



TOWN OF
VICTORIA PARK



Special Council Meeting Agenda – Monday 18 March 2024



**WE'RE OPEN
VIC PARK**

Please be advised that a **Special Council Meeting** will be held at **6:30 PM** on **Monday 18 March 2024** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer

14 March 2024

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1 Declaration of opening

Acknowledgement of the traditional owners

Ngany djerapiny Wadjak – Noongar boodja-k yaakiny, nidja bilya bardook.

I am honoured to be standing on Whadjuk - Nyungar country on the banks of the Swan River.

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 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 youngka baalapiny Noongar birdiya wer moort nidja boodja.

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

2 Announcements from the Presiding Member

2.1 Recording and live streaming of proceedings

In accordance with clause 39 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, as the Presiding Member, I hereby give my permission for the administration to record proceedings of this meeting.

This meeting is also being live streamed on the Town's website. By being present at this meeting, members of the public consent to the possibility that their image and voice may be live streamed to public. Recordings are also made available on the Town's website following the meeting.

2.2 Public question time and public statement time

As this is a Special Council Meeting, any public questions or statements must relate to the business of the agenda.

There are guidelines that need to be adhered to in our Council meetings and during question and statement time people speaking are not to personalise any questions, or statements about Elected Members, or staff or use any possible defamatory remarks.

In accordance with clause 40 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, a person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.

A person present at or observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

When the presiding member speaks during public question time or public statement time any person then speaking, is to immediately stop and every person present is to preserve strict silence so that the presiding member may be heard without interruption.

2.3 No adverse reflection

In accordance with clause 56 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, both Elected Members and the public when speaking are not to reflect adversely on the character or actions of Elected Members or employees.

2.4 Town of Victoria Park Meeting Procedures Local Law 2019

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and the *Town of Victoria Park Meeting Procedures Local Law 2019*.

3 Attendance

Mayor

Cr Karen Vernon

Banksia Ward

Cr Claire Anderson

Cr Peter Devereux

Cr Peter Melrosa

Cr Lindsay Miles

Jarraah Ward

Cr Sky Croeser

Cr Jesse Hamer

Deputy Mayor Bronwyn Ife

Cr Daniel Minson

Chief Executive Officer

Mr Anthony Vuleta

Chief Operations Officer

Ms Natalie Adams

A/Chief Community Planner

Ms Emma Haak

Manager Governance and Strategy

Ms Bernadine Tucker

Manager Development Services

Mr Robert Cruickshank

Manager Strategic Projects

Mr Pierre Quesnel

Meeting Secretary

Ms Felicity Higham

Public Liaison

Ms Alison Podmore

3.1 Apologies

3.2 Approved leave of absence

4 Declarations of interest

4.1 Declarations of financial interest

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 can continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

4.2 Declarations 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.

4.3 Declarations 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.

5 Public question time

5.1 Response to previous public questions taken on notice at (insert previous meeting details)

5.2 Public question time

6 Public statement time

7 Presentations

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 Method of dealing with agenda business

Recommendation

That items {insert item numbers} be adopted by exception resolution, and the remaining items be dealt with separately.

9 Chief Community Planner reports

9.1 Development Application for No. 15 (Lot 9000) Hill View Terrace, East Victoria Park (Edward Millen Home and grounds)

Location	East Victoria Park
Reporting officer	Manager Development Services
Responsible officer	Chief Community Planner
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Draft Responsible Authority Report [9.1.1 - 39 pages] 2. Amended Architectural drawings - received 12 March 2024 [9.1.2 - 37 pages] 3. Amended Planning Report - 11 March 2024 [9.1.3 - 55 pages] 4. Amended Landscape Masterplan - 5 February 2024 [9.1.4 - 54 pages] 5. Amended 10 Design Principles Report - 6 December 2023 [9.1.5 - 92 pages] 6. Amended Transport Impact Assessment - 5 February 2024 [9.1.6 - 44 pages] 7. Amended Acoustic Report - Child Care Centre - 1 March 2024 [9.1.7 - 13 pages] 8. Amended Acoustic Report - Commercial tenancies - 1 March 2024 [9.1.8 - 14 pages] 9. Amended Waste Management Plan - 5 February 2024 [9.1.9 - 33 pages] 10. Sustainability Report - 8 November [9.1.10 - 32 pages] 11. Heritage Impact Assessment - September 2023 [9.1.11 - 12 pages] 12. Schedule of submissions - 5 February 2024 [9.1.12 - 34 pages] 13. Heritage advice from DPLH - 21 December 2023 [9.1.13 - 3 pages] 14. DRP Final Recommendation [9.1.14 - 3 pages] 15. Definition of uses permitted under conditional freehold tenure [9.1.15 - 1 page]

Landowner	Town of Victoria Park
Applicant	Hatch Roberts Day on behalf of Blackoak Capital
Application date	27 November 2023
DA/BA or WAPC reference	DA 5.2023.438.1
MRS zoning	Urban
TPS zoning	Local Scheme Reserve - Public Purposes - Civic Use and Community Purpose
R-Code density	N/A
TPS precinct	Precinct P12 – East Victoria Park
Use class	Nil
Use permissibility	As per clause 14 of TPS 1, permitted uses of a Local Scheme Reserve are uses which give effect to any purpose for which the land may be lawfully used
Lot area	Lot 9001 – 4.722ha - comprises Edward Millen Park and Edward Millen Home and Grounds, the latter being an area of 1.4ha and the subject of an agreement for lease and this development application (herein referred to as the DA site)
Right-of-way (ROW)	N/A
Heritage listing	Yes – State Register of Heritage Places (Place No. 2176); Town of Victoria Park Heritage List.
Residential character study area/weatherboard precinct	No
Surrounding development	<ul style="list-style-type: none"> • Edward Millen Park to the north-east • Baillie Avenue and residential dwellings to the north-west. • Carson Street School to the west. • A residential subdivision to the south-west, inclusive of 10 lots which will back onto the development site. • Hill View Bushland to the south/south-east. • A Department of Communities facility for residential accommodation to the south/south-east. • Hill View Terrace and residential dwellings to the east.

Summary

The report is presented to Council given the significant public interest in the development of the site, for Council to consider a recommendation to the Metro Inner Joint Development Assessment Panel on the development application.

Recommendation

That Council endorse the recommendation contained in the Officer's draft Responsible Authority Report dated 14 March 2024 at Attachment 1, that the development application for No. 15 (Lot 9000) Hill View Terrace, East Victoria Park (Edward Millen Home and grounds) be approved by the Metro Inner Joint Development Assessment Panel.

Background

Refer to the 'Background' section in the draft Responsible Authority Report at Attachment 1.

Relevant planning framework

Refer to the 'Legislation and Policy' section in the draft Responsible Authority Report at Attachment 1.

General matters to be considered

Refer to the 'Planning Assessment' section in the draft Responsible Authority Report at Attachment 1.

Compliance assessment

Refer to the 'Planning Assessment' section in the draft Responsible Authority Report at Attachment 1.

Engagement

Refer to the 'Community Consultation' section in the draft Responsible Authority Report at Attachment 1.

Planning Assessment

Refer to the 'Planning Assessment' section in the draft Responsible Authority Report at Attachment 1.

Financial implications

Current budget impact

Not applicable

Future budget impact

Not applicable

Risk management considerations

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	N/A			
Environmental	N/A			
Health and safety	N/A			
Infrastructure/ ICT systems/ utilities	N/A			
Legislative compliance	<p>Council not endorsing the Officer recommendation;</p> <p>The Metro Inner JDAP not supporting the Officer and/or Council recommendation</p>	Low	Low	Provide a comprehensive report outlining the merits of the proposal based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.
Reputation				
Service delivery	N/A			

Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The proposed development will result in a revitalisation of the site and activation and improvements to heritage buildings that are in need of significant capital investment to ensure their ongoing longevity. The proposed adaptive reuse of the buildings is expected to deliver a development that will benefit the community for many years to come.

10 Public question time

11 Motion of which previous notice has been given

12 Public statement time

13 Meeting closed to the public

13.1 Matters for which the meeting may be closed

13.2 Public reading of resolutions which may be made public

14 Closure