



Western Australian Planning Commission

Minutes

Meeting No. 8
Thursday, 17 June, 2021

- Members: David Caddy - Chairman WAPC
Jane Bennett - Professions Representative
Helen Brookes - Coastal Planning and Management Representative
Jodi Cant - Director General, Department of Planning, Lands and Heritage
Emma Cole - Metropolitan Local Government Representative
Lynne Craigie - Nominee of the Regional Minister
Veronica Fleay - Non-Metropolitan Local Government Representative
Barry McGuire - Professions Representative
- Apologies: Ralph Addis - Director General, Department of Primary Industries and Regional Development (Associate member)
Michelle Andrews - Director General, Department of Water and Environmental Regulation
Rebecca Brown - Director General, Department of Jobs, Tourism, Science and Innovation
Fred Chaney - Professions Representative
Justin McKirdy - Urban and Regional Planning Representative
Peter Woronzow - Director General, Department of Transport
Mike Rowe - Director General, Department of Communities
- Officers: Inga Butefisch - Principal Media Advisor
Ciara Clarke - Principal Planning Officer
Sam Fagan - Manager, Commission Support
Irene Obales - Commission Support Officer
Poppy Justice - Commission Support Officer
Margaret Smith - Planning Director, State Development Assessment Unit
- Applicants and Submitters: Reegan Cake - Dynamic Planning and Development
Dennis Chew - DKO
Brett Rankine - Live in Learning
Samantha Thompson - Taylor Burrell Barnett
Bay Yeo - Exal Group

There were 8 members of the public attendance

1. Declaration of opening

The Chairman declared the meeting open at 2:01pm, acknowledged the peoples of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place and welcomed members and acknowledged the majority of members were attending the meeting via Zoom video conference. The Chairman paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all.

The Chairman provided an introductory statement which is available [here](#).

The Chairman advised that no person may use any electronic, visual or audio recording device or instrument to record proceedings of the WAPC and outlined that the Commission is not recording this meeting.

The Chairman also advised all participants that Commission members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The Chairman welcomed Jodi Cant as Director General of the Department of Planning, Lands and Heritage to the Western Australian Planning Commission.

2. Apologies

Ralph Addis - Director General, Department of Primary Industries and Regional Development

Michelle Andrews - Director General, Department of Water and Environmental Regulation

Rebecca Brown - Director General, Department of Jobs, Tourism, Science and Innovation

Fred Chaney - Professions Representative

Justin McKirdy - Urban and Regional Planning Representative

Mike Rowe - Director General, Department of Communities

Peter Woronzow - Director General, Department of Transport

3. Disclosure of interests

Mr Chaney declared an indirect Pecuniary Interest and a Perceived Impartiality Interest on Item 7.1 - 1,3,5 and 7 Keaney Place, and 8 Garvey Street, Waterford - Proposed Student Accommodation Development as Curtin University, an objector to the proposal, is a client of his firm Taylor Robinson Chaney Broderick.

Mayor Cole declared an Impartiality Interest on Item 7.1 - 1,3,5 and 7 Keaney Place, and 8 Garvey Street, Waterford - Proposed Student Accommodation Development. Mayor Cole stated that she knows Damien Pericles, Founding Director at Realm Studios in a personal and professional capacity and stated that his services have been engaged by the City of Vincent to undertake concept planning and currently sits on the City's Design Review Panel.

4. Declaration of due consideration

All members indicated that they had received and considered the agenda items prior to the Western Australian Planning Commission Part 17 meeting.

5. Deputations and presentations

5.1 1,3,5 and 7 McKay Street, 1,3,5 and 7 Keaney Place, and 8 Garvey Street, Waterford - Proposed Student Accommodation Development

Presenters: Samantha Thompson - Taylor Burrell Barnett, Brett Rankine - Live in Learning

Ms Thompson and Mr Rankine addressed the Western Australian Planning Commission speaking against the application at Item 7.1. Ms Thompson sought an amendment to the definition of 'Student Accommodation Facility' as at Advice Note (d) to clarify the use of the facility to accommodate families visiting students at the facility or staff of nearby educational facilities.

Ms Thompson and Mr Rankine responded to questions from members.

5.2 1,3,5 and 7 McKay Street, 1,3,5 and 7 Keaney Place, and 8 Garvey Street, Waterford - Proposed Student Accommodation Development

Presenters: Bay Yeo – Exal Group, Reegan Cake – Dynamic Planning and Development, Dennis Chew – Architect

Mr Yeo, Mr Cake and Mr Chew addressed the Western Australian Planning Commission speaking in support of the application at Item 7.1. Mr Yeo requested that the substantial commencement period at Condition 1 of the recommendation of the Department of Planning, Lands and Heritage to be amended to 24 months. Mr Yeo stated that the proposed development would require 21 months from the Development Application approval to achieve significant commencement. Mr Yeo stated that the additional time was sought to allow for resourcing of materials and labour as these resources are being stretched by the demand in residential development.

Mr Yeo, Mr Cake and Mr Chew responded to questions from members.

6. Presentation of key issues by the Department of Planning, Lands and Heritage

Ms Smith, Director of the State Assessment Unit presented the key issues and considerations of the application at Item 7.1 and responded to questions from members.

7. Item/s for decision

7.1 1,3,5 and 7 McKay Street, 1,3,5 and 7 Keaney Place, and 8 Garvey Street, Waterford - Proposed Student Accommodation Development

The Chairman invited discussion from members on the report presented at Item 7.1 of the agenda. Members acknowledged the

information presented to them through the deputations and the Department of Planning, Lands and Heritage.

REPORT RECOMMENDATION:

Moved by Ms Brookes
Seconded by Cr Fleay

*That the Western Australian Planning Commission resolves to **APPROVE** development application reference SDAU-027-20 and accompanying plans and reports (date stamped 8 December 2020, 13 April 2021 and 1 June 2021) for a Student Accommodation Facility, Local Shop and three Restaurant/Cafés at 1,3, 5 and 7 McKay Street, 1,3,5 and 7 Keaney Place and 8 Garvey Street, Waterford, in accordance with s.274 of the Planning and Development Act 2005, subject to the following conditions:*

Conditions

Approval Timeframe

1. *This decision constitutes planning approval only and is valid for a period of 12 months from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

Conformity with Plans

2. *The development is to be undertaken in accordance with the approved plans and documents (date stamped 8 December 2020, 13 April 2021 and 1 June 2021) attached to this approval, final details of which are to be submitted at working drawings stage, to the satisfaction of the Western Australian Planning Commission.*

Clearance of Conditions of Approval

3. *A copy of the final working drawings (prepared for submission of a building permit application) and all associated plans, reports and information that address the conditions of approval are to be submitted to, and cleared by, the Western Australian Planning Commission.*

Construction

4. *Prior to commencement of site works, a Dilapidation Report is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice of the relevant local government/s, detailing the current condition of adjacent buildings, structures, public realm infrastructure and paving.*
5. *Prior to commencement of site works, a Tree Protection Plan, including tree protection zones to Australian Standard AS4970-2009, is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the relevant local government/s, detailing protection and care of on-site trees and street trees that are to be retained and/or relocated during*

construction (in accordance with the approved Landscape Master Plan).

6. *Prior to the submission of an application for a demolition permit and/or relevant building permit, a Demolition and Construction Management Plan is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the relevant local government/s, addressing but not limited to:*
 - *recycling and waste management of demolition and construction material*
 - *management of vibration, dust, wind and erosion*
 - *management of construction noise and other site generated noise*
 - *management of any site dewatering or stormwater discharge*
 - *temporary fencing, hoardings, gantries and signage*
 - *site access and egress, parking, and traffic management*
 - *deliveries and storage of construction materials and machinery*
 - *protection of public realm infrastructure*
 - *public communication and complaint handling procedures*

The approved Plan is to be reviewed, and revised where necessary, prior to each stage of construction, to the satisfaction of Western Australian Planning Commission.

Design and Materials

7. *The development is to be constructed with high quality and durable external materials and finishes, consistent with the approved Development Plans, with final details provided prior submission of the relevant building permit application, to the satisfaction of the Western Australian Planning Commission.*
8. *Ground floor commercial, communal and lobby areas facing the street are to have windows with transparent glazing, with final details provided prior to submission of the relevant building permit application, to the satisfaction of the Western Australian Planning Commission.*
9. *Any external signage is to be integrated with the design of the building facades, with final details of the location and design of the signs provided prior to installation, to the satisfaction of the Western Australian Planning Commission, on advice from the City of South Perth.*
10. *All external facing service infrastructure, service area doors, transformers, air-conditioning condensers and building plant are to*

be integrated into the design of the building or screened to minimise any visual or noise impacts on neighbouring properties and the public realm, with final details provided prior to submission of the relevant building permit application, to the satisfaction of the Western Australian Planning Commission.

Public Art and Landscape

- 11. Final Public Art Plans detailing provision of public art or public art spaces to the value of at least 1.0% of the development construction cost, are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of South Perth, prior to submission of the relevant building permit application.*
- 12. Prior to the occupation of the relevant stage of the development, the public art contribution is to be delivered in accordance with the final approved Public Art Plans and thereafter maintained by the subject land owner/s, to the satisfaction of the Western Australia Planning Commission.*
- 13. Final Landscape Plans, including hard and soft landscape specifications and reticulation details, are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of South Perth, prior to submission of the relevant building permit application.*
- 14. All landscape areas relevant to each stage of the development are to be completed in accordance with the final approved Landscape Plans prior to the occupation of each relevant stage of the development, and thereafter maintained by the operator of the development, to the satisfaction of the Western Australia Planning Commission*
- 15. Final Lighting Plans detailing external illumination of the development to enhance amenity and safety are to be submitted to and approved by the Western Australian Planning Commission, prior to submission of the relevant building permit application, and thereafter implemented by the owner and operator of the development.*

Sustainability and Water

- 16. A final Sustainability Report detailing the initiatives included in the final plans to achieve a minimum of Four Star Green Star certification, or demonstrated equivalent, is to be submitted to and approved by the Western Australian Planning Commission, prior to submission of the relevant building permit application/s.*
- 17. Prior to the occupation of each stage of the development, the sustainability initiatives are to be implemented in accordance with the final approved Sustainability Report and thereafter maintained by the owner and operator of the development, to the satisfaction of the Western Australia Planning Commission.*

18. A Stormwater Management Plan demonstrating how all stormwater will be managed on-site is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of South Perth, prior to the submission of the relevant building permit application and thereafter implemented by the owner and operator of the development.

Acoustics, Parking and Operations

19. A final Acoustic Report and plans endorsed by a qualified acoustic consultant, demonstrating compliance with State Planning Policy 5.4 Road and Rail Noise and the relevant provisions of the Environmental Protection (Noise) Regulations 1997, are to be submitted to and approved by the Western Australian Planning Commission prior to submission of the relevant building permit application.

20. No music is to be played in the outdoor communal areas or alfresco areas between 10pm and 7am Sunday to Thursday, to the satisfaction of the Western Australia Planning Commission.

21. A final Waste Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of South Perth, prior to submission of the relevant building permit application, and thereafter implemented by the operators of the approved development.

22. All car parking spaces, access aisles and bicycle parking spaces are to be constructed in accordance with Australian Standards AS2890.1 and 3 and thereafter maintained by the owners and operators of the development, to the satisfaction of the Western Australian Planning Commission.

23. The development is to be operated at all times in accordance with the approved Operational Management Plan and the approved Travel and Parking Management Plan, unless subject to an approved amendment, to the satisfaction of the Western Australia Planning Commission.

Other

24. Prior to the occupation of the relevant stage of development, arrangements are to be made for the amalgamation of all lots into a single lot on one Certificate of Title, to the satisfaction of the Western Australian Planning Commission.

Advice Notes

- a. With regard to condition 1, and in accordance with s.279(4) of the Planning and Development Act 2005, the Western Australian Planning Commission cannot do anything that would have the effect of extending the period within which the development must be substantially commenced.
- b. This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed

development complies with all other applicable legislation, local laws and licence or permit requirements that may relate to the development. Please contact the City of South Perth for further advice on building, health, engineering and road reserve requirements.

- c. *With regard to condition 3, the final working drawings are to comply with all of the relevant conditions of development approval, as confirmed by the Western Australian Planning Commission, and any variations from the approved plans are required to be clearly identified. Once the Commission is satisfied that the working drawings and information are consistent with the approved development plans and conditions of approval, the Commission will provide a clearance letter and copies of the working drawings to the City of South Perth to assist with the issuing of a building permit.*

Where works and/or building permits are proposed to be staged, the Commission may agree to a staged clearance of working drawings and associated conditions of approval. In such cases a Conditions Staging Matrix will need to be completed and submitted for the Commission's approval.

Interim documentation may be acceptable for the clearance of some conditions for the initial stages of the development, in accordance with an approved Conditions Staging Matrix. In the instance where interim documents or plans are accepted by the Commission, the documentation is required to identify the time or stage for the delivery of the final documents and/or plans.

- d. *The applicant is advised that the approved land uses of the development include a Student Accommodation Facility, one Local Shop and three Restaurant/Cafes. As noted in the development application and revised supporting information, the Student Accommodation Facility's primary purpose is to accommodate secondary and/or tertiary students, as well as staff managing the facility, and may from time to time accommodate families visiting students at the facility or staff of nearby educational facilities. Tourist Accommodation is not an approved use of the site.*
- e. *With regard to condition 4, the Dilapidation Report should include at a minimum, all immediately adjacent public realm infrastructure and all buildings and properties immediately surrounding the site. In addition, the Building Act 2011 sets out the circumstances in which a person who is proposing to do building work that is reasonably likely to affect adjoining land must notify and/or obtain the consent of the landowner before commencing the proposed work.*
- f. *With regard to condition 14, all proposed landscaping or other works outside of the development lot boundaries will require consent from the relevant land owner / manager (local government/s) prior to commencement.*

- g. *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 17 of the Planning and Development Act 2005.*

AMENDING MOTION:

REASON:

Members moved an amendment to proposed Condition 1 that the development be substantially commenced within a period of 18 months.

Moved by Ms Bennett

Seconded by Mayor Cole

Approval Timeframe

1. *This decision constitutes planning approval only and is valid for a period of 18 months from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

The motion was put and carried

SUBSTANTIVE RESOLUTION:

REASON:

The Commission considered the matters raised in submissions and presented in the depositions, but on balance, the Commission was satisfied that the proposed significant development is well-designed and is generally consistent with the local planning intent to facilitate redevelopment of the subject site for purpose-built high-density student accommodation. The Commission acknowledged that design and construction industry resources currently have limited capacity and agreed to amend Condition 1 to allow a period of 18 months for substantial commencement. The Commission considered that this will be an appropriate development and land-use in this locality that will not have adverse impacts on its neighbours, subject to the recommended conditions (as amended).

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Advice Notes

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- f. With regard to condition 14, all proposed landscaping or other works outside of the development lot boundaries will require consent from the relevant land owner / manager (local government/s) prior to commencement.*
- g. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 17 of the Planning and Development Act 2005.*

The motion was put and carried

8. State Administrative Tribunal applications

Nil.

9. General business

Nil.

10. Meeting closure

There being no further business before the Board, the Chairman thanked members for their attendance and declared the meeting closed at 2:55pm.



CHAIRMAN

25 June 2021

DATE