



TOWN OF  
VICTORIA PARK



# Policy Committee Minutes – 24 August 2020

---



**WE'RE OPEN**  
**VIC PARK**

Please be advised that a **Policy Committee** meeting was held at **5:30 pm** on **Monday 24 August 2020** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Cr Brian Oliver – Presiding Member**  
27 August 2020

## Table of contents

Item	Page no
1 Declaration of opening .....	3
2 Attendance.....	4
2.1 Apologies.....	5
2.2 Approved leave of absence.....	6
3 Declarations of interest.....	7
4 Confirmation of minutes.....	8
5 Presentations.....	9
6 Method of dealing with agenda business.....	10
7 Reports.....	12
7.1 Adoption of Policy 025 Independent Committee Members.....	12
7.2 Minor Review of Policy 114 - Community Funding.....	18
7.3 Policy 201 - Canvas Awnings.....	24
7.4 Policy 451 - Transitional Use .....	29
8 Motion of which previous notice has been given .....	33
9 Meeting closed to the public .....	33
9.1 Matters for which the meeting may be closed .....	33
9.2 Public reading of resolutions which may be made public.....	33
10 Closure .....	34

## 1 Declaration of opening

Cr Brian Oliver opened the meeting at 05:30 pm.

### Acknowledgement of Country (by Presiding Member)

I am not a Nyungar man, I am a non-Indigenous man. I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

*Ngany yoowart Noongar maam, ngany wadjella maam. Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.*

I acknowledge the traditional custodians of this land and respect past, present and emerging leaders, their continuing cultural heritage, beliefs and relationship with the land, which continues to be important today.

*Ngany kaaditj Noongar moort keny kaadak nidja Wadjak Noongar boodja. Ngany kaaditj nidja Noongar birdiya – koora, ye-ye, boorda, baalapiny moorditj Noongar kaaditjin, moort, wer boodja ye-ye.*

I thank them for the contribution made to life in the Town of Victoria Park and to this region.

*Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.*

## 2 Attendance

### Banksia Ward

Cr Wilfred Hendriks  
Cr Claire Anderson  
Cr Ronhhda Potter  
Cr Luana Lisandro

### Jarrah Ward

Cr Jesvin Karimi  
Cr Brian Oliver (Presiding Member)  
Deputy Mayor Bronwyn Ife

### Chief Community Planner Manager Place Planning

Ms Natalie Martin Goode  
Mr David Doy

### Governance Advisor and Secretary

Mr Liam O'Neill

### 2.1 Apologies

#### Chief Executive Officer

Mr Anthony Vuleta

## 2.2 Approved leave of absence

Mayor  
Jarrah Ward

Mayor Karen Vernon  
Cr Vicki Potter

## 3 Declarations of interest

### Declaration of interest affecting impartiality

Name/Position	Cr Wilfred Hendriks
Item No/Subject	7.2 Minor Review of Policy 114 - Community Funding
Nature of interest	Impartiality
Extent of interest	Committee member of Rotary Club of Victoria Park, Harold Hawthorne Community Centre and Vic Park Men's Shed.

## 4 Confirmation of minutes

### COMMITTEE RESOLUTION

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Claire Anderson

That the Policy Committee confirms the minutes of the Policy Committee held on 27 July 2020.

**CARRIED (7 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 5 Presentations

Nil.

## 6 Method of dealing with agenda business

### COMMITTEE RESOLUTION

**Moved:** Cr Jesvin Karimi

**Seconded:** Cr Luana Lisandro

That Policy Committee in accordance with clause 58 of the *Meeting Procedures Local Law 2019* suspends clause 50 - Speaking twice of the *Meeting Procedures Local Law 2019* for the duration of the meeting.

**CARRIED (7 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 7 Reports

### 7.1 Adoption of Policy 025 Independent Committee Members

<b>Location</b>	<b>Town-wide</b>
<b>Reporting officer</b>	Liam O'Neill
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Policy 021 Elected members fees expenses and allowances Clean Copy [7.1.1 - 4 pages]</li><li>2. Policy 025 Independent committee members [7.1.2 - 3 pages]</li><li>3. Policy 021 Elected members fees, expenses and allowances - Tracked changes [7.1.3 - 4 pages]</li></ol>

#### Recommendation

That the Policy Committee recommends that Council:

1. Repeals Policy 021 Fees, expenses and allowances – Elected members and independent committee members;
2. Adopts Policy 021 Elected Member Fees, Expenses and Allowances as at attachment 1; and
3. Adopts Policy 025 Independent committee members as at attachment 2 .

#### Purpose

To present the proposed Policy 025 Independent Committee Members for adoption and subsequently amend Policy 021 Fees, Expenses and Allowances – Elected Members and Independent Committee Members.

#### In brief

- At the April 2020 Ordinary Council Meeting, Council resolved for the Chief Executive Officer to develop an Independent Committee Member policy for consideration by Council at its September 2020 Ordinary Council Meeting.
- The policy seeks to establish the process for the selection and appointment of independent committee members as well as provide for the reimbursement of expenses and training.
- As a result, amendments are required to Policy 021 which details training and allowances for independent committee members.

#### Background

1. Council at the April 2020 Ordinary Council Meeting requested the CEO develop an Independent Committee Member policy.

2. Independent committee members are the persons who are not staff, or elected members, that are appointed to committees, on the basis of their independent expertise on the subject matter of the committee.
3. The Town currently, as part of Policy 021 Fees, Expenses and Allowances – Elected Members and Independent Committee Members, provides for training and the reimbursement of expenses to independent committee members, however there is no other policy relating to these positions.
4. There is no policy detailing how independent committee members are to be recruited. Currently, the Town applies an ad hoc process based upon the Town’s recruitment policies and the previous policy for advisory groups.
5. No policies have been identified at nearby local governments setting out how independent committee members are recruited. However, there are a number of public policies for private companies and state agencies setting out how the independent members of the board are selected. An example of this is [Curtin University’s Nomination of Non-elected Members of Council Procedures](#).

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Having a clear policy on how independent committee members are appointed will demonstrate accountable governance.

## Engagement

Internal engagement	
Stakeholder	Comments
C-Suite	C-Suite considered this policy at a meeting in August and had no further feedback.
Elected Members	Elected members were provided with an early draft of the policy for consideration with one matter of feedback received relating to how the applications are presented to Council.
People and Culture	The People and Culture service area were consulted in relation to the appointment system. Recognising this is not the recruitment of an employee, it was considered more suitable that the process be managed by Governance in the future.

## Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

[Section 5.10 of the Local Government Act 1995](#)

[Section 5.11 of the Local Government Act 1995](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council’s risk appetite	Risk treatment option and rationale for actions
----------------------	------------------------	--------------------	-------------------	--------------------------	-------------------------	---

Financial	Not applicable.					Low
Environmental	Not applicable.					Medium
Health and safety	Not applicable.					Low
Infrastructure/IT systems/utilities	Not applicable.					Medium
Legislative compliance	Not applicable.					Low
Reputation	A potential applicant for independent committee member is frustrated by the lack of a defined process for appointment.	Minor	Possible	Medium	Low	Treat by adopting a process through a policy.
Service delivery	Not applicable.					Medium

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Not applicable.

## Analysis

6. There are a number of relevant considerations in determining a policy on independent committee members including:

- How it is decided to have independent committee members;
- How they will be appointed;
- Their terms of office
- The expenses reimbursable to them;
- Training they will be provided with; and
- The extent of IT access.

### Establishing independent committee member positions

7. Under this policy, as part of the establishment and review of a committee, the Council should consider if independent committee members should form part of the committee.

8. If Council decides that independent committee members should form part of a committee, then this policy requires that the committee's terms of reference sets out the skills, knowledge and expertise sought from an independent committee member.

### Appointment of independent committee members

9. Board members may be directly involved in the shortlisting and other processes for a board style selection. A local government context requires some adaptations to recognise the separation of the roles of Council and its committees from administrative matters and the need for timeliness. As such it is proposed that the CEO, in consultation with the presiding member of the committee, would determine:
  - a. the selection criteria for applicants to respond to
  - b. the advertisements for applications and where they would be issued
  - c. the dates for the selection process.
10. Following receipt of the applications, the Town will undertake a shortlisting exercise and make a recommendation for appointment.
11. On receipt of the report relating to the recruitment, the committee is authorised to request the CEO:
  - a. arrange for the committee to interview applicants;
  - b. conduct reference checks of applicants; and/or
  - c. verify qualifications of applicants.
12. If a sitting independent committee member wants to seek reappointment, they will need to reapply.

### Term of office

13. The clauses in this section seek to provide guidance on how independent committee members hold office, namely that:
  - a. They should be appointed for a term that expires every election (as required by the Act).
  - b. They should not serve more than four consecutive terms (in line with good board practices).
  - c. They may resign their office in writing to the CEO or committee presiding member (as set out in the Administration Regulations).
  - d. They should be removed from office if they fail to attend meetings, as is required of elected members.
  - e. The Council has the power to remove independent committee members.

### Expenses of independent committee members

14. These clauses are a copy of the current clauses in Policy 021 Fees, Expenses and Allowances – Elected Members and Independent Committee Members. Because these clauses are being moved into this policy, it is proposed to remove them from the current policy.
15. The only relevant change to the original clauses is the inclusion of a budget amount of \$1,000 per independent committee member for their training.

### Security passes, IT access and record keeping

16. Additional clauses are provided to set out the access to information systems that is provided to independent committee members.

## Relevant documents

Not applicable.



## COMMITTEE DISCUSSION:

*Cr Ronnhda Potter*

1. Are unsuccessful applicants informed?

The Governance Advisor - Compliance advised that in applying via the Town's website applicants are advised if they don't hear back that they were unsuccessful. It is also difficult for the Town's officers to provide feedback to applicants given the decision is made by Council should an applicant ask.

2. Will we follow up on the 2 absences?

The Governance Advisor - Compliance commented that it is likely that the Town would contact a committee member given two absences from a committee could mean 6 months without seeing or hearing from an independent committee member.

*Cr Wilfred Hendriks*

1. With reimbursements for independent committee members, can we give them a fee for the meeting?

The Governance Advisor - Compliance advised that under section 5.100A of the *Local Government Act 1995* it is prohibited to pay meeting fees to committee members.

2. How is the assessment of applicants undertaken?

The Governance Advisor - Compliance explained that the assessment is undertaken based upon the selection criteria set in the Committee's terms of reference.

*Cr Luana Lisandro*

1. What can Independent Committee Members be reimbursed for?

The Governance Advisor - Compliance advised that a committee member could be reimbursed for a reasonable expenses associated with attending the meeting, similar to that of elected members.

2. When a vacancy arises, why not look at previous applicants.

The Governance Advisor - Compliance advised that it would be likely if a vacancy arose a month after appointment that it would likely to be recommended that Council look at prior applicants. However if it had been a year it would likely be best to call for new applications.

*Deputy Mayor Bronwyn Ife*

1. How does the absences remove them?

The Governance Advisor - Compliance advised that if the 3 absences arose a report would need to go to Council to remove that person.

*Cr Brian Oliver*

1. Is it appropriate that the CEO does the shortlisting when Audit Committee members oversee the CEO?

The Governance Advisor - Compliance outlined concerns relating to the amended rules of conduct regarding elected members, that if elected members undertook a shortlisting exercise or assessment that they would be completing an 'administrative task'.

2. Should all applications be provided to the committee?

The Governance Advisor - Compliance advised that the Policy could be amended to require this.

#### **AMENDMENT:**

**Moved:** Cr Brian Oliver

**Seconded:** Cr Claire Anderson

To amend clause 3 of the motion to read:

Adopts Policy 025 Independent committee members as at attachment 2, subject to an amendment to clause 9 to delete "this shortlist" and replace those words with the following words "the assessment of all applicants".

**CARRIED (7 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

**Reason:** So that the committee can consider all applications have have been received.

#### **COMMITTEE RESOLUTION**

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Claire Anderson

That the Policy Committee recommends that Council:

1. Repeals Policy 021 Fees, expenses and allowances – Elected members and independent committee members;
2. Adopts Policy 021 Elected Member Fees, Expenses and Allowances as at attachment 1; and
3. Adopts Policy 025 Independent committee members as at attachment 2, subject to an amendment to clause 9 to delete "this shortlist" and replace those words with the following words "the assessment of all applicants".

**CARRIED (7 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 7.2 Minor Review of Policy 114 - Community Funding

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Tracy McQue
<b>Responsible officer</b>	Alison Braun
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Policy-114- Community-funding - Current [7.2.1 - 10 pages]</li><li>2. Policy 114 Community Funding Proposed Track Change [FYAW] [7.2.2 - 10 pages]</li><li>3. Policy 114 Community Funding Proposed Clean [J28V] [7.2.3 - 10 pages]</li></ol>

### Recommendation

That the Policy Committee recommends that Council:

1. Adopts the amendments to Policy 114 Community Funding as attached.
2. Requests a further report to the November 2020 Policy Committee addressing grants eligibility of 'closely associated persons' and relevant findings from the City of Perth inquiry relating to grants and donation.

### Purpose

To propose amendments to Policy 114 Community Funding to foster greater access to Place Grants and fix minor anomalies. To propose a report to the November 2020 Policy Committee for consideration of eligibility of 'closely associated persons' and recommendations from the City of Perth inquiry.

### In brief

- Place Grants facilitate opportunities for community-led improvement and activation of public places, or the formation and running of town teams or place-based groups. A total of \$80,000 is available in the 2020 & 2021 financial year until exhausted.
- Place Grants are administered under Policy 114 Community Funding. Greater access to Place Grants can be achieved through Policy changes. These include making the requirement for public liability insurance discretionary, removing the need for applicants to be an incorporated association or auspiced and clarifying eligible applicants to include businesses. Other minor changes bring the Policy wording up-to-date and clarify language. These proposed changes are requested to enable the Place Grants to be launched collectively with the Community Development Grants at the end of September 2020.
- A further review of the Policy is proposed to consider implications of the City of Perth inquiry relating to grants and donations and to clarify eligibility of 'closely associated persons' under the *Local Government Act 1995*. This review will be presented to the November, 2020 Policy Committee as the inquiry report has only just been released.

## Background

1. Council adopted Policy 114 Community Funding in December 2019. The Policy is used to administer Place Grants. Place Grants facilitate opportunities for community-led improvement and activation of public places, or the formation and running of town teams or place-based groups.
2. The proposed Policy changes were identified during preparation for the 2020-2021 grant round.
3. Place Grant criteria and assessment considerations include:
  - a. initiatives that make a positive contribution to the physical character/amenity or activation of a place; initiatives that build the capacity and capability of a town team or place-based group; involvement of the broader community in the initiative, and/or alignment to the Town's Strategic Community Plan Outcomes; and
  - b. the applicant's experience in delivering projects; and details of project planning, risk assessment and project budgeting.
4. The City of Perth's final inquiry report was tabled in Parliament on 11 August 2020. It contains a number of recommendations relating to grants and sponsorship.

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The Policy changes will improve transparency and access to Place Grants and community benefit.

<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	The Policy changes will improve access to Place Grants and community benefit.

## Engagement

<b>Internal engagement</b>	
Place Planning	Support the proposed amendments.
Governance	Support the proposed amendments.
Community Development	Support the proposed amendments.
Finance (Procurement)	Support the proposed amendments, and confirm no conflicts with Local Government Act or Regulations.

## Legal compliance

[Section 2.7 of the Local Government Act 1995](#)

### Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Fraud where expenditure did not matching grant agreement.	Moderate	Possible	Medium	Low	ACCEPT risk given legal avenues are available to recover funds from both incorporated associations and private businesses and individuals. Fraudulent behaviour would render applicants ineligible for future rounds.
Environmental	Not applicable.					
Health and safety	Grant initiative exposed the applicant to public risk, but public liability insurance was not a grant condition.	Moderate	Possible	Medium	Low	TREAT risk by taking advice from the Town's Occupational Health and Safety Officer and Risk Officer, and applying an extremely cautious approach, with acceptable situations written into an updated Management Practice.

### Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Not applicable.

## Analysis

### Proposed amendments

5. Clause 3 of the Policy requires \$10 million of public liability insurance for all grant applicants. However, some Place Grants may not be exposed to public risk, for example grants for the production of town team marketing or communications material. The requirement for public liability insurance in these instances is unnecessary and adds to the grant costs and can be a disincentive to applying. It is proposed to amend Clause 3 to provide discretion to waive the need for public liability insurance for grant initiatives that are not exposed to public risk.
6. The need for applicants to be incorporated associations or auspiced by incorporated associations is not clear. There is no specific Policy clause addressing this, although Clause 9 (Eligibility) requires not-for-profits to be "incorporated" and requires individuals to "seek a grant through an auspice organisation" which is defined as a "legal entity" (Policy Definitions) but not explicitly stated as a 'legal entity' incorporated under the *Associations Incorporation Act 2015*. The Town's Arts and Culture Grants and Business Grants do not require applicants to be incorporated associations or to be auspiced. The need for incorporation or auspicing is an unnecessary barrier to Place Grants. Several other local governments have removed this requirement, including the Cities of South Perth and Vincent. It is proposed to amend Clause 9 to remove all wording associated with incorporation or auspicing. Clause 11 of the Policy provides all grant programs with the ability to tailor their programs, and this can be used to provide discretion for incorporation and auspicing should the grant officer consider it necessary. The potential need for incorporation or auspicing would be listed in the Grants Toolkit and discussed with applicants prior to lodgment.
7. Businesses are not explicitly listed as eligible applicants (Clause 9 Eligibility). However, they are listed as a part of the target community in Clause 6 "*The community grants program will increase the capacity of community groups, businesses, clubs and organisations within the Town of Victoria Park, to implement projects, activities and programs that enhance and promote community wellbeing, aligned to the Town's Strategic Community Plan*". The Policy lists 'artists' as eligible applicants, and artists may be businesses (sole-traders). Place Grants were always intended to be available to businesses who proposed improvements to the public realm. Business applicants will still be assessed against the same criteria as other types of eligible applicants, and will not replicate or overlap with the proposed Business Grants. It is proposed to amend Clause 9 (Eligibility) to list businesses as eligible applicants.
8. The Policy changes proposed above will address minor inconsistencies and barriers in the current Policy relating to Place Grants. These proposed changes are requested to enable the Place Grants to be launched collectively with the Community Development Grants at the end of September 2020. The changes aim to increase the accessibility to Place Grants for a broader cross-section of the community, hence facilitating the community benefits gained from Place Grants to a wider cross-section of the community and places. This is considered essential given the need to foster community wellbeing and support business prosperity due to COVID by improving the attractiveness, function and activation of community and business areas. Given the increase in the Place Grant pool from \$30,000 in 2019-2020 to \$80,000 in 2020-2021, any delay in releasing the place grants beyond September, would diminish the community's access to the grants.
9. Clause 7 (Grant funding programs) does not accurately reflect the current names of the individual grant programs. Changes to the grant programs titles will ensure titles better reflect their purpose, providing greater clarity:
  - a. Community Development Grants;
  - b. Sport and Club Development Grants;
  - c. Youth Project Grants;

- d. Community Safety and Crime Prevention Grants;
- e. Art and Culture Grants;
- f. Healthy Communities Grants;
- g. Place Grants; and
- h. Urban Forest Grants.

10. Changes to the Donation program titles (Clause 17) ensures donation titles reflect their purpose, providing greater clarity:

- a. Youth National and International Sport Donation.
- b. Youth Leadership and Development Donation.

#### Proposed further review

11. The current policy in clause 5 states that a person is ineligible for any community grant if they are "a Town employee, Elected Member or their closely associated persons as per the Local Government Act." There are a number of implications that arise because of this wording. In particular the use of closely associated person provides for an expansive group of persons who are excluded. This may cause some community organisations to be ineligible because of the involvement of an elected member, or a Town employee (in their capacity as a resident).

12. To demonstrate good government, the Council should undertake a review of the Policy to address this provision. The recommendations relating to grants and sponsorship in the City of Perth inquiry can then be addressed as part of this review.

## Relevant documents

Not applicable.

## COMMITTEE DISCUSSION:

*Cr Claire Anderson*

1. Why do businesses need to be included in the policy?

The Chief Community Planner advised that currently businesses are excluded in the policy. With the adoption of business grants and consideration of other grants it is appropriate that businesses should be eligible to apply.

## COMMITTEE RESOLUTION

**Moved:** Cr Bronwyn Ife

**Seconded:** Cr Jesvin Karimi

That the Policy Committee recommends that Council:

- 1. Adopts the amendments to Policy 114 Community Funding as attached.
- 2. Requests a further report to the November 2020 Policy Committee addressing grants eligibility of 'closely associated persons' and relevant findings from the City of Perth inquiry relating to grants and donations.

**CARRIED (7 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 7.3 Policy 201 - Canvas Awnings

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Josh Arnott
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Policy-201- Canvas-awnings [7.3.1 - 2 pages]</li><li>2. LPP 32 Exemptions from Development Approval marked up [OTOH] [7.3.2 - 9 pages]</li><li>3. LPP 32 Exemptions from Development Approval clean [2GC5] [7.3.3 - 8 pages]</li></ol>

### Recommendation

That the Policy Committee recommends that Council:

1. Repeals Policy 201 'Canvas Awnings'.
2. Adopts Local Planning Policy 32 'Exemptions from Development Approval', as at Attachment 3.

### Purpose

To review Council Policy 201 – Canvas Awnings.

### In brief

- Policy 201 – Canvas Awnings (Policy 201) is an administration policy that deals with the general requirements for awnings attached to a building façade.
- Given the purpose of Policy 201, it is considered that the contents of the policy would be better placed in Local Planning Policy 32 – Exemptions from Development Approval (LPP32).
- It is proposed that the provisions of Policy 201 to be incorporated into LPP32 will be amended to include a definition of 'Fabric Awnings' with the general provisions of Policy 201 being exemption criteria within Table 1 to allow fabric awnings to be exempt from development approval in certain instances.

### Background

0. Policy 201 is an administration policy that was adopted by Council in July 1994. Since then, the policy has been reviewed four (4) times, with the last review being in August 2019 with minor amendments being made to the policy. The amendments included the addition of a policy objective and scope to align with the current policy template and addition of relevant definitions, the procedure was also combined into the policy statement to further conform with the policy template.
1. Although Policy 201 is an administration policy, it deals with Urban Planning matters through the outlining of general requirements for canvas awnings attached to a building. As this is considered to be in the realm of Urban Planning as it contributes to the streetscape and the appearance of a building, the provisions of this policy are considered to be better placed in a local planning policy, with the existing Policy 201 being repealed.



2. As canvas awnings, now to be expanded to fabric awnings, are considered to be a minor development, it was considered that including the provisions of Policy 201 into LPP32, will allow a fabric awning to be exempt from development approval if the requirements stipulated are achieved.
3. This proposed amendment of LPP32 will consolidate existing policies instead of producing more, which is considered to be a better outcome.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	Fabric awnings can provide a good design outcome and contribute to the existing character of a street. Allowing for the relatively minor development to be exempt, if the necessary provisions are met, allows for effective streamlined planning.

## Engagement

Internal engagement	
Stakeholder	Comments
Street-life	The awning must have a minimum clearance from the footpath level of 2.7 metres.
Building	Clause 45(B) of the Building Regulations 2012 requires a minimum 2.75 metre clearance to public spaces, including pedestrian footpaths.

4. External engagement is not necessary as the amendment to LPP32 is considered to be a minor amendment in accordance with Clause 5 (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

## Legal compliance

[Part 2, Division 2 of Schedule 2 of Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Reputation	Community feedback regarding not undertaking	Insignificant	Rare	Low	Low	Recommendation from Urban Planning to

	external consultation of minor amendment to LPP32.					Council is that the amendment to LPP32 is minor in accordance with the LPS Regulations and will not require external consultation.
Service delivery	Repealing policies lessens the broadness of policy scope and coverage for different matters.	Insignificant	Rare	Low	Medium	The amendment of LPP32 to include the provisions of Policy 201 will not be lessening policy scope and coverage and instead will be consolidating Town policies.

## Financial implications

<b>Current budget impact</b>	None
<b>Future budget impact</b>	None

## Analysis

Clause	Proposed	Reason
Clause 1 of LPP32	<i>Inclusion of 'Fabric Awning' under the Works column of the Table 1.</i>	A definition of Fabric Awning is required to outline what comprises the works indicated under Table 1.
Clause 1 of LPP32	<p><i>Inclusion of the following provisions under the Conditions to be Exempt column of the Table 1.</i></p> <ul style="list-style-type: none"> <li>No part of a fabric awning shall be erected under any cantilever veranda and the ends of an awning shall be clear of an adjoining cantilever veranda by at least 500mm;</li> <li>An awning, including any part thereof, projecting into the verge shall:</li> <li>Be at least 500mm, measured horizontally, clear of</li> </ul>	The provisions indicate what requirements need to be met for the Fabric Awning to be exempt from development approval. If these provisions are not met then a development

	<p>the face of the kerb of the adjacent road;</p> <ul style="list-style-type: none"> <li>• Be not less than 2.75 metres above the footpath or verge level;</li> <li>• Be not more than 3 metres above the footpath or verge level at the lowest point of the awning;</li> <li>• If the awning is wider than 2 metres, be fitted with guttering and downpipes sufficient to prevent rainfall run-off from cascading on to the verge;</li> </ul>	<p>application is required to be lodged with the Town for formal approval.</p>
<p>Clause 1 of LPP32</p>	<p><i>Inclusion of the following notes under the Guidance Notes column of the Table 1.</i></p> <ul style="list-style-type: none"> <li>• Any awning be designed to carry, in addition to its own weight, a live load of at least 50 kilograms per square metre.</li> <li>• No separate sign panel shall be affixed to any part of an awning but signage may be incorporated in or painted on the awning cover material or fascia provided that the details of such lettering or signage are in accordance with the provisions of the Town's Local Planning Policy 38 – Signs.</li> <li>• A fabric awning shall be kept in good repair to the satisfaction of the Town.'</li> <li>• The Town reserves the right to order an owner to repair, replace or remove a fabric awning not kept in good repair.</li> </ul>	<p>The guidance notes indicate what other considerations are required and should be addressed in the Building Permit application.</p>

5. Policy 201 is an administration policy that was adopted by Council in July 1994. Since then, the policy has been reviewed four (4) times, with the last review being in August 2019 with minor amendments being made to the policy.
6. Although Policy 201 is an administration policy, it deals with Urban Planning matters through the outlining of general requirements for canvas awnings attached to a building. As this is considered to be in the realm of Urban Planning as it contributes to the streetscape and the appearance of a building, the provisions of this policy are considered to be better placed in a local planning policy, with the existing Policy 201 being repealed.
7. As canvas awnings, now to be expanded to fabric awnings, are considered to be a minor development, it was considered that including the provisions of Policy 201 into LPP32, will allow it be a form of development exempt from development approval if the requirements stipulated are achieved.
8. This proposed amendment of LPP32 will consolidate existing policies instead of producing more, which is considered to be a better outcome.

## Relevant documents

*Policy 201 – Canvas Awnings* - <https://www.victoriapark.wa.gov.au/About-Council/Policy-library/Policy-201-Canvas-awnings>

*Local Planning Policy 32 – Exemptions from Development Approval* - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Planning-policy-regulation-and-legislation/Local-planning-policies-LPPs>

## COMMITTEE RESOLUTION

**Moved:** Cr Ronhhda Potter

**Seconded:** Cr Wilfred Hendriks

That the Policy Committee recommends that Council:

1. Repeals Policy 201 'Canvas Awnings'.
2. Adopts Local Planning Policy 32 'Exemptions from Development Approval', as at Attachment 3.

**CARRIED (7 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil

## 7.4 Policy 451 - Transitional Use

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Josh Arnott
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Policy-451- Transitional-use [7.4.1 - 2 pages]</li><li>2. Draft LPP 41 Exemptions for Specified Changes of Use and Activities Carried Out From [7.4.2 - 9 pages]</li><li>3. Draft LPP 41 Exemptions for Specified Changes of Use and Activities Carried O [A5LN] [7.4.3 - 8 pages]</li></ol>

### Recommendation

That the Policy Committee recommends that Council retains Policy 451 Transitional Use, as at attachment 1.

### Purpose

To review Policy 451 – Transitional Use (Policy 451).

### In brief

- Policy 451 is an policy that deals with Urban Planning matters, specifically with transitional uses that can be considered for temporary approvals of up to 10 years within areas undergoing transition to an agreed planning direction as identified by an adopted structure plan, local development plan or scheme provisions.
- Given the purpose of Policy 451, it is considered that the contents of the policy would be better placed in Local Planning Policy 41 'Exemption Policy for Specified Changes of Use and Activities Carried Out from Existing Buildings' (LPP41), which currently deals with the exemption of specified changes of use carried out from existing buildings within specified areas and zones within the Town.
- LPP41 was adopted by Council for a 12-month trial and is to be reviewed in April 2021.
- It is recommended that Policy 451 be retained at this time, but be incorporated into LPP41 at the time of its next review.
- Attachment 3 contains a copy of LPP41 with likely future amendments to incorporate the contents of Policy 451, notably the provisions at Part B.

### Background

0. At its meeting on 10 October 2017 Council adopted Policy 451 to provide guidance to Council in exercising its discretion to approve temporary uses in existing properties or buildings that subject to meeting the criteria as outlined in the policy can be approved to meet the needs of the transitioning community. Policy 451 was further amended in August 2019 to include a policy objective and scope to align with the current policy template.
1. There have been few developments where Policy 451 has had to be applied.

2. Although Policy 451 is an administration policy, it deals with Urban Planning matters through the outlining of criteria for decision making with regard to determining transitional uses on a temporary basis. As this is considered to be in the realm of Urban Planning as it deals with temporary land uses within areas undergoing transition in accordance with an agreed planning direction, the provisions of this policy are considered to be better placed in a local planning policy.
3. As LPP41 deals with the exemption of specified changes of use from existing buildings within specified areas and zones within the Town, the consideration of transitional uses on a temporary basis is also considered to align closely with the purpose of this policy. It is considered that including the provisions of Policy 451 into LPP41, will consolidate existing policies instead of producing more, which is considered to be a better outcome.
4. LPP41 was adopted on a one (1) year trial basis, with the policy to be reviewed in April 2021. As the inclusion of the provisions of Policy 451 into LPP41 are considered to be a major amendment to LPP41, which will require community consultation, it is recommended to consider the amendments at the one (1) year review of LPP41 to enable community consultation of all proposed changes.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL04 - Appropriate information management that is easily accessible, accurate and reliable.	Consolidating existing policies allows for easily accessible, accurate and reliable information as well as an effective, streamlined planning framework.

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	Including the provisions of Policy 451 into LPP41 will ensure those areas within the Town that are transitioning in accordance with an agreed planning direction are allowed to accommodate temporary transitional uses that will benefit the local population.

## Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	Currently no comments have been provided

5. External engagement is considered necessary in accordance with Clause 5 (1) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations). However, as the amendments to LPP41 are recommended to not occur until April 2021, it is considered premature to undertake external consultation now.

## Legal compliance

[Part 2, Division 2 of Schedule 2 of Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Service delivery	Repealing policies lessens the broadness of policy scope and coverage for different matters.	Insignificant	Rare	Low	Medium	The amendment to LPP41 to include the provision of Policy 451 will not be lessening policy scope and coverage and instead will be consolidating Town policies.

## Financial implications

Current budget impact	None
Future budget impact	None

## Analysis

6. Policy 451 was adopted by Council at its meeting on 10 October 2017 to provide guidance to Council in exercising its discretion to approve uses in existing properties or buildings that subject to meeting the criteria as outlined in the policy can be approved to meet the needs of the transitioning community. Policy 451 was amended in August 2019 to include a policy objective and scope to align with the current policy template.
7. Although Policy 451 is an administration policy, it deals with Urban Planning matters through the outlining of criteria for decision making with regard to determining transitional uses on a temporary basis. As this is considered to be in the realm of Urban Planning as it deals with temporary land uses within areas undergoing transition in accordance with an agreed planning direction, the provisions of this policy are considered to be better placed in a local planning policy.
8. As LPP41 deals with the exemption of specified changes of use from existing buildings, the consideration of transitional uses on a temporary basis is also considered to align closely with the purpose of the policy. It was considered that including the provisions of Policy 451 into LPP41, will consolidate existing policies instead of producing more, which is considered to be a better outcome.
9. LPP41 was adopted by Council for a 12-month trial and is to be reviewed in April 2021.
10. It is recommended that Policy 451 be retained at this time, but be incorporated into LPP41 at the time of its next review.
11. Upon the adoption of a revised LPP41, inclusive of the content currently contained in Policy 451, then Policy 451 can be repealed.

## Relevant documents

*Policy 451 – Transitional Uses* - <https://www.victoriapark.wa.gov.au/About-Council/Policy-library/Policy-451-Transitional-use?BestBetMatch=policy%20451|d13b95b2-5146-4b00-9e3e-a80c73739a64|4f05f368-ecaa-4a93-b749-7ad6c4867c1f|en-AU>

*Local Planning Policy 41 - Exemption Policy for Specified Changes of Use and Activities Carried Out from Existing Buildings* - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Planning-policy-regulation-and-legislation/Local-planning-policies-LPPs>

### COMMITTEE RESOLUTION

**Moved:** Cr Wilfred Hendriks

**Seconded:** Cr Jesvin Karimi

That the Policy Committee recommends that Council retains Policy 451 Transitional Use, as at attachment 1.

**CARRIED (7 - 0)**

**For:** Cr Brian Oliver, Cr Claire Anderson, Cr Ronhhda Potter, Cr Luana Lisandro, Cr Wilfred Hendriks, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** nil



**8 Motion of which previous notice has been given**

**9 Meeting closed to the public**

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

**9.2 Public reading of resolutions which may be made public**

Nil.

**10 Closure**

There being no further business, Cr Brian Oliver closed the meeting at 06:02 pm.

I confirm these minutes to be true and accurate record of the proceedings of the Committee.

Signed: .....  
.....

Dated this: ..... Day of: ..... 2020