

Office of the Chief Executive Officer Memorandum

Subject:	Adoption of revised Special Council Meeting Agenda 14 May 2025
Date:	13 May 2025

The Officer recommendation for Item 9.1 'Development application for Proposed Shops (including Supermarket), Restaurant(s)/Cafe(s) and Child Care Premises - Nos. 1022-1032 Albany Highway and Nos. 355-357 Shepperton Road, East Victoria Park (Lots 1, 8, 30, 131, 132, 480, 481, 488 and 502)' has been amended as follows (see following pages) :

- Part B is now amended to a recommendation of deferral. While the intent of Part B of the Officer's recommendation contained in the agenda published on 10 May 2025 is that a recommendation of approval would only be submitted when the outstanding traffic issues are resolved, the amended recommendation for deferral is clearer that there are outstanding traffic issues that need to be resolved.
- A new Part D is added that clarifies that if the applicant agrees by 16 May 2025 to the Town's requests for further information addressing the traffic issues, then a recommendation to the DAP will not be submitted until the information is received and reviewed by Officers and reported to Council.



Carl Askew

CHIEF EXECUTIVE OFFICER

ITEM 9.1 – AMENDED OFFICER RECOMMENDATION

That Council –

- A. Note the draft Responsible Authority Report at Attachment 1.
- B. Recommends to the Metro Inner Development Assessment Panel (DAP) that consideration of DA 5.2024.212.1 be deferred pending the submission of additional information addressing the outstanding traffic issues identified in the draft Responsible Authority Report at Attachment 1.
- C. Requests the Officers to submit to the DAP recommended conditions and advice notes to be imposed should the DAP be of a mind to approve the application, addressing the following items :
 - 1. Amalgamation of lots which is to include the ceding of a portion of land to the State as a road connecting Shepperton Road to ROW 54.
 - 2. Access to Albany Highway to be restricted to left in and left out only, with the applicant/owner being responsible for the costs of implementing measures to restrict access.
 - 3. The proposed new access road linking Shepperton Road to ROW 54 is to be constructed to the satisfaction of the Town prior to the removal of the existing access from Shepperton Road to ROW 54 over Lot 502.
 - 4. The existing on-street parking bays on Albany Highway adjacent to the development site are to be removed and converted to an extended lane for vehicle movement to the east.
 - 5. The existing right turn lane on the north-western leg of Albany Highway into the southern leg being extended to the satisfaction of the Town and at the owners cost.
 - 6. All conditions recommended in the Main Roads WA (MRWA) letter to the Town dated 2 May 2025.
 - 7. Parking within the undercroft and basement car park being available to the public at all times that the development is open for business.
 - 8. An easement being provided over the external car bays to ensure public access to these bays at all times.
 - 9. The existing Town stormwater infrastructure traversing the site being diverted at the owner's cost, generally in accordance with the design outlined in the Pritchard Francis drawings dated received 31 March 2025.
 - 10. An easement being provided allowing the Town access to the proposed relocated stormwater pipes.
 - 11. A public art contribution of 1% of the value of the development.
 - 12. Approval of a final detailed landscaping plan, which shall include -
 - Resolving inconsistencies in the drawings regarding tree removal and retention within the site and adjacent street verges
 - Clarifying the boundary location and which trees are on the private property and which are within the verge

- All verge tree planting on Albany Highway and Shepperton Road 'Tree to the TOVP preference' to be *Corymbia maculata*.
 - Verge trees to be a maximum size of 100 litres.
 - Planting of a minimum of 25 new trees on the site.
 - A detailed playscape plan for the childcare centre including ground treatments and fall zones.
13. A 5 star Green Star rating being achieved.
 14. Submission and approval of a Deliveries Management Plan to be prepared in consultation with the Town and other landowners along ROW54.
 15. Noise amelioration measures being implemented as recommended in Appendix B of the Noise Management Plan.
 16. Limiting the extent of obscuring of street front windows.
 17. Awnings to be constructed from solid light impenetrable material.
 18. A minimum of 35 bike parking spaces to be provided, which shall be on-site unless approved by the Town
 19. ACROD bays to be provided at a minimum rate of 1 bay for every 20 total parking bays.
 20. A minimum of five short term parking bays to be designated for the exclusive use of the child care centre.
 21. The plans being amended to incorporate the changes recommended by the Town's Design Review Panel including –
 - Relocating the public footpath along Shepperton Road to the lot boundary.
 - Deleting the on-site footpath providing access to the bin store area and including landscaping within this space.
 - The blank wall on the elevation facing ROW 54 being architecturally treated or to include public art.
 22. The pylon sign to Shepperton Road is not approved as part of this application.
 23. The sign labelled 'S03' on the south elevation being amended to delete the Parking and Direct-to-Boot direction signs.
 24. This approval does not include approval for works within the road reserve - works within the road reserve are to be separately approved.
 25. Separate approval is required from the Town for the removal of any street trees.
 26. An updated Waste Management Plan is to be submitted reflecting waste vehicle access entering from Oats Street via ROW 54 and exiting via Shepperton Road.
 27. The approval also being an approval under clause 48 of the Metropolitan Region Scheme.
 28. The approval being valid for a period of four (4) years from the date of approval.
 29. Standard conditions and any other conditions considered appropriate by the Town's Officers.

Advice Notes

AN1 Estimated Helliwell valuation for removal of street trees is \$34,995.96.

AN2 An amended Waste Management Plan is necessary to address an inconsistency between the TIA and WMP regarding waste vehicle access.

- D. Notes that if the applicant agrees by 16 May 2025 to the Town's request for the submission of additional traffic information, then parts B and C of this resolution will not be actioned, and following the submission and assessment of the additional traffic information, the matter will be reported back to Council to consider a recommendation to the DAP.
- E. Requests Fabcot to continue discussions with the State in regard to the relationship between the development site and Lot 7.



TOWN OF
VICTORIA PARK

Special Council Meeting Agenda – 14 May 2025



WE'RE OPEN
VIC PARK

Please be advised that a **Special Council Meeting** will be held at **5:30 PM** on **Wednesday 14 May 2025** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Carl Askew – Chief Executive Officer
9 May 2025

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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 kaadijtin, 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 regulation 14I of the Local Government (Administration) Regulations 1996, this meeting is being audio and video recorded and live streamed on the Town's website.

Under clause 39(1) of the *Meeting Procedure Local Law 2019* I do not give permission for any other person to record the proceedings of this meeting. 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

Ms Karen Vernon

Banksia Ward

Cr Claire Anderson
Cr Peter Devereux
Cr Peter Melrosa
Cr Lindsay Miles

Jarrah Ward

Cr Sky Croeser
Cr Jesse Hamer
Deputy Mayor Bronwyn Ife
Cr Daniel Minson

Chief Executive Officer

Mr Carl Askew

Chief Operations Officer

Ms Natalie Adams

Chief Financial Officer

Mr Duncan Olde

Chief Community Planner

Mr David Doy

**Acting Manager Governance and Strategy
Manager Development Services**

Mr Jordan McDermott
Mr Robert Cruickshank

**Externals - Taylor Burrell Barnett
Associate
Principal**

Ms Fiona Atkins
Mr Jarrod Ross

**Meeting Secretary
Public Liaison**

Ms Winnie Tansanguanwong
Ms Tomoko Kidahashi

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

6 Public statement time

7 Presentations

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 Method of dealing with agenda business

9 Council reports

9.1 Development application for Proposed Shops (including Supermarket), Restaurant(s)/Cafe(s) and Child Care Premises - Nos. 1022-1032 Albany Highway and Nos. 355-357 Shepperton Road, East Victoria Park (Lots 1, 8, 30, 131, 132, 480, 481, 488 and 502)

Location	East Victoria Park
Reporting officer	Manager Development Services
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Draft Responsible Authority Report [9.1.1 - 39 pages] 2. Amended DA Report - dated 21 November 2024 [9.1.2 - 48 pages] 3. Amended LPP Assessment - received 21 November 2024 [9.1.3 - 8 pages] 4. Architectural Design Statement - received 19 August 2024 [9.1.4 - 39 pages] 5. Amended Architectural drawings - received 31 March 2025 [9.1.5 - 16 pages] 6. Amended landscaping plan - received 31 March 2025 [9.1.6 - 27 pages] 7. Amended Noise Management Plan for Child Care Centre - received 31 March 2025 [9.1.7 - 14 pages] 8. Acoustic Assessment - received 19 August 2024 [9.1.8 - 20 pages] 9. Amended Transport Impact Assessment - received 31 March 2025 [9.1.9 - 77 pages] 10. Applicant's response to traffic issues raised by MRWA TOVP and PTA - received 31 March 2025 [9.1.10 - 3 pages] 11. Schedule of Submissions [9.1.11 - 56 pages] 12. Applicant's response to Schedule of Submissions - received 31 March 2025 [9.1.12 - 91 pages] 13. Applicant's response to further information request - received 31 March 2025 [9.1.13 - 13 pages] 14. Pritchard Francis service relocation plan - received 31 March 2025 [9.1.14 - 11 pages] 15. Waste Management Plan - received 19 August 2024 [9.1.15 - 17 pages] 16. Sustainability Report - received 19 August 2024 [9.1.16 - 30 pages] 17. Design Review Panel Report - 8 May 2025 [9.1.17 - 8 pages] 18. Correspondence from MRWA dated 2 May 2025 [9.1.18 - 8 pages] 19. Drawing SK01 - Albany Highway access [9.1.19 - 1 page] 20. CONFIDENTIAL REDACTED - Legal advice dated 18 March 2025 [9.1.20 - 3

pages]

Landowner	State of Western Australia – Lot 502 only Fabcot Pty Ltd – all other lots
Applicant	Urbis Ltd
Application date	19 August 2024
DA/BA or WAPC reference	DA 5.2024.212.1
MRS zoning	Urban
TPS zoning	District Centre
R-Code density	R60
TPS precinct	N/A
Use class and permissibility	Shop - 'P' use Child Care Premises – 'A' use Restaurant/Cafe - 'P' use
Lot area	7633m ²
Municipal heritage inventory	No
Residential character study area/weatherboard precinct	No
Surrounding development	Commercial land uses generally.

Summary

The report is presented to Council as the application has been “called in” by Council to consider a recommendation to the Metro Inner Joint Development Assessment Panel on the development application

Recommendation

That Council -

- A. Note the draft Responsible Authority Report at Attachment 1.
- B. Recommends, subject to the outstanding traffic issues being resolved to the Town's satisfaction, that the Metro Inner Development Assessment Panel approve DA 5.2024.212.1 and requests that the Officers submit a recommendation containing appropriately worded conditions and advice notes addressing the following –
 1. Amalgamation of lots which is to include the ceding of a portion of land to the State as a road connecting Shepperton Road to ROW 54.
 2. Access to Albany Highway to be restricted to left in and left out only, with the applicant/owner being responsible for the costs of implementing measures to restrict access.
 3. The proposed new access road linking Shepperton Road to ROW 54 is to be constructed to the satisfaction of the Town prior to the removal of the existing access from Shepperton Road to ROW 54 over Lot 502.
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 - Clarifying the boundary location and which trees are on the private property and which are within the verge
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27. The approval also being an approval under clause 48 of the Metropolitan Region Scheme.
28. The approval being valid for a period of four (4) years from the date of approval.
29. Standard conditions and any other conditions considered appropriate by the Town's Officers.

Advice Notes

- AN1 Estimated Helliwell valuation for removal of street trees is \$34,995.96.
- AN2 An amended Waste Management Plan is necessary to address an inconsistency between the TIA and WMP regarding waste vehicle access.
- C. Notes that if the outstanding traffic issues are not addressed to the Town's satisfaction, then the Town's Officers may recommend to the Metro Inner Development Assessment Panel that the application be deferred or refused due to the traffic concerns outlined in the draft Responsible Authority Report at Attachment 1.
- D. Requests Fabcot to continue discussions with the State in relation to the relationship between the development site and Lot 7.

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.

At page 36 of the draft Responsible Authority Report at Attachment 1, the outstanding traffic issues are detailed. These issues have been conveyed to the applicant on 8 May by way of a further information request. The applicant has until 15 May to either agree to or refuse the Town's further information request. Given the Town's RAR is currently due on 19 May and it is unknown as to whether the applicant will agree to the Town's request for further information, the application is presented to the Special Council Meeting on 14 May notwithstanding the Officer's view that there are unresolved traffic issues.

Within Part B of the above recommendation those matters that will be addressed through conditions are described in general terms rather than being written as enforceable development approval conditions. Officers will ensure that the formal recommendation presented to the DAP will have conditions written in enforceable terms.

Financial implications

Current budget impact	No impact
Future budget impact	No impact

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			
Data, Information Technology	N/A			

and Cyber				
Assets	N/A			
Legislative compliance	Council not endorsing the Officer recommendation; The Metro Inner JDAP not supporting the Officer and/or Council recommendation	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	N/A			
Service delivery interruption	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 activation and improved amenity to the eastern end of Albany Highway with a high quality development at the eastern entry to the Town.

10 Public question time

11 Public statement time

12 Meeting closed to the public

12.1 Matters for which the meeting may be closed

12.2 Public reading of resolutions which may be made public

13 Closure