

# agenda

Future Planning Committee



Please be advised that a **Future Planning Committee Meeting** will be held at **5.30pm** on **Wednesday 20 June 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**

**15 JUNE 2018**

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## 1 OPENING

## 2 ATTENDANCE

### Members:

<b>Banksia Ward:</b>	Cr C (Claire) Anderson (Presiding Member) Cr R (Ronhda) Potter
<b>Jarraah Ward:</b>	Cr B (Brian) Oliver Cr V (Vicki) Potter (Deputy Mayor)

<b>Chief Community Planner</b>	Ms N (Natalie) Martin Good
<b>Chief Operations Officer</b>	Mr B (Ben) Killigrew
<b>Manager Development Services</b>	Mr R (Robert) Cruickshank
<b>Manager Place Planning</b>	Mr D (David) Doy
<b>Senior Strategic Planner</b>	Ms C (Carly) Pidco
<b>Senior Strategic Planner</b>	Mr S (Simon) O'Sullivan
<b>Environmental Officer</b>	Mr B (Brendan) Nock
<b>Strategic Projects Manager</b>	Mr J (Jack) Bidwell,
<b>Secretary:</b>	Mrs S (Susan) Fraser

### Guests:

### 2.1 Apologies

### 2.2 Approved Leave of Absence

## 3 DECLARATIONS OF INTEREST

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

### Declaration of Financial Interests

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

Council in the decision making process if they have disclosed their interest.

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

**Declaration of Proximity Interest**

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

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

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

**Declaration of Interest affecting impartiality**

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

Name/Position	
Item No/Subject	
Nature of Interest	

Extent of Interest	
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#### 4 CONFIRMATION OF MINUTES

That the Minutes of the Future Planning Committee Meeting held on 16 May 2018 be confirmed

#### 5 TERMS OF REFERENCE

##### 1 Name

Future Planning Committee

##### 2 Purpose

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

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

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

##### 3 Scope

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

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

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

- Everyone receives appropriate information in the most efficient and effective way for them.
- Appropriate devolution of decision making and service provision to an empowered community.
- People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.
- A community that is authentically engaged and informed in a timely manner.

#### **4 Deliverables**

The Committee will –

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

Specifically the Committee will ensure delivery of the following –

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

#### **5 Reporting**

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

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

## **6 Governance**

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

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

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

## **7 Meeting arrangements**

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

## **8 Authority**

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

## **9 Review**

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

## **6 PRESENTATIONS**

### **6.1 Petitions**

### **6.2 Presentations (Awards to be given to the Town)**

### **6.3 Deputations**

## **7 METHOD OF DEALING WITH AGENDA BUSINESS**

Presiding member invites the author to present his/her report.

*(Presiding member then calls for a mover and seconder)*



## 8 REPORTS

### 8.1 Draft Local Planning Strategy – Victoria Park Towards 2050

<b>File Reference:</b>	PLA/6/25
<b>Appendices:</b>	1. Draft Local Planning Strategy (complete document) 2. Summary of Draft Local Planning Strategy Strategies and Actions
<b>Attachments:</b>	No

<b>Date:</b>	12 June 2018
<b>Reporting Officer:</b>	S.O'Sullivan
<b>Responsible Officer:</b>	N.Martin Goode
<b>Voting Requirement:</b>	Simple Majority

#### Executive Summary:

**Recommendation – Forward the draft Local Planning Strategy (LPS) to the Western Australian Planning Commission to obtain approval for it to be advertised for public comment.**

- The draft LPS sets out a long-term planning direction for the Town.
- It has been informed by an analysis of the Town's context in the State, regional and local planning framework and the strategic direction provided by the Town's Strategic Community Plan.
- The draft LPS sets a vision, in addition to objectives, strategies and actions aimed at enabling future growth and transformation of the Town to become a dynamic place for at least 75,000 residents and 99,000 workers by 2050.
- Approval by Council and the Western Australian Planning Commission (WAPC) to consult on the draft LPS will enable the Town to continue the dialogue it commenced with the community through the Evolve project and allow further engagement on its future planning direction.

#### TABLED ITEMS:

Nil

#### BACKGROUND:

Western Australian planning legislation requires that each local government prepare a LPS for their municipality. A LPS sets out the long-term land use planning direction for the local government, providing an interface between regional and local plans and forming a critical guide to the content of a new local planning scheme and its approach to the zoning and classification of land and regulation of development.

The Town's current Town Planning Scheme No.1 (TPS 1) came into effect in September 1998. A review of TPS 1 was completed in July 2017 and coincided with the finalisation of the Town's 2017-2032 Strategic Community Plan.

The TPS 1 review concluded that a new scheme needs to be prepared to reflect contemporary strategic and legislative requirements and enable achievement of the Strategic Community Plan's vision for the Town's future evolution as a dynamic place with

activated and well-connected centres for commerce, education and entertainment and homes for more than 75,000 residents.

A draft LPS has been prepared, as contained in Appendices, as the critical guiding document for a new planning scheme. While it has a 15-year planning horizon, it infers a long-term planning agenda towards and beyond 2050 by:

- Outlining the framework of regional and local planning strategies and policies that are applicable to the Town;
- Setting out the context and characteristics of the Town; and
- Providing high-level strategic direction for future population and employment, shopping and business activities, transport, parks, open space and other public uses and a basis for the zones, reservations and statutory provisions to be contained in a new scheme, policies and plans.

#### **DETAILS:**

The draft LPS is arranged into two parts:

Part 1, which comprises:

- The overall strategy vision, principles and objectives;
- Specific strategies and actions to deliver various desired planning outcomes; and
- Details relating to the implementation and review of the LPS.

Part 2, which comprises background information and analysis, including:

- The purpose of the LPS and the steps involved in its development;
- The State, regional and local planning context; and
- A profile of the Town and its key planning issues and the factors that have influenced the direction of the LPS.

This approach follows the recommended structural format for planning strategies set out in the WAPC's Planning Manual. Despite the Manual's guidance, there is considerable room for varying approaches to be adopted in respect to the style and content of planning strategies. Planning strategies prepared by other local governments in recent times vary significantly in their approach, particularly in respect to the manner in which recommendations for land use zoning and density codes are detailed.

For example, planning strategies for the Cities of Belmont, Canning and Joondalup contain recommendations that identify specific areas for recoding for higher density, whereas the strategy for the City of Melville has a wider focus on broad planning principles and initiatives.

The Town's draft LPS is more aligned to the Melville approach than to the style of the Belmont, Canning and Joondalup strategies. It is anticipated that detailed provisions for land use, built form and residential density changes will be addressed in the drafting of the new local planning scheme and future precinct-specific master plans, place plans and policies.

Consistent with Town's Strategic Community Plan 2017-2032, the vision of the draft LPS is for the Town to be a dynamic place for everyone that is:

- Home to Perth's most empowered and engaged community;
- Perth's premier place for entertainment and entrepreneurship;
- A leader in sustainability;
- Somewhere that people come first in urban design and safety; and
- Inclusive and connected, with a thriving community.

Various strategies and actions to achieve the vision are arranged under the following headings:

- Economy, Employment and Activity Centres;
- Population and Housing;
- Urban Design and Heritage;
- Recreation and Open Space;
- Community Facilities;
- Tourism and Visitors;
- Environment;
- Transport; and
- Infrastructure Services.

**Legal Compliance:**

The draft LPS has been prepared and will need to be progressed and considered in accordance with the provisions of Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Should Council adopt the draft LPS, it will need to be forwarded to the WAPC for approval to be advertised for public comment. Following consultation, Council will have the opportunity to address any feedback received before resolving whether to finalise the LPS and seek final WAPC approval.

**Policy Implications:**

The Town's Local Planning Policies and other operational policies may require review to ensure alignment with the finalised LPS.

**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>
<b>Reputational.</b> Negative public perception towards the Town may result from some elements of the draft LPS.	Moderate	Likely	High	<ul style="list-style-type: none"> <li>Community consultation about the project.</li> </ul>

**Strategic Plan Implications:**

The content of the draft LPS has been informed by the values, vision, mission and strategic outcomes detailed the Strategic Community Plan.

**Financial Implications:**Internal Budget:

Sufficient funds are set aside in the Strategic Planning service unit budget to progress the draft LPS to finalisation, including the required community consultation phase and ultimate publication.

Total Asset Management:

Nil

**Sustainability Assessment:**External Economic Implications:

Promotion of economic growth opportunities for the Town is a key component of the draft LPS.

Social Issues:

Providing for the social needs of the community is a key component of the draft LPS.

Cultural Issues:

The draft LPS recognises the cultural diversity of the Town.

Environmental Issues:

Protection and enhancement of the environment is a key component of the draft LPS.

**COMMENT:**

The strategies and actions of the draft LPS align with the Town's ambition for transformation over time as dynamic inner city destination, in line with the State Government's land use planning and transport agenda, the objectives of *Perth and Peel @ 3.5 Million* and the Strategic Community Plan, by providing for:

- Significant population and employment growth by 2050 (and beyond);
- The Town to be a regional employment destination facilitated by significant commercial opportunity (existing and proposed) with improved connectivity; and

- The planned development of four station precincts linking to Albany Highway.

More specifically, the Town is planning for an ultimate population in the order of 110,000 persons (currently 39,024) with an employment potential of up to 99,000 jobs (currently 34,732) that can be accommodated in predominantly medium and high density urban environment (up to 60% of the Town) with commercial floor space over 556,000m<sup>2</sup> (and growing), rivalling other metropolitan employment destinations. Combined with the 'specialised' activity generated by the new Perth Stadium and Burswood Peninsula developments at Belmont Park and Crown, as well as the Curtin University precinct and activation of four station precincts and their linkage to the iconic 3.4 km Albany Highway strip, the potential exists for the Town to create a high functioning (live/work/play), inner city urban environment that meets the expectation of its vision, is unique in the Perth metropolitan context and appropriately responds to the challenges of a growing capital city and state.

From a regional perspective, the achievement of this planning ambition will necessitate an alignment of State policy enabling planned growth to occur. In particular, the *State Planning Policy 4.2 – Activity Centres for Perth and Peel* is currently under review by the Department of Planning. The review is long awaited and provides an opportunity to appropriately designate centres of activation across the metropolitan region, provide flexible parameters that encourage intensification of the central sub region, promotes dense living in well planned environments and reduce car usage through connections to accessible public transport. The Town has these attributes and the draft LPS and supporting Activity Centres Strategy (ACS) provide analysis and rationale for seeking strategic variations to SPP 4.2, which in brief:

- Designate the Burswood Peninsula as a *Specialised Activity Centre* given its regional significance as an area of employment, tourism and recreation;
- Designate the Albany Highway (entire length though the Town) as a *Secondary Centre* incorporating six nodes each with its own identity and character, three of which will link directly to the proposed station precincts. The Albany Highway main street has many virtues in support of its designation as a Secondary Centre including a total floor space of 206,561m<sup>2</sup> (2015) of which 56,129m<sup>2</sup> is retail/shop (larger than the designated Secondary Centre at Belmont), 42,126m<sup>2</sup> of office/business, 51,125m<sup>2</sup> is other retail (balance floor space is made up of entertainment, health, service industry uses). The land use mix of Albany Highway provides an impressive 'diversity' performance target of 58% well above the 40% recommended in the policy for secondary centres. Outside of policy and in support of the tourism potential of the Town, the Albany Highway is known to be the longest main street in the southern hemisphere;
- Identify the Causeway Precinct as a *District Centre* in the policy hierarchy. The Causeway Precinct currently supports 86,775m<sup>2</sup> of commercial activity and has enviable assets, notably its location on the city's doorstep and sweeping river and parkland aspect. Such advantage will be capitalised upon for more intensive residential and office/commercial development in time; and

- Work with the State government in support of the progressive Metronet program part of which involves upgrades to Oats Street station, which will be the first of the four town stations to be subject of a planning investigation to create a transit orientated development (TOD) with linkage to the Albany Highway employment, entertainment and tourism node. At this stage broad scoping suggests the precinct could accommodate (in time) 3,600 dwellings, commercial floor space of 135,000m<sup>2</sup> employing 4,335 persons based on TOD principles. Whilst considerable planning work in urban design, economic analysis, infrastructure provision, public realm upgrades is yet to be undertaken and the commensurate statutory provisions put in place, ensuring the awareness of the Town's planning intentions and of its preparedness to work together with all stakeholders to achieve mutually beneficial outcomes is also critical.

#### Community and Other Stakeholder Engagement and Consultation

Many of the key themes contained in the draft LPS had their origins in the Evolve community engagement process and were encapsulated in the Town's Strategic Community Plan. Since then, in formulating the content of the draft LPS, Town staff have liaised with staff of the Department of Planning, Lands and Heritage to engender broad support for the intended approach. Similarly, there have been briefings of Elected Members to ensure general acceptance of the planned direction, as well as Town staff briefings and workshops.

In the event that the WAPC certify that the draft LPS is suitable to be advertised for public comment, the following consultation approach is planned:

#### *Advertising methods prescribed by the Planning and Development (Local Planning Schemes) Regulations 2015*

- Notice provided in local newspaper advertisements;
- Notice and static display of the draft LPS in the Town's Administration Centre;
- Notices provided to various public authorities;
- Notice and display of the draft LPS on the Town's website; and
- Static display at the office of the WAPC;

The Regulations require the period for making submissions to be not less than 21 days, however it is considered more appropriate than at least 42 days be provided.

#### *Additional consultation methods*

- Community reference group to be established;
- Social media presence;
- Digital online engagement through the *Your Thoughts* website;
- Community information sessions; and
- Referral of the draft LPS to neighbouring local governments;

#### **CONCLUSION:**

The draft LPS sets out a high-level, long-term planning direction for the Town and has been informed by an analysis of the Town's context in the State, regional and local planning framework and the strategic direction provided by the Town's Strategic Community Plan. It

sets a vision, in addition to objectives, strategies and actions, aimed at enabling future growth and transformation of the Town to become a dynamic place for at least 75,000 residents and 99,000 workers by 2050.

Approval by Council and the Western Australian Planning Commission (WAPC) to consult on the draft LPS will enable the Town to continue the dialogue it commenced with the community through the Evolve project and allow further engagement on its future planning direction.

**RECOMMENDATION/S:**

- 1. That the Future Planning Committee recommends that Council, pursuant to section 12 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forwards the draft Local Planning Strategy, as contained within the appendices, to the Western Australian Planning Commission to certify its suitability to be advertised for public comment.**
  
- 2. That the Future Planning Committee recommends that Council, upon the Western Australian Planning Commission certifying that the draft Local Planning Strategy is suitable for public comment, undertakes consultation pursuant to section 13 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the additional methods outlined in this report.**

## 8.2 Adoption of the City of South Perth and Town of Victoria Park Joint Bike Plan

<b>File Reference:</b>	TAT/4/5
<b>Appendices:</b>	Yes
<b>Attachments:</b>	Nil

<b>Date:</b>	07/06/2018
<b>Reporting Officer:</b>	H. Boyd
<b>Responsible Officer:</b>	B. Killigrew
<b>Voting Requirement:</b>	Simple Majority

### **Executive Summary:**

**Recommendation – That the Future Planning Committee recommends Council adopts the City of South Perth and Town of Victoria Park Joint Bike Plan, as contained within the Appendices.**

- The Joint Bike Plan aims to set out the long term vision for the strategic cycling network covering the City of South Perth and Town of Victoria Park area, in line with the State Government's Perth and Peel Transport Plan for 3.5 million People and Beyond;
- The City of South Perth and Town of Victoria Park Joint Bike Plan outlines a five-year action plan for specific improvements to the cycle network and environment for each local government to further investigate and implement;
- This is the first Joint Bike Plan in Western Australia and will be an example of Local Government Authorities working collaboratively to produce positive outcomes;
- An extensive communication and stakeholder engagement strategy was undertaken by the City of South Perth and Town of Victoria Park.

### **TABLED ITEMS:**

Nil

### **BACKGROUND:**

At the Ordinary Council Meeting on the 11 April 2017, Council accepted the Perth Bicycle Network Local Government Grant funding for the 2016/2017 and 2017/2018 financial year totalling \$25,000, as approved by the Department of Transport, for the development of City of South Perth and Town of Victoria Park Joint Bike Plan.

A Request for Quote (RFQ) was administered by City of South Perth with assistance by the Town of Victoria Park to appoint a qualified, competent and experienced consultant to assist in the delivery of the Bike Plan. Integral to the Town of Victoria Park's selection criteria was the requirement for a detailed Stakeholder Engagement Plan. Aurecon consultant was the successful proponent in the RFQ process.

As part of the development of the Joint Bike Plan, extensive consultation was undertaken with the local community, cycling groups and other key agencies. The marketing and promotion of the community engagement activities were carried out jointly by the City of South Perth and Town of Victoria Park.



The local community were invited to provide feedback on their cycling journey via an online questionnaire, online mapping tools and community workshops. This provided the opportunity to identify common routes, existing issues, barriers to cycling, and desired locations to improve or provide additional facilities and infrastructure.

Throughout the development of the Plan, several stakeholders were consulted, including state government agencies, adjacent local government authorities, Curtin University and local cycling groups.

Technical Officers at the City of South Perth and Town of Victoria Park were also consulted to ensure the Joint Bike Plan aligns with local strategies and future projects.

The draft Joint Bike Plan was available for public comment from 19 February until 12 March 2018. Key stakeholders, bicycle user groups, over 3,000 residents, workers and regular bicycle commuters who had registered their interest in the development of the draft Joint Bike Plan were invited to provide their feedback for Council's consideration.

The release of the draft Joint Bike Plan was also reported through various media outlets including The Southern Gazette, Council newsletters, Council websites, Council online engagement portals, social media and bicycle user group websites.

A total of eight submissions were received. All submissions were analysed by the network consultant to determine what changes were needed to be made to the draft Joint Bike Plan. All submissions received were in support of the draft Joint Bike Plan.

#### **DETAILS:**

The City of South Perth and Town of Victoria Park's draft Joint Bike Plan has been developed as part of the two Local Government Authorities commitment to improving cycling infrastructure in the two areas by linking peripheral connections and recognising that these improvements will offer a more sustainable and active transport alternative.

The first key component of the Plan is the establishment of the long term aspirational cycle network, i.e. what the cycle network within the City of South Perth and Town of Victoria Park endeavours to look like by the time Perth's population grows to 3.5 million (towards the year 2050).

The second key component of the Plan is the establishment of a five year action plan for each Local Government Authority. The action plan identifies key cycle infrastructure projects to be further investigated and delivered by each Local Government Authority. A total of 13 key infrastructure projects are proposed for delivery.

#### **Legal Compliance:**

All works undertaken will comply with Austroads Guidelines and relevant Australian Standards relating to bicycle infrastructure.

#### **Policy Implications:**

##### **Asset Management – Infrastructure**

Development and implementation of the Joint City of South Perth and Town of Victoria Park Bike Plan is aligned with the objectives set out in the Asset Management – Infrastructure Policy ENG14.

### Public Participation Policy

Development and implementation of the Joint City of South Perth and Town of Victoria Park Bike Plan is aligned with the framework set out in the Public Participation Policy GEN6.

#### 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>
<b>Reputational.</b> Co-ordination of projects across municipal boundaries – E.g infrastructure not linking on strategic routes as a result of timing or poor communication between major stakeholders	Moderate	Likely	High	Send copy of the endorsed Joint City of South Perth/Victoria Park Bike Plan to major stakeholders including program of upcoming works that may impact co-ordination.
Currently, there is limited funding allocated towards Bike Plan Projects.	Minor	Likely	Moderate	Consider minor budget in 2018-19 financial for detailed design and scoping – Commence preparing business cases for high impact projects.
Adverse effects – Mainly loss of on-street parking.	Moderate	Likely	High	Commence preparing business cases for high impact projects.
Not all residents participated in the engagement of the Bike Plan and may oppose any future treatments proposed.	Moderate	Likely	High	It's very difficult to obtain feedback from all ratepayers/stakeholders. As projects develop and more detailed information becomes available, Council staff to undertake focussed engagement rather than area wide to target implementation programs.

**Strategic Plan Implications:**

The Town's vision is a dynamic place for everyone.

**Strategic Plan Outcomes:**

Social – to promote sustainable, connected, safe and diverse places for everyone.

- S1: A healthy community.
- S3: An empowered community with a sense of pride, safety and belonging.

Economic – to promote sustainable, diverse, resilient and prosperous places for everyone.

- EC2: A clean, safe and accessible place to visit.

Environment – to promote sustainable, connected, safe and diverse places for everyone

- EN2: A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.
- EN3: A place with sustainable, safe and convenient transport options for everyone.

Civic Leadership – To show leadership by communicating with, empowering and supporting people in the community.

- CL1: Everyone received appropriate information in the most efficient and effective way for them.
- CL2: A community that is authentically engaged and informed in a timely manner.
- CL3: Well thought out and managed projects that are delivered successfully.
- CL4: Appropriate information management that is easily accessible, accurate and reliable.
- CL7: People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.
- CL10: Legislative responsibilities are resourced and managed appropriately, diligently and equitably.

**Integrated Movement Network Strategy**

The Town of Victoria Park's Integrated Movement Network Strategy (IMNS) promotes improved cycling infrastructure in order to encourage greater uptake of cycling to complement community wellbeing and safe, attractive streetscapes which are key result areas of the Town of Victoria Park's Strategic Community Plan.

**Financial Implications:**Internal Budget:

Funding will be proposed and considered in future budgeting as per the Joint Bike Plan recommendations.

Total Asset Management:

The Joint Bike Plan projects implemented over the next five years will form part of the Town of Victoria Park's road assets new and renewal to be included in the maintenance regime in the operational area. Total asset management assessment will take place during budget consideration.

**Sustainability Assessment:**External Economic Implications:

Improved cycling infrastructure is likely to yield results in terms of positive outcomes for cyclists and a corresponding increased use of bicycles for transport. It is hoped this will have

a positive effect on the businesses and services within the Town as more people view the Town of Victoria Park as a Local Government Authority committed to infrastructure supporting alternative modes of transport.

Social Issues:

An increase in cycling within the Town will improve the health and wellbeing of community members and assist in developing more people-friendly neighbourhoods. With fewer cars and more people on the streets, a greater sense of community is developed. People on bicycles tend to engage with other cyclists and pedestrians in a different way to those in cars. Cycling also provides a cost efficient and sustainable form of transport.

Cultural Issues:

The close proximity of the Town to Perth City and good connectivity to public transport mean that a mode shift is possible from single car occupants to cyclists for many trips. Improved cycling infrastructure is critical to this mode shift. Travel behaviour change to increase cycling within the Town relies on good cycling infrastructure.

Environmental Issues:

Continuing to provide safe and efficient cycling facilities will encourage and facilitate more use of bicycles, rather than vehicles, for commuting, transport or recreational journeys. Reducing vehicle dependency will help reduce vehicle emissions and vehicle noise.

**COMMENT:**

The adoption and implementation of the Joint Bike Plan will provide positive impacts for the community in terms of health, social, economic and environmental benefits for those who live, work and visit the Town of Victoria Park.

**CONCLUSION:**

The Joint Bike Plan aims to set out the long term vision for the strategic cycling network over the City of South Perth and Town of Victoria Park area, in line with State Government's Perth and Peel Transport Plan for 3.5 million People and Beyond.

This is the first time two local governments have worked together to deliver a Joint Bike Plan in Western Australia, providing an excellent opportunity for consistent outcome's and benefits for the wider community.

**RECOMMENDATION:**

**That Council adopts the recommendation of the Future Planning Committee to adopt the City of South Perth and Town of Victoria Park Joint Bike Plan as contained within the Appendices.**

### 8.3 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</li> <li>2. Summary Report of Preliminary Consultation Outcomes</li> <li>3. Submission from Restaurant and Caterers Association</li> </ol>
<b>Attachments:</b>	No

<b>Date:</b>	11 June 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 draft HLTH6 Mobile Food Vendors Policy be advertised for public comment.**

- A draft Policy has been prepared to establish and guide the appropriate location, management and operation of mobile food vendors with 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.
- Preliminary consultation undertaken in January to February 2018 indicated a high level of community support for mobile food vending to occur at public open spaces 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 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.
- It is intended for the Policy to be trialled for the 2018/2019 Summer trading period from November to March, with a review to follow in Autumn 2019.
- It is recommended that the draft Policy be advertised for public comment and consultation with key external stakeholders and relevant State Government agencies.

#### TABLED ITEMS:

Nil

#### BACKGROUND:

##### Preliminary Consultation

Preliminary community consultation was undertaken from 16 January to 7 February 2018 through the Town's 'Your Thoughts' online consultation hub. 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.

This engagement involved the following:

- Your Thoughts online consultation hub
  - Community Survey, Pin a Place, Ask a Question, Quick Poll, FAQs
- Advertisements in Southern Gazette and on social media calling for submissions
- Community Survey:
  - basic questions to help underpin and establish policy direction;
  - identify desirability of food trucks/mobile food vendors in the Town; and
  - where and when people do or don't wish to see mobile food vendors operating.

There were a total of 574 visits to the Your Thoughts consultation page for the project during the consultation period. Of these:

- 497 visitors were 'aware participants' (individuals accessing the project home page);
- 346 were 'informed participants' (visited the Key Dates page, viewed FAQs, visited multiple pages or contributed to a tool);
- 118 participated in the Community Survey;
- 107 participated in the Quick Poll, with 76% of respondents indicating they support mobile food vendors operating in the Town;
- 3 asked questions;
- 24 pinned a place on a Map; and
- 93 new user registrations to Your Thoughts.

#### Community Survey Results

The majority of submissions were received from residents, ratepayers and/or property owners within the Town. The 118 submissions identified the following with respect to the trading of mobile food vendors within the Town:

- 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.

A summary report of the consultation outcomes is included in the Appendices.

### 'Pin a Place' Results

- 71 visitors, 57 contributions from 24 visitors (average of 2 or 3 locations nominated)
- 24 locations nominated for Food Trucks – 20 of these were public open spaces, 2 train stations, and 2 road/shop locations.

### WA Mobile Food Vendors Association

The WA Mobile Food Vendors Association have indicated general support and interest in mobile food vendors operating within the Town. It is expected they will provide further detailed comments during the recommended consultation for the draft policy.

### Restaurant and Caterers Association

The Restaurant and Caterers Association (R&CA) were directly consulted during the preliminary consultation phase and provided an initial submission on behalf of its members (Appendix 3). The recommendations requested by the R&CA for consideration by Council Officers in the development of the draft Policy are listed and responded to in the Comments section of this report.

### 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 (Appendices 3 and 4). The discussions during these meetings indicated a general level of support for the likely direction and form of the draft policy.

### **DETAILS:**

A draft Policy has been prepared to establish and guide the appropriate location, management and operation of mobile food vendors with the Town (Appendix 1).

The Town does not have an adopted policy position with respect to the location or regulation of mobile food vendors, and applications to trade within the Town are assessed on an ad hoc basis, and may require multiple forms of approval depending on whether they are located on Council property, privately owned land, public open spaces, car parks or on the roadside.

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.

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.

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.

It is intended for the Policy to be trialled for the 2018/2019 summer trading period from November 2018 to March 2019, with a review to follow in autumn 2019.

The draft Policy is organised as follows:

- Part 1 – General  
(Policy application, purpose, objectives and definitions)
- Part 2 – Permit Requirements  
(Application requirements, permit conditions, renewal and suspension, events trading, itinerant food vendors)
- Part 3 – Vendor Trading and Location Guidelines  
(Approved locations, trading hours, trading at multiple locations, waste management, signage, noise, parking, public liability)
- Part 4 – Approved Designated Trading Areas  
(Maps of public open spaces with approved trading areas marked, vehicle access points identified and trading hours/maximum vendor numbers detailed)

#### Internal Staff Review

The draft Policy has been referred internally to a broad range of staff and service areas that will or are likely to be impacted by its recommended implementation, including Environmental Health, Parks, Waste and Bookings. An initial working group meeting followed by multiple meetings, discussions and correspondence with internal staff have informed development of the draft Policy.

#### Review of Other Local Government Policies

The draft Policy has been informed by a review of other local government mobile food vehicle/food truck policies, including those of the Cities of Bayswater, Fremantle, Kwinana, Perth, Vincent and Wanneroo.

#### Community Consultation:

It is recommended that the draft Policy be advertised for public comments and consultation with key external stakeholders and relevant State Government agencies (refer to comments under Legal Compliance below).

While not a local planning policy, it is recommended that the draft Policy be subjected to a similar level of community consultation, including:

- Letters to owners and occupier of properties immediately surrounding the proposed mobile food vendor trading locations/public open space;
- Emails to known food business contacts, organisations and all submitters that made contributions during the Town's preliminary consultation;
- 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.



**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.

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

Application for a Form 7 Permit under the *Swan and Canning Rivers Management Regulation 2007* is required to be obtained from 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 approval process is approximately 4-6 weeks following receipt of the application. Initial enquiries have been made as to whether it will be possible for a single approval to be issued to the Town, rather than requiring individual permits for each mobile food vendor/activity as would usually be the case. Council Officers have been requested to provide a written enquiry with a copy of the draft policy for consideration before a formal response is provided. It is recommended that this occur during the community and stakeholder consultation period.

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

Written consent is likely to be required for mobile food vendor trading to occur at McCallum Park and Edward Millen Park, under Section 75 of the *Land Administration Act 1997*, as these Crown land sites are conditional tenure land that cannot be the subject of any licence, mortgage, charge, security or other encumbrance without the written approval of the Minister for Lands. The approval process usually takes a number weeks. Initial enquiries have been made as to whether it will be possible for a single 'blanket' type approval to be issued to the Town, rather than requiring individual permissions for each mobile food vendor/activity as would usually be the case in relation to a specific event or activity occurring for a defined time period. Council Officers have been requested to provide a written enquiry with a copy of the draft policy for consideration before a formal response is provided. It is recommended that this occur during the community and stakeholder consultation period.

**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. These are outlined below.

**Strategic Community Plan 2017-2032**

The Town's Strategic Community Plan is the principal strategy outlining the long-term vision, values, aspirations and priorities for the Town of Victoria Park for the next 15 years. The policy aligns with the plan by embracing the following strategic outcomes:

- Social - The outcome is to provide an environment where the community can live a safe, healthy and active life with opportunities to participate in socially diverse and culturally rich activities and exchanges.
  - S1 – A healthy community.
  - S3 – An empowered community with a sense of pride, safety and belonging.
  - S4 – A place where all people have an awareness and appreciation of arts, culture, education and heritage.
- Economic - The outcome is to provide the community with a vibrant, strong and sustainable local economy as well as a range of business and employment opportunities.
  - EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.
  - EC2 – A clean, safe and accessible place to visit.
- Environment – The Town’s natural environment (including parks and reserves) have been enhanced and protected, providing options for a cleaner, healthier lifestyle.
  - EN6 – Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.

#### Safer Neighbourhoods Plan 2017-2022

The draft Policy supports Crime Priority Area 3 contained in the Safer Neighbourhoods Plan to support and encourage inclusive and socially connected streets and neighbourhoods, by promoting social inclusion and connectedness and increasing the activation and vibrancy of the Town’s public open spaces.

#### Events and Place Activation Strategy 2017-2018

The draft policy is consistent with the following objectives of the Events and Place Activation Strategy:

- Foster community pride and involvement in a diverse and vibrant Town – through activation and celebration of people, spaces and places, and creating an inclusive environment for people to live, work and play.
- To be a destination of choice by – attracting and increasing visitors to the Town, fostering and facilitating a destination rich with experiences for everyone to enjoy, and creating the right environment for events and activation to succeed.
- Destination development – encourage local residents and community groups to activate local spaces and places through community-driven initiatives and events.
- Place activation – investigate and pursue opportunities to activate local street and neighbourhood spaces with events (not just along Albany Highway and East Victoria Park).
- The Town will maintain, enhance and develop Town infrastructure and resources, including parks and reserves, to activate local spaces and to attract visitors to the Town.
- Identify and implement new and innovative methods to support best practise approach and capitalise on emerging opportunities in relation to event and place activation within the Town.

### Disability Access and Inclusion Plan 2017-2022 (DAIP)

The draft Policy has been prepared in alignment with the outcomes of the DAIP, most notably ensuring that events organised by the Town are planned and delivered in accordance with the Disability Service Commission's 'Creating Accessible Events Checklist'. This checklist has been integrated into the Town's Operational Events Guide and supporting Accessibility Checklist, which focuses on ensuring events held in external environments are accessible for people with a disability by providing a continuous, even accessible path of travel.

Efforts have been made to ensure that the proposed Designated Trading Areas are conveniently located, close to public car parking areas (and disabled car parking bays) and are on predominantly flat, accessible areas of the relevant public open spaces.

### Healthy Vic Park Plan 2017-2022

The draft Policy is aligned with the following "Community Visions" and associated actions contained in the Healthy Vic Park Plan under the Key Areas of 'Healthy People and Community' and 'Healthy Business and Events':

- There is healthy air, water and land for me to recreate and live:
  - Action 2 – Implement and adhere to legislative requirements as defined in the Food Act, Environmental Protection Act, etc.
- There are activated and exciting urban spaces for me to socialise with others.
- I am connected and supported by my community:
  - Action 1 – Deliver programs and initiatives that encourage resilience and positive mental health
  - Action 4 – Link and foster socially inclusive opportunities for all residents, including culturally and linguistically diverse community members, Aboriginal people, seniors, people with a disability, youth with complex needs and young families.
- There are social events for me:
  - Action 1 – Deliver events that create community connectedness and cohesion
  - Action 2 – Promote and encourage premier public events in the local community
  - Community Vision: My local government leads by example when it comes to being a healthy business.
  - Action 5 – Ensure health is considered and incorporated into new and reviewed plans and policies.
- There's a healthy and safe food option for me.
  - Action 1 – Offer healthy eating alternatives at events
  - Action 2 – Monitor and educate food business around food safety initiatives
  - Action 3 – Work directly with and support food businesses and outlets to provide healthy food options

**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 proposed draft Policy for the purposes of community consultation, including consultation with industry organisations, relevant State Government agencies, local food businesses and directly with mobile food vendors. This feedback to then inform further changes/improvements to the draft Policy, prior to an anticipated recommended trial implementation 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	Moderate	Unlikely	Low	
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	
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	Moderate	Unlikely	Low	

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation / Actions
implementing the policy or managing/mitigating potential adverse impacts.				
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	
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	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 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.

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 conditions of 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.).

**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.

The key features of the draft Policy are described in the 'Details' section above.

Submission from Restaurant and Caterers Association

The recommendations requested in the submission from R&CA are listed and responded to below.

<b>Recommendation from R&amp;CA</b>	<b>Council Officers Comments</b>
1. That no mobile food vendors are permitted to operate within a 100-metre radius of an existing café or restaurant business. This rule would only apply during the normal operating hours of these existing food business.	Supported in part – A major objective of the policy is to provide greater choice and diversity of food options in locations where currently little exists. However, subject to the consultation and having regard to the types of food offers available, there may be instances where existing business can comfortably (and even benefit) from the nearby trading of mobile food vendors, through the additional attraction of potential customers to their vicinity.
2. The Town impose a limit on the overall number of mobile food vendors permitted to operate within its boundaries at any one time.	Supported in part – The draft policy proposes a maximum number of mobile food vendors that can trade at any one location at one time. The total number of vendors able to trade across all locations at any one time is 94, however many of the proposed locations will have one or no mobile food vendors operating on them for much of the available trading times, as sufficient numbers of potential customers/park users to make trading financially viable will occur only infrequently if at all – e.g. on weekends, Friday nights, public holidays or celebrations, etc.. Accordingly, the potential competition that mobile food vendors could have with the approximately 250+ bricks and mortar businesses operating within the Town is considered minimal.
3. That there should be only incremental increases in the number of operators permitted to trade each year to allow the Town of Victoria Park a sufficient opportunity to monitor the impact of mobile food vendors on existing businesses.	Supported in part – The draft policy is proposed to be subjected to rigorous community consultation and implementation on a trial basis, followed by a review following the trial. It is not anticipated that the trial will identify a substantial demand for mobile food vendor trading higher than that proposed, and the trading of mobile food vendors is likely to be self-limiting due to limited exposure and numbers of potential customers at the designated trading areas.
4. That the operation of mobile food businesses be subject to all applicable regulations that existing food businesses are required to comply with.	Supported – As food businesses, mobile food vendors are subject to the same or similar Environmental Health food and safety regulations/legislation that is applicable to bricks and mortar food businesses.
5. That the same standards of enforcement must also apply to mobile food vendors as existing food businesses.	Supported – As above. Additionally, provision under the Thoroughfares Local Law provides Council the ability to infringe non-compliant food vendors or to suspend or cancel a Vic Park Vendor's Permit where a breach of the permit conditions (and by extension the draft Policy), or Local Law occurs.
6. That the maximum permit cost	To be considered at later stage. Refer to comments

Recommendation from R&CA	Council Officers Comments
<p>paid by mobile food vendors reflects the commercial value of trading in certain precincts, and is comparable to the Council rates applied to the operation of bricks and mortar food businesses.</p>	<p>below in relation to Permit Fees.</p>
<p>7. The Town explicitly outline its support for existing bricks and mortar food businesses in all relevant Council collateral and communication material regarding the regulation of mobile food vendors.</p>	<p>Supported in part – The Town actively supports and promotes bricks and mortar food businesses in a number of its strategies and projects, including the Albany Highway Activation Project, various economic development projects and the recently implemented ‘Eat, Ride n Enjoy’ campaign. The draft Policy objectives include reference to existing bricks and mortar businesses and the consideration of proximity/competition to these as a contributing factor in the selection of the proposed designated trading areas.</p>

**Selection and Evaluation of Proposed Designated Trading Areas**

The initial draft of the Policy considered both the public open spaces identified by the community as potential locations they would like to see mobile food vendors trading within the Town during the preliminary consultation, as well as the following additional factors:

- Public car parking bays (including disabled access bay(s)) and their proximity to suitable mobile food vendor trading locations;
- Flood lighting (so as to permit night time (dinner) trading);
- Availability of public toilets;
- Amenities and other infrastructure associated with prolonged use/enjoyment of the public open space (and therefore higher propensity for purchase of food/beverages) – i.e. benches/seating, children’s playgrounds, shaded grassed areas/picnic spots, etc.
- Site conditions and topography – public open space
- Vehicular access onto the public open spaces
- Size of the public open space - Capacity of proposed locations to accommodate mobile food vendor vehicles;
- Location/proximity to existing bricks and mortar food premises; and
- Potential benefits that may be gained through increased activation (e.g. reduced crime/antisocial behaviour, increased use of under-utilised public open space, increased awareness/enjoyment of the Town’s heritage, etc.)

A number of the locations do not achieve all of the above criteria, notably Edward Millen Park, John Macmillan Park and Rayment Park, which are located in close proximity to existing bricks and mortar food businesses. It is considered that on balance and subject to community consultation that these locations represent important and unique opportunities for increased activation and utilisation of these public open spaces by the community. The additional competition brought by mobile food vendors at these select locations is not considered significant and may even increase patronage of local businesses by attracting more people to the area.



Following further review (including site inspections and internal staff liaison) the initial draft was revised resulting in the following changes:

- Carlisle Reserve – Designated trading area originally located near playground/oval scoreboard which is narrow and at risk of conflicting with playground users, oval users/players and spectators. Relocated to larger grassed area adjacent to car park vehicle entry gate. Location also replaces removed Fletcher Park trading location.
- Fletcher Park – Removed as a trading location as responsibility for maintenance and management of the public open spaces rests with the WA Cricket Association.
- G O Edwards Reserve – Reduction in maximum vendor numbers at Designated Trading Area B due to limited size of the grassed area adjacent to the recently installed nature playground;
- Higgins Park - the removal of a second designated trading area at Higgins Park (at corner of Hill View Terrace and Creaton Street) due to steep slope of this location and significant distance away from other park amenities and facilities.

### Permit Fees

Determination of the appropriate fee to charge Vic Park Vendor's Permit holders is yet to be conducted. Whilst there have been calls by the R&CA and some established food businesses that the charges imposed should equate to those applicable to bricks and mortar food businesses, a number of factors will need to be considered by the Council. These include the costs to Council in administering the Policy, ensuring balance/equity between the various fees charged for the various permit types issued by the Town for food businesses, as well as the high seasonality of trade of mobile food vendors.

Notwithstanding, it is recommended that for the duration of any trial implementation of the 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 alfresco dining for brick 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:**

It is recommended that the Future Planning Committee recommend to Council that the draft HLTH6 'Mobile Food Vendors Policy' (see Appendix 1), be advertised for public comment and consultation with key external stakeholders. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the draft Policy (in its current form or in a modified form informed by the results of the community consultation and further review/refinement).

If adopted, and subject to the proposed locations being supported by the community and ultimately Council, there may be a number of implementation measures (subject to further

detailed site evaluations) required to facilitate trading at each of the sites (e.g. access, facilities maintenance, trading area boundaries at each location, etc.).

There will also be additional regulatory approvals required to be obtained from the Department of Biodiversity, Conservation and Attractions, and the Department of Planning, Lands and Heritage to facilitate trading at McCallum Park and Edward Millen Park, as proposed under the Policy. It is recommended that these be pursued during the public consultation process as they may take approximately two months to obtain or may need to be removed from the draft Policy if the required approvals/consents are not forthcoming.

**RECOMMENDATION/S:**

**The Future Planning Committee recommends that the Council authorises public advertising of the draft policy 'HLTH6 Mobile Food Vendors (Vic Park Vendor's) Policy' (contained in Appendix 1 to this report), including consultation with key stakeholders and relevant organisations, for a period of 21 days, and that the outcomes of the public advertising and consultation be summarised in a further report to the Council prior to adoption of a final Policy for implementation on a trial basis.**

## 8.4 Proposed Amendment to St James – East Victoria Park Suburb Boundary

<b>File Reference:</b>	GOV/3/0001~02
<b>Appendices:</b>	No.
<b>Attachments:</b>	No

<b>Date:</b>	18 May 2018
<b>Reporting Officer:</b>	T. McCarthy
<b>Responsible Officer:</b>	B. Killigrew
<b>Voting Requirement:</b>	Simple Majority

### Executive Summary:

**Recommendation – The Future Planning Committee recommends that Council endorses the proposal to amend the suburb boundary between St James and East Victoria Park, between Berwick Street and Jarrah Road such that the amended boundary will be realigned to the centre of Hill View Terrace.**

- Geographic Names Landgate be requested to approve amendment to the suburb boundary between St James and East Victoria Park.

### TABLED ITEMS:

Nil

### BACKGROUND:

A resident of Jarrah Road, East Victoria Park, has contacted the Town and Elected Members to request that the suburb boundary between St James and East Victoria Park, between Berwick Street and Jarrah Road, be adjusted such that the amended boundary will be realigned to the centre of Hill View Terrace. The proponent has suggested that Hill View Terrace is the natural boundary between St James and east Victoria Park.

### DETAILS:

The boundary separating the suburbs of St James and East Victoria Park, between Berwick Street and Jarrah Road, currently meanders around the rear of the residential properties on the north side of Hill View Terrace between Berwick Street and Devenish Street, then along Playfield Street, then around the rear of properties on the north side of Pallitt Street, and then along Jarrah Road to Hill View Terrace. It is not known how the current boundary alignment was determined, and the suggested re-alignment does appear to have logic.

### Legal Compliance:

Suburb boundaries are administered by Geographic Names Landgate and any changes to the boundary of a suburb must be approved by Geographic Names Landgate.

### Policy Implications:

Nil

**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>
There may be some minor inconvenience to mail deliverers, taxi services and delivery services.	Low	Low	low	Affected property owners have all been consulted. If the proposed boundary amendment is approved by Council and by Geographic Names Landgate, the amendment will be publicised and affected property owners and residents will be notified.

**Strategic Plan Implications:**

Nil

**Financial Implications:**

Internal Budget:

Nil

Total Asset Management:

Nil

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

All owners of properties who would be affected by the proposed boundary change were consulted and invited to submit comment on the proposal. Of the 50 owners contacted, 25 responses were received. 23 of the responses received indicated support for the proposed boundary change.

Responses in support of the proposed boundary change:

ADDRESS	OWNER'S COMMENT
43 Creaton Street	It just makes sense to have the boundary on a major road rather than on a tiny side street (Pallitt Street). We are also tired of utilities etc. who cannot concur which suburb we are in – EVP or St James! Cheers.
45 Creaton Street	We the owners of 45 Creaton Street St James agree with the proposal to change the boundary as outlined in the letter we received from the Town of Victoria Park. We fully support the proposal.
51 Creaton Street	Agree
55 Creaton Street	Good idea
57 Creaton Street	Agree
1 Fred Bell Parade	RSL. Happy for this to occur.
45 Hill View Terrace	Agree
47 Hill View Terrace	I think this is a fantastic idea. We experience confusion on a regular basis over our current address. This proposed change would simplify the boundary delineation.
53 Hill View Terrace	I wish to inform you that I, the owner of 53 Hill View Terrace, AGREE with the proposal to amend the suburb boundary between East Vic Park and St James, between Berwick Street and Jarrah Road such that the amended boundary for that section will be realigned to the centre of Hill View Terrace.
65 Hill View Terrace	We, the owners of 65 Hillview Terrace agree with the proposal to amend the suburb boundary between East Victoria Park and St. James, between Berwick St. and Jarrah Rd. such that the amended boundary for that section will be realigned to the centre of Hill View Terrace. YES. Please take all steps necessary to expedite this Process.
121 Hill View Terrace	We agree that the proposal is logical and makes sense.
123 Hill View Terrace	Seems like an excellent idea!
110 Jarrah Road	We the owners of 110 Jarrah Rd are in favour with the proposal to amend the suburb boundary from St James to East Vic Park.
112 Jarrah Road	We are in favour of the boundary realignment due to the following reasons: <ul style="list-style-type: none"> <li>• This is a more simple way to break up the suburbs.</li> <li>• This is the Council boundary and as such they will match. We are already part of Town of Victoria Park.</li> <li>• It may have a positive effect on the property value.</li> </ul>
116 Jarrah Road	This will be fantastic news
118 Jarrah Road	I the owner of 118 Jarrah Road St James WA 6102 are in favour of the proposed amendment to change the suburb boundary between EVP and St James.

<b>ADDRESS</b>	<b>OWNER'S COMMENT</b>
120 Jarrah Road	I think it is a great idea
122 Jarrah Road	I would love the boundary changed to the middle of Hill View Terrace. It makes sense in so many ways. It looks so much more sensible down Hill View Terrace rather than zigzagging behind houses. Also the large flow of traffic down Hill View is a natural border between the two suburbs.
124 Jarrah Road	Agree
126 Jarrah Road	I've always thought that that is where the suburban boundary should be.
3 Pallitt Street	It makes sense to amend the boundary of East Vic Park to Hill View Tce. Current arrangement creates confusion and difficulty in giving address details to people.
4 Pallitt Street	As co-owners of 4 Pallitt St, we vote in favour of the proposed change, effectively changing our property's address to East Vic Park.
5 Pallitt Street	We agree to this! Very logical! Thank you.

Responses not in support of the proposed boundary change:

<b>ADDRESS</b>	<b>OWNER'S COMMENT</b>
49 Creaton Street	<p>Re proposed boundary change.</p> <p>My wife and I purchased block No. 151 Creaton Street and built our current residence almost 60 years ago. At that time we were advised that our address would be in East Victoria Park PC 6101. Some years later we were advised that our area would be known as St. James PC 6102.</p> <p>Each time these changes have been made we have suffered the stress of having to change all our legal documents, plus drivers licence etc.</p> <p>In view of above matters we cannot see any logical or necessary reason to change present boundary back to East Victoria Park. We are definitely against further change.</p>
114 Jarrah Road	<p>We have lived at this address for 24 years and to change the suburb boundary would mean a total change of all our contact details. Who will pay for all our legal document changes? (passport, drivers licence insurance etc.)</p> <p>And what is the real reason to change the boundary/suburb name change?</p> <p>We would like to remain residents of St. James.</p>

In respect to the objections raised by the owners of 49 Creaton Street and 114 Jarrah Road, it is recognised that there may be some inconvenience in amending address details. However amendments need not all be done immediately as there will be no amendment to house numbers or street names, and utility authorities will be notified of the change if it is approved.

**CONCLUSION:**

The proposed amendment to the suburb boundary between St. James and East Victoria Park between Berwick Street and Jarrah Road by shifting the boundary to the centre of Hill View Terrace is recommended as the proposed alignment is a logical location for the suburb boundary and is in accordance with the principles outlined in the Geographic Names Landgate *“Policies and Standards for Geographical Naming in Western Australia.”* Additionally, the proposed amendment is supported by the majority of affected property owners who provided feedback on the proposed amendment.

**RECOMMENDATION/S:**

1. **The Future Planning Committee recommend to Council to approve the proposal to amend the suburb boundary between St James and East Victoria Park, between Berwick Street and Jarrah Road such that the amended boundary will be realigned to the centre of Hill View Terrace.**
2. **The proposal to amend the suburb boundary between St James and East Victoria Park, between Berwick Street and Jarrah Road such that the amended boundary will be realigned to the centre of Hill View Terrace, be submitted to Geographic Names Landgate for approval.**







## 8.5 Recommendation from Future Planning Committee – Endorsement of Kensington Bushland Management Plan

<b>File Reference:</b>	ENV/10/0001
<b>Appendices:</b>	Yes
<b>Attachment:</b>	No

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

### **Executive Summary:**

**Recommendation – That the Future Planning Committee recommend that Council endorses the Kensington Bushland Management Plan.**

- Kensington Bushland is nine hectares of remnant bushland in the Town of Victoria Park. The reserve is the best preserved remnant urban bushland between the Swan and Canning Rivers, and is recognised by the State Government as a Bush Forever site.
- The Town of Victoria Park, in partnership with EcoLogical Australia, has developed a new draft management plan for the site. This is a review of the 2005 document.
- The Kensington Bushland Management Plan provides guidance to the Town on how to best protect and enhance Kensington Bushland that achieve the best possible environmental outcomes, while being cognisant of the surrounding land use.
- Recommend that Future Planning Committee recommend that Council endorse the Kensington Bushland Management Plan.

### **TABLED ITEMS:**

Nil

### **BACKGROUND:**

Kensington Bushland is nine hectares of remnant bushland in the Town of Victoria Park ('the Town'). The reserve is the best preserved remnant urban bushland between the Swan and Canning Rivers, and is recognised by the State Government as a Bush Forever site.

The Town, in partnership with EcoLogical Australia, has developed a new draft management plan for the site. This is a review of the outdated 2005 version.

The Kensington Bushland Management Plan provides a framework for the environmental management of Kensington Bushland for the next five years. It provides guidance to the Town on how to best protect and enhance Kensington Bushland to achieve the best possible environmental outcomes, while being cognisant of the surrounding land use.

Special consideration is made for the Jirdarup Bushland Precinct as a whole (which encompasses George St Reserve and Kent St Sand Pit), strategic revegetation, wildlife corridors and the creation of buffers to protect the bushland where possible, as well as fire management.

**DETAILS:**

This Management Plan has been prepared as a functional document, to allow adaptability and flexibility in management of the Kensington Bushland depending on the circumstances at the time.

Following an initial introductory section (Section 1), the context of the Reserve (Section 2) is described and the threatening processes to those identified values (Section 3) are summarised.

The last section (Section 4) outlines the Reserve management, providing a summary of previous actions that have occurred as well as outlining future management objectives and actions.

In regards to future management actions for the Reserve, some actions are specific and others are higher level. The higher level actions primarily relate to revegetation and weed control, as the Town and its contractors manage this specifically each year determining a plan based on the resources, circumstances and objectives for different areas across the municipality.

Some example recommended actions include:

- Where seedlings are to be planted, ensure seedlings are produced from a nursery accredited by the Nursery Industry Accreditation Scheme Australia (NIASA), specifically to reduce the risk of dieback introductions and weeds;
- Use accredited dieback free mulch (Australian Standard AS4454) from authorised suppliers;
- Investigate the potential impacts of groundwater draw down on mature Banksia species;
- Engage the local community (including Friends of Kensington Bushland) to assist in undertaking the planting for any revegetation projects;
- Engage with surrounding landholders to promote an integrated weed management approach to reduce weed encroachment into the Reserve;
- All potential breeding habitat trees for Black Cockatoos should be retained and prohibited from clearing. Leave dead trees standing; and
- Install a minimum of six artificial nest boxes in the large mature eucalypt trees surrounding the Reserve to encourage use by native fauna.

To assist in decision making and in prioritising recommendations to address key issues, a priority ranking system has been developed, as shown below:

<b>Priority ranking</b>	<b>Definition and justification</b>	<b>Recommended timing</b>
High	High priority recommendations are an essential requirement and should be implemented immediately or as soon as practical. These recommendations will enable effective management decisions to be made and guide future management.	Effective immediately (i.e. within the next year) and/or applicable throughout life of plan on an annual basis
Medium	Medium priority recommendations are important and could also be implemented when additional funding and opportunities exist.	Within the next two to three years

Priority ranking	Definition and justification	Recommended timing
Low	If suitable funding and opportunities exist, these recommendations should be investigated and implemented as additional value adding components and/or to gain additional knowledge and understanding of biodiversity values.	Within the next four to five years

This Management Plan is intended to be reviewed and updated after five years in 2022.

**Consultation**

In 2017 the Town engaged community, State Government agencies, Bushcare organisations and community groups such as the Friends of Kensington Bushland, Victoria Park Urban Tree Network and Harold Rossiter Community Action Group, to help inform the Kensington Bushland Management Plan.

**Legal Compliance:**

Nil.

**Policy Implications:**

Nil.

**Risk management considerations:**

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Community may become disengaged with the Plan and lose ownership.	High	Low	Medium	Community will be kept informed of action progress.  Meetings will be held with Friends of Kensington Bushland each month.
Inadequate progress	High	Low	Medium	The actions within the Kensington Bushland Management Plan will be reviewed annually to check progress. Actions will also be integrated into officer work plans.

**Strategic Plan Implications:**

In 2017, under the Town's Strategic Community Plan 2017 – 2032, the subsequent McCallum Park Foreshore Design project aligns with the following Mission statements:

- Social: To promote sustainable, connected, safe and diverse places for everyone.
  - Strategic Outcomes S1 (A Healthy Community); S3 (An empowered community with a sense of pride, safety and belonging).
- Economic: To promote sustainable, diverse, resilient and prosperous places for everyone.
  - Strategic Outcomes EC1 (A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship); EC 2 (A clean, safe and accessible place to visit).
- Environment: To promote sustainable, connected, safe and diverse places for everyone.
  - Strategic Outcomes EN6 (Appropriate, inviting and sustainable green spaces for everyone that are well maintained and managed); EN7 (Increased vegetation and tree canopy).

**Financial Implications:**Internal Budget:

Whilst many of the actions within the Kensington Bushland Management Plan do not require a budget, primarily officer time, there are a combination of low, medium and high priority actions that will require budget to implement.

However, this is not immediate, with the Kensington Bushland Management Plan implemented over the next five years.

**Sustainability Assessment:**External Economic Implications:

Nil.

Social Issues:

Through the development of the Kensington Bushland Management Plan, the Town recognises its responsibility to maintain and protect the quality of our precious bushland for the benefit of current and future generations.

Cultural Issues:

Nil

Environmental Issues:

The Kensington Bushland Management Plan will provides a framework to deliver best practice environmental management of Kensington Bushland for the next five years. Special consideration is made for the Jirdarup Bushland Precinct as a whole, strategic revegetation, wildlife corridors and the creation of buffers to protect the bushland where possible, as well as fire management.

The Plan means that management of the Kensington Bushland will not be undertaken in an ad hoc fashion, but instead as part of a broader, holistic approach.

**COMMENT:**

Once the Kensington Bushland Management Plan is endorsed by Council it will be operational and integrated into Parks work plans.

**CONCLUSION:**

By endorsing and committing to implementing the Kensington Bushland Management Plan, the Town will continue to demonstrate its commitment to protect and enhance the Kensington Bushland.

**RECOMMENDATION:**

**That the Future Planning Committee recommend that Council endorses the Kensington Bushland Management Plan as Contained within the Appendices.**

## 8.6 Review of Local Planning Policies 3, 4 and 5

<b>File Reference:</b>	PLA/9/0001
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Current version of Local Planning Policy 3 'Non-Residential Uses in or Adjacent to Residential Areas'</li> <li>2. Current version of Local Planning Policy 4 'Residential Uses in Non-Residential Areas'</li> <li>3. Current version of Local Planning Policy 5 'Mixed Residential/Commercial Development'</li> </ol>
<b>Attachments</b>	Yes

<b>Date:</b>	12 June 2018
<b>Reporting Officer:</b>	R. Cruickshank
<b>Responsible Officer:</b>	R. Cruickshank
<b>Voting Requirement:</b>	Simple Majority

### Executive Summary:

**Draft Local Planning Policies 3 and 4 as contained as an Attachment to this report, 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 have undertaken a review of all 37 Local Planning Policies (LPPs). It is intended to progressively amend and advertise a number of LPPs.
- This report deals with a review of the following LPPs :
  - LPP3 'Non-Residential Uses in or Adjacent to Residential Areas';
  - LPP4 'Residential Uses in Non-Residential Areas'; and
  - LPP5 'Mixed Residential/Commercial Development'.
- In reviewing the LPPs, consideration has been given to a number of matters including: the effectiveness of the current Policies including any issues of interpretation, application and gaps or deficiencies; like Policies of other Local Governments; alignment with relevant State legislation, policy and/or guidelines (where applicable); greater clarity in the objectives of the Policies; improving the presentation of the Policies.
- It is recommended that all three (3) Policies be amended as detailed within the Officer's Report and the Attachments, with Policies 4 and 5 to be amalgamated into a single Policy (a new LPP 4).
- It is recommended that the draft LPPs be advertised for public comments.

### TABLED ITEMS:

Nil

### BACKGROUND:

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

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

At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt a number of planning policies as Local Planning Policies, including the Policies the subject of this review.

**DETAILS:**

A review of all three (3) LPPs 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 (where applicable);
- greater clarity in the objectives of the Policies; and
- improving the presentation of the Policies.

The review of each of the Policies is summarised as follows:

**LPP3 'Non-Residential Uses in or Adjacent to Residential Areas**

Policy is presently lacking in terms of the number, and clear articulation, of its provisions, but can be amended to provide clearer, more specific requirements for non-residential uses in or adjacent to residential areas, which will contribute to the improved location and quality of non-residential development and promote reasonable streetscape and amenity outcomes.

1. Incorporate standardised formatting changes consistent with all other reviewed policies.
2. Incorporate minor grammatical and formatting changes.
3. Expand the policy Introduction and Aim to more comprehensively explain and justify the basis of the Policy.
4. Separately title/list the Policy Clauses according to the aspects/matters they are dealing with (i.e. 'Landscaping', 'Privacy', 'Fencing' etc.)
5. Include expanded traffic impact provision having regard to the WAPC's Traffic Impact Assessment Guidelines.
6. Insert new provision relating to the preferred location.
7. Insert new provision relating to front setback requirements on residential zoned land to be as for residential development under adopted Council Policy (rather than R-Codes as is stated presently).
8. Alter provision relating to side setbacks, such that a R-Codes setback applies to any neighbouring residential zoned property (not only if the non-residential development is located on Residential zoned land as is stated presently).
9. Policy to refer to Council's Boundary Walls policy in relation to side setback requirements.
10. Insert new provision relating to the ability for Council to apply conditions of approval related to scale or operations, operating hours, deliveries, etc.
11. Include new provision explicitly relating to visual privacy and protection of residential amenity from overlooking from adjoining non-residential development.
12. Expand landscaping requirement, to reference the landscaping requirements of the car parking policy and specify a minimum landscape buffer between car parking areas and the front boundary, as well as provision of landscaping down the length of any vehicular access leg abutting a residential property boundary
13. Insert provision relating to signage requirements (design to minimise amenity impacts in surrounding residences) and provision of a signage strategy where final details are unknown.
14. Include new general provision relating to CPTED principles. It is also recommended that the Council adopt a new stand-alone LPP relating to CPTED.

LPP4 'Residential Uses in Non-Residential Areas'

1. Incorporate standardised formatting changes consistent with all other reviewed policies.
2. Consolidate policy with Local Planning Policy 5 'Mixed Residential/Commercial Development' to form new combined Local Planning Policy 4 'Mixed-Use Development and Residential Uses in Non-Residential Areas'.
3. Incorporate minor grammatical and formatting changes as identified in the Tracked Changes version of the Policy.
4. Expand the policy Introduction and Aim to more comprehensively explain and justify the basis of the Policy.
5. Other changes as identified under Local Planning Policy 5 review, relating to mixed use (residential/commercial) development.

LPP5 'Mixed Residential/Commercial Development'

Changes as per LPP4 above.

A copy of the proposed draft revised Policies are contained as an Attachment to this report. For comparison, the current and operative versions of the Policies are contained as Appendices.

**Legal Compliance:**Local Planning Policies

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

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

**Policy Implications:**

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

**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>
Application of Policies which could be clearer in their intent, and in some instances could have been more effective if clearer and containing additional requirements	Moderate	Likely	Low	Support the proposed draft revised Policies for the purposes of community consultation.

**Strategic Plan Implications:**

Environment

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



**Economic**

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

**Financial Implications:**

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

**Sustainability Assessment:**External Economic Implications:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

The relevant LPPs have been reasonably effective in dealing with the forms of development that they relate to. However it is considered that revisions should be made to further improve their effectiveness and ease of use and understanding by members of the public.

It is recommended that the Future Planning Committee recommend to Council that draft revised Policies 3 and 4 as attached to this report, be advertised for public comment. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the draft Policies (in their current revised form or in a further modified form). It will be necessary at this time to also formally revoke the current Local Planning Policy 5 'Mixed Residential/Commercial Development'.

**RECOMMENDATION/S:**

**That draft revised Local Planning Policies 3 'Non-Residential Uses in or Adjacent to Residential Areas' and 4 'Mixed Use Development and Residential Uses in Non-Residential Areas' as contained as an Appendice, 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*.**

## 8.7 Proposed Closure of Right of Way Bounded by Grantham Place, Harris Street, Mercury Street and Star Street (ROW17)

<b>File Reference:</b>	ROA/28/0017
<b>Appendices:</b>	No.
<b>Attachments:</b>	No.

<b>Date:</b>	12 June 2018
<b>Reporting Officer:</b>	T. McCarthy
<b>Responsible Officer:</b>	B. Killigrew
<b>Voting Requirement:</b>	Simple Majority

### Executive Summary:

**Recommendation – That the Future Planning Committee recommends Council refuse the request to consider closure and disposal of the Right of Way bounded by Grantham Place, Harris Street, Mercury Street and Star Street (ROW17).**

- Portion of the Right of Way (not the subject of this report) has been previously been closed.
- The owner of 42A Mercury Street has requested closure of the Right of Way.
- The owner of 1 Harris Street has submitted an objection to the proposed closure of the Right of Way.

### TABLED ITEMS:

Nil

### BACKGROUND:

The owner of 42A Mercury Street, Carlisle, has made a request to the Town that the Right of way bounded by Grantham Place, Harris Street, Mercury Street and Star Street (ROW17) be considered for closure and disposal of the closed land.

Portion of ROW17, between Grantham Place and the western boundary of 7 Harris Street, was closed in 1994. It is understood that the remaining portion, the subject of this report, remained open due to an objection to closure lodged at the time by the then owner of 5 Harris Street. In considering a request for closure of a Right of Way, the Minister for Lands will generally not remove the rights of carriageway of those owners of adjoining properties who have the benefit of rights of carriageway under Section 167A of the *Transfer of Land act 1893*. This would have been the case when the previous request for closure was considered by the City of Perth in 1994 and resulted in closure of portion of the Right of way, rather than closure of the whole length of the Right of Way.

### DETAILS:

The subject ROW is 5.03 metres wide. It is owned by Cyril Ernest Peet, Mabel Peet and the Perpetual Trustees and Agency Co WA Ltd on Certificate of Title Volume 2209 Folio 943. It is unconstructed but is trafficable and is used occasionally with access via a sealed crossover from Mercury Street.

The subject ROW and affected adjoining properties are zoned Residential R30 in the Town of Victoria Park Town Planning Scheme No. 1.

**Legal Compliance:**

Any closure of a ROW needs to comply with the process detailed in Section 52 of the *Land Administration Act 1997*. Prior to any request for closure of a Right of Way being presented to the Minister for Lands for consideration, the local government is required to consult with owners of adjoining properties, providing details of the proposed closure and inviting comment on the proposal.

**Policy Implications:**

The subject ROW is currently classified as *“Portion to remain open and ultimately be constructed”* under the R.O.W. Strategy Plan previously endorsed by Council.

**Risk Management Considerations:**

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
If the Right of Way were to be closed and disposed of, some adjoining owners would lose the right of carriageway they currently have, and their occasional use of the Right of Way for access would no longer be available.	Low	Low	Low	Affected property owners have all been consulted and are aware of the right of carriageway implications if the Right of Way were to be closed and disposed of.

**Strategic Plan Implications:**

Nil

**Financial Implications:**

Internal Budget:

Nil

Total Asset Management:

If the subject Right of were to be closed and disposed of, the Town would not be liable for any future construction or maintenance costs for the Right of Way.

**Sustainability Assessment:**

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

**COMMENT:**

All owners of properties who would be affected by the potential closure and disposal of the Right of Way were consulted and invited to submit comment on the proposal. Of the eight property owners contacted, six responses were received. Five of the responses received indicated support for the proposed closure and disposal of the Right of Way. One of the responses received indicated objection to the proposed closure and disposal of the Right of Way.

Responses in support of the proposed closure and disposal of the Right of Way:

ADDRESS	OWNER'S COMMENT
7 Harris Street	No comment submitted.
1/3 Harris Street	No comment submitted.
2/3 Harris Street	No comment submitted.
10A Grantham Place	No comment submitted.
42A Mercury Street	No comment submitted.

Response not in support of the proposed closure and disposal of the Right of Way:

ADDRESS	OWNER'S COMMENT
1 Harris Street	No comment submitted.

The objection lodged by the owner of 1 Harris Street effectively prevents closure of the whole length of the Right of Way from proceeding. Owners of properties adjoining a Right of Way created on the same plan of survey have a right of access and carriageway over the Right of Way under section 167A of the *Transfer of Land Act 1893*. Closure of the whole length of the Right of Way would remove the right of access of the owner of 1 Harris Street. The Minister for Lands would be highly unlikely to remove section 167A rights and would therefore not approve the closure of the whole length of the Right of Way.

It is therefore recommended that Council not proceed with the request for closure of portion of the subject Right of Way.

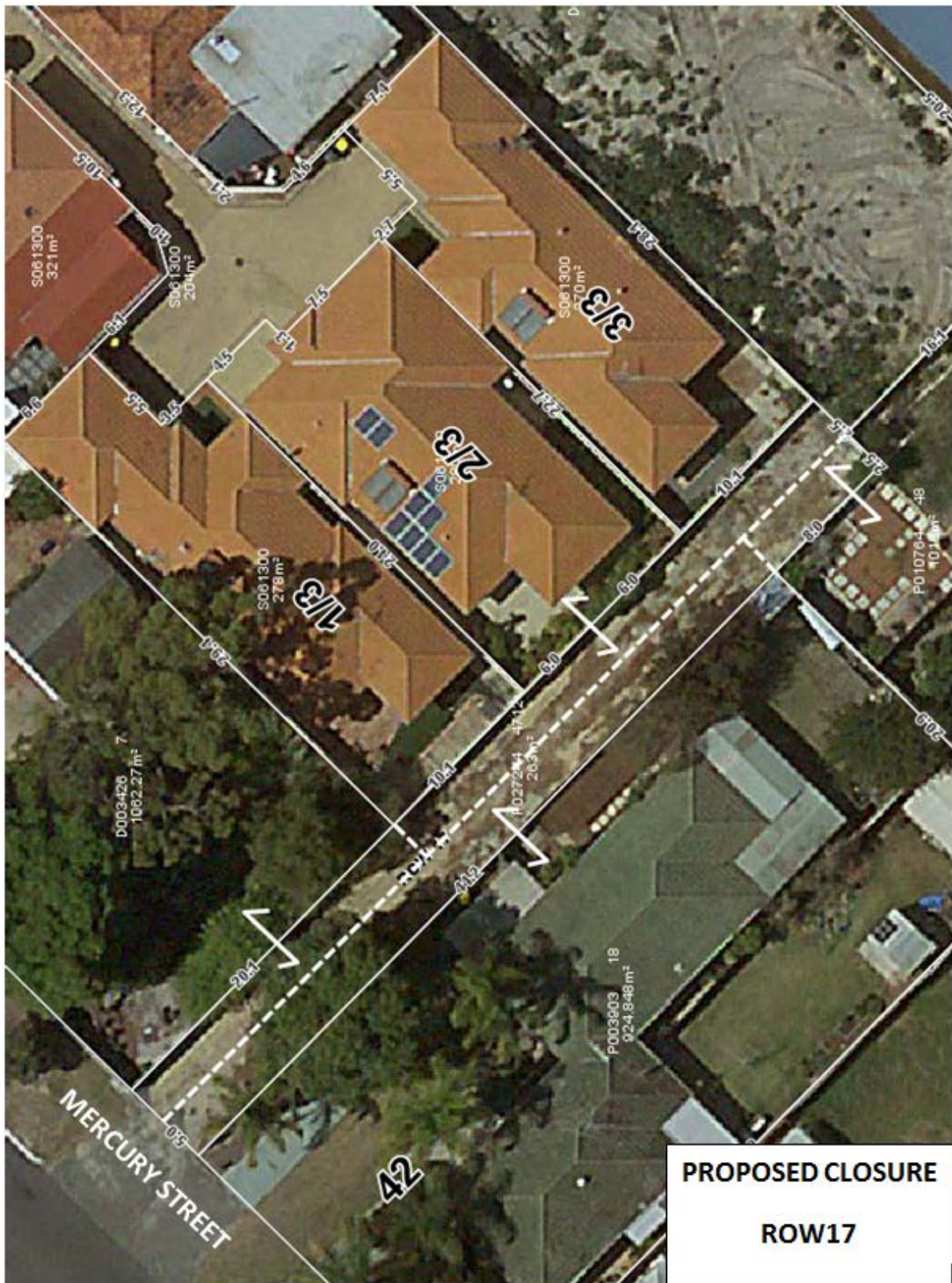
**CONCLUSION:**

It is recommended that Council not proceed with the request for closure of portion of the subject Right of Way because the owner of 1 Harris Street rights of access and carriageway over the portion proposed to be closed would be removed. It is possible to consider closure of the portion of Right of Way adjoining 1/3, 2/3 and 3/3 Harris Street, with the portion adjoining 1 Harris Street remaining open. This option is not considered practicable as it is anticipated that the adjoining property owners may not be in favour of closing a smaller

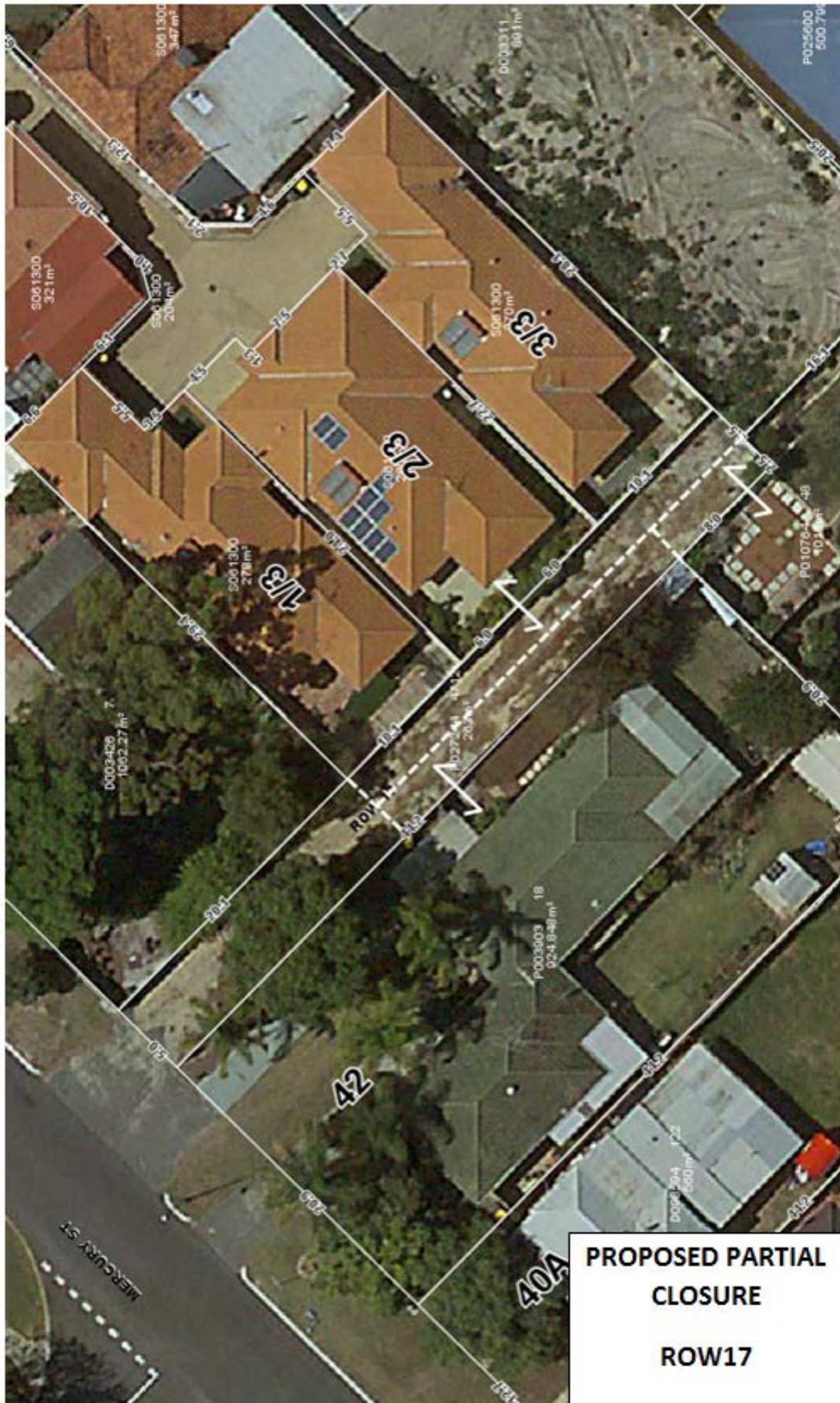
portion. The option can, however, be put to the owners of adjoining properties for consideration.

**RECOMMENDATION/S:**

- 1 **The request by the owner of 42A Mercury Street for Council to consider closure and disposal of the Right of Way bounded by Grantham Place, Harris Street , Mercury Street and Star Street, Carlisle (ROW17) as shown on the sketch Proposed Closure ROW17, be refused.**
- 2 **The owners of properties adjoining the Right of Way bounded by Grantham Place, Harris Street , Mercury Street and Star Street, Carlisle (ROW17) be consulted to determine their views on whether portion of that Right of Way could be considered by Council for partial closure as shown on the sketch Proposed Partial Closure ROW17.**







## **9 WORKSHOP TOPICS AND PRESENTATIONS**

### **9.1 Old Places New Spaces Project Up-Date**

The Strategic Projects Manager, Jack Bidwell will provide the committee with a project update and scope of works for the IGA Laneway.

### **9.2 Burswood Station East**

The Manager Place Planning, David Doy and the Senior Strategic Planner Carly Pidco will provide the committee with an update on Burswood Station East.

### **9.3 Department of Planning – Green Paper**

The committee will be provided with an overview of the Green Paper.

### **9.4 Local Planning Policy 37 'Community Consultation on Planning Proposals**

The Manager Development Services, Robert Cruickshank will update the committee on 'Local Planning Policy 37' and community consultation.

## **10 MOTION FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

*(required 3 ½ business days prior to the meeting, in writing to the CEO.)*

## **11 NEW BUSINESS OF AN URGENT NATURE**



## 12 REQUEST FOR REPORTS FOR FUTURE CONSIDERATION

<b>Forthcoming Agenda Items</b>	
<b>Reports</b>	
Local Planning Policies: 6 (H); 1 (M) and 37 (M)	July 2018
Burswood Station East Structure Plan	July 2018
Local Planning Policies: 31 (H); 2 (M) and 29 (M)	August 2018
Urban Forest Strategy - Final	August 2018
Local Planning Policies: 7 (H); 28 (M) and 36 (M)	September 2018
Local Planning Policies: 8; 9; 10; 11 and 14	October 2018
Local Planning Policies: 15; 16; 17; 18 and 19	November 2018
Local Planning Policies: 20; 21; 22; 24 and 33	December 2018
Local Planning Policies: 26; 27; 34; and 35	February 2019
Possible 40km/hour speed limit for Archer Street (Railway to Orrong Road), Burswood Road (Teddington to Great Eastern Highway) & Duncan Street (Albany Highway to Railway) JW	TBC 2018
Review of Streetscape Policy (RC)	TBC 2018
<b>Workshop Topics</b>	
Draft Policy - Site Landscaping Requirements for Developments	July 2018
Higgins Park Master Plan (BK)	TBC
<b>Presentations / Deputations</b>	

## 13 CLOSURE

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

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

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

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

**Note: Motions to Stand Alone**

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

**Reason:**

**Note: Explanation for changes to Recommendations**

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



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

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

<b>Name &amp; Position</b>	
<b>Meeting Date</b>	
<b>Item No/Subject</b>	
<b>Nature of Interest</b>	Financial Interest* <span style="float: right;"><i>(*Delete where</i></span> Proximity Interest* <span style="float: right;"><i>not applicable)</i></span> Interest that may affect impartiality*
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed”.