



Western Australian Planning Commission

Minutes

Meeting No. 13

Thursday, 23 September, 2021

- Members: David Caddy - Chairman WAPC
Jane Bennett - Professions Representative
Helen Brookes - Coastal Planning and Management Representative
Fred Chaney - Professions Representative
Emma Cole - Metropolitan Local Government Representative
Lynne Craigie - Nominee of the Regional Minister
Veronica Fleay - Non-Metropolitan - Local government Representative
Barry McGuire - Professions Representative
Justin McKirdy - Urban and Regional Planning Representative
Peter Woronzow - Director General, Department of Transport
- 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
Jodi Cant - Director General, Department of Planning, Lands and Heritage
Mike Rowe - Director General, Department of Communities
- Others present: Cassandra Barrow – Principal Planning Officer, Reform, Design and State Assessment
Inga Butefisch - Principal Media Advisor, Communications
Kristi Clark - Director, Communications and Engagement
Ciara Clarke - Planning Officer, Reform, Design and State Assessment
Taryn Cox - A/Project Coordinator
Michael Daymond - Manager, Special Projects
Shane Downes - Senior Planning Officer, Reform, Design and State Assessment
Poppy Justice - Commission Support Officer
Michelle King - A/Manager Commission Business
Susan McWilliams - Administration Officer, Reform, Design and State Assessment
Lawrence Man - Senior Planning Officer, Reform, Design and State Assessment
Irene Obales - Commission Support Officer

Margaret Smith - Planning Director, Reform, Design and State Assessment
Applicants and Submitters: Benham Bordbar - Transcore Traffic Engineer
Kate Bowler - Architectus
Amanda Butterworth - Allerding & Associates
Julian Croudace - Propagule Consulting Pty Ltd
Steve Douglas - Truenorth Properties Pty Ltd
Glenn Hitch - Truenorth Properties Pty Ltd
Alf Seeling - Architectus

There were 3 members of the public in 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.

Mr Woronzow joined the meeting at 2:05pm

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

Jodi Cant - Director General, Department of Planning, Lands and Heritage

Mike Rowe - Director General, Department of Communities

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.

Mr McGuire joined the meeting 2:07pm

5. Deputations and presentations

5.1 10 (Lot 16) Morley Drive, Tuart Hill - Proposed Demolition of a Three-Storey Residential Building and Construction of a Six-Storey Mixed-Use Development

Presenters: Alf Seeling and Kate Bowler - Architectus, Julian Croudace - Propagule Consulting Pty Ltd, Amanda Butterworth Allerding & Associates, Benham Bordbar - Transcore Traffic engineer, Glenn Hitch and Steve Douglas - Truenorth Properties Pty Ltd

Mr Hitch, Ms Butterworth and Mr Seeling presented to the Western Australian Planning Commission on Item 7.1 - 10 (Lot 16) Morley Drive, Tuart Hill - Proposed Demolition of a Three-Storey Residential Building and Construction of a Six-Storey Mixed-Use Development. Ms Butterworth requested several amendments to the recommendation of the Department of Planning, Lands and Heritage.

Ms Butterworth requested that the substantial commencement period at Condition 1 of the recommendation of the Department of Planning, Lands and Heritage to be amended to 18 months to ensure that all conditions are met.

Ms Butterworth requested modification to Condition 6 to limit the dilapidation report to the 12 dwellings that adjoin the property rather than the 76 dwellings presently subject to dilapidation reports under the current condition.

Ms Butterworth requested modification to Condition 24 to refer to the revised landscape plan being generally consistent in accordance with the revised landscape plan dated July. Ms Butterworth stated that this is to ensure the plan is approved to incorporate the palms that are 12-17m in height and transplanted to the site as a feature to the development.

Mr Hitch, Ms Butterworth and Mr Seeling answered questions from members regarding the dilapidation report rationale, over-shadowing, parking and landscaping.

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

Ms Smith, Director of the State Development 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 10 (Lot 16) Morley Drive, Tuart Hill - Proposed Demolition of a Three-Storey Residential Building and Construction of a Six-Storey Mixed-Use Development

The Chairman invited discussion from members on the application presented at Item 7.1 of the agenda.

Members discussed the proposed amendments as suggested in the deputation at Item 5.1 and discussed the effects of overshadowing to

the neighbouring dwellings and noted that whilst the proposed development is compliant with the R-Codes the development will limit sunlight to the dwellings south of the development. Members discussed adding a Condition to the recommendation which addressed the overshadowing, however, it was determined that the proposed changes to the development were deemed unreasonable to enforce on the applicant. Members were informed that an amendment to the development plans to address overshadowing must be initiated by the applicant and resubmitted under Part 17 (c) *Planning and Development Act 2005* as amended by the *Planning and Development Act 2020*.

Members discussed the strategic direction for the surrounding area of the proposed development and discussed the importance of neighbourliness as well as compliance to the R-codes in the context of overshadowing.

AMENDING MOTION

REASON:

Members moved an amendment to proposed Condition 1 that the development be substantially commenced within a period of 18 months, to allow the applicant to adequately address all conditions imposed on the development.

Moved by Mr McKirdy
Seconded by Mr Caddy

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

AMENDING MOTION

REASON:

Members moved an amendment to proposed Condition 6 to expand the dilapidation report perimeters to include any part of a dwelling located within 55 metres of the boundaries of the development site.

Moved by Mr Caddy
Seconded by Mr McKirdy

- 6. Prior to the commencement of any site works, demolition or development, a dilapidation report prepared by a suitably qualified professional shall be submitted to, and approved by, the Western Australian Planning Commission on advice of the City of Stirling, detailing the current condition and status of adjacent buildings, surrounding paved areas and ancillary structures located on, but not limited to, any dwelling located within 55m of the boundaries of the development site.*

If access for undertaking the dilapidation survey is denied by the property owner, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the property owner of the reason for the survey and to obtain access, to the satisfaction of the Western Australian Planning Commission

The motion was put and carried

AMENDING MOTION

REASON:

Members moved an amendment to proposed Condition 11 to include reference to providing access and parking for furniture removal and delivery vehicles within the proposed development.

Moved by Mr McKirdy

Seconded by Ms Brookes

11. Prior to the occupation of the development, a Parking Management Plan addressing the operation of the visitor parking, security for the residential and office tenant parking, access and parking for furniture removal and delivery vehicles and the allocation of small parking bays to residents, shall be submitted to, and approved by, the Western Australian Planning Commission. The approved Parking Management Plan shall be implemented by the owners/strata managers of the development to the satisfaction of the Western Australian Planning Commission.

The motion was put and carried

AMENDING MOTION

REASON:

Members moved an amendment to proposed Condition 15 to ensure that a separate Lot on a diagram or plan of survey (deposited plan) for future acquisition for road widening purposes occurs prior to the applicant lodging an application for Strata Titles.

Moved by Mayor Cole

Seconded by Ms Bennett

15. Prior to lodging an application for Strata Titles, the portion of Lot 16 required for widening of the Main Street Other Regional Road reserve shall be shown as a separate Lot on a diagram or plan of survey (deposited plan) for future acquisition for road widening purposes.

The motion was put and carried

AMENDING MOTION

REASON:

Members moved an amendment to proposed Condition 24 to reference the species section theme on the detailed landscape plans dated 10

August and amend the method of consultation required for approval from “on the advice of” to “in consultation with” the City of Stirling.

Moved by Mr Chaney

Seconded by Ms Craigie

24. Prior to the submission of the relevant building permit application, a final landscaping plan for the proposed development, generally consistent with the species selection theme on the detailed landscape plans dated 10 August 2021, including final details of shade tolerant species for areas on the southern side of the development, shall be submitted to, and approved by, the Western Australian Planning Commission in consultation with the City of Stirling.

The motion was put and carried

SUBSTANTIVE RESOLUTION:

REASON:

The Commission is aware that the significant development application could not be approved under the City of Stirling Local Planning Scheme as it included land uses that are prohibited in the zone that applies to the site and the proposal does not comply with the development standards specified for this zone. However, it was recognised that the development reflects the scale, density and form of development that is anticipated for the site in the strategic planning framework, including the State Government’s *Perth and Peel @3.5 Million* Central Sub-Regional Framework and the City of Stirling’s Local Planning Strategy and Better Suburbs Strategy that all identify urban corridors for medium-rise higher density residential and mixed-use development serviced by high-frequency public transport routes. The design has considered the concerns about overlooking, overshadowing and traffic impacts and will contribute to the intended future character of the locality.

Having due regard to all the submissions received during the consultation process and the deputations received, the Commission resolved that the application met the criteria to be determined as a significant development, as prescribed under Part 17 of the Planning and Development Act 2005 (as amended by the Planning and Development Act 2020) and approved the application, subject to conditions.

Moved by Cr Fleay

Seconded by Ms Bennett

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.*

Conformity with Plans

2. *The development shall be undertaken in accordance with the approved plans and documents date-stamped 10 August 2021 attached to this approval, but with the following modifications:*
 - a. *The gates to the basement car park shall be designed to open inwards and be set back minimum of 6 metres from the front lot boundary.*
 - b. *The prominent western staircase is to be redesigned to incorporate materials, finishes and lighting that creates a landmark feature and enhances the urban environment, with the revised details being submitted to and approved by the Western Australian Planning Commission prior to submission of the relevant building permit.*
3. *The multiple dwellings shall only be used for long-term or permanent residential accommodation and the ground floor tenancies shall only be used as offices, unless written approval is obtained from the Western Australian Planning Commission for a change of use.*

Clearance of Conditions of Approval

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

Construction

5. *Prior to the submission of the relevant demolition permit or building permit applications, a Demolition and/or Construction Management Plan for the proposed development being submitted to, and approved by, the Western Australian Planning Commission on advice from the City of Stirling, addressing but not limited to:*
 - a. *the control of vibration, dust, noise, waste, sand and sediment;*
 - b. *temporary fencing, hoardings and gantries, including pedestrian and cyclist management and any footpath obstructions;*
 - c. *site access and egress;*
 - d. *demolition and construction waste management, recycling and removal;*
 - e. *deliveries and storage of construction materials and machinery;*
 - f. *parking arrangements for contractors and tradespersons;*
 - g. *construction traffic management,*
 - h. *management of any site dewatering or stormwater discharge;*
 - i. *management of construction noise and other site generated noise*

- j. protection of street trees and public realm infrastructure; and*
- k. public communication and complaint handling procedure.*

The approved Plan(s) is to be adhered to at all times during demolition and construction, to the satisfaction of Western Australian Planning Commission.

- 6. Prior to the commencement of any site works, demolition or development, a dilapidation report prepared by a suitably qualified professional shall be submitted to, and approved by, the Western Australian Planning Commission on advice of the City of Stirling, detailing the current condition and status of adjacent buildings, surrounding paved areas and ancillary structures located on, but not limited to, any dwelling located within 55m of the boundaries of the development site.*
- 7. Any damage to adjacent buildings, structures, infrastructure or paving as a result of construction is to be rectified at the developer's cost and expense and in a timely manner, to the satisfaction of the Western Australian Planning Commission.*
- 8. A tree protection zone shall be implemented in order to protect the tree located in the Morley Drive road reserve at all times during demolition and construction, to the satisfaction of the Western Australian Planning Commission on the advice of the City of Stirling.*

Parking and Access

- 9. All car parking spaces and vehicle access aisles are to be constructed and line marked in accordance with Australian Standards AS/NZS2890.1 and AS2890.2. Bicycle bays are to comply with AS2890.3 and accessible car parking shall comply with AS/NS2890.6, to the satisfaction of the Western Australian Planning Commission.*
- 10. A minimum of ten parking bays shall be allocated for visitor use and be permanently marked, maintained and accessible at all times for use exclusively by visitors to the property and shall be clearly sign-posted or visible from the street or internal driveway, to the satisfaction of the Western Australian Planning Commission.*
- 11. Prior to the occupation of the development, a Parking Management Plan addressing the operation of the visitor parking, security for the residential and office tenant parking, access and parking for furniture removal and delivery vehicles and the allocation of small parking bays to residents, shall be submitted to, and approved by, the Western Australian Planning Commission. The approved Parking Management Plan shall be implemented by the owners/strata managers of the development to the satisfaction of the Western Australian Planning Commission.*
- 12. New crossovers to the site shall be designed and constructed in accordance with the City of Stirling's Local Planning Policy 6.7 –*

Parking and Access and shall be installed prior to the occupation or use of the development.

- 13. Any redundant crossovers shall be removed, and the kerbing and road verge reinstated at the owners cost in accordance with the City of Stirling's Local Planning Policy 6.7 – Parking and Access, prior to the occupation of the development.*
- 14. No walls, letterboxes, fences or other structures above 0.75 metres in height shall be constructed within 1.5 metres of where a driveway meets a public street or where the two streets intersect.*

Road Widening

- 15. Prior to the occupation of the development, the section lodging an application for Strata Titles, the portion of Lot 16 required for widening of the Main Street Other Regional Road reserve shall be shown as being set out on a separate Lot on a diagram or plan of survey (deposited plan) for future acquisition for road widening purposes.*
- 16. No part of the approved building shall be located in the Main Street road widening area other than an architectural feature attached to a building that does not encroach into the road widening area by more than 250mm.*

Water Management

- 17. Stormwater from all roofed and paved areas shall be collected and contained on-site and must not affect or be allowed to flow onto, across or into any other property or road reserve.*
- 18. Prior to the submission of the relevant building permit application, a Stormwater Management Plan shall be submitted to and approved by the Western Australian Planning Commission on advice from the City of Stirling and Main Roads Western Australia.*

Waste Management

- 19. Prior to submission of the relevant building permit application, a final Waste Management Plan shall be submitted to, and approved by, the Western Australian Planning Commission on the advice of the City of Stirling. The approved Waste Management Plan shall be implemented and adhered to at all times by the owners and/or strata managers of the development, to the satisfaction of the Western Australian Planning Commission.*

Sustainability

- 20. The development is to achieve a minimum 5 star NatHERS rating per apartment, and an overall average NatHERS rating of 7 star, or equivalent. Prior to the submission of the relevant building permit application, a final sustainability report, demonstrating how this is to be achieved and confirming the final strategy, shall be submitted to the Western Australian Planning Commission. The accepted*

sustainability initiatives shall be incorporated into the development and thereafter maintained by the owners.

Acoustic

- 21. Prior to the submission of the relevant building permit application, a revised Acoustic Report and associated plans, providing final details of the operation of mechanical plant and air-conditioners and the communal gym fit-out, shall be submitted to, and approved by, the Western Australian Planning Commission on the advice of the City of Stirling.*
- 22. Prior to the occupation of the development, certification is to be provided from a qualified acoustic consultant confirming that the requirements of the approved Acoustic Report have been implemented in the completed development, to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Stirling.*
- 23. Prior to the sale of any of the multiple dwellings, a Notification, pursuant to Section 70A of the Transfer of Land Act 1893, is to be placed on the Certificate of Title of Lot 16. The Notification is to state:

"The lot is situated adjacent to a transport corridor and is currently affected, or may in the future be affected, by transport noise."*

Landscaping

- 24. Prior to the submission of the relevant building permit application, a final landscaping plan for the proposed development, generally consistent with the species selection theme on the detailed landscape plans dated 10 August 2021, including final details of shade tolerant species for areas on the southern side of the development, shall be submitted to, and approved by, the Western Australian Planning Commission in consultation with the City of Stirling*
- 25. Prior to the occupation of the development, all landscaping areas shall be planted and reticulated in accordance with the final approved landscaping plan. All landscaping areas shall be maintained thereafter by the owners of the development to the satisfaction of the Western Australian Planning Commission.*
- 26. Prior to the occupation of the development, a Landscape Management Plan addressing the establishment and ongoing health and viability of the transplanted trees shall be submitted to and approved by, the Western Australian Planning Commission on the advice of the City of Stirling.*

Materials and Finishes

- 27. Prior to the submission of the relevant building permit application, final details of the high quality and durable external materials, colours and finishes are to be submitted, including a sample board, that are consistent with the approved elevations and materials*

schedule contained within the development plans (date stamped 10 August 2021), to the satisfaction of the Western Australian Planning Commission.

28. Prior to the occupation of the development, external boundary walls on or adjacent to the lot boundaries, are to be finished to the same standard as the rest of the development, to the satisfaction of the Western Australian Planning Commission.

29. Any external signage shall be integrated with the design of the building facades, with details of the location and dimensions of external signage being submitted to and approved by the Western Australian Planning Commission, prior to occupation of the office tenancies.

Lighting

30. External lighting shall be provided under all awnings, in on-site parking areas, along pedestrian paths and at all entry points. Any external or outdoor lighting shall comply with Australian Standard AS4282-1997 for the control of obstructive effects of outdoor lighting.

Utilities and Facilities

31. Any proposed air-conditioning condensers, external building plant, lift overruns, piping, ducting, transformers/transformer rooms, fire control rooms and solar panels shall be integrated into the design of the building and be located or aesthetically screened to minimise any visual and noise impact on the residents of the neighbouring properties and public realm, with details of the location and screening of such plant and services, with particular attention to improvements to the transformer room façade, being submitted to, and approved by, the Western Australian Planning Commission prior to applying for the relevant building permit.

32. All clothes drying devices and clothes drying areas shall be located, positioned and screened so as not to be visible from the street or other public place.

Advice Notes

a. With regard to Condition 1, and in accordance with s.279(4) of the Planning and Development Act 2005, the 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/or licence/permit requirements that may relate to the development.

c. With regard to Condition 2, the final working drawings and associated documents 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. Following satisfactory assessment of the working drawings, the Western Australian Planning Commission will provide a clearance letter and copies of the plans to the City of Stirling to assist with building permit assessment. 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. The final plans and details submitted to the Western Australian Planning Commission to satisfy the conditions of this approval will be verified by the Department of Planning, Lands and Heritage officers, and any other Local or State government agency where applicable. Approval for any substantive changes to the approved plans will need to be obtained in writing from the Commission, made via an amended application process (Form 17C).

- d. In accordance with the City of Stirling's practices, it is recommended that at least 14 days prior to the commencement of any works on the development site, residents and tenants of neighbouring properties should be advised by letter of the commencement of works and be provided with contact details should they wish to make a complaint.*
- e. With regard to Condition 8, the street tree adjoining the subject site is to be retained and protected throughout the duration of the development. Should the tree die, decline, be damaged or be removed, charges will apply as per the City of Stirling's Street and Reserve Tree Policy. Part of or all of the Verge Bond may be retained and further penalties and/or legal action may occur. It is the responsibility of the developer to ensure that the site survey plan is correct as any inaccuracy of the plans will not be considered justification for removal of the trees in the event that their positions are incorrectly shown. The removal of street trees without the written approval of the City of Stirling is an offence.*
- f. With regard to Condition 12, a "Crossover Installation Application" is required to be submitted and approved by the City of Stirling prior to constructing any new crossovers.*
- g. No works are permitted within the Karrinyup-Morley Highway (Morley Drive) without the approval of Main Roads Western Australia. The applicant is required to submit an application form to undertake works within the Karrinyup-Morley Highway (Morley Drive) road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.*
- h. With regard to Condition 19, the design of the bin enclosure is required to comply with the requirements of the City of Stirling's Waste Management Local Law 2010.*

- i. With regard to Condition 21, the development is required to comply with the Environmental Protection (Noise) Regulations 1997 in terms of the design and operation of all mechanical plant, air-conditioners, exhaust systems and waste management facilities.*
- j. Noisy construction work is not permitted outside the hours of 7.00am to 7.00pm Mondays to Saturdays or at any time on Sundays and Public Holidays unless a Noise Management Plan for the construction site has been approved in writing by the City of Stirling, as required by the Environmental Protection (Noise) Regulations 1997.*
- k. With regard to Condition 24, the applicant is advised that any new landscaping within the verge would require separate approval from the City of Stirling, and/or Main Roads Western Australia. Final species selection should be determined with regard for the City's verge planting guidelines. An application should include construction of footpaths adjacent the site and landscaping upgrades to the satisfaction of the City of Stirling.*
- l. 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.*

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 3:30pm.



CHAIRMAN

DATE: 30 September 2021