



Perth Local Development Assessment Panel Minutes

Meeting Date and Time: Friday, 15 January 2021; 9:30am
Meeting Number: PLDAP/111
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 Tony Arias (A/Deputy Presiding Member)
Ms Diana Goldswain (Third Specialist Member)

Officers in attendance

Ms Jasmine Hancock (City of Perth)
Mr Dewald Gericke (City of Perth)
Mr Dimitri Fotev (City of Perth)
Mr Craig Smith (City of Perth)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Mr Daniel Lees (Element)
Mr Greg Salter (Paterson Architects)
Mr Mitch Artus (HWL Ebsworth)
Ms Lucy Shea (HWL Ebsworth)
Mr David Ockenden (GDI Property Group)
Ms Nada Raphael (MinterEllison)
Mr Peter Simpson (PTS Town Planning)

Members of the Public / Media

There were 3 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:30am on 15 January 2021 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 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.



This meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Mr Jarrod Ross (Deputy 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 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 8.1, received on 14 January 2021.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

- 7.1** Ms Nada Raphael (MinterEllison on behalf of Brookfield) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2** Mr Peter Simpson (PTS Town Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3** Mr Dan Lees (element) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4** Mr Greg Salter (Paterson Architects) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5** Mr Mitch Artus (HWL Ebsworth) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6** City of Perth officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 11 (141) St Georges Terrace, Perth

Development Description: Proposed 13-Level Office Development Including the Refurbishment of the Public Plaza and Undercover Walkway
Applicant: Element Advisory
Owner: Perpetual Corporate Trust Limited
Responsible Authority: City of Perth
DAP File No: DAP/20/01862

REPORT RECOMMENDATION

Moved by: Mr Tony Arias

Seconded by: Ms Diana Goldswain

With the agreement of the mover and seconder the following amendments were made en bloc;

- (i) That condition no. 1 be amended to read as follows:

*The plot ratio floor area of the total development on Lot 11 being restricted to a maximum of 44,472 **44,365**m² with any additional plot ratio being proposed to be used being subject to a separate application for development approval;*

REASON: To correctly reflect the calculations as detailed in the addendum of the agenda

- (ii) That condition no. 4 be amended to read as follows;

*a detailed landscaping and reticulation plan of the public plaza area, including its integration with the pedestrian walkway to the east and public plaza area to the north, as well as the existing pedestrian links to the west and along the southern boundary, 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 the landscaping and the pedestrian links being maintained to a high standard, **to the satisfaction of the City of Perth;***

REASON: To provide further clarity on what is required

- (iii) That condition no. 5 be amended to read as follows;

*the upper level walkway landing area at the northern end of the pedestrian bridge above Mounts Bay Road being redesigned to incorporate feature cladding and/or artwork along its northern wall, lighting **including potential modifications with the reception wall** and the provision of service/connections to accommodate a small retail and/or coffee kiosk with final details being submitted for approval by the City and installed prior to occupation of the building;*

REASON: To provide further clarity on additional information required



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

1. **Approve** DAP Application reference DAP/20/01862 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 City Planning Scheme No. 2 and the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. The plot ratio floor area of the total development on Lot 11 being restricted to a maximum of 44,365m² with any additional plot ratio being proposed to be used being subject to a separate application for development approval;
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 22 September 2020, with final details of the design, including final details of the new ETFE canopies, and a sample board of the proposed materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;
3. all building plant shall be located internally or screened from all external views including from above 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;
4. a detailed landscaping and reticulation plan of the public plaza area, including its integration with the pedestrian walkway to the east and public plaza area to the north, as well as the existing pedestrian links to the west and along the southern boundary, 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 the landscaping and the pedestrian links being maintained to a high standard, to the satisfaction of the City of Perth;
5. the upper level walkway landing area at the northern end of the pedestrian bridge above Mounts Bay Road being redesigned to incorporate feature cladding and/or artwork along its northern wall, lighting including potential modifications with the reception wall and the provision of service/connections to accommodate a small retail and/or coffee kiosk with final details being submitted for approval by the City and installed prior to occupation of the building;
6. the proposed floor levels of the refurbished public plaza area located within Lot 11 being designed to match the existing floor levels of the directly adjacent public plaza area, adjoining pedestrian walkways and links to adjoining properties to the satisfaction of the City;
7. the internal fit-outs for the first three office levels being designed to maximise interaction and visual surveillance of the public plaza and pedestrian walkways below to the City's satisfaction with final details of these fitouts being submitted for approval by the City prior to submission of the relevant building permits for those fitouts;



8. any signage for the development being integrated into the design of the building, with any signage which is not exempt from approval under the City's Planning Policy 4.6 – Signs, being subject to a separate application for approval;
9. 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;
10. the dimensions of all car parking bays, aisle widths and circulation areas modified by this application 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;
11. the Waste Management Plan dated 28 November 2019, prepared by Paterson Group Architects, being implemented by the owners/operators of the development, with any alternative waste management measures that may impact on the design of the development being submitted for approval by the City prior to applying for a building permit; and
12. a Demolition Management Plan and a Construction Management Plan for the proposed demolition and development (prepared according to the City's guidelines) being submitted for approval by the City prior to applying for a demolition permit and/or a building permit;

Advice

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 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:

1. DAP was satisfied that there was sufficient information in the Development Application and the RAR, supported by the views of experienced City's officers and the applicant's professionals, with relevant expertise to properly consider and determine relevant matters, and in particular, the accuracy of the plot ratio calculations and compliance with the SCA requirements.
2. There has also been a proper assessment of plot ratio of the existing building at Lot 11 and proposed new building. It was noted that the adjoining owner was concerned that a number of different floor area calculations for the existing development at Lot 11 over the preceding 12 months, however, the discussion and exchange of plans between landowners was not central to the determination of the application. The City and DAP are required to consider the Plans forming part of the application.

Mr Ray Haeren
Presiding Member, Perth LDAP



3. Whilst it is unfortunate that that the City's RAR contained incorrect figures, which may have caused speculation as to the accuracy of the plot ratio calculations, these have now been corrected. The conclusion that the City's advice in the RAR cannot be relied upon by DAP is not substantiated.
 4. The contention that the City's and applicants plot ratio calculations is flawed and cannot be relied on by the DAP is not proven. DAP was satisfied that a proper, genuine and realistic assessment of the plot ratio for the application has been undertaken to enable a proper and consideration by DAP. The City had stated that it has 'separately assessed' and 'confirmed' the total plot ratio of the existing and proposed buildings at Lot 11. The calculation for plot ratio has also been calculated by experienced professionals, with expertise in the area, and in the case of the existing building on Lot 11 by licensed surveyors on an "as constructed" basis. Further due to the submissions, legal advice and significant scrutiny the assessment has been reassessed by the City in a proper, genuine and realistic consideration of compliance with the plot ratio provisions of the CPS 2
 5. The methodology adopted in determining plot ratio for Lot 11, CPS 2, Schedule 4 states: "corridors at all levels where they are separated from other floor areas by walls or partitions..." Therefore, the City and applicant's methodology is consistent with the CPS 2 and consistent with other developments in the City.
 6. There is no evidence from the City RAR, the applicant or the adjoining owners that the plot ratio of the existing buildings at Lot 200 and 201 is NOT greater than 97,000m².
 7. The proposed development is generally consistent with the requirements discretions afforded by CPS 2.
 8. The application proposes a high quality with innovative building materials and sustainability elements generally well considered by the Design Advisory Committee.
- 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 11:42am.

A handwritten signature in black ink, appearing to read "Haeren".