



Perth Local Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 17 October 2023; 9.30am
Meeting Number: PLDAP/128
Meeting Venue: City of Perth
 Committee Room 1, Council House
 27 St Georges Terrace, Perth

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Jarrod Ross
A/Presiding Member, Perth Local JDAP



Attendance

DAP Members

Jarrold Ross (A/Presiding Member)
Lindsay Baxter (A/Deputy Presiding Member)
Diana Goldswain (Third Specialist 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)
Dimitri Fotev (City of Perth)
Roberto Colalillo (City of Perth)
Craig Smith (City of Perth)

Minute Secretary

Anne-Marie Bartlett (City of Perth)

Applicants and Submitters

Item 8.1

Nik Hidding (Hidding Urban Planning)

Item 8.2

Matthew Filov (Urbis Pty Ltd)
Marc Spadaccini (Urbis Pty Ltd)
Tim Dawkins (Urbis Pty Ltd)
Haydn Ward (Urbis Pty Ltd)
Allison Lim (Urbis Pty Ltd)
George Watts (Herring Storer Acoustics)
Belinda Moharich (Moharich and More Planning and Environment Law)
Jeremy Langford (Australian Venue Co) (*via electronic means*)

Members of the Public / Media

There were 5 members of the public and Nadia Budihardjo from Business News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:33am on 17 October 2023 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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The A/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 A/Presiding Member

The A/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.

The A/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

Ray Haeren (Presiding 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

The A/Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.2, received on 16 October 2023.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Ray Haeren, declared a direct pecuniary interest in item 8.2. The application is being facilitated by Urbis and Rae Haeren is a partner of Urbis.



7. Deputations and Presentations

7.1 Nik Hidding (Hidding Urban Planning) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Julia Kingsbury and Craig Smith (The City of Perth) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Item 7.1 – 7.2 were heard prior to the application at Item 8.1.

7.3 Belinda Moharich (Moharich and More Planning and Environment Law) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.4 Matthew Filov (Urbis), George Watts (Herring Storer Acoustics) and Jeremy Langford (Australian Venue Co.) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.5 Julia Kingsbury and Craig Smith (The City of Perth) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Items 7.3 - 7.5 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 20 (No.141) Wellington Street, East Perth

Development Description:	Proposed Convenience Store
Applicant:	Hidding Urban Planning
Owner:	Perth OHP Pty Ltd
Responsible Authority:	City of Perth
DAP File No:	DAP/22/02372

REPORT RECOMMENDATION

Moved by: Cr Viktor Ko

Seconded by: Diana Goldswain

That the City of Perth Local Development Assessment Panel resolves to:

1. **Refuse** DAP Application reference DAP/22/02372 and accompanying 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 City Planning Scheme No. 2, for the following reasons:

Jarrod Ross
A/Presiding Member, Perth Local JDAP



Reasons:

1. pursuant to clause 67(2)(a), (m) and (n) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Goderich Precinct Plan under *City Planning Scheme No. 2*, for the following reasons:
 - a. the proposed development is inconsistent with the objectives and intentions of *City Planning Scheme No. 2*.
 - b. the built form and site planning does not appropriately respond to the existing character of the locality.
 - c. the built form and site planning will adversely impact on the existing and future amenity of the locality.
2. pursuant to clause 67(2)(fa) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development is inconsistent with the objectives of the *City of Perth Local Planning Strategy* which identifies high density residential as the most appropriate future land use and urban form for the site.
3. pursuant to clause 67(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development is inconsistent with the principles for good design as detailed in *State Planning Policy 7.0 – Design of the Built Environment* and the objectives of the Goderich Design Policy as the built form and site planning do not respond to its inner-city, predominantly residential location, is an inappropriate built form for its setting, has poor site legibility (especially for pedestrians) and lacks appropriate landscaping.
4. pursuant to clause 67(2)(g) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development is inconsistent with *Local Planning Policy 4.6 – Signs* as the proposal includes multiple digital signs, which are not permitted in the Landscaped Mixed Use area, and the signage proposed is excessive and will create adverse visual clutter.

PROCEDURAL MOTION

Moved by: Cr Catherine Lezer

Seconded by: Jarrod Ross

That the consideration of DAP Application DAP/22/02372 be deferred for a period of six (6) months, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- to allow the applicant to provide revised information and amended plans to the City of Perth to address the reasons for refusal, being:
 1. pursuant to clause 67(2)(a), (m) and (n) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Goderich Precinct Plan under *City Planning Scheme No. 2*, for the following reasons:
 - a. the proposed development is inconsistent with the objectives and intentions of *City Planning Scheme No. 2*.
 - b. the built form and site planning does not appropriately respond to the existing character of the locality.
 - c. the built form and site planning will adversely impact on the existing and future amenity of the locality.

Jarrod Ross
A/Presiding Member, Perth Local JDAP



2. pursuant to clause 67(2)(fa) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development is inconsistent with the objectives of the *City of Perth Local Planning Strategy* which identifies high density residential as the most appropriate future land use and urban form for the site.
3. pursuant to clause 67(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development is inconsistent with the principles for good design as detailed in *State Planning Policy 7.0 – Design of the Built Environment* and the objectives of the Goderich Design Policy as the built form and site planning do not respond to its inner-city, predominantly residential location, is an inappropriate built form for its setting, has poor site legibility (especially for pedestrians) and lacks appropriate landscaping.
4. pursuant to clause 67(2)(g) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development is inconsistent with *Local Planning Policy 4.6 – Signs* as the proposal includes multiple digital signs, which are not permitted in the Landscaped Mixed Use area, and the signage proposed is excessive and will create adverse visual clutter.

The Procedural Motion was put and CARRIED (3/2).

For: Jarrod Ross
Lindsay Baxter
Cr Catherine Lezer

Against: Diana Goldswain
Cr Viktor Ko

REASON: The panel considered there was merit in granting the proponent further time to reconsider the site design in the context of the reasons for refusal and submit any revised proposal and/or justification to the city for further review and recommendation.

8.2 Lot H17 (No.437 - 439) Murray Street, Perth

Development Description:	Alterations and Additions to Existing Tavern
Applicant:	Australian Venue Co C/O Urbis Pty Ltd
Owner:	Lockney Pty Ltd
Responsible Authority:	City of Perth
DAP File No:	DAP/23/02509

Jarrod Ross
A/Presiding Member, Perth Local JDAP



REPORT RECOMMENDATION

Moved by: Cr Catherine Lezer

Seconded by: Lindsay Baxter

With the agreement of the mover and seconder, the following changes were made:

- (i) That Condition No. 7 be amended, to read as follows:

Music ~~the noise levels within the rooftop area being limited to ambient or background levels where normal conversations can occur, with any music amplification system for the rooftop area being fitted with a volume limiter to ensure compliance the venue complying with the requirements of the Environmental Protection (Noise) Regulations 1997, to the satisfaction of the City at all times;~~

REASON: To provide further clarity as to the required measures to manage the impact of noise on surrounding sensitive uses.

That the City of Perth Local Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/23/02509 and accompanying 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 City Planning Scheme No. 2, subject to the following conditions:

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. final details of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;
3. final details of the roller shutter, demonstrating a high level of integration with the design of development, being submitted for approval by the City prior to applying for a building permit;
4. any new or modified air-conditioning condensers, external building plant, lift overruns, piping, ducting, and building services being located or screened so that they cannot be viewed from any location external to the site, including from above, and to minimise any visual and noise impact on the adjacent properties, with final 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;
5. details of on-site stormwater disposal/management being to the City's specifications and being submitted for approval by the City prior to applying for a building permit;

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6. an updated Acoustic Report with final details of mechanical services and plant being submitted to the City for approval, prior to applying for a building permit, with any requirements and noise mitigation measures of the approved Acoustic Report being implemented by the proprietor/manager/operator of the venue on an on-going basis;
7. Music levels within the rooftop area being limited to ambient or background levels where normal conversations can occur, with any music amplification system for the rooftop area being fitted with a volume limiter to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*, to the satisfaction of the City;
8. a final venue management plan being submitted for approval by the City, prior to applying for a building permit, with the approved management plan being implemented by the proprietor/manager on an on-going basis;
9. the waste management plan dated 26 July 2023 being implemented by the proprietor/manager on an on-going basis;
10. any signage for the development being integrated into the design of the building, with final details being submitted for approval by the City prior to installation, with any signage which is not exempt from approval under the City's Signs Policy 4.6 being subject to a separate application for approval;
11. the existing street trees located in the adjacent Murray Street road reserve 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;
12. any 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; and
13. demolition and/or construction management plans for the proposal prepared in accordance with the City's pro-forma and requirements being submitted for approval by the City 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 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.

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2. The City advises that the final venue management plan is required to include additional details relating to the servicing of the venue including times, parking locations for service vehicles and measures to minimise any impact on the street and occupiers of surrounding developments.
3. This applicant is advised to review the requirements for disability access and facilities as required under the Disability Discrimination Act and Access to Premises Standards.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The panel considered the approval of the proposal, subject to the amended condition, was warranted following consideration of the proponents justification and the officers recommendation.

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 11:04am.