



# Perth Local Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 28 September 2023; 9.30am  
**Meeting Number:** PLDAP/127  
**Meeting Venue:** City of Perth  
Committee Room 1, Council House  
27 St Georges Terrace, Perth

## 1 Table of Contents

<b>1. Opening of Meeting, Welcome and Acknowledgement.....</b>	<b>2</b>
<b>2. Apologies.....</b>	<b>3</b>
<b>3. Members on Leave of Absence.....</b>	<b>3</b>
<b>4. Noting of Minutes.....</b>	<b>3</b>
<b>5. Declaration of Due Consideration.....</b>	<b>3</b>
<b>6. Disclosure of Interests.....</b>	<b>3</b>
<b>7. Deputations and Presentations.....</b>	<b>4</b>
<b>8. Form 1 – Responsible Authority Reports – DAP Applications.....</b>	<b>4</b>
8.1 Wellington Street, 301-311 (Lot: 19), Perth .....	4
<b>9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval .....</b>	<b>8</b>
Nil .....	8
<b>10. State Administrative Tribunal Applications and Supreme Court Appeals .....</b>	<b>8</b>
Nil.....	8
<b>11. General Business .....</b>	<b>8</b>
<b>12. Meeting Closure .....</b>	<b>8</b>

**Ray Haeren**  
Presiding Member, Perth Local JDAP



## Attendance

### DAP Members

Ray Haeren (Presiding Member)  
Jarrod Ross (Deputy Presiding Member)  
Cr Catherine Lezer (Local Government Member, City of Perth)  
Cr Viktor Ko (Local Government Member, City of Perth)

### Officers in attendance

Julia Kingsbury (City of Perth)  
Amie Groom (City of Perth)  
Thomas Pecheur (City of Perth)  
Craig Smith (City of Perth)

### Minute Secretary

Ebony Mackey (City of Perth)  
Melissa Karapetcoff (City of Perth)

### Applicants and Submitters

Daniel Lees (Element Advisory Pty Ltd)  
David Benson (Benson McCormack Architects) - *via Teams*  
Arne Heeres (Benson McCormack Architects) - *via Teams*  
David Ockenden (GDI)  
Jon Everett (Plan E Landscape Architects)

### Members of the Public / Media

Nadia Budihardjo from Business News was in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.38am on 28 September 2023 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### 1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

**Ray Haeren**  
Presiding Member, Perth Local JDAP



The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

## **2. Apologies**

Diana Goldswain (Third Specialist Member)  
John Syme (Third Specialist Member)  
John Taylor (Third Specialist Member)  
Justin Page (Third Specialist Member)  
Peter Lee (Third Specialist Member)  
Jason Hick (Third Specialist Member)  
Shelley Shephard (Third Specialist Member)  
Neema Premji (Third Specialist Member)  
Leigh Penney (Third Specialist Member)

## **3. Members on Leave of Absence**

Nil.

## **4. Noting of Minutes**

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

## **5. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

## **6. Disclosure of Interests**

Nil.

**Ray Haeren**  
Presiding Member, Perth Local JDAP



## 7. Deputations and Presentations

- 7.1 David Ockenden (GDI) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 David Benson (Benson McCormack Architects) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel
- 7.3 Jon Everett (Plan E Landscape Architects) presenting in support of the recommendation for the application at Item 8.1 and responded to questions from the panel
- 7.4 Daniel Lees (element) presenting in support of the recommendation for the application at Item 8.1 and responded to questions from the panel
- 7.5 Julia Kingsbury (The City of Perth) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.6 Craig Smith (The City of Perth) addressed the DAP in relation to the application at Item 8.1.

## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 Wellington Street, 301-311 (Lot: 19), Perth

Development Description:	Proposed Adaptive Reuse of the Existing Multi Storey Carpark including the Construction of 51 Multiple Dwellings, a 12 Level Office Tower and a New Public Plaza
Applicant:	Daniel Lees (element Advisory Pty Ltd)
Owner:	Perpetual Corporate Trust Limited
Responsible Authority:	City of Perth
DAP File No:	DAP/23/02428

### REPORT RECOMMENDATION

**Moved by:** Cr Catherine Lezer

**Seconded by:** Cr Viktor Ko

That the City of Perth Local Development Panel resolves to:

1. **Approve** DAP Application reference DAP/23/02428 and accompanying development plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Perth City Planning Scheme No. 2, subject to the following conditions:

**Ray Haeren**  
Presiding Member, Perth Local JDAP



---

## Conditions

1. pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme;
2. the public being granted permanent, unrestricted access through the public facility (public space) area, but not including those areas required to be closed to the public in order to secure the building(s) on the site, for 364 days out of every year, with the written consent of the City being first obtained if it becomes necessary for public access to these areas to be restricted for more than one day per year;
3. any subsequent change of use of the 'Residential' portion of the development being prohibited within 10 years from the date of lawful occupation of those portions of the development pursuant to Clause 35 of City Planning Scheme No. 2;
4. the development being constructed with high quality and durable materials and finishes and to a level of detailing that is consistent with the elevations and perspectives received on 31 July 2023, with final details of the design including a sample board of the proposed materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;
5. the building facades being designed to mitigate potential high levels of glare or excessive solar reflection to the surrounding public realm and nearby properties to the satisfaction of the City, with final details of the façade design and a reflection assessment/report prepared by a suitably qualified consultant being submitted for approval by the City prior to applying for a building permit;
6. final details of the design, treatment of and access to the public space, including provision of universal access, furniture, art, lighting, security, maintenance and litter control, together with the proposed management and maintenance of these areas being submitted for approval by the City prior to applying for a building permit, with the public space being completed prior to occupation of the development and thereafter maintained to a high standard to the City's satisfaction;
7. a final landscaping and reticulation plan, being submitted for approval by the City prior to applying for a building permit. The approved landscaping is to be installed prior to occupation of development and thereafter maintained to a high standard to the City's satisfaction;
8. a section 70A notification pursuant to the Transfer of Land Act 1893 prepared to the City's satisfaction at the cost of the subject owner/s, being placed on the relevant title of each multiple dwelling prior to any transfer of ownership, advising prospective purchasers of:-
  - *"The land is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise and vibration."*
9. the ground floor commercial tenancies being limited to, 'Dining', 'Retail (General)' and 'Retail (Local)' uses, with any other uses requiring a separate application for approval;

**Ray Haeren**  
Presiding Member, Perth Local JDAP



10. a final Acoustic Report addressing the requirements outlined in the preliminary Acoustic Report prepared by Arup dated 17 January 2023 regarding the noise amelioration construction specifications and other noise management measures and requirements of State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning, being implemented in full to the satisfaction of the City, with final plans being certified by a qualified acoustic consultant confirming the development incorporates the recommendations and can achieve compliance with the relevant noise legislation, prior to applying for a building permit;
11. a final Wind Impact Statement, including wind tunnel model measurements, being undertaken to quantify and compare the wind conditions against acceptable pedestrian wind comfort criteria and, if necessary, including mitigation strategies to achieve compliance with the criteria, with details being submitted by the applicant for approval by the City prior to applying for a building permit, with any significant design changes resulting from the amended wind impact analysis being the subject of a separate application for approval;
12. the approved Waste Management Plan prepared by Encycle Consulting Pty Ltd dated 25 January 2023, being implemented by the building manager/operator on an ongoing basis to the satisfaction of the City;
13. the dimensions of any new and/or modified car parking bays, loading bays, vehicle entrances, aisle widths and circulation areas complying with the Australian Standard AS2890.1, with a certificate of compliance by an architect or engineer being submitted for approval by the City prior to applying for a building permit;
14. a minimum of one car bay being allocated to each multiple dwelling within the development and with all on-site residential car bays being for the exclusive use of the residents of the development and their visitors;
15. a maximum of 73 commercial tenant car parking bays being provided on site, being for the exclusive use of occupants of the commercial tenancies within the development and not being leased or otherwise reserved for the use of the tenants or occupants of other buildings or sites to the satisfaction of the City;
16. the proposed floor levels of the pedestrian and vehicle entrances to the building being designed to match the current levels of the immediately adjacent footpath, to the satisfaction of the City;
17. all redundant crossovers being removed and the verge and footpaths being reinstated in accordance with the City's specifications and satisfaction and at the expense of the developer/landowner and all new proposed crossovers being located and constructed to the City's specification and satisfaction prior to occupation of the development, with any additional works (with the exception of awnings) external to the property boundaries of the site not being approved as part of this development and being subject to a separate application(s) for approval;

**Ray Haeren**  
Presiding Member, Perth Local JDAP



18. on-site stormwater disposal/management being to the City's specifications with details being submitted for approval by the City prior to applying for a building permit;
19. any proposed building plant and services including air-conditioning condensers, lift overruns, piping, ducting, water tanks, transformers, fire boosters and fire control rooms being located or screened so that they cannot be viewed from any location external to the building (including from above) and to minimise any visual and noise impact. This includes any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted for approval by the City prior to applying for a building permit;
20. any signage for the development being integrated into the design of the building in accordance with the City's Signs Policy 4.6 and subject to a separate application for approval where required;
21. the existing street trees located in the road verge on Pier Street being retained and protected from damage throughout any demolition and/or construction works with tree protection zones being established and maintained during the demolition and/or construction periods in accordance with the Australian Standard S4970-2009 - Protection of Trees on Development Sites, to the satisfaction of the City, with the owner/applicant being liable for any damage or removal of the trees; and
22. demolition and construction management plans for the proposal prepared in accordance with the City's pro-forma and requirements being submitted for approval by the City in consultation with the Department of Planning, Lands and Heritage, prior to applying for a demolition permit and/or a building permit.

### Advice Notes

1. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development is approved with a maximum plot ratio of 7:1 (25,389m<sup>2</sup> of plot ratio floor area) inclusive of 40% bonus plot ratio (7,254m<sup>2</sup> plot ratio floor area) for the provision of a public facilities (new public space) and residential use in the development in accordance with Clause 28 of City Planning Scheme No. 2 and the requirements of the Bonus Plot Ratio Policy 4.5.1.
3. The City advises that the existing street trees will not be permitted to be pruned, relocated or removed to accommodate demolition and/or construction works at the site, with the amenity value of the trees to be included in any works bond associated with any building permit issued by the City.
4. The final plans and details submitted to the City of Perth to satisfy the conditions of this approval will be verified by the City Architect and Alliance Manager Development Approvals. Any substantive changes to the approved plans will need to be made via a Form 2 process.

**Ray Haeren**  
Presiding Member, Perth Local JDAP



5. Any future demolition and/or construction management plans will be required to demonstrate how potential impacts on the adjacent state and local heritage listed building (70-74 Murray Street) will be minimised during the demolition and construction periods.
6. The applicant is advised that any non-residential/tenant car parking bays provided as part of the development will need to be licensed by the Department of Transport in accordance with the requirements of the Perth Parking Management Act. Development approval facilitating the construction and use of bays under relevant planning legislation should not be construed as implied approval from the Department of Transport for the future licensing and use of any car parking bays.
7. The applicant/developer is encouraged to ensure that, should the building be strata titled in the future, the City strongly encourages the developer to ensure that the future owners of the permanent residential dwellings do not contribute to any levy or other payment associated with the commercial tenant car parking bays.
8. The owner/developer is encouraged to register the development for a formally recognised sustainability rating certification which is holistic in nature and covers a range of sustainability issues.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** The panel members were satisfied that the development proposal was consistent with the statutory and policy framework for the locality, and consistent with the vision for the City Centre Precinct. It was noted as a positive step forward from a strategic and operational perspective and as a benchmark example of this type of development. As a result, the application was supported and approved.

**9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval**

Nil.

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

Nil.

**11. General Business**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

**12. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 10.44am.

**Ray Haeren**  
Presiding Member, Perth Local JDAP