



Metro Central Joint Development Assessment Panel Minutes

Meeting Date and Time: 14 February 2020; 9:30 AM
Meeting Number: MCJDAP/387
Meeting Venue: City of South Perth Civic Centre
Cnr Sandgate Street & South Terrace
South Perth

Attendance

DAP Members

Ms Megan Adair (Presiding Member)
Ms Rachel Chapman (Deputy Presiding Member)
Mr John Syme (A/Specialist Member)
Cr Stephen Russell (Local Government Member, City of South Perth)
Cr Mary Choy (Local Government Member, City of South Perth)

Officers in attendance

Mr Cameron Howell (City of South Perth)
Ms Fiona Mullen (City of South Perth)
Ms Vicki Lummer (City of South Perth)
Mr Mark Carolane (City of South Perth)

Minute Secretary

Ms Sarah Wickham (City of South Perth)

Applicants and Submitters

Ms Mandy Leung (Hillam Architects)
Mr Felipe Soto (Hillam Architects)
Mr David Hillam (Hillam Architects)
Mr Dan Lees (element)
Ms Carol Roe

Members of the Public / Media

There were six (6) members of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 9.30am on 14 February 2020 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

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

DAP Member, Ms Rachel Chapman, declared an Impartiality Interest in item 10.1. Ms Chapman is a director and shareholder of Taylor Burrell Barnett. An employee of Taylor Burrell Barnett, Ms Karen Hyde, is a member of the South Perth Design Review Panel who presided over this application when presented to the DRP in the past and may also preside over other applications in the future. Ms Chapman has not discussed any item with Ms Hyde and will consider the item on its merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was permitted to participate in the discussion and voting on the item.

DAP Member, Mr John Syme, declared a perceived Impartiality Interest in item 10.1. Mr Syme has previously sat on some work for the South Perth area. Mr Syme assured the Presiding Member that he can bring impartiality to this meeting and to the consideration of this application.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed a perceived Impartiality Interest, was permitted to participate in the discussion and voting on the item.



7. Deputations and Presentations

- 7.1 Ms Carol Roe addressed the DAP against the application at Item 10.1.
- 7.2 Mr Dan Lees (element) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.
- 7.3 Mr David Hillam (Hillam Architects) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.
- 7.4 Mr Felipe Soto (Hillam Architects) addressed the DAP in support of the application at Item 10.1.
- 7.5 Ms Mandy Leung (Hillam Architects) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.

PROCEDURAL MOTION

Moved by: Ms Rachel Chapman

Seconded by: Mr John Syme

That the meeting be adjourned for a period of 5 minutes to allow members to take a comfort break.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: The meeting was adjourned to allow members to take a comfort break.

The meeting was adjourned at 10.30am

The meeting was reconvened at 10.35am

8. Form 1 – Responsible Authority Reports – DAP Application

Nil

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

Nil

10. Appeals to the State Administrative Tribunal

- | | |
|--------------------------|--|
| 10.1 Property Location: | Lot 4, No. 3 Lyall Street and Lot 11, No. 56
Melville Parade, South Perth |
| Development Description: | Proposed 27-Storey Mixed Development |
| Applicant: | Hillam Architects |
| Owner: | Dragon Century Pty Ltd Maggie, Wain Holdings
Pty Ltd Barry Waller |
| Responsible Authority: | City of South Perth |
| DAP File No: | DAP/16/00989 |



REPORT RECOMMENDATION

Moved by: Ms Rachel Chapman

Seconded by: Mr John Syme

That the Metro Central Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 140 of 2018, resolves to:

Reconsider its decision dated 14 May 2018 and **approve** DAP Application reference DAP/16/00989 and accompanying plans Mixed-Use Development 1-3 Lyall Street & 56 Melville Parade, South Perth for Dragon Century Pty Ltd A1-00 Rev. A 12.11.19 'Site Plan', A2-00 Rev. N 12.11.19 'Basement 2 Floor Plan', A2-01 Rev. N 12.11.19 'Basement 1 Floor Plan', A2-02 Rev. R 22.11.19 'Ground Floor Plan', A2-03 Rev. M 12.11.19 'Ground Floor Mezz Floor Plan', A2-04 Rev. O 12.11.19 'Level 01 Floor Plan', A2-05 Rev. O 12.11.19 'Level 02 Floor Plan', A2-06 Rev. O 12.11.19 'Level 03 Floor Plan', A2-07 Rev. G 12.11.19 'Typical Floor Plan Levels 4-8', A2-08 Rev. I 04.02.20 'Typical Floor Plan Levels 9-16', A2-09 Rev. H 04.02.20 'Typical Floor Plan Levels 17-23', A2-10 Rev. H 04.02.20 'Typical Floor Plan Levels 24', A2-09 Rev. H 04.02.20 'Level 25 Mezzanine Floor Plan', A2-09 Rev. H 04.02.20 'Level 25 Floor Plan', A2-12 Rev. G 12.11.19 'Roof Plan', A3-01 Rev. D 04.02.20 'South Elevation (Lyall Street)', A3-02 Rev. D 04.02.20 'West Elevation (Melville Parade)', A3-03 Rev. D 04.02.20 'North Elevation', A3-04 Rev. D 04.02.20 'East Elevation', in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions of the *City of South Perth Town Planning Scheme No. 6* and pursuant to clause 24(1) and 26 of the *Metropolitan Region Scheme*, subject to the following conditions:

Conditions

1. If the development the subject of this approval is not substantially commenced within a period of 4 years after the date of determination, the approval will lapse and be of no further effect. Where an approval has so lapsed no development must be carried out without the further approval of the local government having first been sought and obtained.
2. Prior to the submission of a building permit application, all land comprising the development site, (i.e. Lots 4 and 11) shall be amalgamated on a Deposited Plan and application for a new Certificate of Title shall be lodged with the Land Titles Office, to the satisfaction of the City of South Perth.

Alternatively, a legal agreement is to be prepared to ensure that these Lots cannot be sold or developed separately. The legal agreement is to be executed prior to the issue of a building permit to the satisfaction of the City of South Perth. The legal agreement is to be prepared at the owner's expense.

3. This approval does not pertain to the erection, placement and display of any advertisements. A separate application is to be submitted and development approval is to be obtained for any proposed advertisements that are not exempt from requiring development approval of the local government.



Building Design

4. Prior to the submission of a building permit application(s) (relevant to the construction of the building above natural ground level), a Detailed Material Schedule for all external finishes to the development must be submitted to, and approved in writing by, the City of South Perth, on the advice of the City's Design Review Panel and Main Roads Western Australia. The approved Schedule shall be incorporated into all relevant building permit applications and prior to the submission of the occupancy permit application, these materials shall have been used and installed in the development.

Community Benefit

5. Prior to the submission of an occupancy permit application, a Community Benefits Management Plan shall be developed for the community benefit spaces including and not limited to the reflections library lounge room, the peninsula maker space, the exhibition & meeting hub, the sky garden, the open air activity space, the sky garden, the café/restaurant tenancies and the pocket park, addressing the following matters:
 - i. The details of the booking process;
 - ii. The hours of public accessibility;
 - iii. The manner that these benefits are made available to the public and South Perth community in perpetuity for the life of the development; and
 - iv. Any other matter deemed relevant by the City of South Perth.The Plan shall be submitted to the City of South Perth for approval, be implemented and adhered to all times and shall be distributed to nearby landowners and occupiers for information purposes, to the satisfaction of the City of South Perth.

Construction Management

6. Prior to the submission of a building permit application or a demolition permit application, or the commencement of development, whichever is earlier, a Construction Management Plan must be submitted to, and approved in writing by, the City of South Perth. The approved Plan shall be implemented and adhered to all times, unless otherwise approved by the City of South Perth.

Landscaping

7. Prior to the submission of a building permit application (relevant to the construction of the building above natural ground level), a Detailed Landscaping Plan must be submitted to, and approved in writing by, the City of South Perth. The approved Plan shall be implemented and adhered to all times, with all landscaping areas to be maintained thereafter, unless otherwise approved by the City of South Perth.

Land Use

8. The approved land uses of the non-residential tenancies are as follows:
 - "Commercial Café" and "Commercial Restaurant" - Café/Restaurant;
 - "Commercial" - Office.



Livable Housing Design Guidelines

9. Prior to the submission of a building permit application (relevant to the construction of the building above natural ground level), certification completed by a Livable Housing Australia assessor confirming that the detailed design of the 'Liveable Homes' dwellings are compliant with the 'Silver Level' of the 'Livable Housing Design Guidelines' produced by Livable Housing Australia, must be submitted to, and approved in writing by, the City of South Perth. Prior to the submission of an occupancy permit application, all required design features shall be installed and operational.

Noise

10. Prior to the submission of a building permit application (relevant to the construction of the building above natural ground level), a report or statement detailing how:
- recommendations within the '1-3 Lyall St, South Perth Mixed Use Development Acoustic Services Preliminary Design Report' by BESTEC (revision 03 dated 4 November 2019), including any further studies; and
 - compliance with the noise limits of State Planning Policy 5.4, have been addressed and implemented accordingly. This report or statement must be submitted to, and approved in writing by, the City of South Perth.

Where relevant, any measures shall be reflected in development plans submitted with a building permit application (relevant to the construction of the building above natural ground level), to the satisfaction of the City of South Perth. Prior to the submission of an occupancy permit application, certification from a qualified acoustic consultant confirming the requirements of this condition have been achieved in the constructed development, must be submitted to, and approved in writing by, the City of South Perth.

11. Prior to the submission of a building permit application (relevant to the construction of the affected components of the building), an Acoustic Report, completed by a suitably qualified acoustic engineer, and demonstrating that potential noise from the proposed development will comply with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to, and approved in writing by, the City of South Perth. The approved Acoustic Report, including any specifications, requirements and recommendations cited in the report plus any additional requirements by the City of South Perth, shall be implemented and adhered to all times, including being incorporated into the building permit application documentation, to the satisfaction of the City of South Perth.



12. Prior to the submission of an occupancy permit application, the owner shall register on the Certificate of Title(s), notifications, pursuant to Section 70A of the *Transfer of Land Act 1893*. Notice of these notifications are to be included on the diagram or plan of survey (deposited plan). The notifications are to state as follows:
- i. This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise.
 - ii. Future development in the surrounding locality has the potential to restrict views for occupiers of this development.
- The notifications are to be registered at the owner's expense, to the satisfaction of the City of South Perth.

Parking

13. The allocation of car parking shall be allocated as follows, to the satisfaction of the City of South Perth:
- i. Minimum 19 car bays and maximum 25 car bays for the occupants of the one-bedroom residential dwellings;
 - ii. 1 car bay each for the occupants of the two-bedroom dwellings;
 - iii. Minimum 1 car bay and maximum 2 bays for the occupants of each three-bedroom and four-bedroom dwelling;
 - iv. Minimum 20 visitor car bays for visitors to the residential component of the development;
 - v. Minimum 76 car bays for the non-residential components of the development; and
 - vi. Minimum of 8 of the car bays provided for the non-residential components of the development being provided for visitors to the non-residential component of the development.

If the development becomes subject to a Strata Plan and car parking is bundled with the dwellings, the allocation of car parking on the approved Strata Plan shall be consistent with this allocation, to the satisfaction of the City of South Perth.

14. Prior to the submission of a building permit application (relevant to the construction of the building above natural ground level), a Parking and Access Management Plan for residents, staff and visitors of the building, must be submitted to, and approved in writing by, the City of South Perth. The approved Plan shall be implemented and adhered to all times, unless otherwise approved by the City of South Perth.



15. Prior to the submission of a building permit application (relevant to the construction of the affected component of the building), plans and documentation must be submitted to, and approved in writing by, the City of South Perth, that demonstrates:
- i. A minimum of six visitor car parking bays are provided with the capacity to charge electric cars;
 - ii. The building is capable of being retrofitted, to allow a minimum of 50% of the provided car parking bays to be provided with electric car charging facilities, without resulting in a material or structural change to the building; and
 - iii. The electrical supply and car park distribution board can service the electrical needs of these electric car charging stations.
- Prior to the submission of an occupancy permit application, all required electric car charging infrastructure shall be installed and operational.
16. Prior to the submission of a building permit application (relevant to the construction of the affected component of the building), certification confirming that the design of all parking areas, including the car parking bays, loading bays, disabled bays, vehicle accessways, manoeuvring and circulation areas and bicycle bays are compliant with Australian Standards AS2890.1, AS2890.3 and the approved plans, must be submitted to, and approved in writing by, the City of South Perth. Prior to the submission of an occupancy permit application, certification confirming the constructed design and markings of all parking areas are compliant with Australian Standards AS2890.1, AS2890.3 and the approved plans, must be submitted to, and approved in writing by, the City of South Perth.
- This certification shall include a parking facility design using the B99 standard single turn swept path vehicle template in accordance with Australian Standard AS2890.1/2004 and AS/NZS 1428 for the dimensions of all vehicle access/egress entrances, ramps, circulation areas and avoidance of blind isles in areas open to the public, prepared to the satisfaction of the City of South Perth.
17. The height of any wall, fence or other structure shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street, to the satisfaction of the City of South Perth.

Public Art

18. Prior to the submission of a building permit application (relevant to the construction of the building above natural ground level), a Public Art Concept for the subject development or alternatively a contribution to public art within the vicinity of the development, to the value of 1.0% of the construction value, must be submitted to, and approved in writing by, the City of South Perth. Prior to the submission of an occupancy permit application, the approved Concept shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.



Restrictive Covenant

19. Prior to the submission of an occupation permit application, the owner shall register on the Certificate of Title for the lot(s), which shall be carried over on to any future Certificate of Title in the event the development becomes the subject of a Strata Plan, a restrictive covenant, to the benefit of the local government, for all proposed lot(s) that contain a local community benefit or a wider community benefit to satisfy Schedule 9A Table B Design Consideration 8(f), 8(g) or 8(h) of *Town Planning Scheme No. 6*, advising of the existence of a restriction on the use of the land. The restrictive covenant is to state:
- i. Details of the community benefit;
 - ii. The use of the lot is restricted to the approved community benefit, unless
 - iii. otherwise approved by the local government; and
 - iv. The operation of the approved community benefit is subject to an approved community benefits management plan that shall be implemented and adhered to all times.

Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to be registered at the owner's expense, to the satisfaction of the City of South Perth.

Road Works / Public Realm

20. Prior to the submission of an occupancy permit application, the owner/applicant shall remove all existing crossovers, reinstate the verge and kerbing and construct the new crossovers / vehicle accessways between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City of South Perth.
21. Prior to the submission of a demolition permit application and a building permit application, a bank guarantee as calculated by the City of South Perth, shall be provided to the City of South Perth, for the protection of all street trees adjacent to the development site. The bank guarantee will be held by City of South Perth until the works are complete.

Sustainability

22. The development is to achieve a 5 Star Green Star rating or the equivalent under another formally recognised ecologically sustainable rating system. At the building permit stage, the applicant is to submit a secondary sustainability report confirming the final green star strategy (or equivalent) that will guide the construction stage of the development and beyond; this report shall clearly demonstrate that a 5 Star Green Star rating or equivalent sustainable design rating is to be achieved for the development. Where relevant, elements of the sustainability report and strategy should clearly be reflected in documentation and plans submitted with the building permit application. All sustainable design features proposed in the development shall be implemented.



Utilities and Facilities

23. External fixtures, such as air-conditioning infrastructure, shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City of South Perth.
24. External clothes drying facilities shall be screened from view from the street or any other public place.

Waste Management

25. Prior to the submission of a building permit application (relevant to the construction of the affected component of the building), a Waste Management Plan, must be submitted to, and approved in writing by, the City of South Perth. The approved Plan shall be implemented and adhered to all times, unless otherwise approved by the City of South Perth.

Water Management

26. Prior to the submission of a building permit application, a Dewatering Management Plan, must be submitted to, and approved in writing by, the City of South Perth. The approved Plan shall be implemented and adhered to all times, unless otherwise approved by the City of South Perth.
27. Prior to the submission of a building permit application, a Drainage Plan, must be submitted to, and approved in writing by, the City of South Perth. The approved Plan shall be implemented and adhered to all times, unless otherwise approved by the City of South Perth.
28. Prior to the submission of a building permit application, a Groundwater Management Plan, demonstrating how groundwater will be managed post-development, must be submitted to, and approved in writing by, the City of South Perth, on the advice of the Department of Biodiversity, Conservation and Attractions. The approved Plan shall be implemented and adhered to all times, unless otherwise approved by the City of South Perth, on the advice of the Department of Biodiversity, Conservation and Attractions.
29. Prior to the submission of a building permit application, a Post-Development Stormwater Management Plan for the retention of stormwater drainage within the proposed development site boundary, must be submitted to, and approved in writing by, the City of South Perth, on the advice of the Department of Biodiversity, Conservation and Attractions. Stormwater from all roofed and paved areas shall be collected and contained on site unless special arrangements can be made to the satisfaction of the City of South Perth for controlled discharge into the street draining system. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve. The approved Plan shall be implemented and adhered to all times, unless otherwise approved by the City of South Perth on the advice of the Department of Biodiversity, Conservation and Attractions.



30. Prior to the submission of a building permit application (relevant to the construction of the basement), the owner/applicant shall prepare and submit documentation, to the satisfaction of the City of South Perth, which shows all measures undertaken in the development to address requirements in relation to subsoil water seepage, adequate water proofing and 100 year flood levels, in accordance with Clause 6.9(3) of *Town Planning Scheme No. 6*. The approved measures shall be implemented, unless otherwise approved by the City of South Perth.
31. Prior to the submission of a building permit application (relevant to the construction of the basement), the owner is to provide and enter into a formal indemnity agreement with the City of South Perth, acknowledging the proposed floor levels are less than the minimum levels required in accordance with Clause 6.9(3) of *Town Planning Scheme No. 6*, and preventing any recourse to the City of South Perth or the Crown should any potential future flood damage occur to the development.

Wind

32. Prior to the submission of a building permit application (relevant to the construction of the building above natural ground level), a report or statement detailing how recommendations within the 'Lyll Street Development Wind Comfort Report' by Cundall (revision C dated 31 October 2019), including any further studies, have been addressed and implemented accordingly, must be submitted to, and approved in writing by, the City of South Perth. Where relevant, any measures shall be reflected in development plans submitted with a building permit application (relevant to the construction of the building above natural ground level), to the satisfaction of the City of South Perth. Prior to the submission of an occupancy permit application, certification confirming the requirements of this condition have been achieved in the constructed development, must be submitted to, and approved in writing by, the City of South Perth.

Advice Notes

1. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
2. This is a notice of determination on application for development approval issued in accordance the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015*, the *City of South Perth Town Planning Scheme No. 6*, and related policies. It is not a building permit or an approval to carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. All other advice notes will be included in a separate letter to the applicant from the City of South Perth.



The Report Recommendation was put and CARRIED (3/2).

For: Ms Rachel Chapman
Mr John Syme
Ms Megan Adair

Against: Mr Stephen Russell
Ms Mary Choy

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

The Presiding Member noted the following State Administrative Tribunal Applications -

Current Applications		
LG Name	Property Location	Application Description
City of Melville	Nos. 10, 12 & 14 (Lots 311, 800 & 801) Forbes Road and Nos. 40A, 40B & 40C (Lots 802, 803 & 804) Kishorn Road, Applecross	20 Storey Mixed-Use Development comprising 97 Multiple Dwellings, 15 Short Stay Accommodation Units and 5 Non-Residential tenancies (Office, Restaurant, Shop and 2 Co-Working Spaces)
City of South Perth	Lots 2-20 (72-74) Mill Point Road, South Perth	36 Level (118.2m) Mixed Use Development
City of South Perth	Lot 4 (No. 3) Lyall Street and Lot 11 (No. 56) Melville Parade, South Perth	43-Storey Mixed Development
City of South Perth	Lot 688 (1) Mends Street, South Perth	Mixed Use Residential and commercial development, modifications to existing post office and former police station buildings and works within the surrounding road reserves (Civic Triangle)

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 11.17am.