



Western
Australian
Planning
Commission

Planning and Development Act 2005

Section 171P(1)

Approval of Form 11B-1 Significant Development Application

WAPC Ref: SD-049-25

Property Location: 407-409 Charles Street, North Perth

Application Details: Residential Apartments

Determination Date: 10 June 2026

Determination Notice Issue Date: 8 July 2026

Under delegation of the Western Australian Planning Commission, the Statutory Planning Committee resolved to:

- A. note this application is not capable of being determined under the applicable planning instrument, being the City of Vincent Local Planning Scheme No. 2, and is seeking discretion under s.171R(1)(b) of the Planning and Development Act 2005 and it has been considered and determined accordingly; and
- B. under s.171P(1) of the *Planning and Development Act 2005*, **APPROVE** the above application and accompanying plans date-stamped 13 May 2026, subject to the following:

Conditions

Approval Timeframe

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Conformity with Plans

2. The development is to be undertaken in accordance with the approved plans (date-stamped 13 May 2026) attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at working drawings stage (condition clearance stage), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Vincent.

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.

Materials and Finishes

4. The development is to be constructed with high quality and durable external materials and finishes, consistent with the approved development plans, including elevations and perspectives (other than as amended by conditions of approval), to the satisfaction of the Western Australian Planning Commission.
5. 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.

Construction

6.
 - (a) Prior to submission of the relevant building permit application, a Construction Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Vincent. The Plan is to address the following, but not limited to:
 - (i) hours of construction;
 - (ii) temporary fencing, hoardings, gantries, and signage;
 - (iii) site access and egress;
 - (iv) construction traffic management;
 - (v) pedestrian and cyclist management and any footpath obstructions;
 - (vi) parking arrangements for staff and contractors;
 - (vii) deliveries and storage of construction materials and machinery;
 - (viii) management of vibration, dust, and erosion;
 - (ix) management of any site dewatering or stormwater discharge;
 - (x) management of construction noise and other site generated noise;
 - (xi) demolition and construction waste management, recycling, and removal;
 - (xii) protection of street trees and public realm infrastructure; and
 - (xiii) public communication and complaint handling procedures.
 - (b) The approved Construction Management Plan is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission.

Transport, Access and Parking

7.
 - (a) Prior to submission of the relevant building permit application, a Construction Traffic Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from Main Roads WA, the Public Transport Authority and the City of Vincent.
 - (b) The approved Construction Traffic Management Plan is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission.

- 8.
- (a) Prior to occupation of the development, certification is to be provided by a suitably qualified professional confirming that all points of ingress and egress, vehicle accessways, loading bays, car parking spaces, universal access, and bicycle parking are consistent with the approved plans and have been constructed, drained, sealed and marked in accordance with the relevant Australian Standard, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Vincent.
 - (b) All parking bays, driveways and access points shall be maintained by the owners and/or managers of the development to the satisfaction of the Western Australian Planning Commission.
 - (c) Prior to occupation of the development, the visitor car parking spaces are to be marked and clearly signposted as dedicated for visitor use only, to the satisfaction of the Western Australian Planning Commission.
- 9.
- (a) Prior to occupation of the development, a Parking Management Plan shall be submitted to, and approved by, the Western Australian Planning Commission on advice from the City of Vincent. The Parking Management Plan is to include detailed management measures for the operation of the visitor car parking, a vehicular entry gate, which is a minimum 50% visually permeable and ensure parking areas remain unobstructed.
 - (b) The approved Parking Management Plan is to be implemented by the owners/occupiers/strata managers of the development to the satisfaction of the Western Australian Planning Commission.

Water Management

- 10.
- (a) Prior to submission of the relevant building permit application, an updated Water Management Plan is to be submitted to and approved by the Western Australia Planning Commission, on advice from the Water Corporation, Main Roads Western Australia and the City of Vincent, demonstrating the adequate on-site retention and disposal of all storm water.
 - (b) The approved Water Management Plan is to be implemented to the satisfaction of the Western Australian Planning Commission.

Waste Management and Servicing

- 11.
- (a) Prior to submission of the relevant building permit application, the Waste Management Plan (date-stamped 9 March 2026) is to be updated to reflect the detailed design and be submitted to and approved by the Western Australian Planning Commission, on advice from Main Roads Western Australia and the City of Vincent.
 - (b) The approved Waste Management Plan is to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Noise Management

- 12.
- (a) Prior to submission of the relevant building permit application, the Acoustic Report (date-stamped 27 November 2025) is to be modified to reflect the approved development plans and be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Vincent.
 - (b) Prior to submission of the relevant building permit application, details are to be provided confirming the recommendations of the approved Acoustic Report have been included in the development plans, to the satisfaction of the Western Australian Planning Commission.
 - (c) Prior to occupation of the development, certification is to be provided from a qualified acoustic consultant confirming the recommendations of the approved Acoustic Report have been implemented in the completed development, to the satisfaction of the Western Australian Planning Commission.

Amalgamation, Notifications and Easements

13. Prior to occupation of the development, suitable arrangements are to be made for Lots 888 and 33, as shown on the development plans, to be legally amalgamated into a single freehold lot on one Certificate of Title, at the landowner's expense, to the satisfaction of the Western Australian Planning Commission.
14. Prior to occupation of the development, the landowner is to register on the certificate/s of title a notification, pursuant to section 70A of the *Transfer of Land Act 1893*. The notification is to be included on the diagram or plan of survey (deposited plan) and registered at the landowner's expense, to the satisfaction of the Western Australian Planning Commission. The notification is to state as follows:

"The lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction."

- 15.
- (a) Prior to submission of the relevant building permit application, 20% of proposed dwellings are to be capable of adaption in accordance with the Livable Housing silver design standards and the Residential Design Codes, with final details submitted to and approved by the Western Australian Planning Commission.
 - (b) Prior to occupation of the development, the landowner/applicant is to demonstrate the minimum number of adaptable dwellings have been provided in accordance with the approved developments plans.

Landscaping

- 16.
- (a) Prior to the submission of the relevant building permit application, updated detailed landscaping plans and specifications are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Vincent.

- (b) The approved landscape plan/s is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission.
 - (c) No verge trees shall be removed without the prior written approval of the City of Vincent. Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City. Prior to any pruning of verge trees, an arborist report shall be prepared and submitted to the City.
 - (d) Prior to occupation of the development, certification that the landscape areas and reticulation has been completed in accordance with the approved Landscaping Plan and specifications is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Vincent.
17. Prior to submission of the relevant 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 Vincent, detailing protection and care of street trees during construction.

Public Art

- 18.
- (a) Prior to occupation of the development, a public art concept for the development to the value of 1.0% of the Total Project Cost, in accordance with the City of Vincent Local Planning Policy - Percent for Art Policy is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Vincent.
 - (b) Prior to the occupation of the development, the approved public art is to be installed by the developer and maintained thereafter by the landowners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Vincent.

Sustainability

- 19.
- (a) Prior to submission of the relevant building permit application, the Sustainability Strategy date-stamped 19 January 2026 (Revision 003) is to be updated to detail the sustainability initiative(s) to be implemented within the development, demonstrating that the development achieves a minimum 8.4 star NatHERS rating, is to be submitted to and approved by the Western Australian Planning Commission. The initiatives are to be incorporated in the final drawings and documents.
 - (b) Prior to occupation of the development, documentation from a suitably qualified professional is to be provided certifying that the sustainability measure(s) identified within the approved Sustainability Strategy have been implemented to the satisfaction of the Western Australian Planning Commission.
 - (c) The accepted sustainability initiatives shall be incorporated into the development and thereafter maintained by the landowner and/or managers of the development to the satisfaction of the Western Australian Planning Commission.

Utilities and Facilities

20. 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 residential dwellings and that of neighbouring properties external to the site, being submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Vincent.

Planning Control Area

21. No development shall be carried out within the identified Planning Control Area as shown on the approved plans, without obtaining prior approval from the Western Australian Planning Commission.

Advice Notes

- (a) This is a development approval only. The landowner/applicant is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license/permit requirements that may relate to the development. Contact the City of Vincent for further advice on building, health, engineering and road reserve requirements.
- (b) With regard to Condition 1, the term 'substantially commenced' has the meaning as set out 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.
- (c) With regard to Conditions 2 and 3, 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 document to the local government to assist with building permit assessment. Where works and/or building permit 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 substantive 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 11B-2).

- (d) All works, indicated on the approved plans, including footings, must be wholly located within the cadastral boundaries of the development site, to the satisfaction of the Western Australian Planning Commission.

- (e) With regard to Condition 4, 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.
- (f) With regard to Condition 7, the Construction Traffic Management Plan should include a Traffic Guidance Scheme and full details of any proposed bus route or bus stop disruption and any associated proposed mitigation measures. The applicant is advised to communicate directly with the Public Transport Authority (PTA) and Transperth regarding any potential for construction work to impact bus operations or bus stops on Charles Street. The PTA and Transperth require a minimum notice period of 10 business days prior to any proposed road or lane closure that may affect bus stops or bus services. Notification can be provided via email to: transperth.servicedisruptions@pta.wa.gov.au.
- (g) With regard to Condition 16, the final landscaping plans, specifications and accompanying report should include but not be limited to details and/or confirmation of the following:
 - (i) species, size and types of plantings to all landscaped areas;
 - (ii) an updated species list that removes *Eucalyptus torquata* and replaces it with *Triadica sebifera*, or a similar other plant species;
 - (iii) reticulation to plantings including any rain/grey water capture and re-use;
 - (iv) paving, kerbs and other hardscape surface treatments, having regard to durability, safety, occupant comfort levels for various travel modes, 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) details of ongoing management and maintenance; and
 - (vii) demonstrate that outside lighting is to be provided in accordance with the Australian Standards AS4282-1997 for the control of obstructive effects of outdoor lighting and must not spill into any residential premises.
- (h) With regard to Condition 17, the Australian Standards specify the following measures are required to protect trees:
 - (i) A minimum 2.0 metre radius tree protection zone (TPZ) shall be provided through 1.8 metre high fencing around the verge trees (chain mesh panels or other suitable material) during construction of the subject development.
 - (ii) The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.
 - (iii) All activities and works related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ unless prior approval is sought.
 - (iv) Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.
- (i) Any proposed landscape works outside the development lot boundaries will require consent from the City of Vincent prior to the commencement of any works.

- (j) Main Roads advise that the upgrading/widening of Charles Street is not in Main Roads current 4-year forward estimated construction program and all projects not listed are subject to change without notice.
- (k) If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 11B of the *Planning and Development Act 2005*.

Reasons for Decision

Extract from the Minutes of the Statutory Planning Committee meeting of 10 June 2026:

Members discussed their reasons for supporting the proposal and outlined the following:

- *The reduced car parking provision is a reasonable outcome given the type of development, location within a transit corridor, proximity to the CBD, with access to public transport and walkable amenities and ample bicycle and motorcycle parking.*
- *The importance of diverse development in the area, noting the change that comes with being the first development of scale in a transit corridor location where density is supported under the state and local planning frameworks.*
- *Reference to the City of Vincent intention not to issue parking permits to the residents of the development will be included in the Parking Management Plan.*
- *The City of Vincent has restricted parking on local streets, and it is within their remit to review further if there is seen to be a negative impact from this development on parking in the locality.*
- *The development presents a high-quality design outcome, with appropriate height, bulk, landscaping, and positive contribution to the streetscape.*
- *The planning discretion required is minor and acceptable with the development site determined to be 1,882 square metres, noting that with the Planning Control Area, the development site would be 2,040 square metres, which would meet the requirement for R100 coding.*

Members agreed to endorse the Part B recommendation of the Department of Planning, Lands and Heritage for the reasons discussed and outlined in the Department's report.