



City of Perth Local Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 14 May 2020; 9:30am
Meeting Number: PLDAP/109
Meeting Venue: Via Zoom

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

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Attendance

DAP Members

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

Officers in attendance

Mr Dewald Gericke (City of Perth)
Mr Dimitri Fotev (City of Perth)
Ms Margaret Smith (City of Perth)
Mr Craig Smith (City of Perth)
Ms Anika Chhabra (Western Australian Planning Commission)
Mr Ben Hesketh (Western Australian Planning Commission)

Minute Secretary

Ms Megan Ventriss (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Mr Daniel Hollingworth (Rowe Group)
Mr Greg Rowe (Rowe Group)
Mr Greg Howlett (Cox Architects)

Members of the Public / Media

There were 6 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:30am on 14 May 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*.

1.1 Announcements by Presiding Member

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.



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 Greg Howlett (Cox Architects) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel
- 7.2 Mr Greg Rowe (Rowe Group) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Ms Margaret Smith and Mr Craig Smith (City of Perth) addressed the DAP in relation to Item 8.1 and responded to questions from the panel.
- 7.4 Ms Anika Chhabra (Western Australian Planning Commission) addressed the DAP in relation to Item 8.1b and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1a 98 (Lot 2002) Mounts Bay Road and 17 (Lot 2003) Mount Street, Perth

Development Description: Proposed 18-Storey Office Tower and 32-Storey Office and Hotel Tower Including Dining and Community Facilities
Applicant: Rowe Group and Stewart Urban Planning
Owner: AAIG Nominees Pty Ltd and AAIG Pty Ltd
Responsible Authority: City of Perth
DAP File No: DAP/19/01663



REPORT RECOMMENDATION

Moved by: Commissioner Len Kosova

Seconded by: Mr Jarrod Ross

Approve by absolute majority DAP Application reference DAP/19/01663 and accompanying perspectives and development plans received on 17 April 2020 (Attachment 2) by the City of Perth, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Town Planning Scheme No. 21 and City Planning Scheme No. 2, subject to the following conditions:

Conditions:

1. 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 April 2020, with the final details of the design and a sample board of the high-quality materials, colours and finishes being submitted for approval by the City prior to applying for the relevant building permit;
2. the proposed landscaping being amended to incorporate additional soft landscaping, including trees, that will provide greater pedestrian comfort and amenity within the forecourt/plaza areas of the two towers, ensuring that the ground plane of the two towers is visually integrated, the appearance of the vehicle entries is softened and to assist in screening the elevations of the existing car parking, 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 the relevant building permit with the landscaping being installed prior to occupation of the relevant 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;
3. the public being granted permanent, unrestricted access through the forecourt/plaza areas of the two towers between 5.00am and 1.00am of the following day, linking Spring Street and the internal public plaza and pedestrian access link between Mount Street and Mounts Bay Road (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;
4. 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 occupants of adjacent buildings and properties, and with fire boosters being integrated into the design 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 the relevant building permit;
5. a final Acoustic Report addressing the requirements outlined in the preliminary Acoustic Report prepared by Herring Storer Acoustics regarding the noise amelioration construction specifications and other noise management measures, and also addressing any requirements of State Planning Policy 5.4 - Road and Rail



Transport Noise and Freight Considerations in Land Use Planning, being submitted for approval by the City prior to applying for the relevant building permit. The recommendations of the final Acoustic Report being implemented in full to the satisfaction of the City with the final plans being certified by a qualified acoustic consultant confirming the development incorporates the recommendations and can achieve compliance with the relevant noise legislation;

6. 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;

7. 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;
8. a maximum of 351 commercial tenant car parking bays being provided Lot 2003 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;
9. a maximum of 307 public car parking bays being provided on Lot 2003 for short-stay public parking use only, 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;
10. 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;
11. bicycle parking bays and end-of-trip facilities being provided on-site for use by the occupants of Tower 3 to the satisfaction of the City. All bicycle parking bays proposed as part of this development application 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 being submitted for approval by the City prior to applying for a building permit;



12. a final Waste Management Plan, being submitted for approval by the City prior to applying for a building permit that addresses the following additional matters:
 - 12.1 serviceability by larger vehicles including updated swept path analysis;
 - 12.2 suitable and practical bin store access; and
 - 12.3 adequate loading area clearances and operating dimensions;
13. a signage strategy that includes way-finding signage to assist pedestrians in locating public facilities, commercial tenancies and the pedestrian connections within the Capital Square development, all external signage for the public car park and including signage zones on Towers 2 and 3, being submitted for approval by the City prior to the submission of an application for the relevant building permit with all signs being designed as an integral part of the design of the development with 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;
14. Should construction of the levels above ground for either Tower 2 or 3 not be progressed within 12 months of this approval the perimeter of the site is to be temporarily landscaped and the existing hoarding is to be modified to the City's satisfaction. Should Tower 2 or 3 be completed and occupied and the levels above ground for the uncompleted tower not be progressed within 12 months of the occupation of the completed tower the undeveloped portion of the site is to be landscaped and the construction hoarding removed or modified and portions of the site screened to the City's satisfaction.
15. a final environmental wind assessment, including a wind tunnel model measurement, shall be undertaken to quantify and compare the wind conditions in the relevant spaces around the buildings and the interface with the Spring Street footpath 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 the relevant building permit, with any minor changes being submitted for approval by the City and any significant design changes resulting from the amended wind impact analysis in the City's opinion being the subject of a separate application for approval;
16. 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 development the subject of this approval is not substantially commenced within a period of 4 (four) years, the approval will lapse and be of no further effect. Please be advised that this **INCLUDES** a further two years that has been added to the date in which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding this matter and the Ministerial direction, please contact the City of Perth Planning on 9461 3352 or planning@cityofperth.wa.gov.au.
2. The City advises that the final Waste Management Plan is required to address the following additional matters:



- 2.1 serviceability by larger vehicles including updated swept path analysis;
 - 2.2 suitable and practical bin store access; and
 - 2.3 adequate loading area clearances and operating dimensions.
3. In regard to the public car parking, the applicant's attention is drawn to the Perth Parking Policy definition of short-stay public parking, which is "parking available to the public where, in each day, at least 50% of vehicles stay less than four hours, and at least 90% stay less than six hours". The Parking Management Plan shall clarify how compliance with this definition will be managed.
 4. In regard to the bicycle parking and end of trip facilities for Tower 3, the requirements may be varied if the City is satisfied that there are alternative management arrangements, which may include the allocation of facilities located elsewhere within the Town Planning Scheme No. 21 area for use by Tower 3 occupants.
 5. 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.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

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

8.1b 98 (Lot 2002) Mounts Bay Road and 17 (Lot 2003) Mount Street, Perth

Development Description:	Construction of 18-storey and 32-storey towers (comprising office, hotel and restaurant uses), a linked art gallery, public realm spaces, and modifications to the number and use of existing car parking bays
Applicant:	Rowe Group
Owner:	AAIG Pty Ltd
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/19/01663

REPORT RECOMMENDATION

Moved by: Mr Jarrod Ross

Seconded by: Commissioner Len Kosova

Approve DAP Application reference DAP/19/01663 and accompanying plans date stamped 20 April 2020 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission in accordance with Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions

1. The development is to be carried out in accordance with the plans date stamped 20 April 2020 by the Department for Planning, Lands and Heritage (attached) subject to any modifications as required by the conditions of approval.
2. The development approval is valid for 4 years from the date of this decision notice. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.



3. Prior to the submission of a building permit, the applicant shall submit a materials palette to the City of Perth and Main Roads Western Australia demonstrating that building materials shall be of a non-reflective nature and that reflective light will not impact upon drivers exiting the freeway, to the satisfaction of the Western Australian Planning Commission.
4. No earthworks shall encroach onto the Primary Regional Road reservation.
5. No stormwater drainage shall be discharged onto the Primary Regional Road reservation.

AMENDING MOTION

Moved by: Ms Diana Goldswain **Seconded by:** Commissioner Andrew Hammond

That condition no. 3 be amended to read as follows:

*Prior to the submission of a **the relevant** building permit, the applicant shall submit a materials palette to the City of Perth and Main Roads Western Australia demonstrating that building materials shall be of a non-reflective nature and that reflective light will not impact upon drivers exiting the freeway, to the satisfaction of the Western Australian Planning Commission.*

REASON: Based on advice from applicant regarding intended staging to progress and confirmation from DPLH that the changes were supported by officers as reflecting their intention.

That a new advice note no. 1 be added to read as follows:

In regard to Condition 4, the proponent is advised that the Approval does not prevent or otherwise impact connection to services which may be outside of the lot boundaries of the subject site (subject to obtaining all necessary approvals).

REASON: Based on request from applicant to clarify intention and confirmation from DPLH that the changes were supported by officers.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The changes clarify the requirements and consistent with officers from DPLH position.

REPORT RECOMMENDATION (AS AMENDED)

Approve DAP Application reference DAP/19/01663 and accompanying plans date stamped 20 April 2020 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission in accordance with Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions

1. The development is to be carried out in accordance with the plans date stamped 20 April 2020 by the Department for Planning, Lands and Heritage (attached) subject to any modifications as required by the conditions of approval.



2. The development approval is valid for 4 years from the date of this decision notice. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.
3. Prior to the submission of the relevant building permit, the applicant shall submit a materials palette to the City of Perth and Main Roads Western Australia demonstrating that building materials shall be of a non-reflective nature and that reflective light will not impact upon drivers exiting the freeway, to the satisfaction of the Western Australian Planning Commission.
4. No earthworks shall encroach onto the Primary Regional Road reservation.
5. No stormwater drainage shall be discharged onto the Primary Regional Road reservation.

Advice Note

1. In regard to Condition 4, the proponent is advised that the Approval does not prevent or otherwise impact connection to services which may be outside of the lot boundaries of the subject site (subject to obtaining all necessary approvals).

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

REASON: The revised condition and addition of footnote assist delivery of project and was supported by the officers of DPLH as RAR author.

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 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.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:18am.