



TOWN OF
VICTORIA PARK



Special Council Meeting Minutes



WE'RE OPEN
VIC PARK

A **Special Council Meeting** was held at **6:30 PM** on **Monday 18 March 2024** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Her Worship the Mayor Karen Vernon
19 March 2024

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1 Declaration of opening

Mayor Karen Vernon opened the meeting at 6:30pm.

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

Ms 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

Nil.

3.2 Approved leave of absence

Nil.

4 Declarations of interest

4.1 Declarations of financial interest

Nil.

4.2 Declarations of proximity interest

Nil.

4.3 Declarations of interest affecting impartiality

Name/Position	Mayor Karen Vernon
Item No/Subject	9.1 – Development Application for No. 15 (Lot 9000) Hill View Terrace, East Victoria Park (Edward Millen Home and grounds)
Nature of interest	Impartiality
Extent of interest	I have received numerous communications with local residents for and against this development.

Name/Position	Cr Claire Anderson
Item No/Subject	9.1 – Development Application for No. 15 (Lot 9000) Hill View Terrace, East Victoria Park (Edward Millen Home and grounds)
Nature of interest	Impartiality
Extent of interest	I have spoken to a number of people about this development.

5 Public question time

5.1 Public question time

Public question time opened at 6.36pm.

Lark Hare, East Victoria Park

1. What assurances are provided for the noise levels from the animals in the petting zoo, stable farm, education farm centre on site noting the assigned noise level at night for the facility is 59 decibels.?

The Manager Development Services advised the acoustic report did not factor in animal noise, but the Town's environmental health team noted the stables is 45metres from the nearest residential property and the level of noise may be a background noise that would not create a nuisance. If approved, once operational the site will need to comply with the relevant noise regulations and standards.

2. The reference to background noise and not creating a nuisance is anecdotal, is it possible to have it included in the noise assessment?

The Manager Development Services advised that noise modelling can factor in anticipated animal noise levels. When the business is operational actual levels can be tested.

Mayor Karen Vernon advised that as indicated by the Manager Development Services there is no way to test this until the site is operational, Blackoak will be subject to noise regulations and if a complaint needs to be made it will be completed by the Town.

Public question time closed at 6.43pm.

6 Public statement time

Public statement time opened at 6.43pm. There being no public statements, public statement time closed at 6.44pm.

7 Presentations

7.1 Petitions

Nil.

7.2 Presentations

Nil.

7.3 Deputations

OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (27/2024):

Moved: Mayor Karen Vernon

Seconded: Cr Daniel Minson

That Council receives the following deputation from:

Mr Tim Mack, Managing Partner of Blackoak Capital Ventures speaking in support of the Officer's Recommendation of item 9.1 and the Development Application.

Carried (9 - 0)

For: Mayor Karen Vernon, Cr Claire Anderson, Cr Sky Croeser, Cr Peter Devereux, Cr Jesse Hamer, Deputy Mayor Bronwyn Ife, Cr Peter Melrosa, Cr Lindsay Miles and Cr Daniel Minson

Against: Nil

Mr Tim Mack, Blackoak Capital Ventures made a deputation on item 9.1.

8 Method of dealing with agenda business

Nil.

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.

OFFICER 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.

AMENDED RECOMMENDATION:

Moved: Mayor Karen Vernon

Seconded: Cr Claire Anderson

That Council endorse the recommendation contained in the Officer's draft Responsible Authority Report dated 14 March 2024 as amended on 18 March 2024 in accordance with Attachment 9.1.16, 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.

Reason: Following feedback from elected members, a number of minor amendments have been proposed by officers to the recommendation contained within the attachment.

AMENDMENT:

Moved: Cr Claire Anderson

Seconded: Cr Sky Croeser

To amend the recommendation in the draft RAR to include a new clause 42 for the applicant to provide universal access to the first floor of the rotunda building to the satisfaction of the Town.

Carried (8 - 1)

For: Mayor Karen Vernon, Cr Claire Anderson, Cr Sky Croeser, Cr Peter Devereux, Deputy Mayor Bronwyn Ife, Cr Peter Melrosa, Cr Lindsay Miles and Cr Daniel Minson

Against: Cr Jesse Hamer

Reason: To meet the objectives of the Towns disability access and inclusion plan.

The meeting adjourned at 8:35pm and re-convened at 8:50pm.

AMENDMENT:

Moved: Cr Jesse Hamer

Seconded: Mayor Karen Vernon

That condition 5 be amended to read:

- a) the Child Care Premises - Monday - Friday from 6:00am to 7:00pm for staff; from 6:30am to 6:30pm for parents and children. Outdoor play is to be restricted to occur between 7:00am and 6:30pm.
 - b) the bar, bistro, microbrewery and function space - to 10:00pm Sunday to Wednesday and 12 midnight on Thursday, Friday and Saturday unless otherwise approved by the Town.
- and
- d) there being a maximum of two market events each week to occur between the hours of 7:00am and 12noon unless otherwise approved by the Town for an occasional event.

Carried (9 - 0)

For: Mayor Karen Vernon, Cr Claire Anderson, Cr Sky Croeser, Cr Peter Devereux, Cr Jesse Hamer, Deputy Mayor Bronwyn Ife, Cr Peter Melrosa, Cr Lindsay Miles and Cr Daniel Minson

Against: Nil

Reason: The applicant has requested the Town consider this.

AMENDMENT:

Moved: Cr Sky Croeser

Seconded: Cr Peter Devereux

That condition 11 be amended to read:

Bicycle facilities for a minimum of 60 bikes unless otherwise approved are to be provided on-site in accordance with Australian Standard AS 2890.3 and to the satisfaction of the Town. This is to include bicycle facilities within close proximity of the entrance to the childcare centre, to accommodate bicycle parking for a minimum of at least six cargo bicycles. The bicycle parking facilities shall be installed and remain in place permanently unless otherwise approved by the Town.

Carried (9 - 0)

For: Mayor Karen Vernon, Cr Claire Anderson, Cr Sky Croeser, Cr Peter Devereux, Cr Jesse Hamer, Deputy Mayor Bronwyn Ife, Cr Peter Melrosa, Cr Lindsay Miles and Cr Daniel Minson

Against: Nil

Reason: There is a stated intention to encourage active transport to the site. Currently, the nearest bicycle parking is further from the front door of the childcare than the car parking. When carrying a child (or multiple children) and their required items for the day, having to walk past a carpark to the entry becomes a significant factor in adding friction to cycle travel.

AMENDMENT:

Moved: Mayor Karen Vernon

Seconded: Deputy Mayor Bronwyn Ife

Remove dot point 5 from AN5 "consider a dual name for the precinct to respect the Aboriginal history".

Carried (9 - 0)

For: Mayor Karen Vernon, Cr Claire Anderson, Cr Sky Croeser, Cr Peter Devereux, Cr Jesse Hamer, Deputy Mayor Bronwyn Ife, Cr Peter Melrosa, Cr Lindsay Miles and Cr Daniel Minson

Against: Nil

Reason: To bring this in line with the officers suggestion that it is not a recommendation from the DRP to the applicant but to Council.

COUNCIL RESOLUTION (28/2024):

Moved: Mayor Karen Vernon

Seconded: Cr Claire Anderson

That Council endorse the recommendation contained in the Officer's draft Responsible Authority Report dated 14 March 2024 as amended on 18 March 2024 in accordance with Attachment 9.1.16, 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.

Carried (9 - 0)

For: Mayor Karen Vernon, Cr Claire Anderson, Cr Sky Croeser, Cr Peter Devereux, Cr Jesse Hamer, Deputy Mayor Bronwyn Ife, Cr Peter Melrosa, Cr Lindsay Miles and Cr Daniel Minson

Against: Nil

10 Public question time

Public question time opened at 9.15pm. There being no public questions, public question time closed at 9.15pm.

11 Motion of which previous notice has been given

Nil.

12 Public statement time

Public statement time opened at 9.15pm. There being no public statements, public statement time closed at 9.16pm.

13 Meeting closed to the public

13.1 Matters for which the meeting may be closed

Nil.

13.2 Public reading of resolutions which may be made public

Nil.

14 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 9:16pm.

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

Signed:

Dated this: Day of: 2024