



City of Perth Local Development Assessment Panel Minutes

Meeting Date and Time: 9 April 2020; 1:30pm
Meeting Number: PLDAP/108
Meeting Venue: Via electronic means

This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person.

Attendance

DAP Members

Mr Ray Haeren (Presiding Member)
Mr Brian Curtis (Deputy Presiding Member)
Ms Diana Goldswain (Specialist Member)
Commissioner Andrew Hammond (Local Government Member, City of Perth)
Commissioner Len Kosova (Local Government Member, City of Perth)

Officers in attendance

Mr Roberto Colalillo (City of Perth)
Ms Margaret Smith (City of Perth)
Mr Craig Smith (City of Perth)
Mr Dewald Gericke (City of Perth)
Mr Dimitri Fotev (City of Perth)

Minute Secretary

Mr Phil Goodwin (DAP Secretariat)
Ms Adele McMahon (DAP Secretariat)

Applicants and Submitters

Mr Marc Beattie (Element)
Mr George Ashton (Element)
Mr Daniel Lees (Element)
Mr Laurie Scanlan (Scanlan Architects)
Mr Jarrad Oakley (Scanlan Architects)

Members of the Public / Media

There were 2 members of the public in attendance.

1. Declaration of Opening



The Presiding Member declared the meeting open at 1.32pm on 9 April 2020 and acknowledged the traditional owners and pay 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 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.

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.

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil

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

7. Deputations and Presentations



- 7.1 Mr George Ashton (Element) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Laurie Scanlan (Scanlan Architects) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3 The City of Perth officers responded to questions from the panel in relation to Item 8.1.

8. Form 1 – Responsible Authority Reports – DAP Application

- 8.1 Property Location: 39 (Lots 4 and 551), 41 (Lot 1) and 47 - 55 (Lots 1 and 2) Milligan Street and 469 (Lot 2) and 471 (Lots 66 and 550) Murray Street, Perth
- Development Description: Partial demolition of existing buildings, conservation and adaptive re-use of heritage buildings and the construction of a mixed-use development comprising a 22 level office building, a 37 level hotel building containing 360 hotel rooms and associated dining and retail uses and a total of 71 tenant and 85 public car parking bays
- Applicant: Element Advisory Pty Ltd
Owner: Fragrance WA-Perth (Milligan) Pty Ltd
Responsible Authority: City of Perth
DAP File No: DAP/20/01730

REPORT RECOMMENDATION

Moved by: Commissioner Len Kosova **Seconded by:** Commissioner Andrew Hammond

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

1. **Approve by absolute majority** DAP Application reference DAP/20/01730 and accompanying perspectives (Attachment 2) and development plans (Attachment 3) 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 Planning Scheme No. 2 and the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. any subsequent change of use of the 'Special Residential' (hotel) 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(1) of City Planning Scheme No. 2;



2. 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 17 March 2020, with particular attention to providing:
 - a) aesthetic treatments and finishes to the side boundary walls;
 - b) appropriate shading treatments to the heritage building plaza area roof and street frontage canopies,with the final details of the design and a sample board of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;
3. the eastern facade of the hotel tower being designed to mitigate potential high levels of glare or excessive solar light and heat 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;
4. all new awnings being a minimum of 600mm from the kerb and the awnings and any under awning signs being a minimum of 2.75 metres above the existing level of the adjacent footpath;
5. the applicant/owner of the site exempting the City from any liability resulting from claims due to any damage caused directly or indirectly by the retained awning structure to the heritage building, with the applicant/owner accepting all responsibility for any such claims;
6. final details of all landscaped areas including soil depths, plant species, use of substantial/mature plant stock where appropriate, irrigation and management being submitted for approval by the City prior to applying for a building permit with the landscaping being installed prior to occupation of development and thereafter maintained to a high standard, with any landscaping or street trees 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;
7. a dilapidation survey of Hostel Milligan and Pearl Villa being prepared by a suitably qualified structural engineer prior to any further demolition or excavation works occurring, with any damage to the retained portions of the buildings being made good, to the satisfaction of the City, in consultation with the Department of Planning, Lands and Heritage;
8. should the development be constructed in stages, all conservation, adaptation and interpretive works for the Hostel Milligan and Pearl Villa being completed prior to occupation of the first stage of the development to the satisfaction of the City, in consultation with the Department of Planning, Lands and Heritage;
9. any reconstruction work to Pearl Villa being undertaken strictly in accordance with documentary evidence and being documented as a separate works package to be prepared in consultation with the Department of Planning, Lands and Heritage and approved by the City, prior to applying for a building permit;
10. a program of monitoring any structural movement and potential vibration impacts on Hostel Milligan and Pearl Villa being implemented at the commencement of



- any building works. Should any impact occur, the City and Department of Planning, Lands and Heritage shall be notified immediately and advised on a recommended course of action by a qualified structural engineer appointed by the proponent;
11. an Interpretation Plan being prepared for the site and interpretive material incorporated into the development at ground floor/street level to provide a context for the 1887 Pearl Villa and the 1930s Hostel Milligan additions, including, but not being limited to, the extent of demolition being undertaken and expressed in the physical fabric, the evolution of the built fabric as a result of the sequence of development outlined in the Conservation Plan, which includes the garage structure facing Murray Street, and to telling the stories relating to the social value of the place. The Interpretation Plan shall be prepared in consultation with the Department of Planning, Lands and Heritage and shall be submitted for approval by the City and completed to the satisfaction of the City prior to occupation of the first stage of the development;
 12. the Metters stove being retained and/or reinstated into the existing fireplace to Room 11 of the Pearl Villa to the satisfaction of the City, in consultation with the Department of Planning, Lands and Heritage;
 13. the Conservation Management Plan being updated to the satisfaction of the City, in consultation with the Department of Planning, Lands and Heritage, at the conclusion of works and prior to the issue of an occupancy permit;
 14. the owner entering into a heritage agreement under the *Heritage of Western Australia Act 1990* with the City of Perth and the Heritage Council of Western Australia prior to any demolition works being undertaken. The heritage agreement is to include the development's building program, conservation works to the heritage buildings, and the implementation of interpretive elements;
 15. any proposed air-conditioning condensers, external building plant, lift overruns, piping, ducting, water tanks, transformers and fire control rooms being located or screened so that they cannot be viewed from any location external to the site and to minimise any visual and noise impact on the adjacent properties, including any such plant or services located within the vehicle entrances of the development and with fire boosters being integrated into the design of the building or landscaping, 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;
 16. a final Acoustic Report addressing the requirements outlined in the preliminary Acoustic Report prepared by Herring Storer Acoustics dated October 2019 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;



17. a Hotel Management Plan addressing the operation of the hotel in accordance with the provisions of the City's Special Residential (Serviced and Short Term Accommodation) Policy, including but not being limited to the following:
 - a) company name and relevant experience of management/operator;
 - b) type or extent of room service to be offered;
 - c) cleaning and laundry services, where applicable;
 - d) opening hours for guest check-ins and check-out including the method of reservations / bookings;
 - e) security of guests and visitors;
 - f) control of noise and other disturbances; and
 - g) a complaints management service;

being submitted for approval by the City prior to the occupancy of the hotel with the management plan being implemented by the hotel proprietor/manager on an on-going basis and to the satisfaction of the City;
18. the proposed floor levels of the pedestrian and vehicle entrances to the building being designed to match the levels of the immediately adjacent footpath, to the City's satisfaction;
19. on-site stormwater disposal/management being to the City's specifications with details being submitted for approval by the City prior to applying for the relevant building permit;
20. a Vehicular, Service and Delivery Access Plan, outlining the management strategies to deal with the dropping off and picking up of hotel guests via taxi, ride share or other transport; strategies for advising guests upfront of limitations in car parking in the locality; and including arrangements for on-site servicing of the building, being submitted for approval by the City prior to the occupation of the hotel building with the plan being implemented by the hotel proprietor/manager thereafter to the satisfaction of the City;
21. a maximum of 71 commercial tenant car parking bays being provided on site, for the exclusive use of staff and occupants of the hotel and office developments and not being leased or otherwise reserved for use of the tenants or occupants of other buildings or sites with access/egress to the bays being permitted from Murray Street only;
22. a maximum of 85 public car parking bays being provided on site with a Parking Management Plan addressing the requirements of the Perth Parking Policy being submitted for approval by the City, in consultation with the Department of Transport, prior to the commencement of use of the public fee paying car parking bays, with all management measures being implemented by the operator thereafter to the satisfaction of the City;
23. the dimensions of all car parking bays, vehicle entrance, aisle widths and circulation areas complying with the Australian Standard AS2890.1, ensuring that vehicles can enter and exit the building in forward gear with a certificate of compliance by an architect or engineer being submitted for approval by the City prior to applying for a building permit;



24. the proposed vehicle entry and exit points on Murray Street being restricted to left in, left out and right in only and Milligan Street being restricted to left in, left out and right out only to the specification and satisfaction of the City with any associated modifications within the adjacent road reserves being subject to separate approval(s);
25. all bicycle parking bays being secured, located and designed in accordance with the requirements of the City's Bicycle Parking and End of Journey Facilities Policy 5.3, with details of the design and location of the parking bays including additional security and/or management measures and associated end of journey facilities being submitted for approval by the City prior to applying for a building permit;
26. a final Waste Management Plan, being submitted for approval by the City prior to applying for a building permit;
27. any signage for the development being integrated with the design of the buildings with details of any signage that is not exempt from approval under the City's Planning Policy 4.6 – Signs being subject to a separate application for approval;
28. in the event of the development not proceeding within six months of the demolition of the existing non-heritage buildings on the site, the vacant portion of the site is to be aesthetically fenced and/or landscaped to the satisfaction of the City in order to preserve the amenity of the area, prevent unauthorised car parking and reduce dust and sand being blown from the site and shall be maintained in a clean and tidy state, with the retained heritage buildings and structures being appropriately secured and protected from any damage on an ongoing basis;
29. the works referred to in the above condition, being secured by a bond/deed of agreement between the landowner/applicant and the City, to the value of the proposed works as determined by the City, with the cost of the deed to be borne by the applicant and the bond/deed being finalised to City's satisfaction prior to any demolition works being undertaken;
30. a Staging Strategy Plan for the proposed development which includes the heritage components being completed as part of stage one with each subsequent stage of the development being constructed in such a manner that the overall site has the appearance of a completed development with details of the interim treatment of the site for future building stages being submitted for approval by the City prior to applying for a building permit;
31. a final environmental wind assessment, including a wind tunnel model measurement, being undertaken to quantify and compare the wind conditions against the relevant 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;



32. the ground floor commercial tenancies being limited to 'Dining', 'Retail (General)' and 'Entertainment' (excluding nightclubs and taverns) uses;
33. a management plan for the small bar, detailing the control of noise, patron behaviour and hours of operation being submitted for approval by the City prior to the area being occupied as a bar with the management plan being implemented by the proprietor/manager of the premises on an on-going basis;
34. 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;
35. the subject lots being amalgamated into one lot on one Certificate of Title prior to the occupation of any of the buildings within the development; and
36. a construction management plan 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 two (2) years from the date of approval. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect.
2. The applicant is advised that any future subdivision of the subject site following the completion of one or both of the proposed towers, will require an amendment to City Planning Scheme No. 2 to create a special control area over the site, in order to ensure the car parking and plot ratio provisions for the respective lots comply with the City Planning Scheme No. 2 and Perth Parking Policy 2014.
3. The City advises that the final Waste Management Plan is required to address the following additional matters:-
 - a) serviceability by larger vehicles including updated swept path analysis;
 - b) suitable bin store access distances; and
 - c) adequate loading area clearances and operating dimensions.
4. With regards to the Heritage Agreement, it is advised that any changes to the program of works, conservation works and/or interpretation elements may require the amendment or updating of the Heritage Agreement.
5. The development is restricted to a maximum plot ratio of 7:1 (24,920m² of plot ratio floor area) inclusive of 40% bonus plot ratio (7,120m² of plot ratio floor area) on the basis of 20% bonus plot ratio (3,560m² of plot ratio floor area) for a new Special Residential use and 20% bonus plot ratio (3,560m² of plot ratio floor area)



REPORT RECOMMENDATION (AS AMENDED)

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

1. **Approve by absolute majority** DAP Application reference DAP/20/01730 and accompanying perspectives (Attachment 2) and development plans (Attachment 3) 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 Planning Scheme No. 2 and the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. any subsequent change of use of the 'Special Residential' (hotel) 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(1) of City Planning Scheme No. 2;
2. 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 17 March 2020, with particular attention to providing:
 - a) aesthetic treatments and finishes to the side boundary walls;
 - b) appropriate shading treatments to the heritage building plaza area roof and street frontage canopies,with the final details of the design and a sample board of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;
3. the eastern facade of the hotel tower being designed to mitigate potential high levels of glare or excessive solar light and heat 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;
4. all new awnings being a minimum of 600mm from the kerb and the awnings and any under awning signs being a minimum of 2.75 metres above the existing level of the adjacent footpath;
5. the applicant/owner of the site exempting the City from any liability resulting from claims due to any damage caused directly or indirectly by the retained awning structure to the heritage building, with the applicant/owner accepting all responsibility for any such claims;
6. final details of all landscaped areas including soil depths, plant species, use of substantial/mature plant stock where appropriate, irrigation and management being submitted for approval by the City prior to applying for a building permit with the landscaping being installed prior to occupation of development and thereafter maintained to a high standard, with any landscaping or street trees 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;



7. a dilapidation survey of Hostel Milligan and Pearl Villa being prepared by a suitably qualified structural engineer prior to any further demolition or excavation works occurring, with any damage to the retained portions of the buildings being made good, to the satisfaction of the City, in consultation with the Department of Planning, Lands and Heritage;
8. should the development be constructed in stages, all conservation, adaptation and interpretive works for the Hostel Milligan and Pearl Villa being completed prior to occupation of the first stage of the development to the satisfaction of the City, in consultation with the Department of Planning, Lands and Heritage;
9. any reconstruction work to Pearl Villa being undertaken strictly in accordance with documentary evidence and being documented as a separate works package to be prepared in consultation with the Department of Planning, Lands and Heritage and approved by the City, prior to applying for a building permit;
10. a program of monitoring any structural movement and potential vibration impacts on Hostel Milligan and Pearl Villa being implemented at the commencement of any building works. Should any impact occur, the City and Department of Planning, Lands and Heritage shall be notified immediately and advised on a recommended course of action by a qualified structural engineer appointed by the proponent;
11. an Interpretation Plan being prepared for the site and interpretive material incorporated into the development at ground floor/street level to provide a context for the 1887 Pearl Villa and the 1930s Hostel Milligan additions, including, but not being limited to, the extent of demolition being undertaken and expressed in the physical fabric, the evolution of the built fabric as a result of the sequence of development outlined in the Conservation Plan, which includes the garage structure facing Murray Street, and to telling the stories relating to the social value of the place. The Interpretation Plan shall be prepared in consultation with the Department of Planning, Lands and Heritage and shall be submitted for approval by the City and completed to the satisfaction of the City prior to occupation of the first stage of the development;
12. the Metters stove being retained and/or reinstated into the existing fireplace to Room 11 of the Pearl Villa to the satisfaction of the City, in consultation with the Department of Planning, Lands and Heritage;
13. the Conservation Management Plan being updated to the satisfaction of the City, in consultation with the Department of Planning, Lands and Heritage, at the conclusion of works and prior to the issue of an occupancy permit;
14. the owner entering into a heritage agreement under the *Heritage of Western Australia Act 1990* with the City of Perth and the Heritage Council of Western Australia prior to any demolition works being undertaken. The heritage agreement is to include the development's building program, conservation works to the heritage buildings, and the implementation of interpretive elements;



15. any proposed air-conditioning condensers, external building plant, lift overruns, piping, ducting, water tanks, transformers and fire control rooms being located or screened so that they cannot be viewed from any location external to the site and to minimise any visual and noise impact on the adjacent properties, including any such plant or services located within the vehicle entrances of the development and with fire boosters being integrated into the design of the building or landscaping, 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;
16. a final Acoustic Report addressing the requirements outlined in the preliminary Acoustic Report prepared by Herring Storer Acoustics dated October 2019 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;
17. a Hotel Management Plan addressing the operation of the hotel in accordance with the provisions of the City's Special Residential (Serviced and Short Term Accommodation) Policy, including but not being limited to the following:
 - a) company name and relevant experience of management/operator;
 - b) type or extent of room service to be offered;
 - c) cleaning and laundry services, where applicable;
 - d) opening hours for guest check-ins and check-out including the method of reservations / bookings;
 - e) security of guests and visitors;
 - f) control of noise and other disturbances; and
 - g) a complaints management service;being submitted for approval by the City prior to the occupancy of the hotel with the management plan being implemented by the hotel proprietor/manager on an on-going basis and to the satisfaction of the City;
18. the proposed floor levels of the pedestrian and vehicle entrances to the building being designed to match the levels of the immediately adjacent footpath, to the City's satisfaction;
19. on-site stormwater disposal/management being to the City's specifications with details being submitted for approval by the City prior to applying for the relevant building permit;
20. a Vehicular, Service and Delivery Access Plan, outlining the management strategies to deal with the dropping off and picking up of hotel guests via taxi, ride share or other transport; strategies for advising guests upfront of limitations in car parking in the locality; and including arrangements for on-site servicing of the building, being submitted for approval by the City prior to the occupation of the hotel building with the plan being implemented by the hotel proprietor/manager thereafter to the satisfaction of the City;



21. a maximum of 71 commercial tenant car parking bays being provided on site, for the exclusive use of staff and occupants of the hotel and office developments and not being leased or otherwise reserved for use of the tenants or occupants of other buildings or sites with access/egress to the bays being permitted from Murray Street only;
22. a maximum of 85 public car parking bays being provided on site with a Parking Management Plan addressing the requirements of the Perth Parking Policy being submitted for approval by the City, in consultation with the Department of Transport, prior to the commencement of use of the public fee paying car parking bays, with all management measures being implemented by the operator thereafter to the satisfaction of the City;
23. the dimensions of all car parking bays, vehicle entrance, aisle widths and circulation areas complying with the Australian Standard AS2890.1, ensuring that vehicles can enter and exit the building in forward gear with a certificate of compliance by an architect or engineer being submitted for approval by the City prior to applying for a building permit;
24. the proposed vehicle entry and exit points on Murray Street being restricted to left in, left out and right in only and Milligan Street being restricted to left in, left out and right out only to the specification and satisfaction of the City with any associated modifications within the adjacent road reserves being subject to separate approval(s);
25. all bicycle parking bays being secured, located and designed in accordance with the requirements of the City's Bicycle Parking and End of Journey Facilities Policy 5.3, with details of the design and location of the parking bays including additional security and/or management measures and associated end of journey facilities being submitted for approval by the City prior to applying for a building permit;
26. a final Waste Management Plan, being submitted for approval by the City prior to applying for a building permit;
27. any signage for the development being integrated with the design of the buildings with details of any signage that is not exempt from approval under the City's Planning Policy 4.6 – Signs being subject to a separate application for approval;
28. in the event of the development not proceeding within six months of the demolition of the existing non-heritage buildings on the site, the vacant portion of the site is to be aesthetically fenced and/or landscaped to the satisfaction of the City in order to preserve the amenity of the area, prevent unauthorised car parking and reduce dust and sand being blown from the site and shall be maintained in a clean and tidy state, with the retained heritage buildings and structures being appropriately secured and protected from any damage on an ongoing basis;
29. the works referred to in the preceding condition, being secured by a bond/deed of agreement between the landowner/applicant and the City, to the value of the proposed works as determined by the City, with the cost of the deed to be borne



- by the applicant and the bond/deed being finalised to City's satisfaction prior to any demolition works being undertaken;
30. a Staging Strategy Plan for the proposed development which includes the heritage components being completed as part of stage one with each subsequent stage of the development being constructed in such a manner that the overall site has the appearance of a completed development with details of the interim treatment of the site for future building stages being submitted for approval by the City prior to applying for a building permit;
 31. a final environmental wind assessment, including a wind tunnel model measurement, being undertaken to quantify and compare the wind conditions against the relevant 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;
 32. the ground floor commercial tenancies being limited to 'Dining', 'Retail (General)' and 'Entertainment' (excluding nightclubs and taverns) uses;
 33. a management plan for the small bar, detailing the control of noise, patron behaviour and hours of operation being submitted for approval by the City prior to the area being occupied as a bar with the management plan being implemented by the proprietor/manager of the premises on an on-going basis;
 34. 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;
 35. the subject lots being amalgamated into one lot on one Certificate of Title prior to the occupation of any of the buildings within the development; and
 36. a construction management plan 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 (4) years from the date of approval. If the subject development is not substantially commenced within the four (4) year period, the approval shall lapse and be of no further effect.
2. The applicant is advised that any future subdivision of the subject site following the completion of one or both of the proposed towers, will require an amendment



to City Planning Scheme No. 2 to create a special control area over the site, in order to ensure the car parking and plot ratio provisions for the respective lots comply with the City Planning Scheme No. 2 and Perth Parking Policy 2014.

3. The City advises that the final Waste Management Plan is required to address the following additional matters:-
 - a) serviceability by larger vehicles including updated swept path analysis;
 - b) suitable bin store access distances; and
 - c) adequate loading area clearances and operating dimensions.
4. With regards to the Heritage Agreement, it is advised that any changes to the program of works, conservation works and/or interpretation elements may require the amendment or updating of the Heritage Agreement.
5. The development is restricted to a maximum plot ratio of 7:1 (24,920m² of plot ratio floor area) inclusive of 40% bonus plot ratio (7,120m² of plot ratio floor area) on the basis of 20% bonus plot ratio (3,560m² of plot ratio floor area) for a new Special Residential use and 20% bonus plot ratio (3,560m² of plot ratio floor area) for the retention and conservation of the heritage listed Pearl Villa and Hostel Milligan in accordance with Clause 28 of City Planning Scheme No. 2 and the requirements of the Bonus Plot Ratio Policy 4.5.1.
6. 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 Statutory Planners. Any substantive changes to the approved plans will need to be made via a Form 2 process.

REASON: In accordance with details contained in the Responsible Authority Report and Amending Motions.

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

9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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.

There being no further business, the Presiding Member declared the meeting closed at 2.07pm.