



**Western Australian Planning Commission
Minutes**

Thursday, 12 December, 2024

Members:	WAPC Chairman Commissioner Cole - Deputy Chairperson Commissioner Adair Commissioner Brookes Commissioner Hall Commissioner Lakey Commissioner Sandri
Apologies:	Commissioner Bennett Commissioner Haeren
Others Present	Sam Boucher - Manager, Commission Business Victoria Brown - Principal Planner, State Development Assessment Unit Inga Butefisch - Principal Media Advisor, Communications and Engagement Parker Cohen-Radosevich - Commission Support Officer Paola Di Perna - Planning Director, State Development Assessment Unit Anthony Kannis - Director General Leigh Parker - Principal Planner, State Development Assessment Unit Amy Pires - Governance Officer, Commission Support Belinda Sleaf - Commission Support Officer David Saunders - Assistant Director General, Land Use Planning Emma Williamson - Government Architect, Office of the Director General
Applicants and Submitters:	Ben Doyle – Planning Solutions Jeremy Hofland – Rowe Group Robert Cruickshank – Town of Victoria Park Michael Jorgensen – DMG Architecture Howard Mitchell - EPCAD Ken Perry Greg Rowe -Rowe Group Laura Sabitzer – Town of Victoria Park Ryan Tsen – Ryan Tsen Architects

1. Meeting Opening and Commencement

The Chairman declared the meeting open at 2.13 pm.

The Chairman provided an introductory statement as follows:

In opening today's meeting, I wish to make a brief statement.

This meeting of the Commission is to determine two applications considered significant development under Part 17 of the Planning & Development Act 2005.

Part 17 grants the Commission temporary decision-making powers to determine proposals that can generate investment in the State to assist with economic recovery as we respond to the global COVID-19 pandemic.

A major premise of Part 17 of the legislation is that it bestows upon the Commission a perceived unlimited level of discretion with respect to an application. The Commission recognises the responsibility it has in assuring that this discretion is exercised responsibly.

As with any planning application, the Commission has the option to:

- approve either or both applications, subject to conditions;*
- approve either or both applications, subject to minor modifications and conditions;*
- defer determination of either or both applications pending further information; or*
- refuse either or both applications.*

I wish to advise observers 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.

On behalf of the Commission, the Department of Planning, Lands and Heritage will respond to any media enquiries relating to this application, or the process, in consultation with the Minister for Planning's office.

1.1 Acknowledgement of Country

In opening the meeting, I acknowledge that we meet today on the traditional land of the peoples of the Noongar nation and I pay our respects to elders past and present, and extend solidarity and hope for a just and dignified future for us all of us.

1.2 Apologies and leave of Absence

Commissioner Bennett

Commissioner Haeren

1.3 Disclosures of interests

Commissioner Adair declared a Direct Pecuniary Interest on Item 4.1 - Part 17 Development Application – Student Accommodation Facility (181 bedrooms), Lots 303 and 304 Fairway (Nos. 55 – 57), Crawley – Determination. Commissioner Adair advised that she provided consultant advice to the proponent on this application. Members agreed that Commissioner Adair should not be present during the discussion and/or decision-making procedure on the item.

Commissioner Brookes declared an Indirect Pecuniary Interest on Item 7.1 - Part 17 Development Application – Mixed Use Development, Lot 2 (167) and Lot 3 (169) Bank Street, East Victoria Park - Determination. Commissioner Brookes advised she is currently appointed by the Town of Victoria Park to develop a water management strategy in support of the Oats Street Precinct Structure Plan which includes the proposed development location. Members agreed that Commissioner Brookes should not be present during the discussion and/or decision-making procedure on the item.

Commissioner Haeren declared a Direct Pecuniary Interest on Item 7.1 - Part 17 Development Application – Mixed Use Development, Lot 2 (167) and Lot 3 (169) Bank Street, East Victoria Park - Determination. Commissioner Haeren advised he is employed by Urbis, who have been engaged to undertake Oat Street Precinct Structure Plan for Town of Victoria Park. Commissioner Haeren was directly involved in this project. Commissioner Haeren was not in attendance at the meeting.

1.4 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.

1.4.1 Questions from Members and Responses from DPLH Staff

Commissioner Adair declared a Direct Pecuniary Interest on this Item and left the meeting at 2:18 pm.

2. Deputations and presentations (Item 4.1)

2.1 Part 17 Development Application – Student Accommodation Facility (181 bedrooms), Lots 303 and 304 Fairway (Nos. 55 – 57), Crawley – Determination

Presenter: Ken Perry

Mr Perry was not present to make a deputation to the Western Australian Planning Commission speaking against the application at Item 4.1 - Part 17 Development Application – Student Accommodation Facility (181 bedrooms), Lots 303 and 304 Fairway (Nos. 55 – 57),

Crawley – Determination. Members noted the written submission provided by Mr Perry.

2.2 Part 17 Development Application – Student Accommodation Facility (181 bedrooms), Lots 303 and 304 Fairway (Nos. 55 – 57), Crawley – Determination

Presenters: Michael Jorgensen - DMG Architecture and Ben Doyle - Planning Solutions

Mr Jorgensen and Mr Doyle made a deputation to the Western Australian Planning Commission speaking in support of the application at Item 4.1 - Part 17 Development Application – Student Accommodation Facility (181 bedrooms), Lots 303 and 304 Fairway (Nos. 55 – 57), Crawley – Determination.

Mr Doyle answered questions from members.

2.3 Part 17 Development Application – Student Accommodation Facility (181 bedrooms), Lots 303 and 304 Fairway (Nos. 55 – 57), Crawley – Determination

Written Deputation: Presenter: Terrence Pitsikas - Former Lecturer

Members noted the written submission on Item 4.1 - Part 17 Development Application – Student Accommodation Facility (181 bedrooms), Lots 303 and 304 Fairway (Nos. 55 – 57), Crawley – Determination.

3. Presentation of key issues by the Department of Planning, Lands and Heritage (Item 4.1)

Presenter: Paola Di Perna - Planning Director, State Development Assessment Unit

Ms Di Perna, Planning Director of the State Development Assessment Unit presented the key issues and considerations of the application at Item 4.1 and answered questions from members.

4. Item/s for decision

4.1 Part 17 Development Application – Student Accommodation Facility (181 bedrooms), Lots 303 and 304 Fairway (Nos. 55 – 57), Crawley – Determination

The Chairman invited discussion from members on the recommendation for item 4.1

REPORT RECOMMENDATION

Moved by Commissioner Cole
Seconded by Commissioner Lakey

That the Western Australian Planning Commission resolves under s.274 of the Planning and Development Act 2005 to approve development application reference SDAU-065-23 and accompanying plans and reports (stamped 15 November 2024) for the Demolition of Existing Multiple Dwellings and Construction of a University Accommodation Facility at Lots 303 and 304 (Nos. 55-57) Fairway, Crawley, subject to the following conditions:

Conditions

1. *This decision constitutes development approval only and is valid for a period of 36 months from the date of approval. If the development is not substantially commenced by this date, the approval shall lapse and be of no further effect.*
2. *The development is to be undertaken in accordance with the approved plans and documents (date stamped 15 November 2024) attached to this approval, subject to any modifications required by any condition of this approval, final details of which are to be provided at working drawings stage to the satisfaction of the Western Australian Planning Commission and shall include the following modifications:*
 - a. *Ground floor entry, lobby and communal areas facing the street are to have windows with transparent glazing;*
 - b. *The elevational, wall and glazing treatments to the ends of the communal corridors on levels 1 to 7 being modified to maximise opportunities for solar access, natural ventilation and visual outlook, while maintaining their curved form; and*
 - c. *The proposed fire booster cabinet and any associated supporting walls or structures being redesigned and/or relocated such that they are integrated into the design of the development, are visually unobtrusive and do not obstruct visual surveillance or contribute to potential personal safety issues by way of concealment and/or risk of entrapment.*
3. *A copy of the final working drawings (prepared for submission of relevant building permit applications) and all associated plans, reports and information that addresses the conditions of approval are to be submitted to, and cleared by, the Western Australian Planning Commission.*
4. *Prior to occupation of the development, arrangements being made for Lots 303 and 304 to be legally amalgamated into a single lot on a Certificate of Title, or such other alternative, at the expense of the owner, to the satisfaction of the Western Australian Planning Commission.*

5. *Prior to submission of a relevant demolition or building permit application, a Dilapidation Report prepared by a suitable qualified professional is to be submitted to the satisfaction of the Western Australian Planning Commission on advice from the City of Perth, detailing the current condition and status of all adjacent public realm infrastructure and paving, as well as any buildings on the following properties unless specified:*
 - a. *39-49 (Lot 5) Fairway, Crawley specific to the multi-level carpark;*
 - b. *Units 1-8 (Strata Lots 1 to 8 on Strata Plan 12399)/No. 60 (Lot 2) Broadway, Crawley; and*
 - c. *59 (Lot 305) Fairway, Crawley.*

A copy of the dilapidation report is to be provided to the landowner/s of the above mentioned properties.

In the event that access for undertaking the dilapidation survey is denied by a landowner, the applicant must demonstrate in writing to the satisfaction of the Western Australian Planning Commission that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

6. *Prior to submission of the relevant demolition or building permit application, Construction and Demolition Management Plans are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Perth, addressing but not limited to:*
 - a. *hours of construction;*
 - b. *temporary fencing, hoardings, gantries and signage;*
 - c. *site access and egress;*
 - d. *construction traffic management;*
 - e. *pedestrian and cyclist management and any footpath obstructions;*
 - f. *parking arrangements for staff and contractors;*
 - g. *deliveries and storage of construction materials and machinery;*
 - h. *management of vibration, dust, wind and erosion;*
 - i. *management of any site dewatering or stormwater discharge;*
 - j. *management of construction noise and any other site generated noise;*
 - k. *management, recycling and removal of demolition and construction waste;*
 - l. *protection of public realm infrastructure; and*
 - m. *public communication and complaint handling procedures.*
7. *The approved Construction and Demolition Management Plans are to be adhered to at all times during demolition and*

construction, to the satisfaction of the Western Australian Planning Commission.

- 8. Prior to submission of the relevant demolition or building permit application, a Tree Protection Plan, including tree protection zones, prepared in accordance with AS4970:2009, is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Perth, 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 Landscape DA Report dated October 2024 prepared by Emerge Associates.*
- 9. The approved Tree Protection Plan is to be implemented and adhered to at all times during demolition and construction, to the satisfaction of the Western Australian Planning Commission.*
- 10. The development is to be constructed with high quality and durable external materials and finishes, which are consistent with or enhance those detailed on the approved elevations and perspectives of the development date stamped 15 November 2024 (other than as amended by conditions of approval), in particular the curved glazing elements, to the satisfaction of the Western Australian Planning Commission.*
- 11. Prior to the submission of the relevant building permit application, the applicant is to submit a Solar Reflectivity Study by an appropriately qualified person to the satisfaction of the Western Australian Planning Commission, on advice from the City of Perth to demonstrate that the proposed development will not result in unreasonable glare.*
- 12. Prior to the submission of the relevant building permit application, the applicant is to demonstrate that the approved Solar Reflectivity Study has been implemented to the satisfaction of the Western Australian Planning Commission.*
- 13. Prior to submission of the relevant building permit application, the applicant is to submit final details of the materials, colours and finishes of the exterior of the building(s), to the satisfaction of the Western Australian Planning Commission.*
- 14. Prior to submission of the relevant building permit application, details of any proposed air-conditioning condensers, external building plant, piping, ducting, or transformers being integrated into the design of the buildings and located or screened to minimise any visual and noise impact on the shared dwellings and the public realm being submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Perth.*

15. *Prior to submission of the relevant building permit application, a Crime Prevention Through Environmental Design statement prepared by a suitably qualified person, is to be submitted to and approved by the Western Australian Planning Commission.*
16. *Prior to occupation of the development, the recommendations of the approved Crime Prevention Through Environmental Design statement being reflected in final working drawings certified for the development, to the satisfaction of the Western Australian Planning Commission.*
17. *Prior to submission of the relevant building permit application, a Signage Strategy is to be submitted to and approved by the Western Australian Planning Commission, on the advice of the City of Perth. The strategy is to include details of the following:*
 - a. *the location, size and format of any signage to the building exterior; and*
 - b. *signage to promote and guide wayfinding.*
18. *The approved Signage Strategy is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*
19. *Prior to submission of the relevant building permit application, the applicant is to submit a Lighting Strategy, detailing external illumination of the development in accordance with AS4282, AS1158.3.1 and for approval by the Western Australian Planning Commission, on advice from the City of Perth.*
20. *Prior to occupation of the development, the applicant is to provide certification from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved strategy to the satisfaction of the Western Australian Planning Commission.*
21. *Prior to submission of the relevant building permit application, a final Sustainability Report detailing the initiatives to achieve a minimum Five Star Green Star certification, or demonstrated equivalent, is to be submitted to and approved by the Western Australian Planning Commission.*
22. *Prior to occupation of the development, certification is to be provided from a suitably qualified environmental sustainability consultant confirming the implementation of the sustainability measures contained within the final approved Sustainability Report, and the ability of the development to be thereafter occupied and operated in accordance with the final approved Sustainability Report, to the satisfaction of the Western Australian Planning Commission.*

- 23. Prior to the submission of the relevant building permit application, final details and specifications of all proposed electric vehicle charging infrastructure are to be submitted to the satisfaction of, and approved by, the Western Australian Planning Commission, on advice from the City of Perth.*
- 24. Prior to occupation of the development, the applicant is to provide certification from a suitably qualified professional demonstrating the approved electric vehicle charging infrastructure has been implemented to the satisfaction of the Western Australian Planning Commission prior to occupation of the development.*
- 25. Prior to the submission of the relevant building permit application, final landscaping plans and specifications for the subject site and the adjacent public realm (Fairway verge), including hard and soft landscaping specifications, reticulation details, wind mitigation strategies, accompanied by a supporting report by a suitably qualified professional confirming the suitability of selected plant and tree species, being submitted to and approved by the Western Australian Planning Commission, on advice from City of Perth.*
- 26. Prior to occupation of the development, certification that all landscape and reticulation has been established in accordance with the approved landscaping specifications and reticulation details to Australian Standards, is to be submitted to Western Australian Planning Commission, on advice from City of Perth. The landscaping is thereafter to be maintained, to the satisfaction of the Western Australian Planning Commission.*
- 27. Prior to occupation of the development, any redundant vehicle crossovers shall be removed and the kerbing, and verge landscaping reinstated, to the satisfaction of the Western Australian Planning Commission on advice from the City of Perth.*
- 28. Prior to submission of the relevant building permit application, a Travel Behaviour and Parking Management Plan, prepared by a suitably qualified transport consultant, is to be submitted to and approved by the Western Australian Planning Commission, on advice of the Department of Transport and City of Perth. The Plan is to include (but not be limited to) the following matters, and be reflected in the final working drawings and the required University Operational Management Plan for the proposal, where relevant, to the satisfaction of the Western Australian Planning Commission:*
 - a. An overarching strategy and set of informing principles, that includes mode share targets in relation to public transport, walking, cycling, shared and private car use by residents, staff and visitors of the development;*

- b. A finalised Parking Needs Assessment, the recommendations of which are addressed by and correlate to the number and allocation of car parking bays, on-site share car(s), provision of charging facilities for electric vehicles (EVs), E-scooters and E-bicycles, and the number and quality of bicycle parking and end-of-trip facilities provided as part of the development, for the use of residents, staff and visitors;*
 - c. The allocation of all staff, resident/occupant, share car or visitor parking bays;*
 - d. Identification of any ACROD bays;*
 - e. Demonstration of the effective and safe management of traffic movements within all car parking areas and accessways for vehicles, pedestrians, cyclists, scooters and other micromobility users; and*
 - f. The identification of parking, loading, delivery and waste management areas.*
- 29. The approved Travel Behaviour and Parking Management Plan shall be adhered to at all times by the owners and occupants of the approved development, to the satisfaction of the Western Australian Planning Commission.*
- 30. Prior to occupation of the development, all car parking bays, vehicle entrances, access aisles and loading bays are to be paved, sealed, marked and drained in accordance with AS2890.1 and thereafter maintained by the owners of the development, to the satisfaction of the Western Australian Planning Commission, with a certificate of compliance from an architect or engineer being submitted to and approved by the Western Australian Planning Commission, on advice from the City of Perth.*
- 31. Prior to the occupation of the development a final University Accommodation Operational Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice of the City of Perth, which includes, but is not limited to, the following matters:*
 - i. Company name and relevant experience of proprietor/operator;*
 - ii. Security arrangements for the residents and their guests;*
 - iii. Management of the communal facilities and spaces;*
 - iv. Cleaning and laundry facility services/arrangements;*
 - v. Control of noise and other disturbances, including management of the hours of playing of music and the holding of functions or celebrations from communal outdoor spaces;*
 - vi. Access and booking of on-site share car services, and access to secure bicycle parking;*

- vii. *Regularly updated local services and attractions user guide that promotes visitation by walking and/or cycling to everyday conveniences and services;*
 - viii. *Information to assist resident awareness of available on-campus amenities and facilities available to enrolled UWA students and/or members of the public; and*
 - ix. *Promotion and use of local public transport services, including guidance for setting up a SmartRider account/card for use on Transperth services.*
32. *The approved University Accommodation Operational Management Plan is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*
33. *Prior to the submission of the relevant building permit application, the Waste Management Plan prepared by Urbii Consulting Pty Ltd for Lots 303 & 304 Fairway, Crawley (date stamped 12 July 2024) is to be updated, to reflect the detailed design, and submitted to and approved by the Western Australian Planning Commission.³*
34. *The approved Waste Management Plan is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*
35. *Prior to submission of the relevant building permit application, an updated Acoustic Report endorsed by a qualified acoustic consultant, detailing effective management of noise ingress and egress for traffic noise, service vehicles, mechanical equipment, the use of external communal spaces and alfresco area at ground level and on level 8, and the noise between student accommodation rooms to reflect development plans date-stamped 15 November 2024, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Perth.*
36. *Prior to occupation of the development, certification is to be provided from a qualified acoustic consultant confirming that the recommendations of the approved Acoustic Report have been implemented in the completed development, to the satisfaction of the Western Australian Planning Commission, on advice of the City of Perth.*
37. *Prior to the submission of the relevant building permit application, a Stormwater Management Plan is to be submitted which demonstrates that all stormwater will be contained on-site and disposed of in an acceptable manner to the satisfaction of the Western Australian Planning Commission, on advice from the City of Perth.*

38. *The approved Stormwater Management Plan is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*

Advice Notes

- a. *With regard to condition 1, the term “substantially commenced” has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time. The substantial commencement date is calculated from the date the applicant receives the determination notice.*
- 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 application legislation, local laws and/or licence/permit applications that may relate to the development. Please contact the City of Perth for further advice on building, health, engineering and road reserve requirements.*
- c. *With regard to Condition 2, a copy of the final working drawings prepared for the 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. The final working drawings and associated documents are to comply with all conditions of development approval, as confirmed by the Western Australian Planning Commission, and any variations from the approved development plans are required to be clearly identified.*

Following satisfactory assessment of the plans and documents, the Western Australian Planning Commission will provide a clearance letter and copies of the documents to the local government to assist with building permit assessment. Where works and/or building permit 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 documents 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 and/or documents will need to be obtained in writing from the Commission, via an Amendment Application process (Form 17C).

- d. *With regard to Conditions 2 and 10, final specifications and/or samples should be provided for all external elevations,*

demonstrating that high quality, durable and low reflective materials have been maintained (or enhanced) from development application stage through to working drawings and construction.

- e. *With regard to Condition 2 (c), the applicant should demonstrate, subject to compliance with the other conditions of this approval, and other relevant legislation/regulatory requirements, that opportunities to provide a visual outlook, and natural light and ventilation to the corridors have been exhausted, while maintaining the curved form to the ends of the corridors where depicted on the approved plans and ensuring the central studios are protected from overlooking. The applicant is encouraged to consider the further use of curved glazing to the solid ends of the corridors and the potential continuation of the 'hit and miss brickwork' and/or curved shade canopies where needed to protect from harsh late afternoon western sun.*
- f. *With regard to Condition 5, in the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Western Australian Planning Commission that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.*
- g. *Where building works propose a "notifiable event" or are likely to affect neighbouring land or property, then the 'Work affecting other land' provisions of the Building Act 2011 will apply. This information sets out the requirements for managing building work on or close to a boundary. This process is used to confirm agreement with the work and with the effects it may have on neighbouring land or property.*
- h. *With regard to Condition 6, preparation of the Construction and Demolition Management Plan should have regard to the City of Perth's 'Construction and Demolition Management Plan Guidelines' and 'Construction and Demolition Management Plan Pro-Forma Application' available from the City's website.*
- i. *With regard to Condition 15, the Crime Prevention Through Environmental Design statement should have regard to the WAPC's Safer Places by Design Guidelines, and make recommendations in relation to those aspects of the design which have the potential to contribute to the personal safety of occupiers and visitors to the development, specifically:*
 - i. *the location and number of entry/exit points and level of visual openness provided to the basement laundry and bicycle store;*

- ii. *final details of access and security measures provided to the basement car park and ground floor building entries and outdoor communal spaces; and*
 - iii. *the appropriate height and materials of balustrading provided to the perimeter of the Level 8 communal amenities deck and pool, taking into account the potential for risk-taking behaviours.*
- j. *With regard to Condition 19, the lighting strategy and subsequently installed lighting should demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:2023.*
- k. *The development is required to provide access to buildings for people with disabilities in accordance with the National Construction Code Building Code of Australia, AS1428.1:2021 and Disability (Access to Premises – Buildings) Standards 2010. In doing so, the applicant is encouraged to design and construct the primary/central pedestrian accessway connecting the main entry to the Fairway public footpath in accordance with these requirements.*
- l. *With regard to Condition 25, the Landscape Plan should include (but not be limited to):*
 - i. *details of how the landscape design, plantings and levels will effectively integrate with the adjacent public realm;*
 - ii. *species, size and types of plantings;*
 - iii. *reticulation to plantings including any rain/grey water capture and re-use;*
 - iv. *paving, pool/alfresco decking, kerbs and other surface treatments, having regard to durability, occupant comfort levels and tendency to attract heat, as relevant to their location within or surrounding the development;*
 - v. *seating, lighting, shade structures and other hard infrastructure;*
 - vi. *integration of wind amelioration strategies for ground level and the Level 8 communal outdoor spaces; and*
 - vii. *details of ongoing management and maintenance.*
- m. *With regard to Conditions 28 and 30, the applicant is encouraged to explore driveway and basement ramp line-marking indicating separate and safe paths of travel for cyclists and vehicles into and out of the development.*
- n. *With regard to Condition 34, the Waste Management Plan should be updated to reflect the approved proposal, including the provision of a central bin chute system, and have regard to the City of Perth's Waste Guidelines for All Developments (<https://perth.wa.gov.au/building-and-planning/planning-and-building-applications/waste-guidelines-for-developments>) including the preference for bins to be collected directly from the*

bin store, where located within 10 metres of the property boundary.

- o. With regard to Conditions 35 and 36, the recommendations contained in the final Acoustic report should be reflected in the required University Accommodation Operational Management Plan, where relevant to the operational management of the development.*
- p. Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure is available from <https://www.atco.com.au/for-home/natural-gas/wa-gas-network/working-around-gas.html>*
- q. The applicant/owner is advised of the following, on behalf of the Water Corporation:*
 - i. The landowner will be responsible for funding any costs of a water connection (meter) and make payment of the appropriate fees and charges and/or applicable Standard Infrastructure Contributions attributed to the nominated size and flow rate of the connection/s required;*
 - ii. Water connections may result in the installation of a backflow protection device. The developer must consult a suitably qualified licensed plumbing contractor or hydraulic consultant to assess the developments requirements. The cost of the installation and ongoing testing and maintenance is the responsibility of the lot owner.*
 - iii. The capacity to supply the 20 L/s fire flow required for multi-residential buildings greater than 500m² will need to be discussed including whether upgrades the existing 75CI main in Fairway with 125m of DN100 main from the existing 150RC main in Myers St will be required.*
 - iv. The landowner is responsible for funding the cost of a new fire service connection (meter) and the appropriate fees and charges attributed to the nominated size of the connection required. New fire service (meter) will also be subject to an agreement (<https://www.watercorporation.com.au/Developing-and-building/Applying-for-services/New-water-services/Fire-services>) at the time of application.*
 - v. Any works carried out in proximity to Water Corporation assets must receive prior approval by applying for an Asset Protection Risk Assessment (APRA). To assess whether the proposed development will require an APRA, details of the Prescribed Proximities and relevant legislation are available in our guidelines.*

- vi. *The landowner is required to submit a Multi Residential/Commercial Application by using our online portal BuilderNet prior to construction. Attachments required for approval will include:*
 - *Final construction site & architectural floor plans with boundary measurements*
 - *Hydraulic plans – Water & Wastewater*
 - *Trade Waste Application (if applicable)*
 - *Meter connection installation plan with measurements from 2 boundaries*
 - *Accepted design proposal for upgrade to water main to comply with fire service requirements.*
- r. *The applicant/owner is advised of the following matters, in respect to relevant building and environmental health requirements of the City of Perth:*
 - i. *A building permit is required to be submitted and approved by the City prior to undertaking building work.*
 - ii. *The Building Act 2011 (the Building Act) 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 affected landowner before commencing the proposed work.*
 - iii. *There are two forms for giving notice and requesting consent:*
 - *BA20 – to be used when building work will encroach or adversely affect an adjoining property. A completed form must be provided to the permit authority as part of a permit application. This form can also be used when a triggering event occurs after a permit is issued.*
 - *BA20A – to be used during the construction of protection structures, party walls, dividing fence and boundary retaining walls. Consent can be obtained during the course of the building process when relevant work is to be undertaken and is outside of the building permit process*
Local governments can enforce non-compliance with these requirements, if consent is not obtained where it is required. A penalty of up to \$25,000 applies for non-compliance under the Building Act.
 - iv. *The building or any part thereof, shall not be occupied until the City has issued an Occupancy Permit to the owner.*
 - v. *The building may be considered as a lodging house in accordance with the City's Health Local Law 2000 relating to lodging houses. There may be factors to consider in further detail as part of the final design and working drawings for the development to ensure the proposal meets the relevant requirements of the Local Law.*

- vi. *The proposed aquatic facility is required to comply with the Health (Aquatic Facility) Regulations 2007, with approval to be obtained from the Department of Health WA.*
 - vii. *The proposed food premises will need to comply with the Food Act 2008.*
- s. *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 discussed the removal of the wording “relevant demolition or” from Condition 5 as demolition will not require a dilapidation report, however, the development or any basement part of the development will trigger the need for the dilapidation report and removing the proposed words will allow for demolition to occur without the dilapidation report but still requiring it for development.

Moved by Commissioner Sandri
Seconded by Commissioner Hall

5. *Prior to submission of a building permit application, a Dilapidation Report prepared by a suitable qualified professional is to be submitted to the satisfaction of the Western Australian Planning Commission on advice from the City of Perth, detailing the current condition and status of all adjacent public realm infrastructure and paving, as well as any buildings on the following properties unless specified:*

The motion was put and carried

AMENDING MOTION:

REASON:

Members discussed separating Condition 2 into two separate conditions and the following conditions being renumbered accordingly to provide clarity that this development is to be undertaken in accordance with the approved plans and any amendments required in the future, can be considered by the Commission through an appropriate application.

Moved by Commissioner Sandri
Seconded by Commissioner Hall

2. *The development is to be undertaken in accordance with the approved plans and documents (date stamped 15 November 2024) attached to this approval, subject to any modifications required by any condition of this approval.*
3. *Prior to the submission of a building permitted, amended plans are to be provided to the satisfaction of the Western Australian Planning Commission and shall include the following modifications:*
 - a. *Ground floor entry, lobby and communal areas facing the street are to have windows with transparent glazing;*
 - b. *The elevational, wall and glazing treatments to the ends of the communal corridors on levels 1 to 7 being modified to maximise opportunities for solar access, natural ventilation and visual outlook, while maintaining their curved form; and*
 - c. *The proposed fire booster cabinet and any associated supporting walls or structures being redesigned and/or relocated such that they are integrated into the design of the development, are visually unobtrusive and do not obstruct visual surveillance or contribute to potential personal safety issues by way of concealment and/or risk of entrapment.*

The motion was put and carried

AMENDING MOTION:

REASON:

Members discussed the deletion of Condition 15 as the development provides 24 hour reception with active surveillance, active frontage with minimal areas of concealment and the Crime Prevention Through Environmental Design Statement is not required for this development.

Moved by Commissioner Sandri

Seconded by Commissioner Hall

Dissent: WAPC Chairman ,Commissioner Brookes, Commissioner Cole and Commissioner Lakey.

That Condition 15 of the report recommendation be deleted in its entirety.

The motion was put and lost

AMENDING MOTION:

REASON:

Members discussed the deletion of Condition 16 noting concerns around the certification process of the Crime Prevention Through Environment Design Statement

Moved by Commissioner Sandri
Seconded by Commissioner Hall

That Condition 16 of the report recommendation be deleted in its entirety.

The motion was put and carried

AMENDING MOTION:

REASON:

Members discussed amending the timeframe at Condition 1 from 36 months to 24 months, noting there is no justification for the 36 months as recommended and the proponent through their deputation advised that construction would commence in late 2025.

Moved by Commissioner Hall
Seconded by

- 1. This decision constitutes development approval only and is valid for a period of 24 months from the date of approval. If the development is not substantially commenced by this date, the approval shall lapse and be of no further effect.*

The motion lapsed for the want of a seconder

SUBSTANTIVE RESOLUTION

That the Western Australian Planning Commission resolves under s.274 of the Planning and Development Act 2005 to approve development application reference SDAU-065-23 and accompanying plans and reports (stamped 15 November 2024) for the Demolition of Existing Multiple Dwellings and Construction of a University Accommodation Facility at Lots 303 and 304 (Nos. 55-57) Fairway, Crawley, subject to the following conditions:

Conditions

- 1. This decision constitutes development approval only and is valid for a period of 36 months from the date of approval. If the development is not substantially commenced by this date, the approval shall lapse and be of no further effect.*
- 2. The development is to be undertaken in accordance with the approved plans and documents (date stamped 15 November 2024) attached to this approval, subject to any modifications required by any condition of this approval.*

3. *Prior to the submission of a building permit, amended plans are to be provided at working drawings stage to the satisfaction of the Western Australian Planning Commission and shall include the following modifications:*
 - a. *Ground floor entry, lobby and communal areas facing the street are to have windows with transparent glazing;*
 - b. *The elevational, wall and glazing treatments to the ends of the communal corridors on levels 1 to 7 being modified to maximise opportunities for solar access, natural ventilation and visual outlook, while maintaining their curved form; and*
 - c. *The proposed fire booster cabinet and any associated supporting walls or structures being redesigned and/or relocated such that they are integrated into the design of the development, are visually unobtrusive and do not obstruct visual surveillance or contribute to potential personal safety issues by way of concealment and/or risk of entrapment.*
4. *A copy of the final working drawings (prepared for submission of relevant building permit applications) and all associated plans, reports and information that addresses the conditions of approval are to be submitted to, and cleared by, the Western Australian Planning Commission.*
5. *Prior to occupation of the development, arrangements being made for Lots 303 and 304 to be legally amalgamated into a single lot on a Certificate of Title, or such other alternative, at the expense of the owner, to the satisfaction of the Western Australian Planning Commission.*
6. *Prior to submission of a building permit application, a Dilapidation Report prepared by a suitably qualified professional is to be submitted to the satisfaction of the Western Australian Planning Commission on advice from the City of Perth, detailing the current condition and status of all adjacent public realm infrastructure and paving, as well as any buildings on the following properties unless specified:*
 - a. *39-49 (Lot 5) Fairway, Crawley specific to the multi-level carpark;*
 - b. *Units 1-8 (Strata Lots 1 to 8 on Strata Plan 12399)/No. 60 (Lot 2) Broadway, Crawley; and*
 - c. *59 (Lot 305) Fairway, Crawley.*

A copy of the dilapidation report is to be provided to the landowner/s of the above mentioned properties.

In the event that access for undertaking the dilapidation survey is denied by a landowner, the applicant must demonstrate in writing to the satisfaction of the Western Australian Planning

Commission that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

7. *Prior to submission of the relevant demolition or building permit application, Construction and Demolition Management Plans are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Perth, addressing but not limited to:*
 - a. *hours of construction;*
 - b. *temporary fencing, hoardings, gantries and signage;*
 - c. *site access and egress;*
 - d. *construction traffic management;*
 - e. *pedestrian and cyclist management and any footpath obstructions;*
 - f. *parking arrangements for staff and contractors;*
 - g. *deliveries and storage of construction materials and machinery;*
 - h. *management of vibration, dust, wind and erosion;*
 - i. *management of any site dewatering or stormwater discharge;*
 - j. *management of construction noise and any other site generated noise;*
 - k. *management, recycling and removal of demolition and construction waste;*
 - l. *protection of public realm infrastructure; and*
 - m. *public communication and complaint handling procedures.*
8. *The approved Construction and Demolition Management Plans are to be adhered to at all times during demolition and construction, to the satisfaction of the Western Australian Planning Commission.*
9. *Prior to submission of the relevant demolition or building permit application, a Tree Protection Plan, including tree protection zones, prepared in accordance with AS4970:2009, is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Perth, 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 Landscape DA Report dated October 2024 prepared by Emerge Associates.*
10. *The approved Tree Protection Plan is to be implemented and adhered to at all times during demolition and construction, to the satisfaction of the Western Australian Planning Commission.*
11. *The development is to be constructed with high quality and durable external materials and finishes, which are consistent with or enhance those detailed on the approved elevations and*

perspectives of the development date stamped 15 November 2024 (other than as amended by conditions of approval), in particular the curved glazing elements, to the satisfaction of the Western Australian Planning Commission.

- 12. Prior to the submission of the relevant building permit application, the applicant is to submit a Solar Reflectivity Study by an appropriately qualified person to the satisfaction the satisfaction of the Western Australian Planning Commission, on advice from the City of Perth to demonstrate that the proposed development will not result in unreasonable glare.*
- 13. Prior to the submission of the relevant building permit application, the applicant is to demonstrate that the approved Solar Reflectivity Study has been implemented to the satisfaction of the Western Australian Planning Commission.*
- 14. Prior to submission of the relevant building permit application, the applicant is to submit final details of the materials, colours and finishes of the exterior of the building(s), to the satisfaction of the Western Australian Planning Commission.*
- 15. Prior to submission of the relevant building permit application, details of any proposed air-conditioning condensers, external building plant, piping, ducting, or transformers being integrated into the design of the buildings and located or screened to minimise any visual and noise impact on the shared dwellings and the public realm being submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Perth.*
- 16. Prior to submission of the relevant building permit application, a Crime Prevention Through Environmental Design statement prepared by a suitably qualified person, is to be submitted to and approved by the Western Australian Planning Commission.*
- 17. Prior to submission of the relevant building permit application, a Signage Strategy is to be submitted to and approved by the Western Australian Planning Commission, on the advice of the City of Perth. The strategy is to include details of the following:*
 - a. the location, size and format of any signage to the building exterior; and*
 - b. signage to promote and guide wayfinding.*
- 18. The approved Signage Strategy is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*
- 19. Prior to submission of the relevant building permit application, the applicant is to submit a Lighting Strategy, detailing external*

illumination of the development in accordance with AS4282, AS1158.3.1 and for approval by the Western Australian Planning Commission, on advice from the City of Perth.

- 20. Prior to occupation of the development, the applicant is to provide certification from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved strategy to the satisfaction of the Western Australian Planning Commission.*
- 21. Prior to submission of the relevant building permit application, a final Sustainability Report detailing the initiatives to achieve a minimum Five Star Green Star certification, or demonstrated equivalent, is to be submitted to and approved by the Western Australian Planning Commission.*
- 22. Prior to occupation of the development, certification is to be provided from a suitably qualified environmental sustainability consultant confirming the implementation of the sustainability measures contained within the final approved Sustainability Report, and the ability of the development to be thereafter occupied and operated in accordance with the final approved Sustainability Report, to the satisfaction of the Western Australian Planning Commission.*
- 23. Prior to the submission of the relevant building permit application, final details and specifications of all proposed electric vehicle charging infrastructure are to be submitted to the satisfaction of, and approved by, the Western Australian Planning Commission, on advice from the City of Perth.*
- 24. Prior to occupation of the development, the applicant is to provide certification from a suitably qualified professional demonstrating the approved electric vehicle charging infrastructure has been implemented to the satisfaction of the Western Australian Planning Commission prior to occupation of the development.*
- 25. Prior to the submission of the relevant building permit application, final landscaping plans and specifications for the subject site and the adjacent public realm (Fairway verge), including hard and soft landscaping specifications, reticulation details, wind mitigation strategies, accompanied by a supporting report by a suitably qualified professional confirming the suitability of selected plant and tree species, being submitted to and approved by the Western Australian Planning Commission, on advice from City of Perth.*
- 26. Prior to occupation of the development, certification that all landscape and reticulation has been established in accordance with the approved landscaping specifications and reticulation*

details to Australian Standards, is to be submitted to Western Australian Planning Commission, on advice from City of Perth. The landscaping is thereafter to be maintained, to the satisfaction of the Western Australian Planning Commission.

- 27. Prior to occupation of the development, any redundant vehicle crossovers shall be removed and the kerbing, and verge landscaping reinstated, to the satisfaction of the Western Australian Planning Commission on advice from the City of Perth.*
- 28. Prior to submission of the relevant building permit application, a Travel Behaviour and Parking Management Plan, prepared by a suitably qualified transport consultant, is to be submitted to and approved by the Western Australian Planning Commission, on advice of the Department of Transport and City of Perth. The Plan is to include (but not be limited to) the following matters, and be reflected in the final working drawings and the required University Operational Management Plan for the proposal, where relevant, to the satisfaction of the Western Australian Planning Commission:*
- a. An overarching strategy and set of informing principles, that includes mode share targets in relation to public transport, walking, cycling, shared and private car use by residents, staff and visitors of the development;*
 - b. A finalised Parking Needs Assessment, the recommendations of which are addressed by and correlate to the number and allocation of car parking bays, on-site share car(s), provision of charging facilities for electric vehicles (EVs), E-scooters and E-bicycles, and the number and quality of bicycle parking and end-of-trip facilities provided as part of the development, for the use of residents, staff and visitors;*
 - c. The allocation of all staff, resident/occupant, share car or visitor parking bays;*
 - d. Identification of any ACROD bays;*
 - e. Demonstration of the effective and safe management of traffic movements within all car parking areas and accessways for vehicles, pedestrians, cyclists, scooters and other micromobility users; and*
 - f. The identification of parking, loading, delivery and waste management areas.*
- 29. The approved Travel Behaviour and Parking Management Plan shall be adhered to at all times by the owners and occupants of the approved development, to the satisfaction of the Western Australian Planning Commission.*
- 30. Prior to occupation of the development, all car parking bays, vehicle entrances, access aisles and loading bays are to be paved, sealed, marked and drained in accordance with*

AS2890.1 and thereafter maintained by the owners of the development, to the satisfaction of the Western Australian Planning Commission, with a certificate of compliance from an architect or engineer being submitted to and approved by the Western Australian Planning Commission, on advice from the City of Perth.

31. *Prior to the occupation of the development a final University Accommodation Operational Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice of the City of Perth, which includes, but is not limited to, the following matters:*
- i. Company name and relevant experience of proprietor/operator;*
 - ii. Security arrangements for the residents and their guests;*
 - iii. Management of the communal facilities and spaces;*
 - iv. Cleaning and laundry facility services/arrangements;*
 - v. Control of noise and other disturbances, including management of the hours of playing of music and the holding of functions or celebrations from communal outdoor spaces;*
 - vi. Access and booking of on-site share car services, and access to secure bicycle parking;*
 - vii. Regularly updated local services and attractions user guide that promotes visitation by walking and/or cycling to everyday conveniences and services;*
 - viii. Information to assist resident awareness of available on-campus amenities and facilities available to enrolled UWA students and/or members of the public; and*
 - ix. Promotion and use of local public transport services, including guidance for setting up a SmartRider account/card for use on Transperth services.*
32. *The approved University Accommodation Operational Management Plan is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*
33. *Prior to the submission of the relevant building permit application, the Waste Management Plan prepared by Urbii Consulting Pty Ltd for Lots 303 & 304 Fairway, Crawley (date stamped 12 July 2024) is to be updated, to reflect the detailed design, and submitted to and approved by the Western Australian Planning Commission.³*
34. *The approved Waste Management Plan is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*

- 35. Prior to submission of the relevant building permit application, an updated Acoustic Report endorsed by a qualified acoustic consultant, detailing effective management of noise ingress and egress for traffic noise, service vehicles, mechanical equipment, the use of external communal spaces and alfresco area at ground level and on level 8, and the noise between student accommodation rooms to reflect development plans date-stamped 15 November 2024, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Perth.*
- 36. Prior to occupation of the development, certification is to be provided from a qualified acoustic consultant confirming that the recommendations of the approved Acoustic Report have been implemented in the completed development, to the satisfaction of the Western Australian Planning Commission, on advice of the City of Perth.*
- 37. Prior to the submission of the relevant building permit application, a Stormwater Management Plan is to be submitted which demonstrates that all stormwater will be contained on-site and disposed of in an acceptable manner to the satisfaction of the Western Australian Planning Commission, on advice from the City of Perth.*
- 38. The approved Stormwater Management Plan is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*

Advice Notes

- a. With regard to condition 1, the term “substantially commenced” has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time. The substantial commencement date is calculated from the date the applicant receives the determination notice.*
- 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 application legislation, local laws and/or licence/permit applications that may relate to the development. Please contact the City of Perth for further advice on building, health, engineering and road reserve requirements.*
- c. With regard to Condition 2, a copy of the final working drawings prepared for the 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. The final working drawings and associated documents are to comply with all*

conditions of development approval, as confirmed by the Western Australian Planning Commission, and any variations from the approved development plans are required to be clearly identified.

Following satisfactory assessment of the plans and documents, the Western Australian Planning Commission will provide a clearance letter and copies of the documents to the local government to assist with building permit assessment. Where works and/or building permit 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 documents 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 and/or documents will need to be obtained in writing from the Commission, via an Amendment Application process (Form 17C).

- d. With regard to Conditions 2 and 11, final specifications and/or samples should be provided for all external elevations, demonstrating that high quality, durable and low reflective materials have been maintained (or enhanced) from development application stage through to working drawings and construction.*
- e. With regard to Condition 3 (b), the applicant should demonstrate, subject to compliance with the other conditions of this approval, and other relevant legislation/regulatory requirements, that opportunities to provide a visual outlook, and natural light and ventilation to the corridors have been exhausted, while maintaining the curved form to the ends of the corridors where depicted on the approved plans and ensuring the central studios are protected from overlooking. The applicant is encouraged to consider the further use of curved glazing to the solid ends of the corridors and the potential continuation of the 'hit and miss brickwork' and/or curved shade canopies where needed to protect from harsh late afternoon western sun.*
- f. With regard to Condition 6, in the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Western Australian Planning Commission that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.*

- g. Where building works propose a “notifiable event” or are likely to affect neighbouring land or property, then the ‘Work affecting other land’ provisions of the Building Act 2011 will apply. This information sets out the requirements for managing building work on or close to a boundary. This process is used to confirm agreement with the work and with the effects it may have on neighbouring land or property.*
- h. With regard to Condition 7, preparation of the Construction and Demolition Management Plan should have regard to the City of Perth’s ‘Construction and Demolition Management Plan Guidelines’ and ‘Construction and Demolition Management Plan Pro-Forma Application’ available from the City’s website.*
- i. With regard to Condition 16, the Crime Prevention Through Environmental Design statement should have regard to the WAPC’s Safer Places by Design Guidelines, and make recommendations in relation to those aspects of the design which have the potential to contribute to the personal safety of occupiers and visitors to the development, specifically:
 - i. the location and number of entry/exit points and level of visual openness provided to the basement laundry and bicycle store;*
 - ii. final details of access and security measures provided to the basement car park and ground floor building entries and outdoor communal spaces; and*
 - iii. the appropriate height and materials of balustrading provided to the perimeter of the Level 8 communal amenities deck and pool, taking into account the potential for risk-taking behaviours.**
- j. With regard to Condition 20, the lighting strategy and subsequently installed lighting should demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:2023.*
- k. The development is required to provide access to buildings for people with disabilities in accordance with the National Construction Code Building Code of Australia, AS1428.1:2021 and Disability (Access to Premises – Buildings) Standards 2010. In doing so, the applicant is encouraged to design and construct the primary/central pedestrian accessway connecting the main entry to the Fairway public footpath in accordance with these requirements.*
- l. With regard to Condition 25, the Landscape Plan should include (but not be limited to):
 - i. details of how the landscape design, plantings and levels will effectively integrate with the adjacent public realm;*
 - ii. species, size and types of plantings;**

- iii. *reticulation to plantings including any rain/grey water capture and re-use;*
 - iv. *paving, pool/alfresco decking, kerbs and other surface treatments, having regard to durability, occupant comfort levels and tendency to attract heat, as relevant to their location within or surrounding the development;*
 - v. *seating, lighting, shade structures and other hard infrastructure;*
 - vi. *integration of wind amelioration strategies for ground level and the Level 8 communal outdoor spaces; and*
 - vii. *details of ongoing management and maintenance.*
- m. *With regard to Conditions 28 and 30, the applicant is encouraged to explore driveway and basement ramp line-marking indicating separate and safe paths of travel for cyclists and vehicles into and out of the development.*
- n. *With regard to Condition 34, the Waste Management Plan should be updated to reflect the approved proposal, including the provision of a central bin chute system, and have regard to the City of Perth's Waste Guidelines for All Developments (<https://perth.wa.gov.au/building-and-planning/planning-and-building-applications/waste-guidelines-for-developments>) including the preference for bins to be collected directly from the bin store, where located within 10 metres of the property boundary.*
- o. *With regard to Conditions 35 and 36, the recommendations contained in the final Acoustic report should be reflected in the required University Accommodation Operational Management Plan, where relevant to the operational management of the development.*
- p. *Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure is available from <https://www.atco.com.au/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>*
- q. *The applicant/owner is advised of the following, on behalf of the Water Corporation:*
 - i. *The landowner will be responsible for funding any costs of a water connection (meter) and make payment of the appropriate fees and charges and/or applicable Standard Infrastructure Contributions attributed to the nominated size and flow rate of the connection/s required;*
 - ii. *Water connections may result in the installation of a backflow protection device. The developer must consult a suitably qualified licensed plumbing contractor or*

- hydraulic consultant to assess the developments requirements. The cost of the installation and ongoing testing and maintenance is the responsibility of the lot owner.*
- iii. The capacity to supply the 20 L/s fire flow required for multi-residential buildings greater than 500m² will need to be discussed including whether upgrades the existing 75CI main in Fairway with 125m of DN100 main from the existing 150RC main in Myers St will be required.*
 - iv. The landowner is responsible for funding the cost of a new fire service connection (meter) and the appropriate fees and charges attributed to the nominated size of the connection required. New fire service (meter) will also be subject to an agreement (<https://www.watercorporation.com.au/Developing-and-building/Applying-for-services/New-water-services/Fire-services>) at the time of application.*
 - v. Any works carried out in proximity to Water Corporation assets must receive prior approval by applying for an Asset Protection Risk Assessment (APRA). To assess whether the proposed development will require an APRA, details of the Prescribed Proximities and relevant legislation are available in our guidelines.*
 - vi. The landowner is required to submit a Multi Residential/Commercial Application by using our online portal BuilderNet prior to construction. Attachments required for approval will include:*
 - o Final construction site & architectural floor plans with boundary measurements*
 - o Hydraulic plans – Water & Wastewater*
 - o Trade Waste Application (if applicable)*
 - o Meter connection installation plan with measurements from 2 boundaries*
 - o Accepted design proposal for upgrade to water main to comply with fire service requirements.*
- r. The applicant/owner is advised of the following matters, in respect to relevant building and environmental health requirements of the City of Perth:*
- i. A building permit is required to be submitted and approved by the City prior to undertaking building work.*
 - ii. The Building Act 2011 (the Building Act) 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 affected landowner before commencing the proposed work.*
 - iii. There are two forms for giving notice and requesting consent:*
 - o BA20 – to be used when building work will encroach or adversely affect an adjoining property. A completed form must be provided to the permit authority as part*

of a permit application. This form can also be used when a triggering event occurs after a permit is issued.

- *BA20A – to be used during the construction of protection structures, party walls, dividing fence and boundary retaining walls. Consent can be obtained during the course of the building process when relevant work is to be undertaken and is outside of the building permit process*

Local governments can enforce non-compliance with these requirements, if consent is not obtained where it is required. A penalty of up to \$25,000 applies for non-compliance under the Building Act.

- iv. *The building or any part thereof, shall not be occupied until the City has issued an Occupancy Permit to the owner.*
 - v. *The building may be considered as a lodging house in accordance with the City's Health Local Law 2000 relating to lodging houses. There may be factors to consider in further detail as part of the final design and working drawings for the development to ensure the proposal meets the relevant requirements of the Local Law.*
 - vi. *The proposed aquatic facility is required to comply with the Health (Aquatic Facility) Regulations 2007, with approval to be obtained from the Department of Health WA.*
 - vii. *The proposed food premises will need to comply with the Food Act 2008.*
- s. *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

Commissioner Adair returned to the meeting at 2:42 pm.

Commissioner Brookes declared an Indirect Pecuniary Interest on this Item and left the meeting at 2:42 pm and did not return.

5. Deputations and presentations (Item 7.1)

5.1 Part 17 Development Application – Mixed Use Development, Lot 2 (167) and Lot 3 (169) Bank Street, East Victoria Park – Determination

Presenters: Robert Cruickshank - Town of Victoria Park and Laura Sabitzer - Town of Victoria Park

Mr Cruickshank and Ms Sabitzer made a deputation to the Western Australian Planning Commission speaking against the application at Item 7.1 - Part 17 Development Application – Mixed Use Development, Lot 2 (167) and Lot 3 (169) Bank Street, East Victoria Park - Determination.

Mr Cruickshank answered questions from members.

5.2 Part 17 Development Application – Mixed Use Development, Lot 2 (167) and Lot 3 (169) Bank Street, East Victoria Park – Determination

Presenters: Greg Rowe and Jeremy Hofland - Rowe Group, Desmond Ho - Stantec, George Watts - Herring Storer Acoustics, Steve Yapp - Donald Veal Consultants, Claire Chapman - Emergen, Ryan Tsen - Ryan Tsen Architects, Howard Mitchell – EPCAD

Mr Rowe, Mr Hofland, Mr Tsen and Mr Mitchell made a deputation to the Western Australian Planning Commission speaking in support of the application at Item 7.1 - Part 17 Development Application – Mixed Use Development, Lot 2 (167) and Lot 3 (169) Bank Street, East Victoria Park - Determination.

Mr Rowe, Mr Hofland, Mr Tsen and Mr Mitchell answered questions from members.

5.3 Part 17 Development Application – Mixed Use Development, Lot 2 (167) and Lot 3 (169) Bank Street, East Victoria Park – Determination

Written Deputation: Steven Rule – Landowner

Members noted the written submission on Item 7.1 - Part 17 Development Application – Mixed Use Development, Lot 2 (167) and Lot 3 (169) Bank Street, East Victoria Park - Determination.

5.4 Part 17 Development Application – Mixed Use Development, Lot 2 (167) and Lot 3 (169) Bank Street, East Victoria Park – Determination

Written Deputation: Ken Perry

Members noted the written submission on Item 7.1 - Part 17 Development Application – Mixed Use Development, Lot 2 (167) and Lot 3 (169) Bank Street, East Victoria Park - Determination.

6. Presentation of key issues by the Department of Planning, Lands and Heritage (Item 7.1)

Presenter: Paola Di Perna - Planning Director, State Development Assessment Unit

Ms Di Perna, Planning Director of the State Development Assessment Unit presented the key issues and considerations of the application at Item 7.1 and answered questions from members.

7. Item/s for decision

7.1 Part 17 Development Application – Mixed Use Development, Lot 2 (167) and Lot 3 (169) Bank Street, East Victoria Park – Determination

The Chairman invited discussion from members on the recommendation for item 7.1 noting the report from the Department of Planning, Lands and Heritage included two recommendations for consideration.

Part B of the recommendation was moved and seconded in order to commence debate.

REPORT RECOMMENDATION - PART B

Moved by Commissioner Cole
Seconded by Commissioner Hall

That the Western Australian Planning Commission resolves to DETERMINE application reference SDAU-057-21 and accompanying plans (date-stamped 7 October 2024) for demolition of existing structures and construction of a Mixed Use Development at 167 and 169 (Lots 2 and 3) Bank Street, East Victoria Park, in accordance with s.274 of the Planning and Development Act 2005.

Conditions

- 1. This decision constitutes development approval only and is valid for a period of 36 months from the date of approval. If the development is not substantially commenced by this date, the approval shall lapse and be of no further effect.*
- 2. The development is to be undertaken in accordance with the approved plans and documents (date stamped 7 October 2024) attached to this approval, subject to any modifications required by any condition of this approval, final details of which are to be*

provided at working drawings stage to the satisfaction of the Western Australian Planning Commission on advice from the Town of Victoria Park and shall include the following modifications:

- a. The proposed building is to be contained within the development site;*
 - b. minimum of 48 dwellings as constructed have achieved the silver standard accessibility requirements outlined in the Liveable Housing Design Guidelines;*
 - c. All circulation spaces (internal corridors) have a minimum width of 1.5 metres;*
 - d. A minimum of one storeroom per unit;*
 - e. External shading devices being provided to apartments with a western aspect; and*
 - f. External services accessible from the street are to be integrated with either the building design or landscape design to be visually unobtrusive and not contribute to potential personal safety issues by way of concealment and/or risk of entrapment.*
- 3. A copy of the final working drawings (prepared for submission of relevant building permit applications) and all associated plans, reports and information that addresses the conditions of approval are to be submitted to, and cleared by, the Western Australian Planning Commission.*
- 4. Prior to occupation of the development, arrangements are to be made for 167 (Lot 2) and 169 (Lot 3) Bank Street, East Victoria Park to be legally amalgamated into a single lot on a Certificate of Title, or such other alternative, at the expense of the owner, to the satisfaction of the Western Australian Planning Commission.*
- 5. Prior to submission of the relevant demolition or building permit application, a Dilapidation Report prepared by a suitably qualified professional is to be submitted to the satisfaction of the Western Australian Planning Commission on advice from the Town of Victoria Park, detailing the current condition and status of all adjacent public realm infrastructure and paving, as well as any buildings, on the following properties:*
 - a. 165 (Lot 17) Bank Street, East Victoria Park*
 - b. 173 (Lot 52) Bank Street, East Victoria Park*
 - c. 68 (Lot 16) Oats Street, East Victoria Park*
 - d. Units A and B, 66 (Lot 8) Oats Street, East Victoria Park*
 - e. 64 (Lot 51) Oats Street, East Victoria Park*
 - f. Units 1-7 on Strata Plan 62780 60 (Lot 500) Oats Street, East Victoria Park*
 - g. Oats Street Train Station and Bus Interchange, East Victoria Park.*
- 6. Prior to submission of the relevant demolition or building permit application, Construction and Demolition Management Plans are*

to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Victoria Park, addressing but not limited to:

- a. hours of construction;*
 - b. temporary fencing, hoardings, gantries and signage;*
 - c. site access and egress;*
 - d. construction traffic management;*
 - e. pedestrian and cyclist management and any footpath obstructions;*
 - f. parking arrangements for staff and contractors;*
 - g. deliveries and storage of construction materials and machinery;*
 - h. management of vibration, dust, wind and erosion;*
 - i. management of any site dewatering or stormwater discharge;*
 - j. management of construction noise and any other site generated noise;*
 - k. management, recycling and removal of demolition and construction waste;*
 - l. protection of street trees and public realm infrastructure; and*
 - m. public communication and complaint handling procedures.*
- 7. The approved Construction and Demolition Management Plans are to be adhered to at all times during demolition and construction, to the satisfaction of the Western Australian Planning Commission.*
- 8. Prior to submission of the relevant building permit application, the Economic Benefit Analysis is to be updated in accordance with the approved plans and conditions and submitted to the satisfaction of the Western Australian Planning Commission on advice from the Town of Victoria Park.*
- 9. Prior to commencement of development (including any excavation or site works) the applicant is to make suitable arrangement with the Water Corporation for ground disturbing activities and building foundations/footings within the defined vertical and horizontal proximities to the existing 230mm diameter gravity sewer, which runs approximately 1 metre inside the neighbouring properties to the west to ensure the development is capable of implementation to the satisfaction of the Western Australian Planning Commission on advice from the Water Corporation.*
- 10. Prior to submission of the relevant building permit application, arrangements are to be made with Western Power for the undergrounding of the power lines within Bank Street in front of 167 (Lot 2) and 169 (Lot 3), the subject of this development*

approval, and provided to the Western Australian Planning Commission.

- 11. Prior to occupation of the development, the undergrounding of the power lines within Bank Street in front of 167 (Lot 2) and 169 (Lot 3), the subject of this development approval, are to be completed to the satisfaction of the Western Australian Planning Commission, on advice from Western Power.*
- 12. Prior to commencement of development, arrangements are to be made with the Public Transport Authority for works in and around the operating Railway Corridor in accordance with the PTA's 8810-450-003 – Procedure – Working in and around the Public Transport Authority Rail Corridor, Assets and Infrastructure, to the satisfaction of the Western Australian Planning Commission, on advice from the Public Transport Authority.*
- 13. Prior to the submission of the relevant building permit application, the applicant is to submit a Solar Reflectivity Study by an appropriately qualified person to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Victoria Park to demonstrate that the proposed development will not result in unreasonable glare.*
- 14. Prior to the submission of the relevant building permit application, the applicant is to demonstrate that the approved Solar Reflectivity Study has been implemented to the satisfaction of the Western Australian Planning Commission.*
- 15. Prior to submission of the relevant building permit application, the applicant is to submit final details of the materials, colours and finishes of the exterior of the building, which are consistent with or enhance those detailed in the approved elevations and perspectives of the development date stamped 7 October 2024, to the satisfaction of the Western Australian Planning Commission.*
- 16. Prior to submission of the relevant building permit application, details of any proposed air-conditioning condensers, external building plant, piping, ducting, or transformers being integrated into the design of the buildings and located or screened to minimise any visual and noise impact on the shared dwellings and the public realm being submitted to, and approved by, the Western Australian Planning Commission, on advice from the Town of Victoria Park.*
- 17. Prior to submission of the relevant building permit application, a Crime Prevention Through Environmental Design statement prepared by a suitably qualified person, is to be submitted to and*

approved by the Western Australian Planning Commission, on advice of the Town of Victoria Park.

- 18. Prior to occupation of the development, the recommendations of the approved Crime Prevention Through Environmental Design statement being certified for the development, to the satisfaction of the Western Australian Planning Commission.*
- 19. Prior to submission of the relevant building permit application, a Signage Strategy is to be submitted to and approved by the Western Australian Planning Commission, on the advice of the Town of Victoria Park. The strategy is to include details of the following:*
 - a. the location, size and format of any signage to the building exterior; and*
 - b. signage to promote and guide wayfinding.*
- 20. The approved Signage Strategy is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*
- 21. Prior to submission of the relevant building permit application, the applicant is to submit a Lighting Strategy, detailing external illumination of the development in accordance with AS4282, AS1158.3.1 and for approval by the Western Australian Planning Commission, on advice from the Town of Victoria Park and Public Transport Authority.*
- 22. Prior to occupation of the development, the applicant is to provide certification from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved strategy to the satisfaction of the Western Australian Planning Commission.*
- 23. The approved Lighting Strategy is to be implemented and adhered to at all times unless otherwise approved by the Western Australian Planning Commission, on advice from the Town of Victoria Park.*
- 24. Prior to occupation of the development, the applicant shall provide written confirmation from a suitably qualified professional that a minimum of 48 dwellings as constructed have achieved the silver standard accessibility requirements outlined in the Liveable Housing Design Guidelines, to the satisfaction of the Western Australian Planning Commission.*
- 25. Prior to submission of the relevant building permit application, a public art concept for the subject development to the value of 1.0% of the final construction value must be submitted to, and*

approved by, the Western Australian Planning Commission on advice from the Town of Victoria Park.

- 26. Prior to occupation of the development, the approved public art is to be installed by the developer and maintained thereafter by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Victoria Park.*
- 27. Prior to submission of the relevant building permit application, a final Sustainability Report detailing the initiatives to achieve a minimum 6.5 and average 7.5 Star Green Star certification, or demonstrated equivalent, is to be submitted to and approved by the Western Australian Planning Commission.*
- 28. Prior to occupation of the development, documentation from a suitably qualified professional is to be provided certifying that all applicable sustainability initiatives identified in the approved Sustainability Report have been implemented, and the ability of the development to be thereafter occupied and operated in accordance with the final approved Sustainability Report, to the satisfaction of the Western Australian Planning Commission.*
- 29. Prior to occupation of the development, a minimum of 25kW solar PV system being installed and implemented to the satisfaction of the Western Australian Planning Commission on advice from the Town of Victoria Park.*
- 30. Prior to submission of the relevant building permit application, final landscape plans and specifications, incorporating the public realm (Bank Street) landscaping abutting the site, are to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Victoria Park.*
- 31. Prior to occupation of the development, certification that all landscaping and reticulation has been established in accordance with the approved landscaping plans to Australian Standards is to be submitted to the Western Australian Planning Commission, on advice from the Town of Victoria Park. The landscaping is to thereafter be maintained to the satisfaction of the Western Australian Planning Commission.*
- 32. The approved Landscaping and Reticulation Plan is to be implemented and adhered to at all times by the owners and occupants of the approved development, to the satisfaction of the Western Australian Planning Commission.*
- 33. Prior to occupation of the development, all unused crossover(s) are to be removed and the kerbing and road verge reinstated at the owner's cost to the satisfaction of the Western Australian Planning Commission on advice from the Town of Victoria Park.*

34. *Prior to submission of the relevant building permit application, a Travel Behaviour and Parking Management Plan, prepared by a suitably qualified transport consultant, is to be submitted to and approved by the Western Australian Planning Commission, on advice of the Department of Transport and Town of Victoria Park. The Plan is to include (but not be limited to) the following matters:*
- a. An overarching strategy and set of informing principles that includes mode-share targets in relation to public transport, walking, cycling, shared and private car use by residents and staff of and visitors to the development;*
 - b. The ground floor parking bays to be shared use by residents' visitors, commercial visitors and commercial staff and marked accordingly;*
 - c. Demonstration that there are sufficient storerooms and that each is of a sufficient size and dimension to accommodate bicycle parking;*
 - d. The allocation of all resident/occupant, electric vehicle charging, visitor parking and service bays;*
 - e. Identification of any ACROD bays;*
 - f. Demonstration of the effective and safe management of traffic movements within all car parking areas and accessways for vehicles, pedestrians, cyclists, scooters and other micromobility users; and*
 - g. The identification of parking, loading, delivery and waste management areas.*
35. *Prior to submission of the relevant building permit application, the recommended measures identified in the Travel Behaviour and Parking Management Plan are to be reflected in the final working drawings and approved by the Western Australian Planning Commission, on advice from the Town of Victoria Park.*
36. *Prior to occupation of the development, a Travel Behaviour and Parking Management Plan is to be submitted to, and approved by the Western Australian Planning Commission, on advice of the Town of Victoria Park.*
37. *The approved Operational Management Plan is to be implemented and adhered to at all times by the owners and occupants of the approved development, to the satisfaction of the Western Australian Planning Commission.*
38. *Prior to occupation of the development, certification is required that all car parking spaces, access aisles, loading bays and bicycle parking spaces have been designed, constructed and marked in accordance with the approved Operational Management Plan to the specifications of the Town of Victoria Park and in accordance with the applicable Australian Standard*

(as above), to the satisfaction of the Western Australian Planning Commission.

39. *Prior to occupation of the development, all bicycle parking and associated end-of-trip facilities are to be operational. The provision of bicycle parking bays, including 9 visitor bays, and associated bicycle infrastructure and end-of-trip facilities (including showers and clothes lockers) for staff and visitors are to be provided as indicated on the approved development plans, retained in perpetuity and maintained for the life of the development, to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Victoria Park and the Department of Transport.*
40. *Prior to the submission of the relevant building permit application, the Waste Management Plan prepared by Stantec Australia Pty Ltd (reference 300305205, date stamped 7 December 2023) for 167 and 169 Bank Street, East Victoria Park is to be updated to:*
- a. accommodate 85 residential apartments as proposed by the development plans dated 7 October 2024;*
 - b. reflect a carousel and compaction system that is capable of being accommodated within the bin chute collection area;*
 - c. demonstrates that the service bay can accommodate a 10 metre waste vehicle;*
 - d. demonstrate vehicle movements to service the site that do not extend across the median line of Bank Street, noting future road upgrades associated with the proposed Oats Street Precinct Structure Plan; and*
 - e. demonstrate how collection will be managed during off peak hours.*

The updated Waste Management Plan is to be finalised, submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Victoria Park.

41. *The approved Waste Management Plan is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*
42. *Prior to submission of the relevant building permit application, the Acoustic Report prepared by Herring Storer (date stamped 28 June 2024) is to be updated to reflect the approved development plans and approved land use and detail effective management of noise ingress and egress for the proposed residential development which demonstrates that existing and possible future noise levels associated with the Perth–Armadale*

train line, nearby industrial activity, vehicle traffic, mechanical services and plant infrastructure, commercial tenancy and the noise between apartments can be successfully attenuated in accordance with the Environmental Protection (Noise) Regulations 1997 and State Planning Policy 5.4 Road and Rail Noise. The final report is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Victoria Park.

- 43. Prior to occupation of the development, certification is to be provided from a qualified acoustic consultant confirming that the recommendations of the approved Acoustic Report have been implemented in the completed development, to the satisfaction of the Western Australian Planning Commission, on advice of the Town of Victoria Park.*
- 44. Prior to occupation, arrangements are to be made to apply a notification, pursuant to Section 165 of the Planning and Development Act 2005 on the certificate(s) of Title of the proposed development. The notification is to state:
“The lots are situated in the vicinity of a transport corridor and are currently affected, or may in the future be affected, by transport noise and vibration.”*
- 45. Prior to occupation, arrangements are to be made to apply a notification, pursuant to Section 165 of the Planning and Development Act 2005 on the certificate(s) of Title of the proposed development. The notification is to state:*
- 46. “The lots are situated within the vicinity of industrial development and are currently affected, or may in the future be affected, by industrial noise and emissions”*
- 47. Prior to submission of the relevant building permit application, a Stormwater Management Plan designed and signed by a certified Hydraulic Engineer to demonstrates that all stormwater will be contained on-site and disposed of in an acceptable manner and to in addition address issues associated with stormwater during storm events of 1:100 Annual Rainfall Interval (ARI) up to 24 hours duration to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Victoria Park. In the event that changes to the approved plans (ie. finished floor levels and ground levels) are required in order to comply with the stormwater drainage management plan, then an application for amendment to the development approval is required.*
- 48. The approved Stormwater Management Plan is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*

49. *Prior to commencement of development, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required, prior to the commencement of works, on advice from the Department of Water and Environmental Regulation, to ensure that the land is suitable for the proposed use.*
50. *Prior to submission of the relevant building permit application, evidence of any remediation works carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation Contaminated Sites Guidelines, is to be submitted to the satisfaction of the Western Australian Planning Commission on advice from the Department of Water and Environmental Regulation.*

Advice Notes

- a. *With regard to Condition 1, the term “substantially commenced” has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time. The substantial commencement date is calculated from the date the applicant receives the determination notice.*
- 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 application legislation, local laws and/or licence/permit applications that may relate to the development. Please contact the Town of Victoria Park for further advice on building, health, engineering and road reserve requirements.*
- c. *With regard to Condition 2, a copy of the final working drawings prepared for the 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. The final working drawings and associated documents are to comply with all conditions of development approval, as confirmed by the Western Australian Planning Commission, and any variations from the approved development plans are required to be clearly identified.*

Following satisfactory assessment of the plans and documents, the Western Australian Planning Commission will provide a clearance letter and copies of the documents to the local government to assist with building permit assessment. Where works and/or building permits are proposed to be staged, the Western Australian Planning Commission may agree to a staged clearance of working drawings and associated conditions of approval.

The final plans and documents 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 substantial changes to the approved plans and/or documents will need to be obtained in writing from the Western Australian Planning Commission, via an Amendment Application process (Form 17C).

- d. With regard to Conditions 2 and 15, final specifications and samples should be provided for all external elevations, demonstrating that high quality, durable and low reflective materials have been maintained (or enhanced) from development application stage through to working drawings and construction.*
- e. With regard to Condition 5, in the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Western Australian Planning Commission that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Dilapidation reports are to be guided by Australian Standard 4349.1 – 2007 ‘Inspections of buildings’ and be prepared to the satisfaction of the Western Australian Planning Commission.*
- f. Where building works propose a “notifiable event” or are likely to affect neighbouring land or property, then the ‘Work affecting other land’ provisions of the Building Act 2011 will apply. This information sets out the requirements for managing building work on or close to a boundary. This process is used to confirm agreement with the work and with the effects it may have on neighbouring land or property.*
- g. With regard to Conditions 10 and 11, it is acknowledged that, should the undergrounding of the electricity network not be capable within this location, a significant redesign of the proposal is required to remove the development from the ‘danger zone’ associated with proximity to Western Power infrastructure.*
- h. In accordance with Condition 12, the applicant/owner is required to submit an application to undertake works within the Public Transport Authority Asset Protection Zone prior to any works commencing. Information about the procedure and required information for assessment can be found in the Public Transport Authority’s 8810-450-003 – Procedure – Working In and Around the Public Transport Authority Rail Corridor, Assets and*

Infrastructure. The application must be submitted a minimum of 3 months prior to the commencement of any works. Please email the application to PTAThirdPartyAccess@pta.wa.gov.au.

- i. With regard to Condition 17, the Crime Prevention Through Environmental Design statement should assess and make recommendations in relation to those aspects of the design which have the potential to contribute to the personal safety of occupiers and visitors to the development, including the following:
 - i. the location and number of entry/exit points and level of visual openness provided to the basement car park; and*
 - ii. final details of access and security measures provided to the basement car park and ground floor building entries and outdoor communal spaces.**
- ii. With regard to Conditions 20, 21 and 22, the lighting plan and subsequently installed lighting should demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:2023.*
- iii. With regard to Condition 27, the updated sustainability report is to include details of photovoltaic cells and electric vehicle charging points.*
- iv. With regard to Condition 30, the Landscape Plan should include (but not be limited to):
 - a. full plans and specifications of the onsite and public realm works;*
 - b. details of the how the landscape design, plantings and levels will effectively integrate with the development and adjacent public realm;*
 - c. details of planting on structure, including size and depth of soil areas;*
 - d. provide details of tree species, pot size and deep soil areas that meet the requirements of State Planning Policy 7.3 Residential Design Codes Volume –Apartments;*
 - e. species, sizes, and types of plantings;*
 - f. reticulation to plantings including any rain/grey water capture and re-use;*
 - g. paving, kerbs, and other surface treatments;*
 - h. details of any hard infrastructure;*
 - i. seating, lighting, shade structures and other hard infrastructure;*
 - j. integration of wind amelioration strategies for outdoor spaces;*
 - k. water sensitive urban design and designing out crime principles;*
 - l. details of ongoing management and maintenance, and*
 - m. be an appropriate scale of either 1:100, 1:200 or 1:500.**

- m. With regard to Conditions 36 and 37, the applicant is encouraged to explore driveway and basement ramp line-marking indicating separate and safe paths of travel for cyclists and vehicles into and out of the development.*
- n. The applicant or responsible contractor shall lodge an online application to Perth Airport's Protected Airspace Assessment Tool (PAAT). The application must be approved prior to the erection of a crane on the subject site, for works during both construction and operation.*
- o. If groundwater dewatering is required, a dewatering management plan should be prepared before commencing the works. The plan should incorporate effluent testing and appropriate contingencies for managing impacted groundwater if encountered.*
- p. Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.
<https://www.wa.gov.au/government/document-collections/acid-sulfate-soils-publications>*
- q. Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>*
- r. Proposed construction and excavation works need to be managed in accordance with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24 <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>*
- s. The development is to accord with the National Construction Code (NCC) Building Code of Australia (BCA), Australian Standards AS1428.1 and Disability (Access to Premises – Buildings) Standards 2010. Prior to submission of the relevant building permit application, detailed drawings are to be submitted identifying access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1 and the Disability Standards.*

- t. If the disconnection and/or removal of an ATCO Gas service is required, a request can be submitted via the online ATCO portal: <https://www.atco.com/en-au/self-service/gas/disconnection-request.html>*
- u. The applicant/owner is advised of the following, on behalf of the Water Corporation:*
 - i. The land owner will be responsible for funding any costs of a water connection (meter) and make payment of the appropriate fees and charges and/or applicable Standard Infrastructure Contributions attributed to the nominated size and flow rate of the connection/s required;*
 - ii. Water connections may result in the installation of a backflow protection device. The developer must consult a suitably qualified licensed plumbing contractor or hydraulic consultant to assess the developments requirements. The cost of the installation and ongoing testing and maintenance is the responsibility of the lot owner.*
 - iii. The land owner is responsible for funding the cost of a new fire service connection (meter) and the appropriate fees and charges attributed to the nominated size of the connection required. New fire service (meter) will also be subject to an agreement*
 - iv. (<https://www.watercorporation.com.au/Developing-and-building/Applying-for-services/New-water-services/Fire-services>) at the time of application.*
 - v. Any works carried out in proximity to Water Corporation assets must receive prior approval by applying for an Asset Protection Risk Assessment (APRA). To assess whether the proposed development will require an APRA, details of the Prescribed Proximities and relevant legislation are available in the Water Corporation guidelines.*
- v. The applicant/owner is advised of the following matters, in respect to relevant building and environmental health requirements of the Town of Victoria Park:*
 - i. A building permit is required to be submitted and approved by the Town prior to undertaking building work.*
 - ii. The Building Act 2011 (Building Act) 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 affected landowner before commencing the proposed work.*
 - iii. Any proposed food premises would need to comply with the Food Act 2008.*
- w. The Department of Education will continue to closely monitor the student enrolment demand for this area and, if required, engage*

with the relevant stakeholders to forward plan for the educational needs of the locality in line with the Western Australian Planning Commission's Operational Policy 2.4 – Planning for School Sites.

- x. 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 discussed the inclusion of the following wording to Condition 2d after feedback from the Department of Transport to demonstrate that there are sufficient storerooms and that each is of a sufficient size and dimension to accommodate bicycle parking.

“an area depicted within the stores of each dwelling for dedicated bicycle storage to satisfy Australian Standard AS2890.3(2015) Parking Facilities – Bicycle Parking.”

Moved by Commissioner Cole

Seconded by Commissioner Sandri

2.

- d. A minimum of one storeroom per unit and an area depicted within the stores of each dwelling for dedicated bicycle storage to satisfy Australian Standard AS2890.3(2015) Parking Facilities – Bicycle Parking.*

The motion was put and carried

AMENDING MOTION:

REASON:

Members discussed amending Condition 2b from the minimum of 48 dwellings to be changed to 18 dwellings to be consistent with the development plans.

Members discussed changing the number to 17 dwellings as per the planning framework with 20 percent as the minimum.

Moved by WAPC Chairman

Seconded by Commissioner Cole

Dissent: Commissioner Adair, Commissioner Hall and Commissioner Sandri.

2.
 - b. *minimum of 18 dwellings as constructed have achieved the silver standard accessibility requirements outlined in the Liveable Housing Design Guidelines;*

The motion was put and carried on the casting vote of the Chairman

AMENDING MOTION:

REASON:

Members discussed amending Condition 24 to change the minimum of 48 dwellings to 18 dwellings in accordance with the amendment made to Condition 2b.

Moved by WAPC Chairman
Seconded by Commissioner Cole

24. Prior to occupation of the development, the applicant shall provide written confirmation from a suitably qualified professional that a minimum of 18 dwellings as constructed have achieved the silver standard accessibility requirements outlined in the Liveable Housing Design Guidelines, to the satisfaction of the Western Australian Planning Commission.

The motion was put and carried

AMENDING MOTION:

REASON:

Members discussed Condition 27 to remove the wording “Star Green Star” and replace with “NatHERS Rating”.

Moved by Commissioner Sandri
Seconded by Commissioner Cole

27. Prior to submission of the relevant building permit application, a final Sustainability Report detailing the initiatives to achieve a minimum 6.5 and average 7.5 NatHERS Rating certification, or demonstrated equivalent, is to be submitted to and approved by the Western Australian Planning Commission.

The motion was put and carried

AMENDING MOTION:

REASON:

Members discussed adding a new Condition 2g in response to the Government Architect's advice towards the highlighted functionality of the apartment layouts and the southwest apartments being problematic in layout and the potential impacts on the occupant amenity.

Members discussed the addition of the new Condition 2g relies on the advice from the Town of Victoria Park and the Commission does not have the expertise of judging a better layout and to modify the design of the build and can have flow on effects to the building.

- g. Modification to the apartment layout of each dwelling to ensure that the dwellings address 'Amenity' and 'Functionality and build quality' Design Principles of State Planning Policy 7.0 – Design of the Built Environment to create functional, well proportioned, accessible apartment designs and include (but not limited to) internal wall changes that improve:*
- i. the efficiency of circulation and reduction of non-functional corridor space;*
 - ii. improve natural ventilation levels;*
 - iii. the layout and functionality of rooms so they can be comfortably occupied and easily furnished.*

Moved by Commissioner Cole
Seconded by Commissioner Lakey

Dissent: WAPC Chairman, Commissioner Adair, Commissioner Hall, and Commissioner Sandri.

The motion was put and lost

AMENDING MOTION:

REASON:

Members discussed deleting Condition 2a which requires the proposed building to be contained within the development site. Members noted that this condition will lessen or reduce the building outcome suggesting it is normal for a building to project into the road reserve and imposing the condition will bring a negative impact.

Members discussed and the Town of Victoria Park's involvement in approving the building permit to align with this condition.

Members discussed the projection into Crown land and were advised that the Local Government Act will prevail and the Department on behalf of the Commission would liaise with the Town of Victoria Park on the process and the available discretion.

Moved by Commissioner Hall
Seconded by Commissioner Sandri

Dissent: WAPC Chairman, Commissioner Cole and Commissioner Lakey

That Condition 2a of the report recommendation be deleted in its entirety.

The motion was put and lost on the casting vote of the Chairman

AMENDING MOTION:

REASON:

Members discussed Condition 1 and amending the timeframe of the condition from 36 months to 24 months following the proponent's discussion in their deputation that they will commence at end of 2025.

Members were advised that the timeframes for Part 17 applications have varied and were between 12 to 18 months and given the changes with economic status, labour storages recent applications have been recommended as 36 months.

Moved by Commissioner Sandri
Seconded by Commissioner Hall

Dissent: WAPC Chairman

- 1. This decision constitutes development approval only and is valid for a period of 24 months from the date of approval. If the development is not substantially commenced by this date, the approval shall lapse and be of no further effect.*

The motion was put and carried

AMENDING MOTION:

REASON:

Members discussed deletion of Condition 18 and the Crime Prevention Through Environmental Design statement and certification process and that Condition 17 will address this requirement.

Moved by Commissioner Sandri
Seconded by Commissioner Cole

That Condition 18 of the report recommendation be deleted in its entirety.

The motion was put and carried

Commissioner Adair advised that she is speaking against the proposal with reasons she does not support the proposal, noting it is premature

at this time and an area that will require higher density at some point. Commission Adair outlined that Part 17 provides the Commission power to go above the current planning frameworks that are in place and noted that the development in its current form is not what is envisaged for the area despite it being a transport hub.

Commissioner Cole advised that the proposal is the most difficult that has come before the Commission and been considered. Commissioner Cole commented on the design elements noting that efforts by the State Development Assessment Unit team and State Design Review Panel have attempted to address this.

Commissioner Cole advised that METRONET and Department of Transport have been generally supportive of the application and the mixed views with the consultation on the application and the proponent delivers on the NatHERS rating and sustainability

Commissioner Cole advised parking has been raised and noted that the 14 car bay shortfall and that she considered the factors of housing issues, location and the proposal being located adjacent to a METRONET station as considerations for approving this development.

SUBSTANTIVE RESOLUTION

Dissent: Commissioner Adair

That the Western Australian Planning Commission resolves to under s.274 of the Planning and Development Act 2005 to approve development application reference SDAU-057-21 and accompanying plans (date-stamped 7 October 2024) for demolition of existing structures and construction of a Mixed Use Development at 167 and 169 (Lots 2 and 3) Bank Street, East Victoria Park, in accordance with s.274 of the Planning and Development Act 2005.

Conditions

- 1. This decision constitutes development approval only and is valid for a period of 24 months from the date of approval. If the development is not substantially commenced by this date, the approval shall lapse and be of no further effect.*
- 2. The development is to be undertaken in accordance with the approved plans and documents (date stamped 7 October 2024) attached to this approval, subject to any modifications required by any condition of this approval, final details of which are to be provided at working drawings stage to the satisfaction of the Western Australian Planning Commission on advice from the Town of Victoria Park and shall include the following modifications:*
 - a. The proposed building is to be contained within the development site;*

- b. minimum of 18 dwellings as constructed have achieved the silver standard accessibility requirements outlined in the Liveable Housing Design Guidelines;*
 - c. All circulation spaces (internal corridors) have a minimum width of 1.5 metres;*
 - d. A minimum of one storeroom per unit and an area depicted within the stores of each dwelling for dedicated bicycle storage to satisfy Australian Standard AS2890.3(2015) Parking Facilities – Bicycle Parking.*
 - e. External shading devices being provided to apartments with a western aspect; and*
 - f. External services accessible from the street are to be integrated with either the building design or landscape design to be visually unobtrusive and not contribute to potential personal safety issues by way of concealment and/or risk of entrapment.*
- 3. A copy of the final working drawings (prepared for submission of relevant building permit applications) and all associated plans, reports and information that addresses the conditions of approval are to be submitted to, and cleared by, the Western Australian Planning Commission.*
- 4. Prior to occupation of the development, arrangements are to be made for 167 (Lot 2) and 169 (Lot 3) Bank Street, East Victoria Park to be legally amalgamated into a single lot on a Certificate of Title, or such other alternative, at the expense of the owner, to the satisfaction of the Western Australian Planning Commission.*
- 5. Prior to submission of the relevant demolition or building permit application, a Dilapidation Report prepared by a suitably qualified professional is to be submitted to the satisfaction of the Western Australian Planning Commission on advice from the Town of Victoria Park, detailing the current condition and status of all adjacent public realm infrastructure and paving, as well as any buildings, on the following properties:*
 - a. 165 (Lot 17) Bank Street, East Victoria Park*
 - b. 173 (Lot 52) Bank Street, East Victoria Park*
 - c. 68 (Lot 16) Oats Street, East Victoria Park*
 - d. Units A and B, 66 (Lot 8) Oats Street, East Victoria Park*
 - e. 64 (Lot 51) Oats Street, East Victoria Park*
 - f. Units 1-7 on Strata Plan 62780 60 (Lot 500) Oats Street, East Victoria Park*
 - g. Oats Street Train Station and Bus Interchange, East Victoria Park.*
- 6. Prior to submission of the relevant demolition or building permit application, Construction and Demolition Management Plans are to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Victoria Park, addressing but not limited to:*

- a. *hours of construction;*
 - b. *temporary fencing, hoardings, gantries and signage;*
 - c. *site access and egress;*
 - d. *construction traffic management;*
 - e. *pedestrian and cyclist management and any footpath obstructions;*
 - f. *parking arrangements for staff and contractors;*
 - g. *deliveries and storage of construction materials and machinery;*
 - h. *management of vibration, dust, wind and erosion;*
 - i. *management of any site dewatering or stormwater discharge;*
 - j. *management of construction noise and any other site generated noise;*
 - k. *management, recycling and removal of demolition and construction waste;*
 - l. *protection of street trees and public realm infrastructure; and*
 - m. *public communication and complaint handling procedures.*
7. *The approved Construction and Demolition Management Plans are to be adhered to at all times during demolition and construction, to the satisfaction of the Western Australian Planning Commission.*
8. *Prior to submission of the relevant building permit application, the Economic Benefit Analysis is to be updated in accordance with the approved plans and conditions and submitted to the satisfaction of the Western Australian Planning Commission on advice from the Town of Victoria Park.*
9. *Prior to commencement of development (including any excavation or site works) the applicant is to make suitable arrangement with the Water Corporation for ground disturbing activities and building foundations/footings within the defined vertical and horizontal proximities to the existing 230mm diameter gravity sewer, which runs approximately 1 metre inside the neighbouring properties to the west to ensure the development is capable of implementation to the satisfaction of the Western Australian Planning Commission on advice from the Water Corporation.*
10. *Prior to submission of the relevant building permit application, arrangements are to be made with Western Power for the undergrounding of the power lines within Bank Street in front of 167 (Lot 2) and 169 (Lot 3), the subject of this development approval, and provided to the Western Australian Planning Commission.*

- 11. Prior to occupation of the development, the undergrounding of the power lines within Bank Street in front of 167 (Lot 2) and 169 (Lot 3), the subject of this development approval, are to be completed to the satisfaction of the Western Australian Planning Commission, on advice from Western Power.*
- 12. Prior to commencement of development, arrangements are to be made with the Public Transport Authority for works in and around the operating Railway Corridor in accordance with the PTA's 8810-450-003 – Procedure – Working in and around the Public Transport Authority Rail Corridor, Assets and Infrastructure, to the satisfaction of the Western Australian Planning Commission, on advice from the Public Transport Authority.*
- 13. Prior to the submission of the relevant building permit application, the applicant is to submit a Solar Reflectivity Study by an appropriately qualified person to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Victoria Park to demonstrate that the proposed development will not result in unreasonable glare.*
- 14. Prior to the submission of the relevant building permit application, the applicant is to demonstrate that the approved Solar Reflectivity Study has been implemented to the satisfaction of the Western Australian Planning Commission.*
- 15. Prior to submission of the relevant building permit application, the applicant is to submit final details of the materials, colours and finishes of the exterior of the building, which are consistent with or enhance those detailed in the approved elevations and perspectives of the development date stamped 7 October 2024, to the satisfaction of the Western Australian Planning Commission.*
- 16. Prior to submission of the relevant building permit application, details of any proposed air-conditioning condensers, external building plant, piping, ducting, or transformers being integrated into the design of the buildings and located or screened to minimise any visual and noise impact on the shared dwellings and the public realm being submitted to, and approved by, the Western Australian Planning Commission, on advice from the Town of Victoria Park.*
- 17. Prior to submission of the relevant building permit application, a Crime Prevention Through Environmental Design statement prepared by a suitably qualified person, is to be submitted to and approved by the Western Australian Planning Commission, on advice of the Town of Victoria Park.*

18. *Prior to submission of the relevant building permit application, a Signage Strategy is to be submitted to and approved by the Western Australian Planning Commission, on the advice of the Town of Victoria Park. The strategy is to include details of the following:*
 - a. *the location, size and format of any signage to the building exterior; and*
 - b. *signage to promote and guide wayfinding.*
19. *The approved Signage Strategy is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*
20. *Prior to submission of the relevant building permit application, the applicant is to submit a Lighting Strategy, detailing external illumination of the development in accordance with AS4282, AS1158.3.1 and for approval by the Western Australian Planning Commission, on advice from the Town of Victoria Park and Public Transport Authority.*
21. *Prior to occupation of the development, the applicant is to provide certification from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved strategy to the satisfaction of the Western Australian Planning Commission.*
22. *The approved Lighting Strategy is to be implemented and adhered to at all times unless otherwise approved by the Western Australian Planning Commission, on advice from the Town of Victoria Park.*
23. *Prior to occupation of the development, the applicant shall provide written confirmation from a suitably qualified professional that a minimum of 18 dwellings as constructed have achieved the silver standard accessibility requirements outlined in the Liveable Housing Design Guidelines, to the satisfaction of the Western Australian Planning Commission.*
24. *Prior to submission of the relevant building permit application, a public art concept for the subject development to the value of 1.0% of the final construction value must be submitted to, and approved by, the Western Australian Planning Commission on advice from the Town of Victoria Park.*
25. *Prior to occupation of the development, the approved public art is to be installed by the developer and maintained thereafter by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Victoria Park.*

- 26. Prior to submission of the relevant building permit application, a final Sustainability Report detailing the initiatives to achieve a minimum 6.5 and average 7.5 NatHERS Ratings certification, or demonstrated equivalent, is to be submitted to and approved by the Western Australian Planning Commission.*
- 27. Prior to occupation of the development, documentation from a suitably qualified professional is to be provided certifying that all applicable sustainability initiatives identified in the approved Sustainability Report have been implemented, and the ability of the development to be thereafter occupied and operated in accordance with the final approved Sustainability Report, to the satisfaction of the Western Australian Planning Commission.*
- 28. Prior to occupation of the development, a minimum of 25kW solar PV system being installed and implemented to the satisfaction of the Western Australian Planning Commission on advice from the Town of Victoria Park.*
- 29. Prior to submission of the relevant building permit application, final landscape plans and specifications, incorporating the public realm (Bank Street) landscaping abutting the site, are to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Victoria Park.*
- 30. Prior to occupation of the development, certification that all landscaping and reticulation has been established in accordance with the approved landscaping plans to Australian Standards is to be submitted to the Western Australian Planning Commission, on advice from the Town of Victoria Park. The landscaping is to thereafter be maintained to the satisfaction of the Western Australian Planning Commission.*
- 31. The approved Landscaping and Reticulation Plan is to be implemented and adhered to at all times by the owners and occupants of the approved development, to the satisfaction of the Western Australian Planning Commission.*
- 32. Prior to occupation of the development, all unused crossover(s) are to be removed and the kerbing and road verge reinstated at the owner's cost to the satisfaction of the Western Australian Planning Commission on advice from the Town of Victoria Park.*
- 33. Prior to submission of the relevant building permit application, a Travel Behaviour and Parking Management Plan, prepared by a suitably qualified transport consultant, is to be submitted to and approved by the Western Australian Planning Commission, on advice of the Department of Transport and Town of Victoria Park. The Plan is to include (but not be limited to) the following matters:*

- a. *An overarching strategy and set of informing principles that includes mode-share targets in relation to public transport, walking, cycling, shared and private car use by residents and staff of and visitors to the development;*
 - b. *The ground floor parking bays to be shared use by residents' visitors, commercial visitors and commercial staff and marked accordingly;*
 - c. *Demonstration that there are sufficient storerooms and that each is of a sufficient size and dimension to accommodate bicycle parking;*
 - d. *The allocation of all resident/occupant, electric vehicle charging, visitor parking and service bays;*
 - e. *Identification of any ACROD bays;*
 - f. *Demonstration of the effective and safe management of traffic movements within all car parking areas and accessways for vehicles, pedestrians, cyclists, scooters and other micromobility users; and*
 - g. *The identification of parking, loading, delivery and waste management areas.*
34. *Prior to submission of the relevant building permit application, the recommended measures identified in the Travel Behaviour and Parking Management Plan are to be reflected in the final working drawings and approved by the Western Australian Planning Commission, on advice from the Town of Victoria Park.*
35. *Prior to occupation of the development, a Travel Behaviour and Parking Management Plan is to be submitted to, and approved by the Western Australian Planning Commission, on advice of the Town of Victoria Park.*
36. *The approved Operational Management Plan is to be implemented and adhered to at all times by the owners and occupants of the approved development, to the satisfaction of the Western Australian Planning Commission.*
37. *Prior to occupation of the development, certification is required that all car parking spaces, access aisles, loading bays and bicycle parking spaces have been designed, constructed and marked in accordance with the approved Operational Management Plan to the specifications of the Town of Victoria Park and in accordance with the applicable Australian Standard (as above), to the satisfaction of the Western Australian Planning Commission.*
38. *Prior to occupation of the development, all bicycle parking and associated end-of-trip facilities are to be operational. The provision of bicycle parking bays, including 9 visitor bays, and associated bicycle infrastructure and end-of-trip facilities (including showers and clothes lockers) for staff and visitors are to be provided as indicated on the approved development plans,*

retained in perpetuity and maintained for the life of the development, to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Victoria Park and the Department of Transport.

39. *Prior to the submission of the relevant building permit application, the Waste Management Plan prepared by Stantec Australia Pty Ltd (reference 300305205, date stamped 7 December 2023) for 167 and 169 Bank Street, East Victoria Park is to be updated to:*
- a. accommodate 85 residential apartments as proposed by the development plans dated 7 October 2024;*
 - b. reflect a carousel and compaction system that is capable of being accommodated within the bin chute collection area;*
 - c. demonstrates that the service bay can accommodate a 10 metre waste vehicle;*
 - d. demonstrate vehicle movements to service the site that do not extend across the median line of Bank Street, noting future road upgrades associated with the proposed Oats Street Precinct Structure Plan; and*
 - e. demonstrate how collection will be managed during off peak hours.*

The updated Waste Management Plan is to be finalised, submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Victoria Park.

40. *The approved Waste Management Plan is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*
41. *Prior to submission of the relevant building permit application, the Acoustic Report prepared by Herring Storer (date stamped 28 June 2024) is to be updated to reflect the approved development plans and approved land use and detail effective management of noise ingress and egress for the proposed residential development which demonstrates that existing and possible future noise levels associated with the Perth–Armadale train line, nearby industrial activity, vehicle traffic, mechanical services and plant infrastructure, commercial tenancy and the noise between apartments can be successfully attenuated in accordance with the Environmental Protection (Noise) Regulations 1997 and State Planning Policy 5.4 Road and Rail Noise. The final report is to be submitted to and approved by the Western Australian Planning Commission, on advice from the Town of Victoria Park.*
42. *Prior to occupation of the development, certification is to be provided from a qualified acoustic consultant confirming that the*

recommendations of the approved Acoustic Report have been implemented in the completed development, to the satisfaction of the Western Australian Planning Commission, on advice of the Town of Victoria Park.

43. *Prior to occupation, arrangements are to be made to apply a notification, pursuant to Section 165 of the Planning and Development Act 2005 on the certificate(s) of Title of the proposed development. The notification is to state:*

“The lots are situated in the vicinity of a transport corridor and are currently affected, or may in the future be affected, by transport noise and vibration.”

44. *Prior to occupation, arrangements are to be made to apply a notification, pursuant to Section 165 of the Planning and Development Act 2005 on the certificate(s) of Title of the proposed development. The notification is to state:*

“The lots are situated within the vicinity of industrial development and are currently affected, or may in the future be affected, by industrial noise and emissions”

45. *Prior to submission of the relevant building permit application, a Stormwater Management Plan designed and signed by a certified Hydraulic Engineer to demonstrates that all stormwater will be contained on-site and disposed of in an acceptable manner and to in addition address issues associated with stormwater during storm events of 1:100 Annual Rainfall Interval (ARI) up to 24 hours duration to the satisfaction of the Western Australian Planning Commission, on advice from the Town of Victoria Park. In the event that changes to the approved plans (ie. finished floor levels and ground levels) are required in order to comply with the stormwater drainage management plan, then an application for amendment to the development approval is required.*

46. *The approved Stormwater Management Plan is to be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*

47. *Prior to commencement of development, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required, prior to the commencement of works, on advice from the Department of Water and Environmental Regulation, to ensure that the land is suitable for the proposed use.*

48. *Prior to submission of the relevant building permit application, evidence of any remediation works carried out in compliance*

with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation Contaminated Sites Guidelines, is to be submitted to the satisfaction of the Western Australian Planning Commission on advice from the Department of Water and Environmental Regulation.

Advice Notes

- a. With regard to Condition 1, the term “substantially commenced” has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time. The substantial commencement date is calculated from the date the applicant receives the determination notice.*
- 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 application legislation, local laws and/or licence/permit applications that may relate to the development. Please contact the Town of Victoria Park for further advice on building, health, engineering and road reserve requirements.*
- c. With regard to Condition 2, a copy of the final working drawings prepared for the 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. The final working drawings and associated documents are to comply with all conditions of development approval, as confirmed by the Western Australian Planning Commission, and any variations from the approved development plans are required to be clearly identified.*

Following satisfactory assessment of the plans and documents, the Western Australian Planning Commission will provide a clearance letter and copies of the documents to the local government to assist with building permit assessment. Where works and/or building permits are proposed to be staged, the Western Australian Planning Commission may agree to a staged clearance of working drawings and associated conditions of approval.

The final plans and documents 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 substantial changes to the approved plans and/or documents will need to be obtained in writing from the Western Australian Planning Commission, via an Amendment Application process (Form 17C).

- d. *With regard to Conditions 2 and 15, final specifications and samples should be provided for all external elevations, demonstrating that high quality, durable and low reflective materials have been maintained (or enhanced) from development application stage through to working drawings and construction.*
- e. *With regard to Condition 5, in the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Western Australian Planning Commission that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Dilapidation reports are to be guided by Australian Standard 4349.1 – 2007 ‘Inspections of buildings’ and be prepared to the satisfaction of the Western Australian Planning Commission.*
- f. *Where building works propose a “notifiable event” or are likely to affect neighbouring land or property, then the ‘Work affecting other land’ provisions of the Building Act 2011 will apply. This information sets out the requirements for managing building work on or close to a boundary. This process is used to confirm agreement with the work and with the effects it may have on neighbouring land or property.*
- g. *With regard to Conditions 10 and 11, it is acknowledged that, should the undergrounding of the electricity network not be capable within this location, a significant redesign of the proposal is required to remove the development from the ‘danger zone’ associated with proximity to Western Power infrastructure.*
- h. *In accordance with Condition 12, the applicant/owner is required to submit an application to undertake works within the Public Transport Authority Asset Protection Zone prior to any works commencing. Information about the procedure and required information for assessment can be found in the Public Transport Authority’s 8810-450-003 – Procedure – Working In and Around the Public Transport Authority Rail Corridor, Assets and Infrastructure. The application must be submitted a minimum of 3 months prior to the commencement of any works. Please email the application to PTAThirdPartyAccess@pta.wa.gov.au.*
- i. *With regard to Condition 17, the Crime Prevention Through Environmental Design statement should assess and make recommendations in relation to those aspects of the design which have the potential to contribute to the personal safety of occupiers and visitors to the development, including the following:*

- i. the location and number of entry/exit points and level of visual openness provided to the basement car park; and*
 - ii. final details of access and security measures provided to the basement car park and ground floor building entries and outdoor communal spaces.*
- j. With regard to Conditions 20, 21 and 22, the lighting plan and subsequently installed lighting should demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:2023.*
- k. With regard to Condition 27, the updated sustainability report is to include details of photovoltaic cells and electric vehicle charging points.*
- l. With regard to Condition 30, the Landscape Plan should include (but not be limited to):*
 - a. full plans and specifications of the onsite and public realm works;*
 - b. details of the how the landscape design, plantings and levels will effectively integrate with the development and adjacent public realm;*
 - c. details of planting on structure, including size and depth of soil areas;*
 - d. provide details of tree species, pot size and deep soil areas that meet the requirements of State Planning Policy 7.3 Residential Design Codes Volume –Apartments;*
 - e. species, sizes, and types of plantings;*
 - f. reticulation to plantings including any rain/grey water capture and re-use;*
 - g. paving, kerbs, and other surface treatments;*
 - h. details of any hard infrastructure;*
 - i. seating, lighting, shade structures and other hard infrastructure;*
 - j. integration of wind amelioration strategies for outdoor spaces;*
 - k. water sensitive urban design and designing out crime principles;*
 - l. details of ongoing management and maintenance, and*
 - m. be an appropriate scale of either 1:100, 1:200 or 1:500.*
- m. With regard to Conditions 36 and 37, the applicant is encouraged to explore driveway and basement ramp line-marking indicating separate and safe paths of travel for cyclists and vehicles into and out of the development.*
- n. The applicant or responsible contractor shall lodge an online application to Perth Airport's Protected Airspace Assessment Tool (PAAT). The application must be approved prior to the*

erection of a crane on the subject site, for works during both construction and operation.

- o. If groundwater dewatering is required, a dewatering management plan should be prepared before commencing the works. The plan should incorporate effluent testing and appropriate contingencies for managing impacted groundwater if encountered.*
- p. Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.
<https://www.wa.gov.au/government/document-collections/acid-sulfate-soils-publications>*
- q. Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>*
- r. Proposed construction and excavation works need to be managed in accordance with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24 <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>*
- s. The development is to accord with the National Construction Code (NCC) Building Code of Australia (BCA), Australian Standards AS1428.1 and Disability (Access to Premises – Buildings) Standards 2010. Prior to submission of the relevant building permit application, detailed drawings are to be submitted identifying access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1 and the Disability Standards.*
- t. If the disconnection and/or removal of an ATCO Gas service is required, a request can be submitted via the online ATCO portal: <https://www.atco.com/en-au/self-service/gas/disconnection-request.html>*
- u. The applicant/owner is advised of the following, on behalf of the Water Corporation:*
 - i. The land owner will be responsible for funding any costs of a water connection (meter) and make payment of the*

- appropriate fees and charges and/or applicable Standard Infrastructure Contributions attributed to the nominated size and flow rate of the connection/s required;*
- ii. Water connections may result in the installation of a backflow protection device. The developer must consult a suitably qualified licensed plumbing contractor or hydraulic consultant to assess the developments requirements. The cost of the installation and ongoing testing and maintenance is the responsibility of the lot owner.*
 - iii. The land owner is responsible for funding the cost of a new fire service connection (meter) and the appropriate fees and charges attributed to the nominated size of the connection required. New fire service (meter) will also be subject to an agreement*
 - iv. (<https://www.watercorporation.com.au/Developing-and-building/Applying-for-services/New-water-services/Fire-services>) at the time of application.*
 - v. Any works carried out in proximity to Water Corporation assets must receive prior approval by applying for an Asset Protection Risk Assessment (APRA). To assess whether the proposed development will require an APRA, details of the Prescribed Proximities and relevant legislation are available in the Water Corporation guidelines.*
- v. The applicant/owner is advised of the following matters, in respect to relevant building and environmental health requirements of the Town of Victoria Park:*
- i. A building permit is required to be submitted and approved by the Town prior to undertaking building work.*
 - ii. The Building Act 2011 (Building Act) 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 affected landowner before commencing the proposed work.*
 - iii. Any proposed food premises would need to comply with the Food Act 2008.*
- w. The Department of Education will continue to closely monitor the student enrolment demand for this area and, if required, engage with the relevant stakeholders to forward plan for the educational needs of the locality in line with the Western Australian Planning Commission's Operational Policy 2.4 – Planning for School Sites.*
- x. 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. Reports for noting

8.1 Western Australian Planning Commission - Part 17 Delegated Authority Decisions

Presenter: Paola Di Perna - Planning Director, State Development Assessment Unit

Moved by Commissioner Lakey
Seconded by Commissioner Cole

That the Western Australian Planning Commission resolves to:

- 1. Note the report summary of Western Australian Planning Commission decisions made pursuant to Part 17 of the Planning and Development Act 2005 by a delegated officer between 15 June 2024 – 31 October 2024*

The motion was put and carried

9. State Administrative Tribunal applications

The Chairman noted that State Administrative Tribunal applications have been lodged for the following applications:

- Renewable Energy Facility - Wind Farm – Multiple Lots on Bilney Road, Graham's Well Road, Nookanellup Road South, Yarranup Road and Warrenup Road in Broomehill West, Lumeah and Borderdale;
- Proposed partial demolition of existing commercial buildings and construction of new mixed-use development - Lot 5-11 (10-24), Lot 12 and 14 (20), Lot 2 (28) and Lot 5-6 (38-40) Bay View Terrace, Claremont; and
- Lot 1001 (120) Claisebrook Road, Perth – Continued Operation of Holcim Concrete Batching Plant

Members discussed having status updated on items currently before the State Administrative Tribunal and were advised a monthly briefing note will be distributed with members.

10. Urgent or other business

Members thanked the Chairman for his service to the Western Australian Planning Commission.

11. Meeting conclusion and closure

There being no further business before the Board, the Chairman thanked members for their attendance and declared the meeting closed at 4:02 PM.



CHAIRMAN

20 December 2024

DATE