning Business Unit is in the process of reviewing 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 LPP2 ‘Home Occupation’.
- In reviewing the LPP, 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; similar 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 and ease of use of the Policy.
- It is recommended that LPP2 be amended as detailed within the Officer’s Report and the Appendices.
- It is recommended that draft revised LPP2 be advertised for public comment.

### TABLED ITEMS:

Nil.

### BACKGROUND:

LPP2 ‘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.

At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt the policies contained in the former Policy Manual as well as a number of planning-related policies adopted as administrative policies within Council’s Corporate Policy Manual as Local Planning Policies.

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**DETAILS:**

A review of LPP2 has been undertaken by Council Officers including considering:

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

The review of existing LPP2 has identified the following issues:

- Most other local government include within the Policy their Scheme definition for Home Occupation and any other Scheme land uses that may be relevant for ease of reference;
- It is lacking in aims and objectives that articulate the basis for the policy;
- It lacks any statements encouraging the appropriate establishment of new home occupations/home based businesses in terms of supporting the establishment of small businesses within the Town;
- Many Councils do allow a small sign (usually of 0.2m<sup>2</sup>) to be installed in connection with a home occupation activity. This was previously allowed by Council in earlier versions of the policy. It is considered that small unobtrusive signage of this size (e.g. does not contain flashing/chasing lights, not of neon or reflective colours, etc.) can sit comfortably within a residential environment with very little to no significant adverse impact.
- It does not reflect established practices of restricting approvals to the applicant/operator of a Home Occupation, and does not outline Council's ability to revoke an approval under the Scheme.
- It does not distinguish between a Home Occupation and other, separately defined land uses that may be construed as a Home Occupation activity such as Home Office (exempt from development approval) and Family Day Care (exempt from development approval in most cases);
- Does not consider the need for restriction on the operations of Home Occupation Activities and the provision of customer car parking where the proposed activity involves clients or customers coming to the site (e.g. hairdressing, personal training, acupuncture, etc.).
- While the retail sale of goods in person as part of a Home Occupation activity is prohibited, the Policy does not clarify that this prohibition does not apply to the online/internet sale of goods as part of a Home Occupation or Home Office activity.
- Does not consider the type of dwelling from which a Home Occupation is proposed and the differing potential for adverse impacts/conflict to occur with adjoining residents/neighbours (e.g. a Single House versus Grouped and Multiple Dwellings where neighbours are in close proximity).

In view of the above, the following changes are recommended to existing LPP2:

1. Incorporate standardised formatting changes consistent with all other reviewed policies;
2. Correct minor grammatical and formatting errors;
3. Incorporate introductory section acknowledging the growth and attractiveness of home based businesses;

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4. Include Scheme definitions of Home Occupation and Home Office for ease of reference, ensuring they are consistent with any revised definitions under proposed Amendment 80 to TPS1.
5. Distinguish the circumstances where development approval is required to be obtained from Council, including reference to Family Day Care activities.
6. Expand the range of matters to be considered and practices/activities to be avoided in carrying out a Home Occupation, including traffic, customer car parking, amenity of surrounding properties, customer visitation/appointment times etc.;
7. Reinstate the ability to install a small, unobtrusive 0.2 square metre sign in connection with a home occupation on a residential property, consistent with the provision proposed under the Draft Signs Local Planning Policy;
8. Include provisions outlining the limitation of a Home Occupation approval to the applicant and the ability of Council to revoke an approval;
9. Provide clarification on the permissible internet/online sale or hire of goods as part of a home occupation where the sale/hire does not involve customers travelling to the site to receive the purchased goods;
10. Include new provision stating that Home Occupations within Grouped or Multiple Dwellings will generally not be supported unless the applicant can demonstrate that residential neighbours will not be adversely affected by the proposal, particularly if it involves customer appointments/visitation to the site;
11. Include note to the applicant that development applications within Grouped or Multiple Dwelling developments may require strata approval and/or separate additional approval under the Strata By-Laws or Strata Titles Act.

A copy of draft revised LPP2 is contained in the Appendices to this report. For comparison, the current and operative version of LPP2 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 review of LPP2, and proposed draft revised LPP2 provides greater clarity in its objectives, application and applicable requirements, and forms part of a review of all of the Town's LPPs.

#### Proposed Amendment No. 80 to TPS1 and introduction of 'Home Store' land use

Amendment 80 to TPS1, which is currently being progressed with the WAPC for final approval following its initiation and public advertising, proposes to substantially amend the land use definitions and Zoning Table contained within the Scheme Text to bring it broadly into alignment with the WAPC's Model Scheme Text. This includes minor changes to the definition of Home Office (which is referred to in proposed draft revised LPP2) as well as introduction of the new land use classification of 'Home Store', as follows:

- "home store" means a shop attached to a dwelling that –

(To be confirmed 17 October 2018)

- (a) *has a net lettable area not exceeding 100 m<sup>2</sup>; and*  
 (b) *is operated by a person residing in the dwelling.*

The intent of introduction of the 'Home Store' use is to provide a separate land use definition (and therefore specified use class permissibility in each of the Zones throughout the Scheme Area) that captures local delicatessens and other minor retail facilities attached to dwellings that operate within the Town. At present these uses are considered to fall under the use class of 'Shop' under TPS1, which is an 'X' (prohibited) use in the Residential Zone. This effectively means that the majority of delicatessens/corner stores that are operating within the Town (most are located within or on the periphery of established residential areas on 'Residential' zoned land) are operating under non-conforming use rights and that the Council is currently unable to approve new locations for such activities to occur or grant approval for re-establishment of such an activity on the same site where it has ceased for more than 6 months (the right to continue operating a non-conforming use is extinguished once the use has ceased for 6 months or the building in which it is carried out is destroyed), notwithstanding that such requests have rarely been received.

It is considered that potentially appropriate Local Planning Policy provisions to apply to this land use are unique and considerably different to those for a Home Occupation activity which is relatively inert and capable of being carried out with minimal adverse impact on surrounding residential properties. These would include matters related to the size of the site, the type of dwelling to which the store component is attached, the preferred geographic location of such activities within the Town at a zoning and/or street-block level (for example, corner site locations may be preferable), customer car parking and traffic, etc. It is therefore considered that any potential Local Planning Policy provisions for Home Stores be considered and developed as part of a separate, stand-alone policy measure rather than seeking to capture them as part of the subject review and proposed draft revised LPP2.

#### **Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/ Actions</b>
Continued application of existing Policy which can be clearer in intent and more effective in achieving appropriate outcomes.	Moderate	Likely	Low	Support the proposed draft revised Policy for the purposes of community consultation.

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Continued operation of existing policy which contains provisions inconsistent with the Scheme or other revised policies (e.g. Scheme land use definitions, signage etc.) 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.
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**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



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(To be confirmed 17 October 2018)

**COMMENT:**

Existing LPP2 has been reasonably effective in guiding Council's assessment of development applications for Home Occupation activities. However, it is considered that revisions should be made to improve its appearance, effectiveness and ease of use, and bring it into consistency with internal established assessment practices, recent and/or currently progressed amendments to Town Planning Scheme No. 1 and other relevant Local Planning Policies.

It is recommended that the Future Planning Committee recommend to Council that the draft revised Local Planning Policy 2 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).

**RESOLVED:****Moved: Cr V Potter****Seconded: Cr Oliver**

**That the Future Planning Committee recommends that Council advertise the draft revised Local Planning Policy 2 'Home Occupation', 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*.**

**The Motion was Put and****CARRIED (3-0)****In favour of the Motion: Cr Oliver; Cr R Potter; and Cr V Potter;**

(To be confirmed 17 October 2018)

### 8.3 Trial of Draft HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy

<b>File Reference:</b>	PLA/6/41
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Draft HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy – Modified Version</li> <li>2. Draft HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy – Advertised Version</li> <li>3. Ordinary Council Meeting Minutes dated 10 July 2018</li> </ol>
<b>Attachments:</b>	No

<b>Date:</b>	11 September 2018
<b>Reporting Officer:</b>	L. Parker
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

#### Executive Summary:

**Recommendation – The Future Planning Committee recommends to Council that the modified version of draft HLTH6 Mobile Food Vendors Policy (in Appendix 1) be adopted on a trial basis from 1 November 2018 to 31 March 2019.**

- A draft Policy has been prepared to establish and guide the appropriate location, management and operation of mobile food vendors within the Town.
- The Policy builds on a previous proposal to trial mobile food vending at a number of public open spaces within the Town as a means of increasing the activation and enjoyment of the Town's public open spaces.
- Community consultation was undertaken for 21 days from 13 August to 3 September 2018. A total of 59 submissions were received (26 objections, 24 in support or partial support, 9 with no position but providing comments/concerns). The majority of submissions were specific to a particular location (Designated Trading Area) proposed for mobile food vending to occur under the Draft Policy.
- In preparing the Draft Policy a focus has been to provide flexibility, choice and diversity of mobile food vendors, minimise and/or remove the need to obtain multiple permits and to locate vendors at locations that are lacking in nearby food choices so as to provide convenience and choice to residents, as well as minimise potential conflict with established "bricks and mortar" food businesses.
- Having regard to the range of submissions, the specific locations to which they relate and the concerns that have been raised, the Draft Policy has been further modified to reduce the extent of potential mobile food vending (both in terms of maximum vendor numbers and proposed Designated Trading Area locations), refine the trading hours to specify and provide transition time for mobile food vendors to set up and pack up before or after trading, and respond to other general or location-specific concerns that have been raised, where considered appropriate.
- It is recommended that the modified Draft Policy be trialled for the 2018/2019 Summer trading period from November to March, with a review to follow in Autumn 2019.

#### TABLED ITEMS:

Nil

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(To be confirmed 17 October 2018)

**BACKGROUND:**Preliminary Consultation

Preliminary community consultation was undertaken from 16 January to 7 February 2018 through the Town's 'Your Thoughts' online consultation hub and included a Community Survey. The purpose of the preliminary consultation was to gauge whether a general level of support for mobile food vendor trading exists and to identify a range of the possible concerns or expectations that the community may have in relation to the operation of mobile food vendors to help inform and guide the development of a draft Policy. A total of 118 submissions were received, the majority of which came from residents, ratepayers and/or property owners within the Town. Of the 118 submissions:

- 78% of respondents agreed that mobile food vendors could fill a particular niche or demand not currently being met in the community;
- The top concerns raised included impact on local businesses, proximity to restaurants, waste management and noise;
- 54% thought that food trucks should be located in specific locations only, rather than anywhere in the Town;
- 59% indicated that there are locations where they should not operate, with the most common reply being "not near existing restaurants and cafes";
- 52% felt that operating hours should be limited;
- 86% indicated that mobile food vendors should be able to co-locate (cluster), with 72% supporting no limit on the number of vendors subject to adequate space and facilities/infrastructure being available to accommodate vendors and their customers; and
- 79% indicated that they would specifically seek out food mobile food vendors if they were aware they were operating within the Town.

Progress/Policy Development Updates to Future Planning Committee

The outcomes of the preliminary consultation and updates on the development and likely form of the draft policy were discussed as workshop items at the February 2018 and April 2018 Future Planning Committee Meetings. The discussions during these meetings indicated a general level of support for the likely direction and form of the draft policy.

Consent to Advertise Draft Policy

Following consideration at the Future Planning Committee Meeting of 20 June 2018, the Council granted consent to publicly advertise the draft Policy for 21 days at its Ordinary Meeting held on 10 July 2018.

**DETAILS:**

Draft HLTH6 'Mobile Food Vendors (Vic Park Vendor's) Policy has been prepared to establish and guide the appropriate location, management and operation of mobile food vendors within the Town.

In preparing the draft Policy a focus has been to provide flexibility, choice and diversity of mobile food vendors, minimise and/or remove the need to obtain multiple permits (as is currently the case) and to locate vendors at locations that are lacking in nearby food choices so as to provide convenience and choice to residents.

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The draft Policy establishes a new form of ‘Trader’s Permit’ under the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*. The name of the new permit is proposed to be called ‘Vic Park Vendor’s Permit’. Approved ‘Vic Park Vendors’ would then have conditional approval to trade on the public open spaces identified within the draft Policy.

Community Consultation

Community consultation was undertaken for 21 days from 13 August to 3 September 2018 and consisted of the following:

- A total of 1,885 letters to the owners and occupiers of properties immediately surrounding the public open spaces on which Designated Trading Areas (DTAs) are proposed;
- Emails to known food business contacts, organisations and all submitters that made contributions during the Town’s preliminary consultation (142 email contacts);
- Advertisement in the Southern Gazette newspaper;
- Online consultation and invitations to submit comments via the Town’s ‘Your Thoughts’ consultation hub; and
- Advertising/promotion on the Town’s online social media platforms.

A total of 59 submissions were received comprising:

- 26 objections;
- 24 in support or partial support (some of which objected to specific locations – these are noted as objections in the location-specific tables below); and
- 9 with no position stated but providing comments/concerns (including submissions from Hawaiian and the Restaurant and Caterers Association).

The issues raised in the submissions are summarised and grouped into general and location-specific tables below, with a summary response and recommendation on whether the location should continue to be included in the draft policy. A small number of submissions have been included in multiple tables where they have raised general and/or location-specific concerns in relation to one or more Designated Trading Areas.

The submissions received from the Restaurant and Caterers Association and the Hawaiian (as owner and operator of the Park Centre) are separately considered and responded to in the Comments section of this report. One objection was also received in relation to Fletcher Park but has been dismissed as this location was not proposed under the advertised draft policy.

Further discussion of the submissions is made in the Comments section of this report.

<b>General Submissions</b>		
12 Objections (5 of these received from retail or hospitality business owners/operators)	13 Supporting Submissions (with/without concerns) (3 of these were received from mobile food vendors, 1 from a Temporary Food Business)	4 Concern/Comments (Position not stated)

(To be confirmed 17 October 2018)

Concerns Raised:
<ul style="list-style-type: none"> <li>• Policy should include that no single use plastic is used (plates, cutlery, straws etc) and that anything that is given with the food/drink is fully compostable or reusable. Let us be leaders in this field!</li> <li>• Green spaces are valuable and in short supply in urban areas. Council should instead direct food trucks to trade on vacant blocks and commercial areas that are dead after 5pm, rather than occupying green spaces.</li> <li>• Any policy should consider the effect that mobile food vendors have on small business in the locality.</li> <li>• “Bricks and mortar” businesses pay rent, rates, taxes and outgoings, or if they own the premises they have also invested a huge amount of capital into the locality.</li> <li>• Market condition for retail and hospitality are not good at the moment, we don’t need any more obstacles to getting customers. It will kill bricks and mortar businesses that pay rates, overheads and hire staff, whereas these trucks can come and go as they please without the overheads.</li> <li>• Encouraging low cost Food Truck outsiders into local residential parks will no doubt take more business away from the Albany Highway rate paying established food businesses in a time when many are struggling and already shutting their doors. Three restaurants have already shut their doors this year within 100m from my location and remain closed and others are up for sale. Other ex-retail shop fronts have been vacant for years.</li> <li>• Local resident ratepayers adjacent to the proposed Parks should not need to endure noisy food truck generators, loud music, parking issues, excess rubbish, public alcohol consumption and public urinating until 9pm every night of the week.</li> <li>• The council should be encouraging activation to the area by way of arts festivals, entertainment festivals, circus shows, car shows, bike shows, garden shows, sporting events, cultural events etc. and bring people to the existing food and business strip.</li> <li>• What about the fabulous restaurants that we already have on the main strip they are battling as it is.</li> <li>• Multiple food trucks from 7am to 9pm, 7 days a week in a beautiful family and sports park surrounded by families and children is just ridiculous.</li> <li>• Food vendors should make sure that the areas are left clean.</li> <li>• It would be a poor decision of the Council to continue with this policy and big disregard of the tough circumstances of existing businesses.</li> <li>• Penalties should be in place for not correctly disposing of waste.</li> <li>• I find the Policy too restrictive and smacks of trying to stop food vendors not encourage them.</li> </ul>
<p><u>Supporting Comments:</u></p>
<ul style="list-style-type: none"> <li>• I think it is a great idea! Hopefully it will encourage folk to wander around the park more with their children and pets.</li> <li>• Needs to be marketed so local people knows it’s happening and other residents of Perth (outside Vic Park) know this is a happening active environment and a great place to live or do business.</li> <li>• This is a great idea for food truck owners, and the community.</li> <li>• I believe there should opportunities for food stalls the same way there are for mobile food vendors.</li> </ul>

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<b>Council Officers Comments:</b>
<ul style="list-style-type: none"> <li>The scope of the draft policy is recommended to be significantly reduced and limited to trading locations around the periphery of the Town’s boundaries, away from brick and mortar food businesses.</li> <li>The maximum number of food vendors at each location has also been reduced.</li> <li>Refer to the Comments section of this report for further changes made as part of the modified version of the draft policy in response to community concerns raised and other feedback.</li> </ul>

<b>DTA Location: Carlisle Reserve</b>		
1 Objection	0 Supporting Submissions	0 Concern/Comments (Position not stated)
<b>Concerns Raised:</b>		
<ul style="list-style-type: none"> <li>I don't want to see any food trucks in Rayment Park or any Park in Lathlain and Carlisle area at all.</li> </ul>		
<b>Council Officers Comments:</b>		
<ul style="list-style-type: none"> <li>Recommended that the location be retained for mobile food vending under the draft policy as it is considered to be of a suitable location, size and facilities, and will provide community benefits through increased activation and utilisation.</li> </ul>		

<b>DTA Location: Fraser Park</b>		
0 Objections	2 Supporting Submissions (with concerns)	0 Concern/Comments (Position not stated)
<b>Concerns Raised:</b>		
<ul style="list-style-type: none"> <li>There is already a rubbish issue some mornings at Fraser Park after the oval has been used for soccer.</li> <li>There is inadequate parking in Fraser Park due to parents picking up kids and weekend sports. People already park on verge.</li> <li>9pm is too late for finish time - it should be limited to 8pm so people are gone by 9pm. 3.</li> <li>People already park on verge when picking up kids at Ursula Frayne and at weekend when there is more than one activity taking place.</li> <li>Food vendors will exacerbate the existing issues at Fraser Park.</li> </ul>		
<b>Council Officers Comments:</b>		
<ul style="list-style-type: none"> <li>Fraser Park is an already highly utilised and active reserve.</li> <li>In view of the removal of several other trading locations where similar concerns have been raised, and given the recommended changes to reduce trading locations to larger, peripherally-located public open spaces, it is recommended that Fraser Park be removed from the draft policy.</li> </ul>		

<b>DTA Location: Harold Rossiter Park</b>		
1 Objection	0 Supporting Submissions	0 Concern/Comments (Position not stated)
<b>Concerns Raised:</b>		
<ul style="list-style-type: none"> <li>Parking on our street is bad enough when people are at the park with dogs and when there are events at PCYC.</li> <li>Having extra activities would exacerbate the traffic and noise affecting our peace and tranquillity.</li> <li>We have young children that need to be able to get to sleep early at night.</li> </ul>		

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<b>Council Officers Comments:</b>
<ul style="list-style-type: none"> <li>• Patrons of food vendors will likely be locals and/or park within the public car parking available near the clubroom buildings, rather than on-street along Anketell Street.</li> <li>• Additionally the maximum number of vendors allowed has been reduced from six to three at any one time, at this large, peripherally-located reserve.</li> <li>• Considered appropriate to allow the trial of mobile food vending at this location.</li> </ul>

**DTA Location: J A Lee Reserve**

4 Objections	0 Supporting Submissions (with/without concerns	1 Concern/Comments (Position not stated)
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**Concerns Raised:**

- Alcohol consumption already occurring in park associated with Soccer Club with an increase in antisocial behaviour since this has occurred
- There has been an increase in littering, including broken bottles, near the children's playground
- Already significant noise levels associated with soccer games and players shouting and swearing.
- Food vendors will exacerbate the existing issues, bringing additional litter, noise, odours, traffic and car parking pressures.
- Residents directly back on the reserve and will have their amenity reduced by the proposal.
- Reserve is already highly activated and frequently used by dog walkers, sports clubs, walkers and general public for exercise.
- Generator noise will be significant as witnessed in other locations that mobile food trucks operate, and will harm the amenity of local residents, who are as close as 25m away.
- We recently lodged a notice on behalf of 18 residents located around the area of the reserve who are opposing the Perth Royals football clubs current application for an extended trading permit due to their ongoing alcohol related noise and other behaviour problems.
- Nothing in the draft policy points to any rigorous and pro-active regulation enforcement being put in place. Regulation will only be re-active and have little power.
- The proposal is not in keeping with the area, will not add any value and will devalue the area. It will also add fuel the fire of existing problems we are already trying to get resolved.
- These are our homes and we expect the Town to protect and maintain our peace not erode it with these sorts of proposals.
- The current disturbances we get from the club being licenced are already too often and too late into the night.
- I don't want to see any food trucks in Rayment Park or any park in Lathlain and Carlisle area at all.

**Council Officers Comments:**

- Local residents cite issues with respect to the existing activities occurring at this location, which is already frequently active and highly utilised by the community.
- The site is of a small to medium size compared to others proposed under the draft policy, and directly adjoins a number of residential properties.
- Recommended that J A Lee Reserve be removed as part of the modifications to the

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draft policy.		
<b>DTA Location: John Macmillan Park</b>		
2 Objections (2 received from Albany Hwy food business)	1 Supporting Submissions	0 Concern/Comments (Position not stated)
Concerns Raised:		
<ul style="list-style-type: none"> <li>We have observed over many months the Town's attempt to lease out the café at The Leisurelife Centre... Now the question must be asked why on earth would anyone want to commit to maintaining the labour cost (yes this is the biggest cost of a hospitality business) of keeping this café open at all hours of the centres trade only to have several food trucks descend on the park next door during the days/hours of high trade?</li> <li>The John MacMillan Park food trucks on Friday nights has proven to reduce business for many including my business.</li> <li>Cafes and restaurants pay thousands of dollars annually to provide food and alcohol to their customers in a safe manner. We are required to be in a suitable area that is proven to minimise harm to the amenity of the community.</li> <li>I observed hundreds of people at John MacMillan Park food truck Friday nights illegally consuming alcohol in a public park and some urinating behind trees. The Council is affectively facilitating this activity.</li> </ul>		
Supporting Comments:		
<ul style="list-style-type: none"> <li>The change in the time for food vendors at John Macmillan Park. It has changed to day time only. I am concerned that the TGIF food markets on Friday night will no longer be able to run there. It is a great event in the summer months for the community.</li> </ul>		
Council Officers Comments:		
<ul style="list-style-type: none"> <li>The draft policy does not alter any existing approvals in relation to the operation of the TGIF markets at the site.</li> <li>Consistent with the direction taken in reducing the scope of the policy to larger, peripherally-located public open spaces, and as the subject site is already benefiting from increased activation and utilisation by the community generated by the TGIF markets, is it recommended that John Macmillan Park be removed as part of the modifications to the draft policy.</li> </ul>		

<b>DTA Location: McCallum Park</b>		
2 Objections (1 received from Albany Hwy food business)	1 Supporting Submissions	1 Concern/Comments (Position not stated)
Concerns Raised:		
<ul style="list-style-type: none"> <li>Request reduction in number of sites on the reserve from 3 to 2 sites, or the number of vans from 6 to 5 vans for the trial period.</li> <li>There will be increased staffing and costs to Council to manage parking and traffic.</li> <li>If there are lots of additional visitors, there could be conflict with pedestrians, cyclists and cars.</li> <li>McCallum Park car parking is already reduced by city workers parking for free and travelling to the City by bus.</li> <li>Access is restricted at Taylor St.</li> <li>The Embargo Bar last year caused problems with traffic, parking and noise</li> </ul>		



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- The reserve is already busy with events during the Summer
- Will erode viability of our business that relies on customers from McCallum and Raphael precincts.
- Respect must be paid to the precedent set by the State Government just last month, when they abolished licencing approval for pop up bars state wide for periods greater than three weeks. They acknowledged the detrimental effect that these pop-up bars (such as Embargo on our foreshore last summer) have on the local traders. Liquor or food the impact is the same.
- Embargo Bar resulted in rubbish and bottles being left in the park regularly, some of which was blown into the river. Who will be monitoring rubbish and ensuring this doesn't occur?

**Council Officers Comments:**

- The number of DTAs at McCallum Park is recommended to be reduced to two sites and vendors will be required to provide additional bins for waste collection and to ensure the locations are left tidy when they leave. Compliance will need to be monitored and vendors educated/kept informed by Council Officers to appropriately manage rubbish and litter.
- It is considered that this site is of an appropriate location, size and with adequate facilities to accommodate mobile food vendors. Additionally it is effectively separated from the remainder of Victoria Park by Canning Highway which provides a substantial barrier to businesses present on Albany Highway.
- It is a prime recreational area and providing added convenience and amenity to the site through provision of food options is considered beneficial to the community.
- Recommended that the general location be retained for mobile food vending under the draft policy, with the specific location being moved to the southern side of the park.

<b>DTA Location: Raphael Park</b>		
8 Objections (1 received from Albany Hwy food business)	1 Supporting Submission (with concerns)	0 Concern/Comments (Position not stated)
<b>Concerns Raised:</b>		
<ul style="list-style-type: none"> <li>• Will erode viability of our business that relies on customers from McCallum and Raphael precincts.</li> <li>• There is insufficient car parking available for mobile food vendor customers - children and dog walkers attempting to visit the park to use the playground equipment or grass area would not be able to due to the van customers parking there.</li> <li>• Street parking is already being used by city workers that park and catch the bus to the city, which will be made worse by this proposal.</li> <li>• I would also be concerned about having people leaving dangerous items in the adjoining playground sand pit. Too easy to sit on the swing on soft sand to consume your takeaway in the late evening.</li> <li>• The park is already regularly affected by rubbish from takeaway outlets that are several blocks away. How will customer rubbish be controlled/managed?</li> <li>• There will be additional costs to Council to deal with rubbish and complaints.</li> <li>• This is supposed to be a "heritage/character area" and mobile food vans do not fit with this.</li> </ul>		

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- I am absolutely opposed to the revenue raising exercise of using Raphael Park for the purpose of a public party. Our residential street will suffer noise, crowds and rubbish for zero benefit except income to you.
- Proposed vendor operating hours are way too long
- Raphael Park is already very heavily utilised and is at capacity, with toilet facilities lacking.
- Raphael Park was left by Mr. Raphael "for the Children of Victoria Park". Let's keep it that way.

**Council Officers Comments:**

- Local residents cite issues with respect to the existing activities occurring at this location, which is already frequently active and highly utilised by the community.
- The site is of a small to medium size compared to others proposed under the draft policy.
- In view of the above and consistent with the direction taken in reducing the scope of the policy to larger, peripherally-located public open spaces it is recommended that Raphael Park be removed as part of the modifications to the draft policy.

**DTA Location: Rayment Park**

8 Objections (4 received from Lathlain Place food businesses)	0 Supporting Submissions	1 Concern/Comments (Position not stated)
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**Concerns Raised:**

- Food trucks may obscure clear vision of parents supervising their children.
- Small park – its play area would be reduced by food trucks.
- Concern that the food businesses in Lathlain Place will be adversely affected.
- Greater numbers of people, traffic and noise to the area, particularly early morning and evening set up and pack up times.
- Children being provided with unhealthy food options.
- Limited parking that is already heavily utilised.
- Safety concerns to children – park and local school – from increased traffic and reduced grassed playing space.
- Impacts on cockatoo nesting boxes due to increased noise.
- Unfair to existing local businesses that are servicing the small local Lathlain community, unlike Albany Highway.
- Additional food businesses are already being permitted to operate in Lathlain Place and now you are telling us that we are going to have six more competitors in the area for the same amount of customers
- Generator noise at all hours form as early as 7am and littering will harm the amenity of this beautiful park.
- Local businesses have to operate under significant overheads and staffing costs without support from the Council. This policy is actively undermining the viability of our business.
- Food truck licences would encourage vendors to just enter during peak periods, effectively allowing them to make a cash grab over a short period and therefore not having to endure the tough mid-afternoon quiet periods and wet winters that we as fixed businesses have to face.
- I love the idea of food trucks, but only in secluded areas where people aren't afforded the opportunity to dine-in at cafes or restaurants. Or likewise in evening events that

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<p>draw large crowds to the area that encourages all businesses to succeed.</p> <ul style="list-style-type: none"> <li>• Rayment Park might have been suitable 5 years ago or even 2 years ago but no longer now that there are three food businesses (and soon to be 4 when No. 12 Lathlain Place is constructed) operating in a 50m long street.</li> <li>• I have looked at GO Edwards Park, John Macmillan Park and Harold Rossiter Park. I visited all the parks within 30 minutes of one another. None of the other parks were being used and are not in close proximity to food and beverage options. I understand why these could be test sites for activation but Rayment Park should not be.</li> </ul>
<p><b>Council Officers Comments:</b></p> <ul style="list-style-type: none"> <li>• Rayment Park is an already heavily utilised and understandably highly value public open space.</li> <li>• The site is of a small size compared to others proposed under the draft policy.</li> <li>• In view of the above and consistent with the direction taken in reducing the scope of the policy to larger, peripherally-located public open spaces, it is recommended that Rayment Park be removed as part of the modifications to the draft policy.</li> </ul>

Submissions from Restaurant and Caterers Association

The Restaurant and Caterers Association (R&CA) were directly consulted during the preliminary consultation phase (January to February 2018) and provided an initial submission on behalf of its members. The recommendations requested by the R&CA were considered during preparation of the draft policy and responded by council Officers in the reports to the June Future Planning Committee and July Ordinary Council Meeting. A further submission was received on 11 September 2018 in response to the draft policy, which is summarised and responded to below.

<b>Comments from R&amp;CA</b>	<b>Council Officers Comments</b>
The Association’s overriding priority is to ensure that bricks and mortar establishments are operating on a level playing field with mobile food vendors.	Position noted.
The Association would like to see specific mention of the Town’s support of bricks and mortar businesses and ensuring a level playing field with mobile food vendors in the objectives of the policy. Section 1.3 (e) seems most appropriate for this.	This has been a strong consideration in development of the draft policy and the policy objective is recommended to include wording stating the policy seeks to achieve a balance in providing opportunities for various types of food businesses.
We are pleased that mobile food vendors will be subjected to compliance requirements under the <i>Food Act 2008</i> and <i>Food Safety Standards</i> and will need to have public liability insurance	Noted. These are mandatory requirements for all food businesses that operate in the Town.
The Association has previously argued that no mobile food vendors should operate within 25m of existing bricks and mortar food businesses of the same food offer, or 50m with a different food offer.	Noted. No sites are proposed under the modified version of the draft policy in close proximity to bricks and mortar food businesses.

Submission from Hawaiian

Hawaiian owns and manages The Park Centre in East Victoria Park, located closest to John Macmillan Park which is proposed for mobile food vendor trading under the draft policy (as

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advertised). The submission requests that the Town consider a range of issues including the following:

- The significant number and diversity of food premises that already exist in the Town;
- The financial overheads that permanent businesses are required to pay and the fairness of having to compete with lower cost operators that temporarily operate during peak periods;
- Capping or limiting the number of events and/or mobile food vendors operating under the policy;
- Requiring that a minimum ratio of mobile food vendors be local residents/ratepayers and/or employ local residents;
- That Council consider other place making activities that connect and engage the community but do not negatively impact on existing local businesses; and
- The impact that additional competition will place on the sustainability of local, rate paying businesses that are already under significant pressure due to tough market conditions.

The concerns raised by Hawaiian have been considered during development of the draft policy, and further following conclusion of the consultation period and the consideration of submissions. Given the modifications proposed to the draft policy (refer to recommended changes below) that significantly reduce the amount of mobile food vendors (in terms of trading locations and maximum vendor numbers) it is considered that a balance has been reached between the multiple interest groups to progress with the recommended trial implementation of the policy.

#### Mobile Food Vendors Workshop

A workshop with mobile food vendors potentially interested in operating a trial of the Draft Policy was held on 28 August 2018, with 10 vendors in attendance. Interest in attending was significantly higher than this, however mitigating circumstances contributed to the lower than expected turn out. The purpose of the workshop was to provide an overview of the Draft Policy, clarify vendor issues/queries and receive feedback before the potential commencement of the trial. A number of trading expectations were also communicated to those in attendance, including for participating vendors to undertake the following as part of any Council approved trial of the Draft Policy:

- Trade at least once a month for the duration of the trial;
- Trade during two or more trading periods (e.g. morning, afternoon and/or evening)
- Trade in DTAs across 3 or more suburbs  
(= minimum requirement to trade on at least 5 occasions)

The above expectations were formulated in order to obtain a minimal level of trader feedback on the potential success of the Draft Policy to inform its review/evaluation at the conclusion of the recommended trial. Specific feedback was also sought on a number of issues to further improve the policy provisions and ascertain whether they are realistic/practical from a mobile food vendor perspective. These are detailed in the below table.

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<b>Feedback Sought</b>	<b>Vendor Feedback</b>	<b>Officer Comments</b>
<p>Are any of you WA Mobile Food Vendors Association (WAMFVA) members? Is membership beneficial?</p>	<p>Majority of attendees indicated that they are members, and that most mobile food vendors hold membership with the association. Attendees responded that this should be retained in the Policy given most vendors are members, and could even be altered to be a mandatory (rather than preferable) requirement to participate in the trial.</p>	<p>WAMFVA members are required to accord with the association's Code of Conduct which advocates appropriate vendor trading behaviour and minimum standards. Recommended that WAMFVA membership continue to remain in the Draft Policy as a highly encouraged attribute for Vic Park Vendor permit applicants.</p>
<p>Are the minimum trading expectations reasonable?</p>	<p>Most attendees indicated that the minimum trading expectations were reasonable and not overly onerous, particularly as no fees to participate in the trial are being recommended. Attendees did not express opposition to the minimum trading expectations.</p>	<p>While not stipulated in the Draft Policy, the trading expectations will be communicated to vendors that participate in the trial of the Draft Policy (if approved by Council). The vendor expectations continue to be considered reasonable having regard to the recommended changes to the Draft Policy.</p>
<p>There are calls for vendors to only supply food/beverages in paper-based packaging, cups, cutlery etc....how feasible is this for you if required by the Draft Policy?</p>	<p>Attendees indicated that most vendors are now moving to fully paper-based or recyclable food packaging. Vendors indicated that any requirements should be a mandatory requirement under the Policy rather than "highly encouraged" or aspirational requirements, in order for vendors to abide by them.</p>	<p>The recommended changes to the Draft Policy include an additional provision (Clause 3.9) requiring all prepared food and beverages to be provided in compostable (fully biodegradable) packaging. Refer to Environmental Issues section of report for further explanation of the new policy provision.</p>

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<p>The Draft Policy allows for clustering of food trucks with most DTAs allowing up to 6 mobile food vendors...is this too many or should it remain as is?</p>	<p>Vendors agreed that the ability to cluster is essential however that the proposed number at each site was too high and was extremely unlikely to be reached and for most locations would be commercially unviable. It was suggested that the appropriate maximum number at each site is more appropriate at 3 or 4 food trucks, with potentially higher numbers at McCallum Park.</p>	<p>In view of both the subject vendor feedback as well as concerns received from community members that the maximum vendor numbers proposed are too high the recommended changes to the Draft Policy include a reduction from a maximum of 6 to 3 mobile food vendors at any one time at all locations, with the exception of McCallum Park where it has been retained as 6 vendors at its 2 DTAs (reduced from 3 DTAs).</p>
<p>Is there anything we've missed or should be added to the Draft Policy to help make the trial a success?</p>	<p>Vendors requested that Town of Victoria Park branding be developed for vendors to utilise as part of their trading/event promotion on social media, to support the success of the trial.</p>	<p>Council Officers are currently investigating development of Town branding to be distributed to successful permit holders should the trial of the Draft Policy be approved by Council.</p>

**Proposed Trial Implementation of Draft Policy**

It is recommended that the policy only be adopted on a trial basis to enable the Council to assess whether the proposed trading locations (Designated Trading Areas) are successful, evaluate any negative or positive impacts arising from the trial and to then determine whether a further trial or formal adoption of the draft policy should occur.

It is recommended that the draft policy be trialled during the 2018/2019 summer trading period from November 2018 to March 2019, with a review to follow in autumn 2019 by the end of the financial year.

**Legal Compliance:**

**Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000**

The Town's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000* (Local Law) provides for the regulation, control and management of activities and trading on public spaces within the Town. The Local Law provides for the Council to adopt a policy in relation to activities for which a permit is required from the Town, as well as the conditions that the granting of a permit may be subject to.

The trading of mobile food vendors on the Town's public open spaces constitutes an activity that requires the granting of a "trader's permit" under the Local Law.

The draft Policy seeks to establish the granting of a specified form of "trader's permit" under the Local Law (proposed to be named "Vic Park Vendor's Permits") and to set out the circumstances, trading requirements and conditions that the granting of such permits may be subject to.

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#### Department of Conservation, Biodiversity and Attractions (DCBA) Approval

A 'Form 7 Permit' under the *Swan and Canning Rivers Management Regulation 2007* is required to be applied for and granted by the Rivers and Estuaries Division of the DCBA in order for mobile food trading to occur at McCallum Park, as it is located within the Swan Canning Riverpark, under the control of the Swan River Trust. The application is currently being assessed and it is hoped that it will be favourably considered and approved by the end of September/early October.

#### Department of Planning, Lands and Heritage Consent

As previously reported to Council, written consent under Section 75 of the *Land Administration Act 1997 (LAA)* is required for mobile food vendor trading at McCallum Park and Edward Millen Park. This is due to the fact that these are Crown land sites under conditional tenure that cannot be the subject of any licence, mortgage, charge, security or other encumbrance without the written approval of the Minister for Lands. Unfortunately, Council Officers have received advice that such consent is unable to be provided in a 'blanket/umbrella' type fashion for mobile food vending to occur in accordance with the Draft Policy and that the restrictions under the LAA mean that individual consent for each occasion that mobile food vending takes place will still be required.

In view of the above, and the intended flexibility for vendors under the Draft Policy to trade (rather than requiring individual event applications to Council (and subsequent requests from Council to the State Government for consent) that requires a long lead-time of weeks to months, it is recommended that Edward Millen Park be removed from the Draft Policy as a trading location. Special event requests can still be received from Council in future (as is the case currently) for this site, however the benefits and platform provided to mobile food vendors as 'Vic Park Vendors' under the Draft Policy is not able to be facilitated for this location.

With respect to McCallum Park, this site is comprised of a number of lots, with the largest being Lot 124 adjoining the Swan River foreshore, which is Crown land. The three proposed DTAs on McCallum Park under the advertised version of the Draft Policy are located on Lot 124. The other lots on the southern portion (approximately half) of McCallum Park are owned in fee simple by the Town and are not subject to the Section 75 consent requirement. Accordingly, it is recommended that the DTAs on McCallum Park be reduced from three to two, located at each end of McCallum Park, and on the southern portion of the Park, as detailed in the modified version of the Draft Policy.

#### **Policy Implications:**

The draft Policy is aligned with, and assists in achieving a number of the aims and objectives contained in a broad range of the Town's adopted Strategies and Policies. This was outlined in detail in the July Ordinary Council Meeting report (Appendix 3) and included the following:

- Strategic Community Plan 2017-2032
- Safer Neighbourhoods Plan 2017-2022
- Events and Place Activation Strategy 2017-2018
- Disability Access and Inclusion Plan 2017-2022 (DAIP); and
- Healthy Vic Park Plan 2017-2022

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**Risk Management Considerations:**

<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
Continued ad hoc consideration of mobile food vending applications, multiple application types and general lack of any mobile food vendor trading in the Town (aside from organised events) if a Policy is not adopted.	Moderate	Likely	Low	Support the recommended trial implementation of the Draft Policy (as modified) from November 2018 to March 2019, with a subsequent review/ evaluation of its success to occur in April to May 2019. Development of internal procedures, education and training of staff will also be required to effectively administer the Policy and maximise its potential success.
General lack of policy success and therefore waste of Council resources in its development/ implementation.	Moderate	Unlikely	Low	
Significant opposition from local residents and existing food businesses to the nearby trading of mobile food vehicles	Low to moderate	Unlikely	Low to Medium in view of proposed changes to Draft Policy.	
Inability to attract mobile food vendors and realise potential benefits of mobile food vendors to the community	Significant	Unlikely	Medium	
Trading area locations that are not successful due to a range of potential factors (e.g lack of information/awareness, lack of exposure, insufficient customers, etc.)	Moderate	Some likelihood of occurring	Medium	
Damage to public open spaces and increased littering and inappropriate disposal of food waste/containers	Low to moderate	Some likelihood of occurring	Low	



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<b>Risk &amp; Consequence</b>	<b>Consequence + Rating</b>	<b>Likelihood = Rating</b>	<b>Overall Risk Analysis</b>	<b>Mitigation/Actions</b>
Traffic and noise impacts to surrounding residents	Moderate	Some likelihood of occurring	Low	
Excessive fees that discourage mobile food vendors or insufficient fees that do not recover the additional costs for Council staff and resources in implementing the policy or managing/mitigating potential adverse impacts.	Moderate	Unlikely	Low	
Inability to obtain consent/statutory approvals from relevant Stage Government agencies to allow for mobile food vendor trading at McCallum Park and Edward Millen Park.	Low	Unlikely	Low given recommended changes to address inability to obtain Section 75 consent under the LAA.	
Internal staff opposition or lack of policy 'buy in' of staff to effectively implement and administer the Policy due to its cross-functional nature.	Low to Moderate	Some likelihood of occurring	Low	
Ineffective or delayed review/evaluation of policy trial.	Low to moderate	Some likelihood of occurring	Low	

**Sustainability Assessment:**

External Economic Implications:

The draft Policy will provide a platform for mobile food vendors to trade within the Town, supporting the growth of existing and new small businesses. While efforts have been made to locate the majority of proposed Designated Trading Areas at public open spaces situated a significant distance from existing 'bricks and mortar' establishments, there is evidence that

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rather than directly competing with these businesses, mobile food vendors can attract additional visitors and customers to their trading locations than would otherwise normally occur, which can have a positive impact on the trading of nearby established traders.

Notwithstanding, a major objective of the Policy is to increase choice and diversity where only limited food options exist and to increase the activation of the Town's public open spaces. Therefore, these objectives support mobile food vendor trading away from locations where a large number of food businesses already exist, in any case.

#### Cultural Issues:

The draft Policy has potential to provide a platform for the small business community to showcase and provide culturally diverse, unique and interesting food choices to the local community. The ability for food to serve as a medium for cultural exchange and the celebration of cultural diversity may also contribute to positive cultural and social outcomes.

#### Environmental Issues:

The Vendor Guidelines contained within the Draft Policy include an emphasis on ensuring that potential environmental impacts arising from the trading of mobile food vendors are minimised and avoided. These include provisions requiring traders to provide bins for the disposal of patron waste, to have receptacles for the collection of any waste water or other emissions from the mobile food vehicles themselves, and provisions regarding their operation or setting up to avoid damages to the public open spaces, Council buildings or vegetation. A further provision (Clause 3.9 in the modified draft policy) has been recommended for inclusion in the Draft Policy requiring vendors to only serve prepared food or beverages in compostable (fully biodegradable) packaging and encouraging them to accept clean, reusable receptacles (e.g. 'keep-cups') from customers for the serving of products.

The ability for enforcement action (e.g. infringement or suspension of trading permits) to occur as a result of damages caused by traders exists under the Local Law, and adherence to these requirements will be encouraged/enforceable as part of the conditions able to be applied to the proposed 'Vic Park Vendor's Permits'.

There is a risk that the ability to enforce these requirements or penalise offenders may be limited due to difficulty in identifying the party responsible for any damages, particularly if the damage occurs during the trading of multiple vendors or if the damage arises from the actions of customers/the public rather than the traders themselves. However, it is considered that these potential issues can be managed/minimised through a variety of measures, including the following:

- Evaluation and review following the proposed initial trial of the policy;
- Continued communication and education of mobile food vendors by Council staff;
- Potential changes to the provision of facilities by Council (e.g. more Council bins or public seating); and
- Changes to the scale or timing of activities that are permitted to occur at the proposed Designated Trading Areas (e.g. reducing the maximum number of mobile food vehicles permitted to trade at a given time, 'resting' or alternating the trading areas to provide increased turf recovery times, etc.).

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**COMMENT:**

The proposed Policy will enable the Town to establish a platform for the trading of mobile food vehicles within the Town and share in the positive activation and community benefits that can arise from their trade, as has been witnessed in a number of local government areas throughout the Perth Metropolitan area and more broadly in other centres nationally and internationally.

There is a growing trend for local governments to provide opportunities for mobile food vendors and other activities such as weekend markets and festivals, to facilitate enjoyable, interesting, unique and convenient leisure and recreational opportunities for residents, families and other members of the community to experience in their local area.

The addition of diverse and convenient food options at a number of the Town's public open spaces provides the potential for their increased activation and utilisation by the community, and the ability for residents and families to enjoy these spaces for longer periods of time, in a richer, and more socially inclusive manner. Some of the potential benefits include:

- greater social connectedness;
- opportunities for community members to meet or build on existing relationships with their neighbours;
- supporting other activities occurring in public open spaces by providing convenient food options for families or spectators (e.g. at sporting events/matches (with permission), before or after undertaking outdoor exercise or by responsible parents/caretakers supervising the use of playground equipment by their children); and
- fostering a greater attachment to the local community and an enhanced sense of place.

**Recommended Changes to Draft Policy**

A number of changes are recommended to be made to the Draft Policy (as advertised) in response to the concerns raised in submissions received during the community consultation period, at the mobile food vendors workshop held by Council Officers and as a result of further review by Council Officers since consent for public advertising was granted by Council in July 2018. These include the following:

1. Insertion of a new Clause 3.9 requiring all permit holders to only serve prepared food or beverages in compostable packing, and encouraging vendors to serve food/beverages in reusable receptacles brought by customers (e.g. "keep-cups");
2. Reducing the maximum number of permitted mobile food vendors from 6 to 3 vendors at most DTAs, and to 6 vendors for the DTAs at McCallum Park;
3. Increasing the public liability insurance requirement for permit holders from \$10 million to \$20 million, consistent with the up-to-date requirements of other local governments;
4. Shifting the DTAs at McCallum Park to the southern side of the park on land that is owned in fee simple by the Town to avoid the need to obtain Department of Planning, Lands and Heritage consent (under Section 75 of the Land Administration Act 1997 for each occasion that mobile food vending occurs);
5. Insertion of new Clause 3.10 clarifying that the policy does not permit the sale or distribution of alcohol or tobacco products.
6. Alteration to the evening trading time of 5pm to 9pm, to 5pm to 8:30pm, with clarification that mobile food vendors must be packed and offsite by no more than one hour after trade has finished (i.e. by 9:30pm latest);
7. New clause 3.2(c) to clarify that mobile food vendors are not permitted to be on-site more than one hour prior or one hour after their booked trading period;

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8. Alteration to trading periods to provide for one hour pack up/set down transition between trading periods as follows:
  - a. Morning – 7am to 11pm;
  - b. Afternoon – 12pm to 4pm; and
  - c. Evening – 5pm to 8:30pm;
9. Removing the DTA at Edward Millen Park, given the need to obtain individual Department of Lands consents (under Section 75 of the Land Administration Act) for each occasion that mobile food vending occurs;
10. Removing the DTAs from several of the smaller and/or more centrally located public open spaces, including Fraser Park, J A Lee Reserve, John Macmillan Park, Rayment Park and Raphael Park in view of the following matters:
  - a. Issues raised by a number of local residents surrounding J A Lee Reserve with respect to the activities of the soccer club and its members, and their concerns that additional activities may adversely affect their amenity by way of additional noise, litter, parking and traffic, etc.;
  - b. The concerns expressed by local residents of Fraser Park, Raphael Park and Rayment Park that these reserves are smaller than other proposed sites, are already highly activated and well-utilised, have car parks that are often at or under-capacity for the number of park users, and other concerns regarding safety, noise, littering etc.; and
  - c. The concerns expressed by local businesses in close or nearby proximity to John Macmillan Park, Raphael Park and Rayment Park with respect to the potential for increased competitive commercial interests (in addition to the existing potential that exists) and the objective of the Draft Policy to balance the interests of 'bricks and mortar' businesses with those of mobile food vendors by providing mobile food vending opportunities at appropriate public open space locations.
11. Change to clause 3.13(c) to additionally specify that mobile food vehicle generators should preferably be of low noise emitting, inverter type models.
12. Change to objective 1.3(e) to outline that the policy strives to achieve a balance in providing opportunities for food businesses of various kinds, including both mobile food vendors and bricks and mortar food businesses.

Consideration was also given to the further restriction of mobile food vendor trading to non-consecutive days, effectively halving the potential trading opportunities for mobile food vendors. However, given the policy is being proposed on a trial basis and the take-up of vending opportunities is very unlikely to be at a capacity where everyday mobile food vending will be seen, the restriction of trading opportunities to such an extent is not considered warranted. Notwithstanding, this is an option that Council may wish to consider in either adopted the draft modified Policy, or in the future when reviewing the policy following any trial for certain locations, should they prove to be exceptionally busy and to warrant such restriction.

#### Restriction of trading to Mobile Food Vehicles

A small number of food businesses operating as temporary/pop-up food stalls (rather than from a mobile food vehicle) have indicated an interest in participating in the trial of the policy. Stall holders were not originally considered as part of the Draft Policy given the additional food safety risk they represent to the community from an Environmental Health perspective in combination with the intended flexibility that Vic Park Vendors are proposed to have to operate under the draft policy.

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During the mobile food vendor workshop it was communicated to two stall holders in attendance that there may be an opportunity to trade under a separate events approval from Council's Environmental Health Officers, alongside mobile food vehicles operating under the draft policy.

Environmental Health Officers have further considered this request and the food safety risk and have reconfirmed the position that the trial of the draft policy should only include mobile food vehicles.

Having regard to the increased risk as well as the proposed modifications to the draft policy reducing the number of vendors and trading locations, it is not recommended to permit food stall operators in the recommended trial of the modified draft policy. This position could potentially be reconsidered following the proposed trial.

#### Permit Fees

It is recommended that for the duration of any trial implementation of the draft policy, that fees for the assessment and granting of Vic Park Vendor's Permits to approved mobile food vendors not be charged, so as to maximise the attraction and take-up of mobile food vendors to trade as part of the trial. This will encourage greater numbers of traders to the Town and provide the community and the Town with increased opportunity to experience and evaluate the impacts of their trade (negative and positive). It should also be noted that the waiving of fees would be consistent with the Town's approach to alfresco dining for bricks and mortar food businesses.

Payment of a \$100 bond for keys to access the secured gates to the reserves will continue to be charged as for all other park users/normal reserve hire processes, to cover the Town's costs for replacement of lost or stolen keys that are issued to mobile food vendors. This will then be refunded upon the return of the key to the Town (i.e. at the conclusion of the recommended trial).

#### **CONCLUSION:**

Preliminary engagement undertaken during January to February 2018 indicated a high level of support for mobile food vending within the Town, with the majority of respondents calling for trading to be located at public open spaces. 20 public open space locations were nominated during the preliminary engagement period. Further, a significant majority of respondents indicated they supported the clustering of mobile food vendors at these locations with no restriction on the number of vendors provided adequate facilities exist on site. Evaluation of the nominated locations resulted in twelve being identified as potentially suitable for mobile food vendor trading given the availability of infrastructure public (toilets, playground, seating, lighting etc.) and car parking as well unique activation potential in the case of Edward Millen Park, which were included under the draft policy, with a maximum of six mobile food vendors at any one time being specified for the majority of these locations.

Having regard to the range of submissions received during the community consultation period, the specific locations to which they relate and the concerns that have been raised, the Draft Policy has been further modified by Council Officers to reduce the extent of potential mobile food vending activities (both in terms of maximum vendor numbers and proposed Designated Trading Area locations), refine the trading hours to specify and provide

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transition time for mobile food vendors to set up and pack up before or after trading, and respond to other general or location-specific concerns that have been raised, where considered appropriate. This has included the removal of six Designated Trading Areas, halving the overall number of locations originally proposed. The maximum number of food vendors at any one time has been reduced to three for all Designated Trading Areas, excluding those at McCallum Park which are considered appropriate to have up to six vendors (although it is expected that this would rarely be reached in any case). The remaining locations under the modified draft policy are all larger public open spaces located around the periphery of the Town's boundaries, away from Albany Highway and other local neighbourhood centres that contain 'bricks and mortar' food businesses.

Unlike a development application for a development where a property owner has a legal right to develop their land, the subject policy proposal is at the complete discretion of Council to consider, and a wide range of concerns and interests are able to be considered. It is considered that the modified Draft Policy achieves an appropriate balance between the interests of various members in the community, including local residents, local businesses, mobile food vendors and the wider community. It is recommended that the modified Draft Policy be trialled for the 2018/2019 Summer trading period from November to March, with a review to follow in Autumn 2019.

#### **RECOMMENDATION/S:**

**Moved: Cr R Potter**

**Seconded: Cr Oliver**

**The Future Planning Committee recommends that Council:**

- 1. Adopts the modified version of draft policy 'HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy', as contained in Appendix 1, on a trial basis from 1 November 2018 to 31 March 2019;**
- 2. Waives application fees for submission of an application for a 'Vic Park Vendor's Permit' for the duration of the policy trial (with all permits issued to expire upon conclusion of the trial);**
- 3. Receives a further report reviewing the trial implementation of the draft policy by 30 June 2019 to determine whether it will formally adopt the draft policy, with or without modifications; and**
- 4. Advises all persons whom have lodged a submission on the draft Policy, during the community consultation period, of its decision.**

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(To be confirmed 17 October 2018)

**AMENDMENT:****Moved: Cr V Potter****Seconded: Cr R Potter****That an additional condition be added to read:****During the trial period, no new temporary food business permits be approved for on street vending or itinerant food vendors.****The Amendment was Put and****CARRIED (3-0)****In favour of the Motion: Cr Oliver; Cr R Potter; and Cr V Potter;****SUBSTANTIVE MOTION AS AMENDED:****Moved: Cr R Potter****Seconded: Cr Oliver****The Future Planning Committee recommends that Council:**

- 1. Adopts the modified version of draft policy 'HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy', as contained in Appendix 1, on a trial basis from 1 November 2018 to 31 March 2019;**
- 2. Waives application fees for submission of an application for a 'Vic Park Vendor's Permit' for the duration of the policy trial (with all permits issued to expire upon conclusion of the trial);**
- 3. Receives a further report reviewing the trial implementation of the draft policy by 30 June 2019 to determine whether it will formally adopt the draft policy, with or without modifications; and**
- 4. Advises all persons whom have lodged a submission on the draft Policy, during the community consultation period, of its decision.**
- 5. During the trial period no temporary food business permits be approved for on street vending or itinerant food vendors**

**The Amended Substantive Motion was Put and****CARRIED (3-0)****In favour of the Motion: Cr Oliver; Cr R Potter; and Cr V Potter**

(To be confirmed 17 October 2018)

## 8.4 Burswood Station East Structure Plan: Project Update and Developer Contribution Plan Analysis

<b>File Reference:</b>	PLA/6/29
<b>Appendices:</b>	1. Burswood Station East Structure Plan Project Schedule
<b>Date:</b>	5 September 2018
<b>Reporting Officer:</b>	D. Doy / C. Pidco
<b>Responsible Officer:</b>	N. Martin Goode
<b>Voting Requirement:</b>	Absolute Majority
<b>Executive Summary:</b>	
<b>Recommendation – Support the recommendation to not proceed with a Developer Contribution Plan for Burswood Station East.</b>	
<ul style="list-style-type: none"> <li>• A Developer Contribution Plan is a statutory mechanism for sharing the cost of infrastructure requirements between landowners in a catchment area;</li> <li>• The Town has reviewed infrastructure items identified for Burswood Station East against the eligibility criteria outlined in State Planning Policy 3.6: Development Contributions for Infrastructure;</li> <li>• Only 8 of the 59 identified infrastructure items are capable of being funded by a Developer Contribution Plan;</li> <li>• The infrastructure items that could be potentially funded by the DCP are not considered to be barriers to redevelopment and can occur incrementally over the life of the development; and</li> <li>• The complexity and cost of preparing, maintaining and administering a DCP is not considered good value for money and is therefore not recommended as an infrastructure funding mechanism.</li> </ul>	

**TABLED ITEMS:**

Nil

**BACKGROUND:**

Burswood Station East (“BSE”) is a distinct neighbourhood within the Town of Victoria Park, bounded by the Graham Farmer Freeway, Great Eastern Highway and Armadale/Thornlie train line. The precinct is located within the Burswood Peninsula, close to Crown Perth, Optus Stadium and Belmont Park.

Current development in BSE is generally older commercial or industrial buildings under two storeys in height. There are three mixed-use developments within the precinct and a fourth recently approved. It is intended that the precinct will transition to a high-density transit-oriented development over the coming decades, and will provide a significant portion of the new State Government’s housing targets provided for Town of Victoria Park, which are identified in the Central Sub-regional Planning Framework in Perth and Peel @ 3.5million.



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(To be confirmed 17 October 2018)

The Town of Victoria Park is in the process of preparing a Local Structure Plan to facilitate the intended development outcomes for BSE. A draft Master Plan, providing the structural blueprint, has been developed along with a suite of technical reports to support the structure planning process. The draft Master Plan informs and will ultimately be embodied in the Local Structure Plan.

A significant obstacle to the finalisation of the Structure Plan, however, is determining how the substantial infrastructure required to allow BSE to be developed to its full potential can be funded. A total of 59 identified infrastructure items at a total estimated cost of \$40.3 million have been identified for the BSE neighbourhood across the suite of supporting technical reports.

This report outlines the Town's investigation into the preferred infrastructure funding mechanisms for BSE and the updated structure plan project schedule.

#### **DETAILS:**

##### **1. Infrastructure Funding Challenge**

An intensification of development that brings an influx of residents, businesses or visitors will inevitably require new or upgraded infrastructure to meet the needs of these users. Infrastructure can include utilities and services (such as power, gas and sewer); community infrastructure (such as sporting facilities and public libraries); parks and reserves; and any other amenity that improves the public realm (such as public art, benches and private street lighting). There are a number of parties with a responsibility for funding this infrastructure, including service providers (including Local Government), land developers and end-users through rates, levies or service charges.

Typically, in a greenfield development situation, the majority of infrastructure needs are funded by the developer. When a developer holds large areas of the development parcel or infrastructure needs can be highly localised, the burden of cost is quite simply attributed and distributed. However, the BSE neighbourhood presents a more complicated challenge, as land ownership is highly fragmented and demand for new infrastructure is generated partly from outside the catchment area.

For the BSE neighbourhood, the burden of cost would be placed on either the first to develop or (where infrastructure cannot be developed incrementally) delayed until demand becomes critical and the infrastructure burden passes to the 'next to develop'.

The Western Australia planning system has attempted to address this issue via a Developer Contribution Plan ("DCP"), which is a statutory mechanism for sharing the cost of infrastructure requirements between landowners in a catchment area. DCPs are widely used in the Perth metropolitan area in high-growth areas with rapid development on the suburban fringe.

In a DCP the overall cost of the required infrastructure is apportioned between the landowners or developers that will benefit from the new infrastructure, with each paying their 'share' at the time development occurs. A DCP must be incorporated into the Local Planning Scheme to have effect, and its format and ongoing management must be in accordance with the Planning and Development Act (Local Planning Schemes) Regulations 2015 and State

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(To be confirmed 17 October 2018)

Planning Policy 3.6 Development Contributions for Infrastructure (“SPP 3.6”) and associated guidelines. Note that SPP 3.6 is currently under review, with a draft revised policy and guidelines having been advertised for public comment in late 2016.

The use of DCP’s to overcome the challenge of infrastructure funding in an infill scenario is only now being explored by State and Local Governments. In an infill scenario, there is typically an existing infrastructure demand which may be fully met or partly unmet and in need of an upgrade. Greenfield scenarios are simpler because the pre-development infrastructure demand is negligible in comparison to the post-development demand and it is generally fair and simple to apportion all infrastructure requirements to the developer and/or end-user.

The Town has therefore assessed the suitability of a DCP as well as other alternative funding pathways as a mechanism to fund the identified infrastructure improvements in the BSE precinct.

## 2. Methodology for assessing the suitability of a Developer Contribution Plan

In assessing the suitability of a DCP the following methodology was utilised.

### Phase 1: Information

- a. A review of all technical reports and master planning documents to prepare a comprehensive inventory of all required infrastructure items.
- b. A desktop study of other Local Government statutory frameworks and relevant components of the state government statutory framework to identify DCP parameters and potential alternative funding approaches.
- c. Informal interviews with officers from four Local Governments (City of Cockburn, City of South Perth, City of Kalamunda and City of Kalgoorlie-Boulder) to understand their experiences with administering a DCP and alternative funding approaches.
- d. Informal interviews with relevant Town staff (including Technical Services, Project Management, Finance, Urban Planning and Community Development) to better understand infrastructure demand, delivery challenges and refine potential solutions.

### Phase 2: Preliminary Analysis

- a. A broad assessment of infrastructure items against the key principles of the DCP planning framework. This assessment is in a comparative matrix that illustrates which items might potentially be funded by a DCP.
- b. A broad assessment of the suitability of alternative funding options against infrastructure items.
- c. The high level costing of infrastructure items potentially suitable for a DCP utilising high-level advice previously provided.

### Phase 3: Peer Review

- a. Consultant to review the works undertaken by the Town in the first two phases and provide a critique.
- b. Consultant to identify any gaps in the work undertaken by the Town in the first two phases and assist in addressing these.
- c. Consultant to provide recommendations on infrastructure funding options for the BSE precinct.

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(To be confirmed 17 October 2018)

#### Phase 4: Final Analysis

- a. Preparation of a final report including peer review consultant report and recommendations.

#### 3. Overview of Infrastructure Requirements in the BSE Neighbourhood

The existing condition and context of the BSE neighbourhood is an important factor when considering future infrastructure requirements for the neighbourhood and the way in which they may be funded. These include:

- a. The existing urban structure requires no modification to facilitate future development (ie. the streets, lanes and lot pattern is already set and does not need to be modified);
- b. The neighbourhood has highly fragmented land ownership;
- c. There is existing urban infrastructure (roads, servicing, footpaths, street trees, etc) already in place; and
- d. The existing relationship with the surrounding area.

The following infrastructure categories are identified in the supporting technical reports as potentially being needed for the BSE neighbourhood.

#### Burswood Station East Infrastructure Inventory

A review of all existing BSE technical documents and Town of Victoria Park strategies was undertaken to prepare a comprehensive list of all proposed works that might have a community benefit and be considered as infrastructure servicing the BSE neighbourhood. The process identified 59 potential infrastructure items and a further 11 items related to further planning and the administration of a DCP.

For some infrastructure items, the existing strategic documents provided conflicting proposals or did not fully resolve the actual infrastructure requirement. Where an unresolved item could potentially be included in a DCP, further internal investigations were made to gain a basic understanding of how these should be resolved to the extent possible for completing this DCP project. The types of infrastructure required and assumptions made in relation to unresolved infrastructure are described below:

#### Utilities Infrastructure

Utilities infrastructure refers to the infrastructure required to provide basic services to properties. This infrastructure is the responsibility of statutory authorities or private providers who design, install and maintain the service network. In the Burswood Station East neighbourhood, utilities infrastructure includes:

- a. power;
- b. potable water;
- c. waste water;
- d. reticulated gas; and
- e. communications networks.

Power infrastructure is provided by Wester Power; potable and waste water infrastructure by the Water Corporation; and reticulated gas by ATCO Gas. NBN is available in the BSE precinct.

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(To be confirmed 17 October 2018)

### Local Government Services Infrastructure

This category comprises the service infrastructure that is provided by the Local Government, primarily stormwater drainage and works to local roads.

### Community Infrastructure

The Town's Social Infrastructure Plan ("SIP") was received by the Council on 12 September 2017, but not formally adopted. While the Western Australian planning framework contemplates inclusion of community infrastructure in a DCP, the Town would need to provide further detail of the proposed infrastructure and formally adopt the SIP. For the purpose of this assessment, it was assumed that all required documentation would be resolved as part of the preparation of any future DCP.

The SIP provides a broad overview of community infrastructure forecast for several catchments within the Town of Victoria Park. Burswood Station East is located within the Burswood Catchment, comprising all of Burswood including the Burswood Peninsula. The SIP does not provide proposed locations for the identified infrastructure, with the exception of a future primary school in the future Burswood Station West neighbourhood, and it is therefore unclear which of the proposed community infrastructure items should be accommodated within the BSE neighbourhood.

The draft BSE Master Plan and supporting technical reports contemplate a community centre within the BSE neighbourhood. It is possible for this community centre to be located within either the existing Public Open Space (POS) on Stiles Avenue (referred to as Burswood Common), or the existing drainage sump at 16 Stiles Avenue. Neither of these sites is ideal due to the loss of either open space or drainage (or the expense of providing open space or drainage elsewhere).

The nearby Belmont Park Racecourse Redevelopment Structure Plan (also within the Burswood catchment) includes a multi-purpose community facility within the old grandstand building. This facility is expected to be complete within 15 years of development commencement. In the interim, the developers will be providing a temporary community facility within Belmont Park Precinct D, which is located in the south eastern corner of the Structure Plan. The SIP flags that only one community centre is required for the Burswood catchment, indicating that an additional community centre within BSE is not required.

It is recommended that the Town explores the provision of community facilities within private development, such as a library shopfront or "maker spaces". If this approach is followed, it will not be necessary to fund either land acquisition or the construction of community facilities through the BSE Local Structure Plan.

### Public Open Space Improvements

The Master Plan designates approximately 3% of the project area as POS, which is well below the general 10% standard in Western Australia. To balance this deficit, the Town will be exploring the following options in the Local Structure Plan:

- Enhanced public realm to encourage street-life and provide opportunities for small-scale, outdoors social and recreational activity;
- Enhanced provision of communal outdoor living spaces in large mixed-use developments, such as roof gardens, on-site recreation facilities and landscaped forecourts; and

(To be confirmed 17 October 2018)

- Strong pedestrian and cycle linkages with POS and recreation facilities in nearby areas, in particular Belmont Park and the Swan River foreshore.

**Place Infrastructure**

The supporting technical reports outline a series of strategies and actions to develop a unique place character within the BSE neighbourhood, including urban infrastructure that will improve user experience. Place infrastructure includes items such as a public art trail, seating, water fountains, bicycle parking and intergenerational play equipment.

An analysis of the 59 infrastructure and their eligibility to be included in a DCP is outlined in the Comments Section below.

**Legal Compliance:**

Nil

**Policy Implications:**

Nil

**Risk Management Considerations:**

Risk & Consequence	Consequence Rating	Likelihood Rating	Overall Risk Analysis	Mitigation / Actions
Major (Not having a DCP will mean the Town will need to fund \$3.5 million of infrastructure items over the course of the development, but avoid \$2.7 million of DCP related administrative fees. This results in an overall extra cost of \$800,000 to the Town to deliver infrastructure in BSE over the life of the development.	Major	Likely	High	Careful forward planning to deliver infrastructure improvements identified as the Town's responsibility.

**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.

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Civic Leadership

CL6 – Finances are managed appropriately, sustainably and transparently for the benefit of the community.

**Financial Implications:**

See section 2 and 3 in the Comments section below.

**Sustainability Assessment:**External Economic Implications:

The decision not to proceed with a DCP is not expected to be a barrier to development within the BSE neighbourhood. Many of the infrastructure items will be delivered as part of the normal planning approval process or be incrementally upgraded as development intensifies.

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

The 59 infrastructure items outlined in the Details section above were analysed against specific DCP eligibility criteria. This analysis is provided below along with a final recommendation and commentary on the appropriateness of other possible funding mechanisms.

Analysis on the viability of a Developer Contribution Plan

SPP3.6 provides eight principles that underpin the preparation and administration of any DCP. The principles and their relationship to this review project are summarised in Table 1.

**Table 1: Principles of a Developer Contribution Plan**

<b>SPP3.6 PRINCIPLE</b>
1. NEED AND NEXUS <i>Demonstrated need for the infrastructure and connection to the proposed development</i>
2. TRANSPARENCY <i>Clear, transparent and simple method for calculating contributions</i>
3. EQUITY <i>All developments should be levied based on their relative contribution to need</i>
4. CERTAINTY <i>All development contribution items are clearly identified and methods of accounting for escalation are agreed upon</i>
5. EFFICIENCY <i>Contributions are justified based on a whole of life capital cost basis</i>
6. CONSISTENCY <i>Contributions are applied uniformly across a DCA and methodology is consistent</i>

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7. RIGHT OF CONSULTATION AND ARBITRATION <i>Affected parties are consulted and have the opportunity to seek independent review</i>
8. ACCOUNTABLE <i>Accountability in the determination and expenditure of contributions</i>

The Draft Guidelines for SPP3.6 emphasise that a DCP should be just one tool within a broader funding strategy. Where a DCP is necessary and desirable, it should only be used for:

- a. Infrastructure required at the earliest stages for liveability; and
- b. Infrastructure needs arising from new growth, not existing unmet demand.

In order to understand which of the 59 items are capable of being funded by a DCP an assessment was undertaken against the following categories outlined in the Draft Guidelines for SPP3.6.

**Table 2: Infrastructure Items and DCP Categories**

Category A	Infrastructure required as standard (as identified at Appendix 1 of SPP 3.6) and essential for subdivision or development - can be required directly as a condition of subdivision/development	Inclusion in DCP not required
Category B	Infrastructure required as standard (as identified at Appendix 1 of SPP 3.6) and essential for subdivision or development, in limited circumstances of fragmented landownership or non-frontal development, where cost redistribution is necessary	Inclusion in DCP required (if development contribution for item is to be sought)
Category C	Infrastructure important for liveability from the earliest stages of development	Inclusion in DCP required (if development contribution for item is to be sought)
Category D	Administrative items associated with preparation of a DCP	Inclusion in DCP required (if development contribution for item is to be sought)
Category E	Infrastructure optional for liveability, generally found in mature communities; or where need and nexus cannot be demonstrated. Delivery of these items should be at the discretion of the relevant developer or government agency	Inclusion in DCP not appropriate

After comparing the 59 identified infrastructure items against the DCP eligibility criteria it was revealed that only 8 of the 59 of the identified infrastructure items are capable of being funded by a DCP. Table 3 below provides an outline of the items capable of being funded by a DCP and the impact these items have on immediate development in the BSE neighbourhood.

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**Table 3: Summary of DCP Analysis**

Item	Responsible Authority	Estimated Cost	Impact on Development
1. Augmentation to power network	Western Power	\$3,000,000	<ul style="list-style-type: none"> <li>• Not an immediate barrier to development</li> <li>• Timing will depend upon development uptake</li> <li>• Further market analysis required</li> </ul>
2. New wastewater drain	Water Corporation	\$1,200,000	
3. New sewer pump station	Water Corporation		
4. Modification to cul-de-sac for pump station site	Town of Victoria Park	\$80,000	
5. Burswood Common POS upgrades	Town of Victoria Park	\$258,700	
6. Stiles Avenue Sump POS	Town of Victoria Park	\$421,418	
7. Stormwater Management	Town of Victoria Park	\$1,700,000	Design : <5 years Construction: <10 years
8. Griffiths Street Intersection Upgrade	Town of Victoria Park	\$1,000,000	Construction: <2 years
<b>TOTAL</b>		<b>\$7,660,118</b>	

Only \$7,660,118 of the total \$40.3 million of required infrastructure is capable of being funded by a DCP. Approximately \$3.5million of the total \$7,660,118 are attributed to items that would normally be the Town's responsibility.

It is estimated that the DCP would cost approximately \$2.7million to administer over the life of the redevelopment. Given the complexity of preparing and administering a DCP and the administrative costs, the Town will not progress with the preparation of a DCP for the BSE neighbourhood.

Furthermore, the infrastructure items that could be potentially funded by the DCP are not considered to be barriers to redevelopment, and can therefore occur incrementally over the life of the development (ie. Are not required immediately to unlock development potential).

There is also merit in allowing the place to develop incrementally in response to changing market conditions.

#### 1. Financial Impact to the Town without a Developer Contribution Plan

As outlined above the total cost for the identified 59 infrastructure items is \$40.3million dollars. This overall cost will be spread amongst service authorities and developers. It is estimated that the cost to the Town (over the life of the redevelopment) will be in the order of \$14.1million. As outlined above the Town is able to attribute infrastructure items to the value of \$3.5million that would normally be its responsibility via a DCP.

However, the complexity and cost of preparing, maintaining and administering a DCP is not considered good value for money, and is not needed to unlock development potential.



(To be confirmed 17 October 2018)

2. Analysis of Alternative Funding Options

Following the Town’s analysis of a DCP as a potential funding mechanism further investigation was undertaken to understand alternative funding options for the identified infrastructure items.

Table 4 below provides a summary of this investigation, including the relevant items capable of being funded and the Town’s recommendation.

**Table 4: Alternate funding options**

<b>Funding Options</b>	<b>Potential Items</b>	<b>Recommendation</b>
Developer Incentive Schemes	This creates a ‘bonus standard’ to development in exchange for infrastructure identified to be funded by the Town of Victoria Park. Will be explored during the preparation of the Local Structure Plan.	Recommended as a funding mechanism for securing better community outcomes (ie. Community meeting spaces, shopfront library, etc). This mechanism is not recommended for funding basic infrastructure but as a means to incentivising the delivery of desirable infrastructure.
Developer Contribution Policy	Drainage, local movement network upgrades, community facilities and POS	Not recommended at this time. This approach could be used for infrastructure typically funded by Local Government, although the legitimacy of the approach is under question after a recent State Administrative Tribunal. Further legal advice must be sought before this option could be recommended.
Cash-In-Lieu for POS	POS	Not recommended
Percent for Art	Public Art	Recommended in line with standard process.
Local Government/Service Authority Pays	All items that are not linked to a condition of planning approval	Recommended – however further investigation into rates apportionment required.
Specified Area Rate	Drainage, local movement network upgrades, community facilities and POS	Not recommended. To implement a SAR the Town would need to establish a base level of service provision to compare the additional standard too; determine the higher

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Funding Options	Potential Items	Recommendation
		<p>standard of infrastructure that would be funded by the SAR and how this would benefit the rate payers in BSE; and gain rate payer support for the proposed works.</p> <p>The standard of infrastructure provided by the Town is unlikely to significantly exceed the usual standard and is therefore not recommended. This option could be revisited if landowner and resident expectations in this area significantly shift.</p>
Grants	Drainage, local movement network upgrades, community facilities and POS	Partly recommended. The Town should apply for grants when opportunities arise but this should not be relied upon as the primary source of funding.

**3. Local Structure Plan Project Schedule – Project Update**

The Local Structure Plan project schedule has been updated to account for a DCP **not** being prepared. An update to the indicative timeframes for the completion of the BSE Local Structure Plan and other associated works are outlined in the appendix.

The Town will now proceed with finalising the Local Structure Plan and accompanying Town Planning Scheme Amendment and Local Planning Policy.

**CONCLUSION:**

Following an in depth analysis of the identified 59 infrastructure items against SPP3.6 the Town has decided not to use a DCP as a funding mechanism. Based on this decision the Local Structure Plan project schedule has been updated and the Town will now proceed with finalising the Local Structure Plan and accompanying Town Planning Scheme Amendment and Local Planning Policy.

(To be confirmed 17 October 2018)

**RECOMMENDATION/S:**

**Moved: Cr V Potter**

**Seconded: Cr R Potter**

**That the Future Planning Committee supports the recommendation to not proceed with a Developer Contribution Plan for Burswood Station East.**

**AMENDMENT:**

**Moved: Cr Oliver**

**Seconded: Cr V Potter**

**To insert the words 'recommends that Council' into the recommendation after Future Planning Committee.**

**The Motion was Put and**

**CARRIED (3-0)**

**In favour of the Motion: r Oliver; Cr R Potter; and Cr V Potter;**

**SUBSTANTIVE MOTION AS AMENDED:**

**Moved: Cr V Potter**

**Seconded: Cr R Potter**

**That the Future Planning Committee recommends that Council supports the recommendation to not proceed with a Developer Contribution Plan for Burswood Station East.**

**The Substantive Motion was Put and**

**CARRIED (3-0)**

**In favour of the Motion: r Oliver; Cr R Potter; and Cr V Potter;**

(To be confirmed 17 October 2018)

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

Nil

**10 MEETING CLOSED TO THE PUBLIC**

**10.1 Matters for which the meeting may be closed**

Nil.

**10.2 Public reading of resolution that may be made public**

**11 CLOSURE OF COMMITTEE MEETING**

There being no further business, Cr Ronhhda Potter closed the Committee meeting at 6:15pm.

I confirm these Minutes to be true and accurate record of the proceedings of the Council.

Signed: .....

Cr R Potter  
A/Presiding Member  
2018

Dated this: ..... Day of

## 12 WORKSHOP TOPICS AND PRESENTATIONS

*The Workshop and Presentations commenced at 6.15pm.*

### 12.1 IGA Laneway Update

Strategic Project Manager, Mr Jack Bidwell provided the committee with an overview of the IGA Laneway Project – Old Places New Spaces following the consultation process and pop up event that had taken place over a three (3) week period during August and September. Mr Bidwell advised that the Design Phase is anticipated to be finalised by December 2018.

*Mr Bidwell left the meeting at 6:28pm*

### 12.2 Multiple Crossovers to Development Sites

Manager Development Services, Mr Robert Cruickshank presented to the Committee information related to crossovers on Development Sites. The Committee supported the process in principle and requested an update at the Future Planning Committee meeting in December.

### 12.3 Carlisle Place Management

Manager Place Planning, Mr David Doy provided an update on what's happening in Archer Street, Carlisle. Mr Doy advised that the newly formed group Archer Street Business & Residents has proposed an event in November called Summer Eve on Archer, where they hope to get as many people as practical to attend and support the business involved in the new group.

### 12.4 The Trackless Tram

Chief Community Planner, Ms Natalie Martin Goode recently attended a workshop at Curtin University, facilitated by Professor Peter Newman on the Trackless Tram initiative for Perth. Ms Martin Goode provided the committee with a snapshot of the event.

The presentation given by Professor Newman can be viewed at the following link:  
<https://echo360.org.au/media/fe3872d7-c1de-4b75-9b00-6a3549433604/public>

## 13 GENERAL BUSINESS

Nil

(To be confirmed 17 October 2018)

**14 REQUEST FOR REPORTS FOR FUTURE CONSIDERATION**

<b>Forthcoming Agenda Items</b>	
<b>Reports</b>	
Signs LPP - Yes	October 2018
Local Planning Policies: 31 (H); and 29 (M) - Yes	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
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
<b>Workshop Topics</b>	
Parking Policy (Planning) - Yes	October 2018
Land Scaping on Development Sites - Yes	October 2018
Update on the Review of the Public Open Space Strategy	October 2018
Update on Crossover policy	November 2018
Higgins Park Master Plan	TBC'd
<b>Presentations / Deputations</b>	

**15 CLOSURE OF WORKSHOP**

There being no further workshop topics to discuss, Cr R Potter closed the workshop at 7:06pm.