



CITY of PERTH

Lord Mayor and Councillors,

**NOTICE IS HEREBY GIVEN** that the next meeting of the **Planning Committee** will be held in Committee Room 1, Ninth Floor, Council House, 27 St Georges Terrace, Perth on **Tuesday, 15 September 2015 at 5.30pm.**

Yours faithfully

**GARY STEVENSON PSM  
CHIEF EXECUTIVE OFFICER**

10 September 2015

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**Committee Members:**

**Members:**

Cr Butler (Presiding Member)  
Cr Harley  
Cr McEvoy

**1<sup>st</sup> Deputy:**

Cr Adamos

**2<sup>nd</sup> Deputy:**

Cr Davidson  
OAM JP



Please convey apologies to Governance on 9461 3250 or email  
[governance@cityofperth.wa.gov.au](mailto:governance@cityofperth.wa.gov.au)

# EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



CITY of PERTH

The City of Perth values the health and safety of its employees, tenants, contractors and visitors. The guide is designed for all occupants to be aware of the emergency procedures in place to help make an evacuation of the building safe and easy.

## BUILDING ALARMS

Alert Alarm and Evacuation Alarm.

### ALERT ALARM

#### beep beep beep

All Wardens to respond.

Other staff and visitors should remain where they are.

## EVACUATION ALARM/PROCEDURES

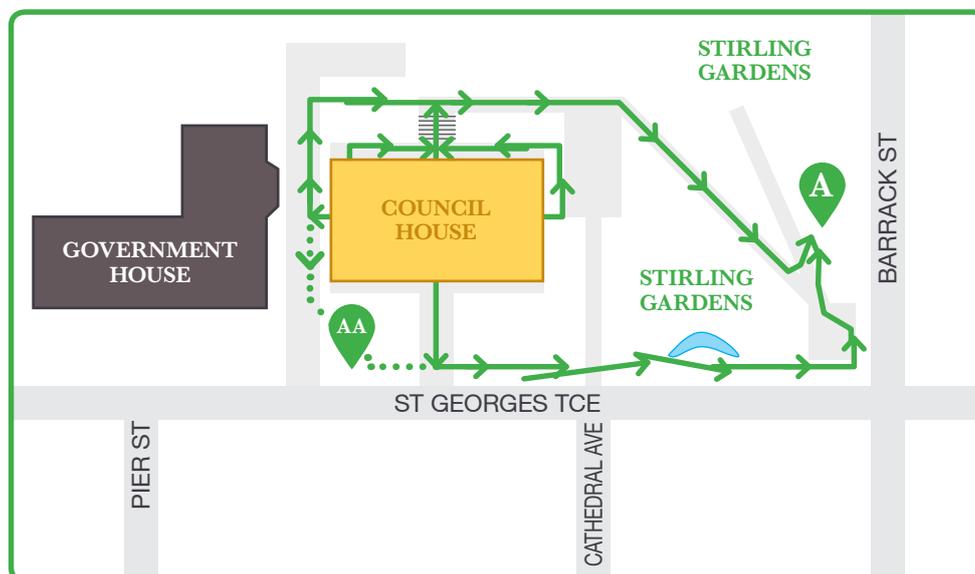
### whoop whoop whoop

On hearing the Evacuation Alarm or on being instructed to evacuate:

1. Move to the floor assembly area as directed by your Warden.
2. People with impaired mobility (those who cannot use the stairs unaided) should report to the Floor Warden who will arrange for their safe evacuation.
3. When instructed to evacuate leave by the emergency exits. **Do not use the lifts.**
4. Remain calm. Move quietly and calmly to the assembly area in **Stirling Gardens** as shown on the map below. Visitors must remain in the company of City of Perth staff members at all times.
5. After hours, evacuate by the nearest emergency exit. **Do not use the lifts.**



### EVACUATION ASSEMBLY AREA



 Assembly Area

 Alternate Assembly Area

# PLANNING COMMITTEE

**Established:** 17 May 2005 (Members appointed 22 October 2013)

<b>Members:</b>	<b>1<sup>st</sup> Deputy:</b>	<b>2<sup>nd</sup> Deputy:</b>
Cr Butler (Presiding Member)	Cr Adamos	Cr Davidson OAM JP
Cr Harley		
Cr McEvoy		

**Quorum:** Two  
**Terms Expire:** October 2015

**TERMS OF REFERENCE:** [Adopted OCM 04/06/13]

To oversee and make recommendations to the Council on matters related to:

1. development, building, demolition, sign and alfresco dining applications and proposals for subdivision or amalgamation;
2. the City Planning Scheme and planning policies;
3. identification of long term planning opportunities and major projects, including the Perth City Link, Elizabeth Quay and;
4. strategic town planning initiatives and economic development;
5. Heritage, including:
  - 5.1 the City of Perth Municipal Inventory;
  - 5.2 the Register of Places of Cultural Heritage Significance referred to in City Planning Scheme No. 2, and management of same;
  - 5.3 heritage incentive initiatives;
6. transport and traffic network planning issues;
7. environmental improvement strategies including environmental noise management;
8. liquor licensing;
9. land administration issues, such as street names, closures of roads and rights-of-way and vesting of reserves;
10. applications for events held within the City of Perth that require planning approval as a result of excessive noise or traffic management proposals;
11. Legislation and compliance in relation to land use planning.

**This meeting is open to members of the public.**

# INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE MEETINGS

## Question Time for the Public

- An opportunity is available at all Committee meetings open to members of the public to ask a question about any issue relating to the City. This time is available only for asking questions and not for making statements. Complex questions requiring research should be submitted as early as possible in order to allow the City sufficient time to prepare a response.
- The Presiding Person may nominate a Member or officer to answer the question, and may also determine that any complex question requiring research be answered in writing. No debate or discussion is allowed to take place on any question or answer.
- To ask a question please write it on the white Question Sheet provided at the entrance to the Council Chamber and hand it to a staff member at least an hour before the meeting begins. Alternatively, questions can be forwarded to the City of Perth prior to the meeting, by:-
  - Letter: Addressed to GPO Box C120, Perth, 6839;
  - Email: [governance@cityofperth.wa.gov.au](mailto:governance@cityofperth.wa.gov.au).
- Question Sheets are also available on the City's web site: [www.perth.wa.gov.au](http://www.perth.wa.gov.au).

## Deputations

A deputation wishing to be received by a Committee is to apply in writing to the CEO who will forward the written request to the Presiding Member. The Presiding Member may either approve the request or may instruct the CEO to refer the request to the Committee to decide whether or not to receive the deputation. If the Presiding Member approves the request, the CEO will invite the deputation to attend the meeting.

Please refer to the 'Deputation to Committee' form provided at the entrance to the Council Chamber for further information on the procedures for deputations. These forms are also available on the City's web site: [www.perth.wa.gov.au](http://www.perth.wa.gov.au).

## Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any Member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Committee meeting prior to written advice on the resolution of the Council being received.

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# **PLANNING COMMITTEE**

## **15 SEPTEMBER 2015**

### **ORDER OF BUSINESS**

- 1. Declaration of Opening**
- 2. Apologies and Members on Leave of Absence**
- 3. Question Time for the Public**
- 4. Confirmation of Minutes – 25 August 2015**
- 5. Correspondence**
- 6. Disclosure of Members' Interests**
- 7. Matters for which the Meeting may be Closed**

In accordance with Section 5.23(2) of the *Local Government Act 1995*, should an Elected Member wish to discuss the content of the confidential item and schedules listed below, it is recommended that Committee resolve to close the meeting to the public prior to discussion of the following:

<b>Confidential Item / Schedule No.</b>	<b>Item No. and Title</b>	<b>Reason</b>
Schedule No. 5	Item 4 - Proposed Entry of 55-59 Goderich Street, East Perth in the City Planning Scheme No. 2 Register of Places of Cultural Heritage Significance	Section 5.23(2)(b)
Item No. 9 and Schedule 13	Item 9 - Proposed Street Names for the Roads within the Elizabeth Quay Precinct	Section 5.23(2)(e)(iii)

- 8. Reports**
- 9. Motions of which Previous Notice has been Given**
- 10. General Business**
  - 10.1. Responses to General Business from a Previous Meeting**  
Nil

**10.2. New General Business**

**11. Items for Consideration at a Future Meeting**

**Outstanding Reports:**

**12. Closure**

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# ITEM NO: 1

## SUBMISSION TO THE ON-DEMAND TRANSPORT GREEN PAPER

**RECOMMENDATION:** (APPROVAL)

***That Council endorses the proposed City of Perth submission to the Department of Transport's On-Demand Transport Green Paper, and for Council officers to continue to liaise with the State Government as this policy area is further progressed.***

### BACKGROUND:

FILE REFERENCE: P1007594  
REPORTING UNIT: Transport  
RESPONSIBLE DIRECTORATE: Planning and Development  
DATE: 25 August 2015  
MAP / SCHEDULE: Schedule 1 - City of Perth Submission to the On-Demand Transport Green Paper

In July 2015 the Department of Transport released a Green Paper titled *On-Demand Transport; A discussion paper for future innovation*. The paper has been developed to initiate a public conversation on the issue and to gather feedback from relevant interest groups and stakeholders that will inform policy and legislative reform on the issue.

Given the role that on-demand transport plays in the wider transport context of the City of Perth, it is considered appropriate for Council to provide the State Government with feedback on the Green Paper and to seek to be involved in any further policy development or reform in this area.

### LEGISLATION / STRATEGIC PLAN / POLICY:

<b>Integrated Planning and Reporting Framework Implications</b>	<b>Corporate Business Plan</b> Council Four Year Priorities: Getting Around Perth S3 Proactive planning for an integrated transport system, including light rail, that meets community needs and makes the sustainable choice the easy choice.
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### DETAILS:

On-demand transport is defined in the Green Paper as *'a user-oriented form of transport characterised by flexible routing and scheduling of small/medium vehicles operating between pickup and drop-off locations according to a passenger's needs'*.

Taxis are the most common and obvious form of on-demand transport, however the term also captures charter transport such as airport transfers, limousines and also new on-demand services such as Uber. The Green Paper presents a case for legislative reform, guided by the following objectives:

- ensure safe vehicles and safe drivers for the community;
- deliver a safer, more flexible, responsible, innovative and customer service focussed on-demand transport industry;
- transform the regulatory environment to support industry reform and improved service delivery, while reducing the cost of regulation;
- support industry to assess and address its own risks; and
- directly link regulatory requirements to the industry bottom line through a chain of accountability that will improve patron service.

The Green Paper positions the need for reform within the context of:

- significant population growth in Perth, and the ability for on-demand transport options to compliment traditional, fixed transport systems;
- cultural shifts affecting transport choices, which are increasing demand for niche, flexible and convenient on-demand transport options;
- new technology that is making on-demand transport models more viable;
- changes in people's attitudes to transport, from a past era that prioritised ownership to a new era that places a higher priority on accessibility and flexibility; and
- growing community and industry calls for reform, to enable innovation and a more rapid rate of progress in the on-demand transport sector.

#### **FINANCIAL IMPLICATIONS:**

There are no financial implications resulting from this report.

#### **COMMENTS:**

The On-Demand Transport Green Paper comes at a time of rapid change in this sector of the passenger transport industry. This change has the potential to greatly improve people's transport choice in Perth. Like any change, it may also bring with it challenges and disrupt traditional approaches to how the public sector facilitates and manages such transport services.

The City of Perth should be generally supportive of the intent of the On-Demand Transport Green Paper. The following points summarise the City's submission to the Green Paper (Schedule 1):

- *The City of Perth greatly values the role that on-demand transport services play in contributing to an accessible City.*

- *A more accommodating and flexible governance arrangement that allows for innovation and does not stifle progress is encouraged.*
- *Community safety and confidence in the on-demand transport sector are paramount.*
- *The City of Perth is supportive of any reform measures that seek to ensure on-demand transport can continue to complement the City's public transport systems.*
- *A more integrated and strategic approach to planning for on-demand transport services is encouraged.*
- *Support for a collaborative approach to planning for change in the on-demand transport sector.*

City of Perth Submission to the  
ON-DEMAND TRANSPORT GREEN PAPER

The Department of Transport's On-Demand Transport Green Paper (July 2015) is supported for its ambition to foster a successful and innovative on-demand sector of the transport industry.

*The City of Perth greatly values the role that on-demand transport services play in contributing to an accessible City.*

The City of Perth greatly values the role that on-demand transport services play in contributing to an accessible City. This sector of the passenger transport industry has developed rapidly in recent years as changes in technology have enabled new operational approaches, and shifts in consumer expectations of transport service have influenced change. The State Government's Green Paper on these issues sets out a logical and needed path for change, and it is hoped that this will enable the on-demand transport sector to continue serving people living, working and visiting the City of Perth.

*A more accommodating and flexible governance arrangement that allows for innovation and does not stifle progress is encouraged.*

In order to enable the on-demand transport sector to be relevant and contribute to accessibility in the City of Perth, there is a need for any government control or intervention to be as minimal and as flexible as possible. As has been seen with the rise of on-demand transport services such as Uber, change in this sector is likely to be fast and sometimes unpredictable. The benefits are potentially significant as these new services fill gaps in the city's existing transport systems and encourage competition, progress and innovation in the existing market. Therefore, a more accommodating and flexible governance arrangement that allows for innovation and does not stifle progress is encouraged.

Mobile and 'location aware' technology has enabled the on-demand transport sector to evolve beyond the scope of existing and previous legislative structures designed to govern operations and operators, further highlighting the need for flexible policy and legislation.

*Community safety and confidence in the on-demand transport sector are paramount.*

It is critical that any change to legislation or policy regarding the on-demand transport sector places a significant emphasis on ensuring community safety. This issue is particularly relevant to the mechanisms that govern driver licensing, insurance and liability. The City of Perth encourages the Department of Transport to maintain its emphasis on community safety through the ongoing analysis of options for legislative change. This will be essential to ensure community confidence in the on-demand sector, and ongoing success of the sector.

*The City of Perth is supportive of any reform measures that seek to ensure on-demand transport can continue to complement the City's public transport systems.*

From the City of Perth's perspective it is critical that on-demand transport services are managed in a way that enables them to positively contribute to transport choice in Perth. Taxis play an important role in servicing the central city, complimenting the structured public transport system by providing flexible travel options, especially outside of peak times (on weekends, late at night, etc). The need for effective, reliable and efficient on-demand transport is only likely to increase as the City's economy continues to spread outside of the traditional CBD business hours, and as consumers increasingly seek transport services more aligned to their needs and preferences.

The City of Perth is supportive of any reform measures that seek to ensure on-demand transport can continue to complement the City's public transport systems and improve accessibility in Perth. In this context, it is important that on-demand transport services are available, safe, reliable and effective, irrespective of the operational structure or legislative arrangement that governs such services.

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*A more integrated and strategic approach to planning for on-demand transport services is encouraged.*

A more integrated and strategic approach to planning for on-demand transport services is encouraged, so as to recognise the role that on-demand services play alongside more structured public transport, and the potential impact public transport improvement projects may have on the on-demand sector. This should specifically recognise the committed Forrestfield Airport Rail project (due for completion by 2020), which will have a significant impact on how taxi and airport shuttle buses connect the City and the Airport.

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*Support for a collaborative approach to planning for change in the on-demand transport sector.*

The City of Perth supports the Department of Transport's collaboration on the On-Demand Transport Green Paper, and encourages a similar open and collective approach to future planning in this area of policy. The operational details regarding for pick up / drop car parking are key issues for the City. Given the City of Perth's expertise in this area and ability to manage such operational issues, ongoing collaboration is encouraged.

## ITEM NO: 2

### CREATION OF MALL RESERVE – LOT 9003 DEPOSITED PLAN 76163 - KINGS SQUARE

**RECOMMENDATION:** (APPROVAL)

**That Council:**

- 1. in accordance with Section 59 of the Land Administration Act 1997, advertises its intention to change the purpose of Lot 9003 on Deposited Plan 76163 (coloured orange on Schedule 2), Kings Square, from 'Road Reserve' to 'Mall Reserve';**
- 2. in the event that no submissions are received, authorises the Chief Executive Officer to apply to the Minister for Lands for the creation of the Mall Reserve.**

#### BACKGROUND:

FILE REFERENCE: P1029786#09  
REPORTING UNIT: Properties  
RESPONSIBLE DIRECTORATE: Community and Commercial Services  
DATE: 1 September 2015  
MAP / SCHEDULE: Schedule 2 – Kings Square Titling - Lots Map

At its meeting held on **21 July 2015** Council;

*“Approved the acceptance of the first phase of contributed assets for the Perth City Link – Kings Square private development being Telethon Avenue, Mall Reserve and KS2 Wellington Street frontage.”*

Initially the 'Mall' has come to the City as a Road Reserve and subject to Section 59 of the Land Administration Act 1997, the City intends to request the Minister for Lands to reserve the land for the purpose of passage by:

- pedestrians;
- vehicles used by the holders of the freehold in, and occupiers of, land adjoining that land; and
- other vehicles permitted access to that land under local laws made under the *Local Government Act 1995*, and for any other compatible purpose.

## LEGISLATION / STRATEGIC PLAN / POLICY:

### Legislation

Section 59 of the *Land Administration Act 1997*

### Integrated Planning and Reporting Framework Implications

#### Corporate Business Plan

Council Four Year Priorities: The planning and integration of major infrastructure and developments to maximise their net benefit and minimise risk and future costs to the City

S1.3 Establish site specific agreements and manage transition of Perth City Link Precinct

## DETAILS:

In order to create a "Mall Reserve" the Land Administration Act 1997 requires the local government to advertise the purpose and details of the request in the prescribed manner and send copies of that advertisement to the holders of the freehold in, and occupiers of, land adjoining the land in question, to suppliers of public utility services on the land in question and to the Planning Commission.

The advertisement must specify a period of not less than 35 days from the day of that advertisement during which submissions relating to the request may be lodged with the local government.

After the expiry of the period, the local government must send to the Minister its request, together with copies of any submissions lodged with it during that period and its comments on those submissions.

The Minister may, after receiving and considering a request and any accompanying submissions and comments sent to the Minister either:

1. Grant the request and place the care, control and management of the mall reserve with the local government.
2. Direct the relevant local government to reconsider the request; or
3. Refuse the request.

The Department of Lands is aware of and supports the proposal.

A Mall Management Agreement between the City of Perth and Dexu Funds Management Ltd was signed in July 2015.

## FINANCIAL IMPLICATIONS:

The City's Asset Custodians and Maintainers have estimated that the servicing and maintenance of the Mall Reserve will be \$37,320 in the first year plus \$10,000 compliance replacement costs in the first four years.

These costs have been factored into the respective business unit 2015/16 budget.

All figures quoted in this report are exclusive of GST.

**COMMENTS:**

The proposal is supported. The creation of the reserve as a Mall is the most appropriate designation of the area as it gives the City the ability to control alfresco dining, enforce no smoking policies and is a safer environment for pedestrians as this area was intended to be used.

**KING SQUARE TITLING**

**WAPC REF: 143700 (15/12/11 - Expiry 15/12/15)  
22/10/14**

ROAD RESERVE

To be created: March 2015  
Legislation: S168 of Planning and Development Act  
Vested in City of Perth: March 2015  
Completion of Construction: March 2015  
Hand Over to City & Public Access: March 2015  
Completion of Maintenance Period: March 2016

RESERVE FOR RECREATION (Pt 9005)

To be created: April 2015  
Legislation: S152 of Planning and Development Act  
Vesting: City of Perth: April 2015  
Completion of Construction: July 2015  
Maintenance Period Ends: July 2016

RESERVE FOR RECREATION (Pt 9003)

To be created: April 2015  
Legislation: S152 of Planning and Development Act  
Vesting: City of Perth: April 2015  
Completion of Construction: July 2015  
Completion of Maintenance/ Defects Period: July 2016

Title to be created April 2015

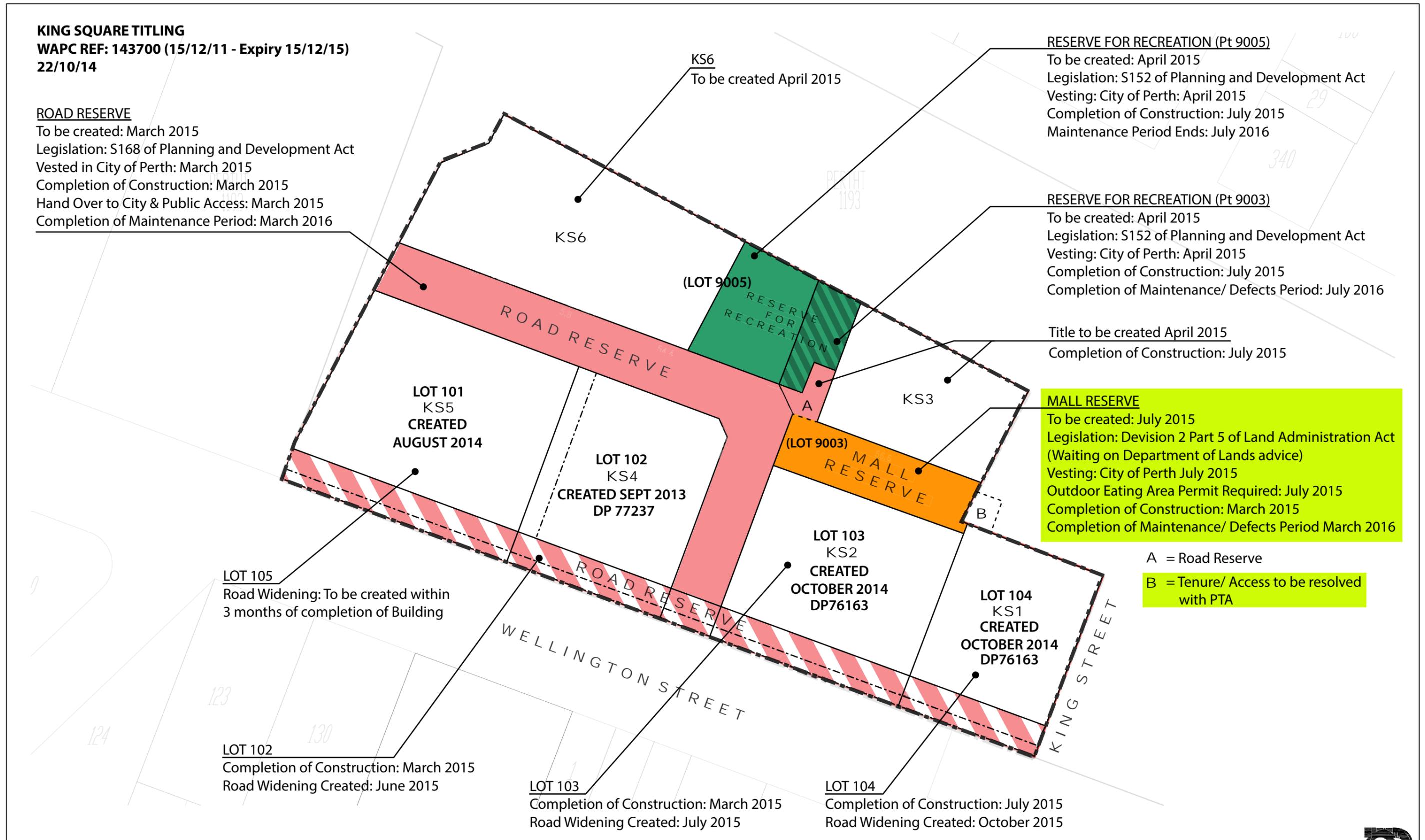
Completion of Construction: July 2015

MALL RESERVE

To be created: July 2015  
Legislation: Devison 2 Part 5 of Land Administration Act  
(Waiting on Department of Lands advice)  
Vesting: City of Perth July 2015  
Outdoor Eating Area Permit Required: July 2015  
Completion of Construction: March 2015  
Completion of Maintenance/ Defects Period March 2016

A = Road Reserve

B = Tenure/ Access to be resolved with PTA



This concept has been prepared for the purpose of meeting client specifications. The drawing does not constitute an invitation, agreement or contract (or any part thereof) of any kind whatsoever.  
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SCHEDULE 2

## ITEM NO: 3

### 146–152 (LOTS 2–8) BARRACK STREET, PERTH – PROPOSED ‘NEW TECHNOLOGY’ ABOVE ROOF SIGN WITH THIRD PARTY ADVERTISING CONTENT

**RECOMMENDATION:**

**(REFUSAL)**

*That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council REFUSES the application for the proposed ‘new technology’ above roof sign with third party advertising content at 146-152 (Lots 2–8) Barrack Street, Perth as indicated on the Metropolitan Region Scheme Form One dated 3 July 2015 and as shown on the plans received on 10 July 2015 for the following reasons:*

1. *the proposed sign does not comply with City Planning Scheme No. 2 Policy 4.7 – Signs given that:*
  - 1.1 *above roof signs are not permitted anywhere within the city;*
  - 1.2 *the sign is not designed as an integral part of the building, and will be excessive in scale and inconsistent with the style of the building on which it will be located;*
  - 1.3 *‘new technology’ signs are generally not permitted within heritage areas while the sign is proposed to be located at the entry to the Barrack Street Conservation Area;*
  - 1.4 *the sign will detrimentally impact on local amenity, the streetscape and the Barrack Street Conservation Area and contribute to visual clutter given existing signage in the locality;*
  - 1.5 *the third party advertising content of the sign would be detrimental to the visual quality and amenity of the locality and particularly the Barrack Street Conservation Area;*

**(Cont’d)**

- 1.6** *the sign is considered to be inappropriately located as it is intended to be viewed by passing motorists and pedestrians entering an intersection, where it could create a safety hazard;*
- 1.7** *the structural components of the sign are likely to adversely impact upon the visual amenity of the occupants of adjacent buildings viewing the sign from above and behind.*

**BACKGROUND:**

SUBURB/LOCATION: 146-152 (Lots 2-8) Barrack Street, Perth  
FILE REFERENCE: 2015/5267  
REPORTING UNIT: Development Approvals  
RESPONSIBLE DIRECTORATE: City Planning and Development  
DATE: 27 August 2015  
MAP / SCHEDULE: Schedule 3 - Map and coloured perspective for 146-152 Barrack Street, Perth

LANDOWNER: Platinum Pacific Pty Ltd  
APPLICANT: TPG Town Planning Urban Design and Heritage  
ZONING: (MRS Zone) Central City Area  
(City Planning Scheme Precinct) Citiplace (P5)  
(City Planning Scheme Use Area) City Centre  
APPROXIMATE COST: \$800,000

**SITE HISTORY:**

The subject site is located on the south east corner of Barrack and Wellington Streets, Perth with frontages of approximately 20 metres and 19 metres to Barrack Street and Wellington Street respectively.

Approval was granted on 27 June 2000 for the development of a three storey building with retail and office uses on the site. The site is currently occupied by a single storey building which was constructed as the first stage of this approval. The building currently accommodates a restaurant and an internet café

**DETAILS:**

The applicant seeks development approval to erect a 'new technology', above roof sign at the subject site. The sign is intended to be a 'state of the art' digital sign located on the roof of the building on the site, approximately 900mm from the building façade. It is intended to be one continuous sign facing both Barrack and Wellington Streets, curving around the north-west corner of the building. The actual sign is intended to have a face which is 24.7 metres in length and 3.35 metres in height. It is to be supported on a charcoal grey mesh structure, extending its length at both



building, it is recognised that new works to the building have the capacity to disrupt and detract from the Conservation Area if not managed appropriately.

The CPS2 Signs Policy (4.7) sets out the requirements for the erection and management of signs on or adjacent to buildings within the city, providing guidelines for their acceptable design and location.

Under the Signs Policy the proposed sign falls within the following definitions:

*“Above Roof or Sky Sign means an advertising sign that protrudes above the normal roof line or building parapet and is not a roof sign.*

*Animated or “New Technology” Signs means any sign or its contents that moves, and includes flashing or “chasing” lights, as well as video signs, and signs which are defined in the outdoor advertising industry as “trivisions”, “variable message”, “changing message” and “fibre optic” signs.*

*Third Party Advertising or General Advertising is a sign:*

- displaying the name, logo, or symbol of a company or other organisation that does not own or substantially occupy the site or building on which the advertisement is located; or*
- for a product or service not provided on the site on which the advertisement is located; or*
- for a product or service that does not form part of the signage displaying the name, logo or symbol; of a company or other organisation that owns or substantially occupy the site or building on which the advertisement is located; or*
- for an activity or event not occurring on the site on which the advertisement is located.”*

The proposal’s compliance with the Signs Policy is detailed in the following comments section.

The Council, pursuant to Clause 43 of CPS2, is to have ‘regard’ to the strategic and statutory planning framework when making determinations. Variations to the Signs Policy can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:-

- ‘47(d)(i) if approval were to be granted, the development would be consistent with:*
  - (A) the orderly and proper planning of the locality;*
  - (B) the conservation of the amenities of the locality; and*
  - (C) the statement of intent set out in the relevant precinct plan; and*
  
- (ii) the non-compliance would not have any undue adverse effect on:*
  - (A) the occupiers or users of the development;*
  - (B) the property in, or the inhabitants of, the locality; or*
  - (C) the likely future development of the locality’.*

## COMMENTS:

### Public Consultation

As the application proposes an above roof sign it was advertised to a total of 58 adjacent landowners from 30 July to 17 August 2015. These included the owners of properties at 128 to 138 and 141 to 151 Barrack Street and 346 to 420 and 379 Wellington Street, Perth.

One submission was received on behalf of the owner of 379 Wellington Street and some of the owners of 138 Barrack Street, Perth. This submission indicates that these owners object to the sign. The reasons for this are summarised as follows:

- The sign does not meet the objectives or general provisions of the Signs Policy and is a sign which is not permitted under the Policy.
- The proposed sign is a significant sign in terms of its size, location and context and is not consistent with the built form on the site. It is a third party advertising sign which under the Signs Policy should enhance the area, but it will not enhance the Barrack Street Conservation Area or the important vista along Barrack Street to Barrack Square.
- The proposed sign does not meet the requirements of the Signs Policy as it is an above roof sign which is not permitted, it is located in a Conservation Area and it will have a significant impact on the amenity of the area including the amenity of the residents at 138 Barrack Street.
- The sign is counter productive to the heritage grants recently allocated for properties within the Barrack Street Conservation Area.
- The approval of the sign would encourage the proliferation of third party advertising in inappropriate areas such as the Barrack Street Conservation Area.

The applicant has provided the following response to the submission:

*'Irrespective of what the appropriate sign type description is determined to be, we consider that the proposed sign is appropriate at this location as it is not unduly obtrusive and sits comfortably in a context already featuring significant signage including on the opposite side of Wellington Street and the wall sign directly behind.'*

### Signs Policy

Specific design criteria as well as general policy and performance criteria are applicable to above roof signs, 'new technology' signs and third party advertising as follows:

#### Above Roof Signs

The proposed sign is intended to be installed on the roof of the single storey building on the site, extending to an overall height of 4.85 metres above the roof and parapet lines and is therefore defined as an above roof sign under the Signs Policy. The Policy states that: 'Above roof or sky signs are *not permitted* anywhere within the City of Perth.'

### 'New Technology' Signs

The following specific design criteria are relevant to animated or 'new technology' signs:

- a) *The content of an Animated or "New Technology" sign must also receive the approval of Council.*

As the sign is intended to display general advertising and would be regularly changing compliance with this criterion is not practical. This can however be addressed by imposing a condition on any approval issued requiring the submission of an advertising strategy for approval, detailing the content, management and maintenance of the sign.

- b) *Animated or "New Technology" signs are only permitted within the 'City Centre' Scheme Use Area of Precinct 5 (Citiplace), and the 'City Centre' Scheme Use Area of Precinct 1 (Northbridge).*

The sign complies with this requirement, intended to be located in the Citiplace Precinct.

- c) *An Animated or "New Technology" sign must be compatible with the character of the streetscape within which it is proposed. Such signs will generally not be permitted within a designated heritage area, or on or adjacent to a heritage place.*

The sign is not considered to be compatible with the character of the streetscape. It will dominate the building and the street corner which is at an important entry to the retail core of the city. It will also impact on the vista down Barrack Street which includes the Town Hall and the Bell Tower. As indicated the site falls within the Barrack Street Conservation Area and a new technology sign is not compatible with the heritage character of this area, noting that the Council recently endorsed heritage grants for buildings within the Conservation Area to further enhance its heritage character and value. The appropriateness of the sign in the streetscape is discussed further later in the report.

- d) *An Animated or "New Technology" sign must be designed as an integral part of a building or structure, but will not generally be approved where it takes the form of a pylon sign.*

The curved and modern design of the sign will not complement or integrate with the design of the building. Rather than having regard for the existing detailing on the building, it is proposed to remove the building's decorative corner parapet. The size of the sign is excessive and will dominate the single storey building. The proposed height of the sign and associated structure is greater than the height of the building, the building's façade being 4.4 metres high and the proposed sign and supporting structure being a total of 4.85 metres high.

While elevations of the support structures for the sign have not been prepared, the information provided refers to metal catwalks and supports. It would appear that these structures are not intended to be concealed and given the size and location of

the sign above the roof, it is unlikely that their visual impact at the rear of the sign could be appropriately minimised as required by the Signs Policy.

- e) *The most appropriate locations for Animated or “New Technology” signs include plazas and public spaces where their contents can be viewed by gathered or passing pedestrians, but should not be able to be viewed by passing motorists, for whom may be a distraction and therefore a safety hazard. An Animated or “New Technology” sign may be constructed and located as to create a landmark in its immediate locality.*

The sign will be located at a major intersection within the city and not within a plaza or public space where people can gather and view the images over a period of time as intended by the Policy. While people gather in this location, it is solely to cross the traffic intersection.

The sign is designed to attract the attention of passing pedestrians and motorists and will potentially be a distraction; and therefore a safety hazard. However it is noted that Main Roads Western Australia recommends that for signs with variable content a minimum dwell time of 45 seconds in streets with a 50km per hour speed limit can be imposed so as not to create a traffic hazard. This requirement could be imposed as a condition of any development approval issued, along with restrictions on fading and scrolling messages and any content which could be mistaken for a traffic signal or sign. While this would reduce the safety hazard created by the sign to some degree, this is difficult to quantify and it is considered that there will be an impact on public safety.

- f) *The contents of an Animated or “New Technology” sign may move but not flash or pulsate in a manner likely to cause a hazard or nuisance to motorists or the occupants of neighbouring properties.*

The applicant has indicated that sign is not intended to flash or pulsate and a condition of any development approval issued could address this.

### Third Party Advertising

The Signs Policy states that: *‘Third party or general advertising will only be permitted where, having regard to the character of the area in which the sign is to be situated, the Council is satisfied that the visual quality, amenity and safety of the area will be enhanced, or at the very least, not diminished.’*

It is considered that the sign will not enhance the visual quality, amenity and safety of the area and in fact will likely diminish the visual quality and amenity and may impact on safety.

The Council has generally discouraged third party advertising throughout the city to avoid a proliferation of signage and visual clutter. In this instance there is already a large third party advertising billboard on the Metropolitan Region Scheme Railway Reserve at the north east corner of the intersection and a large banner sign with third party advertising on the building on the adjacent site to the east (379 Wellington Street). Both of these signs have been in place for several years and a development

application has recently been received to renew and modify conditions of approval for the large banner sign. Because of the size and location of the proposed sign wrapping around both street facades it will dominate the south east corner of the intersection and will lead to visual clutter when considered in combination with the existing signs in the locality.

The applicant has indicated that the sign will fit comfortably in the context of the existing significant signage. However the intent of the Policy is to avoid a proliferation of signage in a single location and given the proposed sign will be digital and wrap around the corner of the intersection it will be brighter and more conspicuous, and the cumulative impact when considered in combination with the existing signage will be inappropriate.

Metal catwalks and supports for the sign would be visible from adjacent buildings including the multiple dwellings located at the adjoining property at 138 Barrack Street, reducing the visual amenity for their occupants.

#### Response to Location and Contribution to Local Character

The Signs Policy requires that all signs should be compatible with the style, scale and character of the surrounding streetscape and the predominant uses in the locality. Signs are required to respond to the character of the street and the prevailing building style as well as making a positive contribution to its setting, recognising that signs that are detrimental to their neighbour's amenity or are out of character with the streetscape ultimately reduce the quality of the street as a whole. Consideration should also be given to the number and type of existing signs in the locality so as to avoid visual clutter. Enhancement of the desired environmental character of an area should be the primary consideration when judging the appropriateness of a new sign.

The Signs Policy requires signs within Conservation Areas to be discrete and complement the area. While the building on which the sign is to be located is a non-heritage building, the Policy recognises that new works to the building have the capacity to disrupt and detract from the Conservation Area if they are not managed appropriately.

It is considered that the sign is not compatible with the character of the streetscape or the locality. The sign will dominate a key entry to the Barrack Street Conservation Area and detract from its visual qualities. It is a modern large scale sign which is inconsistent and incompatible with the streetscape which comprises a visually cohesive collection of buildings developed between the 1890's and the inter-war period.

As indicated it is considered that the sign will lead to visual clutter when considered in combination with the existing signage on the building to the east and the MRS Railway Reserve to the north. The supporting structures will also be detrimental to the amenity of neighbouring properties as discussed.

Further while the building on the site may not make a significant contribution to the streetscape in its current form, it can be argued that the revenue which will be

derived from the proposed signage will potentially serve to extend the viability and life of the building in its current form and delay its completion (i.e. the two additional storeys as approved in 2000) to a more appropriate scale of development on this corner site, or alternatively redevelopment of the site in a manner which would provide an appropriate entry to the central core of the city and the Conservation Area. Redevelopment could deliver a modern building compatible with the Conservation Area which incorporates appropriately scaled signage integrated with the design of the building.

### Variety and Interest

The Signs Policy recognises that signage can play an important part in the interest and appeal of a building, especially in shopping areas, and supports variety in design. However it also requires signage to be appropriate to the building and aim to attract attention in a way which is well thought out and well designed. Signs erected on or adjacent to buildings should be an integral part of the design and scale of the building and have regard to the material finishes, colours and fenestration of the building, ensuring that architectural features of the building are not obscured. Within Conservation Areas signs should be discrete.

While the proposed sign is intended to be high quality, utilising state of the art digital technology, its curved and modern design does not complement or integrate with the building design. The roof of the building is not a traditional or intended location for a sign and the scale of the sign in relation to the building is excessive rather than discrete.

### Community Expectations

In recent times it has become apparent that community expectations regarding certain signage, particularly 'new technology' and animated signs, has shifted. A review of the Signs Policy is currently underway to address these changes in expectations and various aspects of the policy which are now outdated. A draft policy is intended to be presented to the Council in the near future. In the interim it is important that any approvals issued should be consistent with the existing policy and not pre-empt or prejudice the direction of the new policy. In contrast the proposed sign conflicts with the existing policy.

### Safety

The Signs Policy requires that signs be located and designed so as not to cause a hazardous distraction to motorists, pedestrians or other road users. As discussed above the sign is designed to attract the attention of passing pedestrians and motorists and will potentially be a distraction; and therefore a safety hazard. However a condition can be imposed on any approval issued to ensure compliance with the dwell and transition times for variable sign content recommended by the Main Roads Western Australia for a street of this nature to address safety for motorists and pedestrians.

### Design, Construction and Maintenance

Signs are required to be simple, clear and efficient with structural components and wiring concealed and/or the visual impact of the components minimised. The applicant has indicated that it is within the Council's authority to impose a condition of development approval requiring that the structural components of the sign comply with this requirement. However it is not appropriate to impose a condition when it is not clear what the outcome will be and if the condition can be satisfactorily met. It is considered unlikely that the structural component of the sign could be appropriately concealed or visually minimised to the City's satisfaction.

### **Conclusion**

Being an above roof sign, the proposed sign is not permitted anywhere within the city under the Signs Policy. It also does not meet the criteria for 'new technology' signs or third party advertising applicable under the Policy. It is considered to be excessive in scale with no regard for the design of the building or its location at an important intersection within the city and at an entry to the Barrack Street Conservation Area. It will be detrimental to the visual amenity and heritage character of the locality and adversely impact on the amenity of adjacent buildings. It is therefore recommended that the application be refused.



**2015/5267 - 146-152 (LOTS 2-8) BARRACK STREET, PERTH**



**2015/5267 - 146-152 (LOTS 2-8) BARRACK STREET, PERTH**

## ITEM NO: 4

### PROPOSED ENTRY OF 55-59 GODERICH STREET, EAST PERTH IN THE CITY PLANNING SCHEME NO. 2 REGISTER OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE

**RECOMMENDATION:** (APPROVAL)

***That Council:***

1. ***in accordance with Clause 30 of the City Planning Scheme No. 2:***
  - 1.1 ***declares 55-59 Goderich Street, East Perth to be of cultural heritage significance and worthy of conservation;***
  - 1.2 ***gives notice of the above declaration to the landowners and occupiers of the place, the State Heritage Office and the Western Australian Planning Commission;***
2. ***in accordance with Clause 32 of the City Planning Scheme No. 2 records 55-59 Goderich Street, East Perth in the City Planning Scheme No. 2 Register of Places of Cultural Heritage Significance.***

#### **BACKGROUND:**

FILE REFERENCE:	P1023133
REPORTING UNIT:	Strategic Planning
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	2 September 2015
MAP / SCHEDULE:	Schedule 4 – Map and external photographs Confidential Schedule 5 – Internal photographs Schedule 6 – City of Perth Heritage Place Assessment

The property at 55-59 Goderich Street, East Perth (the place) comprises three individually titled properties that together contain a row of adjoining single storey brick terrace houses constructed circa 1880 in the Victorian Georgian architectural style (Schedule 4).

On **21 July 2015** Council, in response to receiving a request from one landowner to include the place in the City Planning Scheme No. 2 Register of Places of Cultural Heritage Significance (CPS2 Heritage Register), resolved to state its intention to declare the place to be significant and worthy of conservation. The report presented to Council noted that the other two landowners are supportive of the heritage registration, and demonstrated that the place has cultural heritage significance for the following reasons (Heritage Assessment at Schedule 6):

- Aesthetic significance as an example of an early cottage dating from the nineteenth century, prior to the period of commercial expansion that followed the gold rush.
- Aesthetic significance as an integral component of a group of residential buildings representing the pattern of settlement in Perth from the late nineteenth century, prior to the period of commercial expansion that followed the gold rush.
- Historic significance because it reflects the way of life of the working people of Perth in the late nineteenth and early twentieth century.
- A representative example of a residential property in Perth dating from the late nineteenth to early twentieth century. The place represents the changing character of the Perth community from the gold rush settlement period to the period of settlement by various ethnic communities, to the present.

Whilst all three landowners are in favour of the heritage registration, the CPS2 requires the landowners and occupiers to be given 14 days to make a written submission to Council about the proposed declaration. This period also allowed the City to request internal inspections to inform the condition and integrity of the place. Details of the submissions received and the results of the internal inspection are detailed below (photographs are included at Confidential Schedule 5).

## **LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	City Planning Scheme No. 2.
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Corporate Business Plan</b> S9 Promote and facilitate CBD living. 9.2 Review the City's approach to Conservation of Heritage Places
	<b>Strategic Community Plan</b> Council Four Year Priorities: Community Outcome Healthy and Active in Perth. A city with a well-integrated built and green environment in which people and close families chose a lifestyle that enhances their physical and mental health and take part in arts, cultural and local community events.

## DETAILS:

### Landowner and Occupier Submissions

In response to Council's request for submissions the nominating landowner advised that they are supportive of the heritage registration subject to the place being recognised as three separate properties, specifically with respect to any future heritage grant applications made. This is to ensure that the funding amount and frequency cap provisions included in revised Council Policy 6.1 Heritage Grants are applied equally to all three landowners. The City confirmed that any future grant applications would be considered on the basis that the place comprises three separate properties given that they are individually rated.

The other two landowners reconfirmed their original position that they are supportive of their property being included in the CPS2 Heritage Register. The one non-landowner occupier did not make a submission.

### Internal Inspection

The internal inspection revealed that the three properties are relatively intact. All three properties reflect a similar layout, with entry hall, symmetrical rooms, fire places with timber surrounds, timber floorboards, timber framed double hung sash windows and matching concertina doors with solid timber panelled doors. All three properties have undergone internal modifications at the rear to accommodate modern bathroom and kitchen facilities, however in all cases evidence of the original rear wall and openings remain (Schedule 6).

### Graded level of significance

The State Heritage Office's *Criteria for the Assessment of Local Heritage Places and Areas*, which provides a practical guide to identifying, grading and documentation local places, states that each heritage place should be graded with a level of significance based on its values, condition, integrity and authenticity. The four levels of significance are associated with desired outcomes to assist in the future management of a place.

Level of Significance	Description	Desired Outcome
Exceptional	Essential to the heritage of the locality. Rare or outstanding example.	Retain and conserve.
Considerable	Very important to the heritage of the locality. High degree of integrity/authenticity.	Conservation is highly desirable.
Some/Moderate	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.	Conservation is desirable.
Little	Does not fulfil the criteria for entry into the local Heritage List.	Photographic record prior to development or demolition.

It is noted that CPS2 Heritage Register does not acknowledge levels of significance to individual places, and that all places are subject to Planning Policy 4.10 Heritage which provides guidance applicable to development affecting heritage places. Special planning polices also apply to places included in conservation areas. Notwithstanding the above, awarding a level of significance can assist the Council in making a decision on whether the place meets the threshold for entry into the CPS2 Heritage Register.

Based on the results of the internal inspection the property has been assessed as having a high level of integrity (retains its original residential function) and medium level of authenticity (fabric is in-part original state). All three properties are in good condition. This suggests that the place be awarded with a level of considerable significance.

This information forms part of the City's Heritage Place Assessment (Schedule 6) and will inform the assessment of any future Development Applications for the heritage place.

#### **FINANCIAL IMPLICATIONS:**

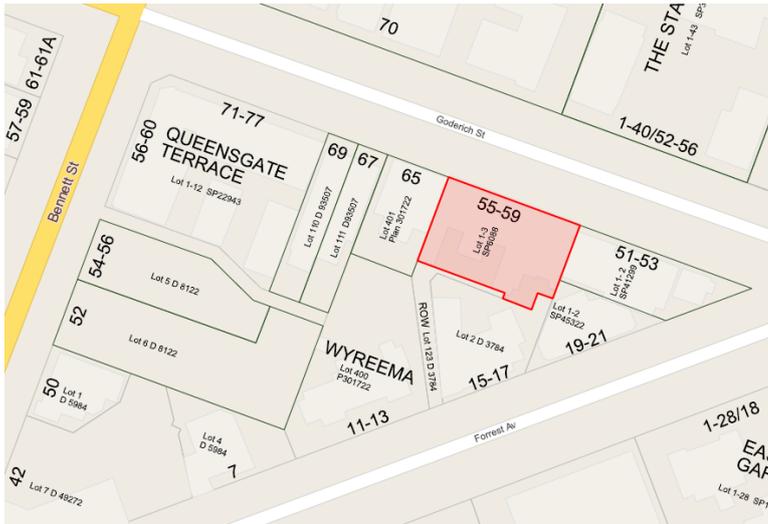
If the place is included in the CPS2 Heritage Register the three individual property landowners will be eligible to apply for the City's heritage grants, heritage awards and heritage rate concession.

#### **COMMENTS:**

The heritage assessment demonstrates that the place has sufficient cultural heritage significance to warrant inclusion in the CPS2 Heritage Register, and three owners of the place are supportive of the proposed registration.

If included in the CPS2 Heritage Register the place will be subject to the benefits and controls of the CPS2 Heritage policies, and the owner will be eligible to apply for the heritage program incentives noted above. Retention and conservation of the place will be encouraged as part of any future development applications.

Map and External Photographs



CONFIDENTIAL SCHEDULE 5

ITEM 4 – PROPOSED ENTRY OF 55-59 GODERICH  
STREET, EAST PERTH IN THE CITY PLANNING SCHEME  
NO. 2 REGISTER OF PLACES OF CULTURAL HERITAGE  
SIGNIFICANCE

FOR THE PLANNING COMMITTEE MEETING

15 SEPTEMBER 2015

DISTRIBUTED TO ELECTED MEMBERS UNDER  
SEPARATE COVER



## City of Perth - Heritage Place Assessment

### Three Houses, 55-59 Goderich Street, East Perth WA 6004

<b>Place Details</b>	
Place Name:	House 55-59 Goderich Street
Street Number:	55-59
Street Name:	Goderich Street
Suburb Town:	East Perth
Postcode:	6004
Construction Year::	1880
Date Source:	Visual assessment
Place Type Description:	Building(s) or Group
Original Use :	Single Storey Residence
Walls	Brick/pained brick
Roof 1 General:	Metal/zincalume
Architectural Style 1 General:	Victorian Georgian (c.1840-c.1890)
Historical Notes:	Prior to the 1890's central Perth was characterised by numerous small shops and businesses located in amongst residential premises which included boarding houses and cottages. Following the gold rush of the 1890's there was substantial redevelopment of the centre of the city with the result that very few cottages or other small buildings from the earlier period remain extant.
Description Notes:	Row of single storey residential buildings with medium pitched gable roof. Double hung sash windows. Verandah partly infilled. Columns (classical) not original
External Condition Notes:	Good
Integrity Notes:	High level of integrity (retains original residential function)
Authenticity Notes:	Medium level of authenticity (fabric is in-part original state – houses restored with alterations to verandah and former brick façade has been rendered)
Statement of Significance:	<p>The place is of aesthetic significance as an example of an early cottage dating from the nineteenth century, prior to the period of commercial expansion that followed the gold rush.</p> <p>The place is of aesthetic significance as an integral component of a group of residential buildings representing the pattern of settlement in Perth from the late nineteenth century, prior to the period of commercial expansion that followed the gold rush.</p> <p>The place is of historic significance because it reflects the way of life of the working people of Perth in the late nineteenth and early twentieth century.</p> <p>The place is a representative example of a residential property in Perth dating from the late nineteenth to early twentieth century. The place represents the changing character of the Perth community from the gold rush settlement period to the period of settlement by various ethnic communities, to the present.</p>

## ITEM NO: 5

### 23 (LOTS 22 AND 23) EMERALD TERRACE, WEST PERTH – TEN LEVEL RESIDENTIAL DEVELOPMENT CONTAINING 22 MULTIPLE DWELLINGS AND 23 CAR PARKING BAYS

**RECOMMENDATION:**

**(APPROVAL)**

*That in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application for a ten level residential development containing 22 multiple dwellings and 23 car parking bays at 23 (Lots 22 and 23) Emerald Terrace, West Perth, as indicated on the Metropolitan Region Scheme Form One dated 2 February 2015, and as shown on the plans received on 24 August 2015, subject to:*

- 1. the development being constructed with high quality and durable materials and finishes and to a level of detailing that is consistent with the elevations and perspectives received on 24 August 2014, with the final details of the design and a sample board of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;*
- 2. air conditioner condensers not being permitted on residential balconies where they affect the use or enjoyment of the balcony or can be viewed from the street and any proposed external building plant, lift overruns, piping, ducting, water tanks, transformers and fire booster cabinets being located or screened so that they cannot be viewed from the street and to minimise any visual and noise impact on the adjacent developments, including any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted for approval by the City prior to applying for a building permit;*

**(Cont'd)**

3. ***the proposed development being designed and constructed in such a manner that existing and future noise levels occurring between dwellings and from external noise sources and mechanical plant and equipment that could potentially affect future occupiers, can be successfully attenuated in accordance with the City Planning Scheme No. 2 – Residential Design Policy. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and shall be submitted for approval by the City prior to applying for the relevant building permit;***
4. ***a Waste Management Plan satisfying the City’s waste collection requirements being submitted for approval by the City prior to applying for the relevant building permit;***
5. ***the dimensions of all car parking bays, aisle widths, ramps and circulation areas complying with the Australian Standard AS/NZS 2890.1/2004;***
6. ***a minimum of one car bay being allocated to each multiple dwelling within the development, with all on-site residential car bays being for the exclusive use of the residents of the development and their visitors;***
7. ***store room/s located adjacent to a car parking bay/s being allocated to the same multiple dwelling as the car parking bay/s to the City’s satisfaction;***
8. ***all stormwater being contained on-site with details of the stormwater drainage being submitted for approval by the City prior to applying for a building permit;***
9. ***in the event of the development not proceeding within six months of the demolition of the existing building on the site, the site is to be aesthetically fenced or landscaped to the satisfaction of the City in order to preserve the amenity of the area, prevent unauthorised car parking and reduce dust and sand being blown from the site and shall be maintained in a clean and tidy state;***
10. ***the works referred to in Condition 9, being secured by a bond/deed of agreement between the landowner/applicant and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant;***

***(Cont’d)***

- 11. a detailed landscaping and reticulation plan incorporating substantial trees being submitted and approved by the City prior to applying for a building permit, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard;**
- 12. the existing vehicle crossover which is not required to provide access to the development being removed and the verge area being reinstated by the developer to the City's specifications and at the owner's expense prior to occupation of the building;**
- 13. a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:**
  - 13.1 delivery of materials and equipment to the site;**
  - 13.2 storage of materials and equipment on the site;**
  - 13.3 parking arrangements for contractors and subcontractors;**
  - 13.4 any dewatering of the site; and**
  - 13.5 other matters likely to impact on the surrounding properties.**

**BACKGROUND:**

SUBURB/LOCATION: 23 Emerald Terrace, West Perth  
FILE REFERENCE: 2015/5045  
REPORTING UNIT: Development Approvals  
RESPONSIBLE DIRECTORATE: Planning and Development  
DATE: 2 September 2015  
MAP / SCHEDULE: Schedule 7 - Map and coloured perspectives for 23 Emerald Terrace, West Perth  
3D MODEL PRESENTATION: A 3D Model for this application will be available at the Committee meeting.

LANDOWNER: M Cube Emerald Properties Pty Ltd  
APPLICANT: ArchiApps Pty Ltd  
ZONING: (MRS Zone) Urban  
(City Planning Scheme Precinct) West Perth (P10)  
(City Planning Scheme Use Area)  
Office/Residential  
APPROXIMATE COST: \$10 million

## SITE HISTORY:

The subject site comprises a total area of 740m<sup>2</sup> and has a 20.5 metre frontage to Emerald Terrace. The site currently contains a single storey former residential building which is currently used for office purposes. The site is bordered by two storey office buildings to the north, three and single storey office developments to the west and a three storey residential development to the north.

## DETAILS:

Approval is sought to demolish the existing building on the site and to construct a ten level residential development containing 22 multiple dwellings and 23 car parking bays on the subject site. The details of the proposed development are as follows:

<b>Basement Level</b>	This level contains 16 car parking bays accessed via a ramp from the ground level parking area, 10 residential store rooms, lift and lobby, booster and sprinkler pump rooms and fire exit stairwell.
<b>Ground Floor Level</b>	This level contains seven car parking bays accessed via Emerald Terrace, 7 bicycle racks, entry lobby, gymnasium, cleaner's toilet, landscaped areas, lifts and lobby, bin store and fire exit stairwell.
<b>First to Seventh Floor Levels</b>	These levels each contain two 2-bedroom/2-bathroom residential apartments (86m <sup>2</sup> ) with balconies (21m <sup>2</sup> ) and one 1-bedroom/1-bathroom residential apartments (53m <sup>2</sup> ) with balcony (17m <sup>2</sup> ), two store rooms, air-conditioning plant room, passageway, fire exit stairwell, lifts and lift lobby.
<b>Eighth Floor Level</b>	This level contains one 3-bedroom/3-bathroom residential apartment (150m <sup>2</sup> ) with balconies (128m <sup>2</sup> and 7m <sup>2</sup> ), air-conditioning plant room, foyer, water tank room, fire exit stairwell, lifts and lift lobby.
<b>Roof Level</b>	This level contains a lift over-run.

The development is proposed to be constructed and finished using a mix of materials including painted and rendered fibre-cement compressed sheeting, rendered concrete and brickwork, stone cladding, aluminium framed glazing, frameless glass and steel balustrading and aluminium and timber screen panels.

## LEGISLATION / POLICY:

**Legislation**                      *Planning and Development Act 2005*  
City Planning Scheme No.2

**Policy**  
Policy No and Name:            3.1 - Design of Residential Development  
    4.1- City Development Design Guidelines  
    4.7- Landscaping Requirements  
    4.9 – Residential Design Policy  
    5.1 - Parking Policy

### 5.3 – Bicycle Parking and End of Journey Facilities

#### COMPLIANCE WITH PLANNING SCHEME:

##### Land Use

The subject site is located within the Office/Residential use area of the West Perth Precinct (P10) of the City Planning Scheme No. 2 (CPS2). This area will provide for a wide range of office and residential activities together with restaurants (including cafes) and other uses which serve the immediate needs of the work force and residents and add to the area's vitality and attraction. The development of independent residential uses will be strongly encouraged.

Multiple Dwellings ('Residential') is a Preferred ('P') use within the Office/Residential use area of the West Perth Precinct (P10). It is considered that the proposed use would be consistent with the intent of the Precinct and will be compatible with the surrounding land uses.

##### Development Requirements

Buildings within the Office/Residential use area shall be set in landscaped surrounds to create an open spacious character quite distinct from the continuous built edge of the primary office district in the city centre. Buildings shall be well set back from boundaries and evoke a sense of prestige, which should be further enhanced by permanent, in ground landscaping.

The proposal's compliance with the CPS2 development requirements is summarised below:

<b>Development Standard</b>	<b>Proposed</b>	<b>Required / Permitted</b>
<b>Maximum Plot Ratio:</b>	2.0:1 (1,480m <sup>2</sup> )	2.0:1 (1,480m <sup>2</sup> )
<b>Maximum Building Height:</b>	28 metres	29 metres
<b>Setbacks:</b>		
Front (Emerald Terrace)	<b>4.1 metres to entry feature,</b> 4.6 metres to main building	4.5 metres
Side (north)	<b>Nil to pergola structures over driveway,</b> 4 metres to main building	4 metres
Side (south)		4 metres
Rear (west)	<b>3.6 metres to 4 metres</b>	3 metres

<b>Development Standard</b>	<b>Proposed</b>	<b>Required / Permitted</b>
	<b>2.2 metres</b> to 3 metres	
<b>Car Parking:</b>  Residential	  23 bays	  21 bays (minimum) 42 bays (maximum)
<b>Bicycle Parking:</b>  Bicycle Bays	  7 bays	  7 bays (minimum) or can be located within residential stores (minimum dimension 2.2m and area of 5m <sup>2</sup> )
<b>Landscaping:</b>	<b>22% of site (160m<sup>2</sup>)</b>	25% of site (185m <sup>2</sup> )

Variations to the setback and landscaping provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:

*'47(3)(c)(i) if approval were to be granted, the development would be consistent with:*

- (A) the orderly and proper planning of the locality;*
- (B) the conservation of the amenities of the locality; and*
- (C) the statement of intent set out in the relevant precinct plan; and*

*(ii) the non-compliance would not have any undue adverse effect on:*

- (A) the occupiers or users of the development;*
- (B) the property in, or the inhabitants of, the locality; or*
- (C) the likely future development of the locality'.*

## **COMMENTS:**

### **Consultation**

Given the proposed variations to the setback (front, side and rear) requirements of CPS2, the application was advertised to the owners of potentially affected surrounding properties for a period of 14 days, closing on 16 April 2015. These included the owners of the adjacent properties at 17 Emerald Terrace and 1195-1201 Hay Street, the properties directly opposite at 20 and 22 Emerald Terrace and properties to the rear at 50-56, 58-60 and 62 Colin Street and 1205 Hay Street.

Four submissions were received during the advertising period including:

- Three from owners of apartments within the residential development adjacent at 17 Emerald Terrace; and
- One from the owner of the office development to the rear at 58-60 Colin Street.

The following summary and quotes, grouped under appropriate headings, covers the issues raised in the submissions. (Note these are addressed in the planning assessment following later in the report):

#### Access via rear Right of Way

*“Use of the ROW by a substantial number of occupants of the Proposed Apartment Building, in addition to being far in excess of that originally contemplated and for the purpose for which the ROW was granted (access to a single residential property) would, self-evidently, significantly reduce the amenity and value of 58 Colin”*

*“The ROW was not designed or constructed to cope with the traffic flow which would be generated by the Proposed Apartment Building. HPPL queries what upgrade obligations may be imposed on the Developer and what maintenance obligations may be imposed on the owners of the apartments in the Proposed Apartment Building”*

*“If vehicular access is also required to 23 Emerald Terrace, a 4.0m Right of Way is already in place to the rear of Lot 40 but this will need to be re-negotiated with the owner and amended to allow for properly designed vehicular access with clear sightlines and passing ability into 23 Emerald Terrace.”*

#### Bulk and Scale

*“The fact that the proposed height of the building of 23m is three times the height of the average building (8.5m average) along Emerald terrace whilst being the same width (ie 12m) of the smallest. It is suggested that this conflicts with the existing scale and massing along the street and makes a negative contribution to the streetscape.”*

*“It is our view that the proposed development will create a discontinuity in the existing streetscape because of its height relative to surrounding buildings in Emerald Terrace as this proposed development is of an inconsistent scale compared with all other building along Emerald Terrace.”*

*“The proposed development does not reflect the vertical emphasis of three and four storey developments along Emerald Terrace. No development along Emerald Terrace currently exceeds four storeys and from the southern end of and part way along Emerald Terrace, the proposed development exceeds the vertical emphasis by a number of storeys.”*

*“The proposed development overbears the tree-lined vista of Emerald Terrace and places too much emphasis on the built form from a distance and from immediately adjacent to the proposed development, whereas the existing three and four storey construction along this narrow one-way street sits in harmony with the trees and gardens”*

*“The proposed development will not be of a human scale.”*

*“A residential development of 8 storeys completely inappropriate in the narrow confines of Emerald Tce. It will lead to increased traffic in a narrow one-way street*

*and the height of the proposal and proximity to the existing building at 17 Emerald Tce is such that it will significantly interfere with the sunshine and amenity available to existing occupants.”*

#### Overshadowing and Loss of Privacy

*“The fact that the proposed building is located to the north of 17 Emerald Terrace and by virtue of its height, will cast a shadow on north-facing apartments. This will rob these apartments of their current direct sunlight which does not comply with the design principle of maximising sunlight penetration into adjoining properties.”*

*“The scale of the Proposed Apartment Building will cause significant overshadowing on, and overlooking from, the Proposed Apartment Building to 58 Colin (and adjacent properties in both Emerald Terrace and Colin Street)”*

*“The proposed development's Levels 1, 2 and 3 bedroom windows for the rear apartments look directly at the large balconies and windows of Apartments 8 and 13 at 17 Emerald Terrace. The horizontal distance between windows of the two buildings will be around 13m and the sight-lines are uninterrupted. Consideration should be given to providing additional privacy by incorporating privacy/perforated screens on the bedroom windows of the rear apartments of the proposed development which direct the view towards the Goldfields building rather than directly to Apartments 8 and 13.”*

*“Because of the height of the proposed development, it will adversely impact on sunlight onto the balconies of Apartments 8 and 13. It will also reduce the available light into Apartments 3, 6 and 11. This will be accentuated in winter months. Reducing sunlight in this part of 17 Emerald Terrace is contrary to the design principle of maximising sunlight penetration. Reducing the height of the building will address this.”*

*“The proposed plans show that the building is 3.6 m off the southern boundary which is an encroachment into the required setback area which I understand should be 4 metres. Please could you lodge my complaint and ensure the plans are modified to meet the requirements.”*

#### Lack of Visitor Car Parking

*“On-street parking is a premium resource already within the area and therefore visitor parking should be provided within the proposed development. It has not been allowed for and under the current ground floor and basement layout, cannot be accommodated. Reducing the number of apartments in this complex, whilst maintaining the current on-site parking arrangement, would allow for visitor parking.”*

*“There are currently 10 on-street parking spaces providing up to three hours parking within 150m of the proposed development along Emerald Terrace and there are currently 10 on-street parking spaces providing up to three hours parking within 150m of the proposed development along Colin Street. These parking spaces are highly utilised on week days by visitors to commercial premises along these two streets. It is therefore suggested that on-street facilities will not adequately provide*

*for visitors and therefore visitor spaces should be provided for within the proposed development.”*

### Construction Issues

*“A Dilapidation Survey needs to be undertaken prior to construction commencing, and agreed to with the Council of Owners of 17 Emerald Terrace, and a survey should be undertaken from time to time during basement excavation and construction and again on completion”*

*“Dust control during excavation and earthworks needs to be strictly adhered to.”*

*“Construction vehicles should access the site from Emerald Terrace and not the rear driveway as the rear driveway is a shared private driveway owned by a party not involved in the proposed development and in favour of two parties not involved in the development. Construction vehicle parking should not be allowed on Emerald Terrace given the limited street-parking already. Emerald Terrace road surface should be reinstated to new on completion. Because it's a narrow one way street, temporary parking on Emerald Terrace or the footpaths should not be tolerated nor should idling vehicles as this causes a noise disturbance along Emerald Terrace.”*

*“The rear section of the existing dividing wall will need to be rebuilt as the shed structure to be demolished forms the dividing wall.”*

### **Design Advisory Committee**

At its meeting held on 2 April 2015, the City of Perth’s Design Advisory Committee (DAC), having considered the design for the proposed development advised that:-

- “1. it notes the simple form of the proposed building but is unable to support the current design as it is considered that the façade design is poorly composed; the internal unit design is not well resolved; and the roof form is inappropriate for the building and its context;*
- 2. additional in-ground landscaping should be reinstated in the south-east portion of the front setback area, incorporating substantial trees with appropriate canopy and scale; and*
- 3. it notes the potential for a redesigned roof to incorporate usable spaces for residents and/or green roof elements.”*

The applicant subsequently met with the City’s officers and submitted revised plans that aim to address the abovementioned issues. The planning assessment section below details the extent to which the revised plans respond to the design matters raised by the DAC.

### **Building Design, Materials and Finishes**

As outlined above, the DAC raised various design concerns in relation to the original proposal. The proposed design of the development has subsequently been modified

to address the specific concerns of the DAC. In particular, the addition of contrasting materials and finishes and refinement of the types and location of glazing have assisted in breaking up the expanse of the development and adding interest to its design. Through the process of revising the design the applicant has been able to incorporate additional floor area. This has resulted in a net increase of one unit however the maximum plot ratio for the site has not been exceeded.

It is considered that the revised development is contemporary in design with a variety of materials, finishes and colours being used to accentuate features and minimise the impact of different elements of the building. The façades of the building have been sufficiently articulated with vertical elements, varied window typologies and angled horizontal features to reduce the overall bulk of the building.

In accordance with DAC's comments, the applicant has also revised the internal layouts of the apartments to improve their efficiency and amenity for future occupants. This has been achieved by increasing the dimensions of living areas, reducing the amount of internal walls to 'open' the apartment spaces and internalising bathroom and laundry areas to ensure habitable areas gain better access to natural light and ventilation.

In response to the DAC's concerns in relation to landscaping, the applicant has simplified the design of the south eastern portion of the front setback area. The previous convoluted arrangement of services and retaining walls has been modified to accommodate sufficient area for the planting of substantial vegetation.

In relation to the DAC's comments regarding the potential to redesign the roof to incorporate usable spaces for residents or green elements, the roof area has been redesigned. The previous skillion design which was not supported by the DAC, has been replaced to a flat arrangement and the previous roof space has been converted to a penthouse apartment. Whilst the redesign does not achieve the communal use or greenspace envisioned by the DAC, it does provide for an improved design response with the recessed roof line capping the building facades and 'completing' the development.

### **Building Height and Setbacks**

The proposed development is compliant with respect to overall building height as it proposes a maximum building height of 28 metres whereas a maximum of 29 metres is permitted for the site under CPS2.

There are a number of variations proposed to the setback requirements of CPS2. The required 4.5 metre front setback is generally maintained to the Emerald Terrace Street boundary with the exception of an architectural entry element located over the ground floor entry area which is setback 4.1 metres. The encroachment is not considered to detract from the existing streetscape and will not be dominant or imposing from the adjacent pedestrian street environment. The variation can therefore be supported based on the design being consistent with the requirements of Clause 47 of CPS2.

Variations are also proposed to the north and south four metre side setback requirements of CPS2. The proposed northern side setback variation is considered to be acceptable given the reduced nil setback only applies to the ground floor level and the main building is setback to the four metre standard. The ground floor pergola structures screening the driveway and car parking area are lightweight and do not add to the bulk and scale of the northern elevation. It is also noted that no objections were received from the adjoining landowner/s to this proposed setback variation.

The proposed southern side setback of 3.6 metres to levels one to eight is, by contrast, a more significant variation, which is also subject to an objection from the adjoining landowner/s. The variation is contained within the central portion of the development's southern elevation. This area contains the lift and stairwell core, store rooms and air conditioning enclosures which are inactive spaces and not considered to create issues in terms of privacy/overlooking for the adjoining property. Given the variation is minor (0.4 metres) and contained centrally within the site, there are minimal impacts in terms of increased overshadowing as opposed to a fully compliant development. A review of the proposal's overshadowing extent has confirmed that the reduced setback will only have a negligible impact on the existing adjacent residential development. It is considered that the variation can be supported as the setback variation would not compromise the requirements of Clause 47 of CPS2.

A 2.2 metre setback from the main building is proposed for a portion of the rear boundary however the majority of the building achieves the 3 metre setback requirement of CPS2. The proposed setback variation is considered acceptable given the irregular shape of the rear boundary and the encroachments only impact on the adjacent Right of Way which abuts the site. The setback variation can therefore be supported in accordance with Clause 47 of CPS2.

### **Amenity Impacts and Orderly and Proper Planning**

It is evident from the range of issues raised within the submissions received that there is concern from adjacent landowners that the proposed development, due to its scale, bulk and dwelling density, will have a detrimental impact on the character and amenity of the locality, devaluing the surrounding properties and resident's enjoyment of the area.

It is acknowledged that much of the concern has arisen as the proposal will be the first major scale redevelopment within the locality. The development is however compliant with the plot ratio and maximum height requirements of CPS2 with only limited variations to setbacks and is considered to contribute to the relevant activity, vitality and population targets of the City's 'Urban Design Framework'.

The issues relating to the use of the existing rear Right of Way that originally provided access to the proposed development (via 50-56 and 58-60 Colin Street) have been resolved by the applicant. All vehicular access to the proposed development is now from Emerald Terrace with all vehicular connections to the rear Right of Way having been eliminated from the revised plans. Some limited pedestrian access to the Right of Way has been maintained and is supported on the basis that the subject property has legal access to the existing laneway and provides pedestrian access to public transport facilities along Colin Street.

The concerns raised in relation to a perceived loss of privacy are acknowledged however the proposed development is compliant with CPS2 requirements with respect to the setback of major openings and windows. It is also noted that the adjoining development at 17 Emerald Terrace is setback between 1.5 metres and 18 metres (with no major openings apart from balconies within the front setback area) and 19 metres from the common boundary with the subject site. Therefore the potential for overlooking and loss of privacy is minimal, particularly given its inner city context.

The matters raised in relation to future construction implications of the development are noted and common to all major development within the City. Construction issues can be addressed through standard conditions of approval and managed at the building permit stage.

Given the development's bulk and scale is generally consistent with the provisions of CPS2, it is considered that impacts relating to overshadowing, privacy and access to natural sunlight and ventilation have been adequately addressed by the proposal.

### **Car Parking**

The development is compliant with respect to resident car parking bay provision as prescribed by the City's Parking Policy (5.1). However, the Policy also states that visitor parking should be provided in residential areas where it can be expected that existing on-street facilities will not adequately provide for visitors to the development. It is considered that the expected demand for visitor parking from the development can be adequately provided for by the presence of on-street bays adjacent to the site. There is also a high level of public transport availability in the area including high frequency public transport services which are located within 400 metres of the site.

### **Landscaping**

The proposed development provides for approximately 22% of the site as landscaped area, which represents a variation to the 25% requirement of CPS2. The variation is considered to be minor given it only represents a shortfall of 3% (or 22m<sup>2</sup>). The shortfall is also offset by the proposed addition of vegetation to the steel framed pergolas within the driveway and rear car parking area on the ground floor which will provide for a 'vertical garden'. The variation to landscaping provision is therefore supported based on the quality and functionality of landscaping being consistent with the requirements of Clause 47 of CPS2.

### **Conclusion**

In response to the concerns of the Design Advisory Committee, the applicant has provided revised plans and elevations to improve the overall presentation and quality of the design. Noting the concerns of adjacent landowners, the revised plans aim to integrate the development more sympathetically with surrounding development and minimise any negative impacts on existing development within the vicinity.

It is considered that the proposed development will add to the residential living environment in this area of West Perth. The development generally complies with the requirements of CPS2, with the proposed setback variations being supported in accordance with Clause 47 of CPS2.

Given the above, it is recommended that the proposed development be supported subject to relevant conditions.



**2015/5045; 23 EMERALD TERRACE, WEST PERTH**



**15/5045; 23 EMERALD TERRACE, WEST PERTH**



**15/5045; 23 EMERALD TERRACE, WEST PERTH**



**15/5045; 23 EMERALD TERRACE, WEST PERTH**

## ITEM NO: 6

**248-260 (LOTS 4, 5 AND 6) HAY STREET, EAST PERTH – ALTERATIONS AND ADDITIONS TO THE CARLTON HOTEL INCLUDING THE CONSTRUCTION OF A SIX-LEVEL MIXED USE DEVELOPMENT CONTAINING 82 HOTEL ROOMS, DINING, RETAIL AND ENTERTAINMENT USES**

**RECOMMENDATION:**

**(APPROVAL)**

***That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application for alterations and additions to the Carlton Hotel including the construction of a six-level mixed use development containing 82 hotel rooms, dining, retail and entertainment uses at 248-260 (Lots 4, 5 and 6) Hay Street, East Perth, as indicated on the Metropolitan Region Scheme Form One dated 22 May 2015, and as shown on the plans received on 5 August 2015 and 4 September 2015, subject to:***

- 1. the development being constructed with high quality materials and finishes and to a level of detailing that is consistent with the elevations received on 5 August 2015 and the perspectives received on 4 September 2015, with particular attention to the durability of external treatments and compatibly with the existing heritage building, with final details of the design and a sample board of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;***
- 2. the south opening to the west elevation being retained as a window opening, as this is an area of exceptional significance (beneath the vertical 'Carlton Hotel' in the 3D perspective);***
- 3. the section of remnant brick wall to the east entrance being interpreted in the finished floor treatment, and a wall nib of 450mm being retained;***

**(Cont'd)**

4. ***the existing French doors to the first floor verandah being retained for possible future re-use in new development in consultation with the State Heritage Office and to the satisfaction of the City;***
5. ***paint investigations into the original colour scheme being undertaken to inform the final colour scheme of the external facades;***
6. ***the steel frame shade structure to the west beer garden being relocated further north behind the first window on the facade return to the west elevation, to minimise impact on the views to the hotel;***
7. ***a program of monitoring any structural movement and potential vibration impacts on Carlton Hotel being implemented at the commencement of works. Should any impact occur, the City and the State Heritage Office is to be notified immediately and advised on a recommended course of action by a qualified structural engineer;***
8. ***the following being provided in consultation with the Executive Director of the State Heritage Office and being submitted to the City for approval prior to applying for a Demolition and/or Building Permit:***
  - 8.1 ***further information relating to the impact on the fabric as a result of the installation of services;***
  - 8.2 ***further elevations detailing the proposed approach to the removal and interpretation of internal walls and fabric of the former cocktail bar, back bar and upstairs lounge;***
  - 8.3 ***the number of adapted openings to the east elevation being reduced to minimise impact to original fabric. This is to be informed by a survey of existing openings, previous changes and proposed use;***
  - 8.4 ***consideration being given to more substantial retention of internal walls and fabric of the former cocktail bar, back bar and upstairs lounge to interpret the hotel's original configuration and in order to retain significant original fabric;***

***(Cont'd)***

- 8.5 a Dilapidation Report for Carlton Hotel completed by a suitably qualified structural engineer;**
- 8.6 a standard archival record of the Carlton Hotel being prepared according to the Guide to Preparing an Archival Record, superseding the information contained in the Heritage Impact Statement which is not a sufficient record of this information;**
- 8.7 an interpretation plan that includes a thematic approach based on the place's cultural significance, and strategies to interpret those themes. This should include but not be limited to the hotel being the first in the state to have purpose-built garages, and the association with architectural firm Eales and Cohen. It should also include details of implementation, including timeframes and responsibility; and**
- 8.8 a schedule of materials and colours;**
- 9. the owner making arrangements to enter into a Heritage Agreement with the Heritage Council and the City that will be binding on current and future owners, to provide for the ongoing conservation and maintenance of the place, prior to applying for a building permit. The Heritage Agreement is to include a schedule of conservation works to the Carlton Hotel that outlines the proposed methodology, materials and finishes, as well as timeframes for completion;**
- 10. final details of the development's compliance with conditions 2 to 9 above being submitted to the City prior to applying for the relevant demolition licence and/or building permit;**
- 11. any proposed external building plant, air conditioner condensers, lift overruns, piping, ducting, water tanks, transformers and fire booster cabinets being located or screened so that they cannot be viewed from the street and to minimise any visual and noise impact on the adjacent developments, including any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted and approved prior to applying for a building permit;**

**(Cont'd)**

12. ***the recommendations contained in the Waste Management Plan prepared on 18 May 2015 by Low Impact Development Consulting being implemented by the operators of the hotel and tavern developments on an on-going basis and to the satisfaction of the City;***
  
13. ***a Hotel Management Plan addressing the operation of the hotel in accordance with the provisions of the City's Special Residential (Serviced and Short Term Accommodation) Policy, including but not being limited to the following:***
  - a) ***company name and relevant experience of management/operator;***
  - b) ***type or extent of room service to be offered;***
  - c) ***cleaning and laundry services, where applicable;***
  - d) ***opening hours for guest check-ins and check-out including the method of reservations / bookings;***
  - e) ***security of guests and visitors;***
  - f) ***control of noise and other disturbances; and***
  - g) ***a complaints management service;***

***being submitted and approved by the City prior to the occupancy of the hotel with the management plan being implemented by the hotel proprietor/manager on an on-going basis and to the satisfaction of the City;***
  
14. ***the recommendations and noise management measures contained in the draft Acoustic Report prepared on 2 July 2015 by Herring Storer Acoustics, regarding the proposed hotel and tavern refurbishment, being implemented in full with the relevant building permit plans being certified by a qualified acoustic consultant confirming the development can achieve compliance with the relevant noise legislation;***
  
15. ***any music or other entertainment within the external restaurant and tavern courtyard areas shall be strictly background noise levels only at 60 dB(A) one metre away from the speakers at all times;***

**(Cont'd)**

16. ***a Management Plan for the tavern, detailing control of noise, patron behaviour and hours of operation, being submitted and approved prior to the tavern / small bar use coming into operation, with the management plan being implemented by the proprietor / manager of the premises on an on-going basis;***
17. ***on-site stormwater disposal/management being to the City's specifications with details being submitted to the City for approval prior to applying for a building permit;***
18. ***a Vehicular, Service and Delivery Access Plan, outlining the management strategies to deal with the dropping off and picking up of hotel guests via taxi or other transport; strategies for advising guests upfront of limitations in private car parking in the locality; and including arrangements for on-site servicing of the building, being submitted and approved by the City prior to the occupation of the hotel building with the plan being implemented by the hotel proprietor/manager thereafter to the satisfaction of the City;***
19. ***any additional signage for the development being integrated with the design of the building with any signs not exempt from approval under the City's Planning Policy 4.6 – Signs being subject to a separate application for approval;***
20. ***the design of the rear bin store being modified to accommodate a 1.5 metre visual truncation to the adjacent right of way to provide for suitable sight lines for vehicles and pedestrians;***
21. ***the design of the development within the front south western portion on Lot 6 accommodating 3.66 metres of future widening of the adjacent Hay Street road reserve to the satisfaction of the City in accordance with the City's Hay Street Pedestrian Walkway and Road Reserve Widening Policy 6.7 with the road widening to be set aside as a separate lot for future acquisition and transfer to the City;***

(Cont'd)

- 22. written agreement between the owner of the site and the City confirming the future Hay Street widening arrangements contained within condition 21 above being finalised prior to applying for a building permit;**
- 23. arrangements being made for the subject lots to be amalgamated into one lot on one Certificate of Title prior to occupation of the building(s); and**
- 24. a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:-**
  - a) the delivery of materials and equipment to the site;**
  - b) the storage of materials and equipment on the site;**
  - c) the parking arrangements for the contractors and subcontractors;**
  - d) any dewatering of the site; and**
  - e) other matters likely to impact on the surrounding properties.**

#### **BACKGROUND:**

SUBURB/LOCATION:	248-260 (Lots 4, 5 and 6) Hay Street, East Perth
FILE REFERENCE:	2015/5186
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	City Planning and Development
DATE:	1 September 2015
MAP / SCHEDULE:	Schedule 8 – Map and coloured perspectives for 248-260 Hay Street, East Perth
3D MODEL PRESENTATION:	A 3D Model for this application will be available at the Committee meeting.
LANDOWNER:	Ablebay Holdings Pty Ltd
APPLICANT:	Scanlan Architects
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Goderich (P14) (City Planning Scheme Use Area) Town Centre
APPROXIMATE COST:	\$5 million

#### **SITE HISTORY:**

The site has a total area of 2,462m<sup>2</sup> and is located on the north side of Hay Street. The site currently contains the Carlton Hotel which was constructed in 1928 and is listed on the State Register of Heritage Places and the City's Register of Places of Cultural Heritage Significance.

At its meeting held on **22 February 2011** Council granted conditional approval for the redevelopment of the site for bar ('Entertainment') and café ('Dining') uses and for the construction of a 19 storey mixed use development containing 59 hotel rooms, 81 multiple dwellings and 98 car parking bays. The approval was not acted upon and has since lapsed.

### DETAILS:

Approval is sought for the partial demolition and refurbishment of the existing 'Carlton Hotel' building and associated structures, refurbishment of the public bar including new outdoor beer gardens and the upgrading of existing 28 hotel rooms, and the addition of a six level hotel building including 54 new hotel rooms and associated facilities.

Details of the proposed redevelopment are as follows:

<b>Ground Floor Level</b>	This level contains a tavern, beer garden, café/restaurant, alfresco dining areas, hotel lobby and reception area, shop, back of house storage and facilities for the tavern and hotel, amenities, bicycle parking racks, fire exit stairwell, lifts and lift lobby.
<b>First Floor Level</b>	This level contains 30 hotel rooms, fire exit stairwell, lifts and lift lobby.
<b>Second and Third Floor Levels</b>	These levels each contain 18 hotel rooms, fire exit stairwell, lifts and lift lobby.
<b>Fourth Floor Level</b>	This level contains 8 hotel rooms, communal terrace area, fire exit stairwell, lifts and lift lobby.
<b>Fifth Floor Level</b>	This level contains 8 hotel rooms, fire exit stairwell, lifts and lift lobby.

The development is proposed to be constructed and finished using a mix of feature off-form concrete, composite timber cladding, face brick, flush finished render, curtain wall glazing, glass balustrading and perforated screens.

### LEGISLATION / POLICY:

**Legislation**                      *Planning and Development Act 2005*  
City Planning Scheme No.2

### Policy

Policy No and Name:      4.1 - City Development Design Guidelines  
   4.5 - Plot Ratio  
   4.6 - Signs  
   4.10 - Heritage  
   5.3 - Bicycle Parking and End of Journey Facilities  
   6.3 - Goderich Design Policy

## COMPLIANCE WITH PLANNING SCHEME:

### Land Use

The subject site is located in the 'Town Centre' use area of the Goderich Precinct 14 of City Planning Scheme No. 2 (CPS2). The Goderich Precinct will be further developed as a residential neighbourhood accommodating a wide range of residential and employment opportunities serviced by activities which support these uses. The town centre on Hay Street will be further consolidated and enhanced as a community focus providing residents, visitors and nearby workers with a range of shopping, commercial and community facilities.

'Dining', 'Retail (General)' and 'Special Residential' are preferred ('P') uses and 'Entertainment' is a contemplated ('C') use within the Town Centre use area of the Goderich Precinct 14. It is considered that the retention and adaption of the existing hotel for entertainment, accommodation and dining uses complies with the Statement of Intent of the Precinct and will support the existing and future residential developments within the Precinct.

### Development Requirements

Within the Town Centre use area, generally only shops, showrooms and restaurants will be permitted to front Hay Street, although a range of residential and commercial uses will be permitted on upper levels, or to the rear. Residential and visitor accommodation in this area of the Precinct are encouraged.

New development along the shopping 'strip' in Hay Street will have a nil street setback and be of a low scale along the street frontage and incorporate a shop front design with pedestrian weather protection over the footpath. Additional building height will be setback from all lot boundaries. Building heights shall be tailored to provide for adequate levels of sunlight penetration into the street. Development shall also have regard to the existing development and complement historic buildings. In general the pedestrian environment in Hay Street, is to be improved to promote this street as a major pedestrian route.

The proposal's compliance with the CPS2 and Goderich Design Policy development requirements is summarised below:-

Development Standard	Proposed	Required
Maximum Plot Ratio	1.0:1 (2,462m <sup>2</sup> )	4.0:1 (9,848m <sup>2</sup> )
Maximum street building height:  <u>Hay Street</u>	11 metres (existing)	14 metres
Maximum building height:	21 metres with all buildings contained within the height plane	Additional height above the street building height within a 45 degree angled

<b>Development Standard</b>	<b>Proposed</b>	<b>Required</b>
		height plane measured from Hay Street
<b>Setbacks:</b>		
<u>Front (Hay Street)</u>	Nil (with development on the western portion of the site 19.1 metres)	Nil up to a height of 14 metres
<u>Side (east)</u>	<b>1.5 metres (existing building)</b> to 18 metres	Nil (no openings) 4 metres (with openings)
<u>Side (west)</u>	Nil (ground floor shop) to 4 metres	Nil (no openings) 4 metres (with openings)
<u>Rear (laneway)</u>	Nil (bin store) to 3 metres (amenities and loading area); 4 metres (main building)	Nil (no openings) 4 metres (with openings)
<b>Car Parking:</b>	Nil	37 bays (maximum)
<b>Bicycle Parking:</b>		
Special Residential	<b>Nil</b>	28 bays (minimum)
Commercial	11 bicycle parking bays	2 bays (minimum)

Variations to the setbacks and bicycle parking provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:

*'47(3)(c)(i) if approval were to be granted, the development would be consistent with:*

- (A) the orderly and proper planning of the locality;*
- (B) the conservation of the amenities of the locality; and*
- (C) the statement of intent set out in the relevant precinct plan; and*

*(ii) the non-compliance would not have any undue adverse effect on:*

- (A) the occupiers or users of the development;*
- (B) the property in, or the inhabitants of, the locality; or*
- (C) the likely future development of the locality'.*

## COMMENTS:

### Consultation

The application was not advertised to the adjoining landowners for comment as the development does not propose any significant variations to the Scheme provisions that are considered to negatively impact on adjoining properties.

### Design Advisory Committee

At its meeting held on 25 June 2015, the City of Perth's Design Advisory Committee (DAC), having considered the design for the proposed development advised that it:-

- "1. supports the location of the beer garden adjacent to Hay Street in terms of providing street activation but considers that there should be improved definition or enclosure of the beer garden at the street frontage and with more detailing of the landscaping of this area being required;*
- 2. considers that more attention should be given to defining the entry to the new hotel building, perhaps through the inclusion of a loggia that also offers weather protection to guests and the use of permanent, strengthened landscaping between the adjoining car park and the entry;*
- 3. requests that more detail be provided in regard to confirmation of materials, finishes and construction techniques for the new hotel;*
- 4. considers that the scale of the wrap-around screen and sign element on the new hotel is inappropriate and should be reviewed;*
- 5. considers that the colour of the rear fire escape stairs should be consistent with the colour pallet for the rest of the new development on the site."*

The applicant subsequently liaised with the City's officers and submitted revised plans which aim to address the abovementioned issues. The planning assessment section below details the extent to which the revised plans respond to the design matters raised by the DAC.

### Heritage

The application was formally referred to the Heritage Council of Western Australia (HCWA) for comment as the subject site is listed on the HCWA's State Register of Heritage Places (Place Number: 2161) and the CPS2 Places of Cultural Heritage Register.

In its letter dated 13 August 2015, the HCWA, having considered the application advised that it is supported subject to the following conditions:

- “1. The south opening to the west elevation shall be retained as a window opening, as this is an area of exceptional significance (beneath the vertical 'Carlton Hotel' in the 3D perspective).*
- 2. The number of adapted openings to the east elevation shall be reduced to minimise impact to original fabric. This is to be informed by a survey of existing openings, previous changes and proposed use.*
- 3. Consideration shall be given to more substantial retention of internal walls and fabric of the former cocktail bar, back bar and upstairs lounge to interpret the hotel's original configuration and in order to retain significant original fabric.*
- 4. The section of remnant brick wall to the east entrance shall be interpreted in the finished floor treatment, and a wall nib of 450mm shall be retained.*
- 5. Existing French doors to the first floor verandah shall be retained for possible future re-use in new development.*
- 6. Paint investigations into the original colour scheme shall be undertaken to inform the final colour scheme of the external facades.*
- 7. The steel frame shade structure to the west beer garden shall be relocated further north behind the first window on the facade return to the west elevation, to minimise impact on the views to the hotel.*
- 8. The following information being provided to the satisfaction of the Executive Director of the State Heritage Office prior to the application for a Demolition and/or Building Permit:*
  - a. Further information relating to impact on the fabric as a result of the installation of services.*
  - b. Further elevations detailing the proposed approach to the removal and interpretation of internal walls and fabric of the former cocktail bar, back bar and lounge.*
  - c. A Dilapidation Report for Carlton Hotel shall be completed by a suitably qualified structural engineer and is to be submitted to the State Heritage Office for advice.*
  - d. A program of monitoring any structural movement and potential vibration impacts on Carlton Hotel shall be implemented at the commencement of works. Should any impact occur, the State Heritage Office is to be notified immediately and advised on a recommended course of action by a qualified structural engineer.*
  - e. A standard archival record of the Carlton Hotel shall be prepared according to the Guide to Preparing an Archival Record. The information contained in the Heritage Impact Statement is not a sufficient record of this information.*
  - f. An interpretation plan that includes a thematic approach based on the place's cultural significance, and strategies to interpret those themes. This should include but not be limited to the hotel being the first in the state to have purpose-built garages, and the association with architectural firm*

*Eales and Cohen. It should also include details of implementation, including timeframes and responsibility.*

g. *A schedule of materials and colours.*

9. *Before the application for a building permit the owner is to enter into a Heritage Agreement with the Heritage Council that will be binding on current and future owners, to provide for the ongoing conservation and maintenance of the place. The Heritage Agreement is to include a schedule of conservation works to the Carlton Hotel that outlines the proposed methodology, materials and finishes, as well as timeframes for completion.”*

In addition, the SHO advised of the following findings in their assessment:

*“Although substantial demolition is occurring to the place, including the entire west wing, first floor verandah, and rear additions, these are areas of lower significance and may be adapted, developed or removed as required for a sustainable future use.*

*Overall, the proposal has a positive outcome that will retain and conserve much of the original significant fabric and will ensure the ongoing use of the place as a hotel.”*

Any approval should be conditioned to comply with the HCWA’s conditions of support, as detailed above with details of the development’s compliance and approval of the HCWA, being submitted to the City prior to the issue of the relevant demolition and building permits.

### **Building Design, Materials and Finishes**

The proposed design of the development was generally supported by the DAC as outlined above, with the new building and structures of the development providing appropriate levels of compatibility and contrast to the retained heritage building within the site. However the DAC did raise some concerns with respect to certain elements of the design and the applicant has modified the development’s design to address these matters.

In particular, additional steel framed canopy structures and masonry planters have been added to the alfresco dining and beer garden area located adjacent to the Hay Street frontage. The additional features maintain the previous level of street activation however provide for an improved built form response to the street and definition of the function of the space in relating to the adjacent heritage listed building. It is considered that the improved definition of the space will also assist in the management of patrons within the liquor licenced areas.

In accordance with DAC’s comments, the applicant has improved the presence and functionality of the elongated entrance to the rear hotel development. A covered walkway and better defined landscaping component have been added to improve weather protection for guests arriving and leaving the premises and to differentiate the entry space from the adjacent car parking area.

Responding to the DAC’s concerns regarding the inappropriate scale of the screening and sign element on the façade of the new hotel element, the applicant

has refined its scale to be more appropriate to the new building and its setting. In addition, the rear fire escape stairwell has been modified to a colour and finish which is consistent with the development in accordance with DAC's comments.

The applicant has provided some additional detail with respect to the construction type, materials and finishes of the development. The additional detail responds to some of the DAC's concerns however it is noted that these will be further refined at the detailed design stage. In view of DAC's comments, it is considered appropriate to ensure by way of condition, that final details of the new development in particular, be submitted and approved prior to applying for a building permit.

### **Building Height and Setbacks**

In accordance with the City's Goderich Street Design Policy (6.3), the site has a maximum street building height of 14 metres with additional height above this contained within a 45 degree angled height plane measured from Hay Street. The proposed development is compliant in this respect given the retained heritage building has a street building height of 11 metres and the maximum height of development on the site is 21 metres , all within the prescribed height plane.

The Policy requires new development along this portion of Hay Street to be constructed with a nil setback in order to provide for a consistent and 'shopping strip' streetscape. The retained heritage building complies with this requirement however the new hotel development to the rear of the site represents a variation as it is setback 19 metres from the frontage. The variation can be supported noting the heritage significance of the existing Carlton Hotel and the desire to ensure that new development does not negatively impact on the cultural significance of the place. In particular the siting of the new development to the rear has facilitated a design that is sympathetic to the heritage building and its curtilage. The use of this large front setback area for dining and alfresco purposes will ensure the site sufficiently engages with the street.

A variation is also proposed to the eastern four metre side setback requirement of the Policy. The existing hotel building is setback approximately 1.5 metres from the eastern boundary, with the proposed new hotel development setback approximately 18 metres from the same boundary. As previously discussed, the existing hotel building is listed on the HCWA's State Register of Heritage Places and the CPS2 Places of Cultural Heritage Register with the existing building required to be retained in accordance with the relevant listing requirements. The proposed variation can therefore be supported in accordance with the provisions of Clause 47 of CPS2 given the bulk and scale of the existing building is not being altered adjacent to the eastern boundary.

### **Road Widening**

Lot 6 of the subject site is subject to road widening of 3.66 metres as detailed in the City's Hay Street Pedestrian Walkway and Road Reserve Widening Policy (6.7). The previous proposal approved by Council at its meeting held on **22 February 2011** was modified to accommodate this acquisition. The current application however does not account for future acquisition noting the location of minor structures related to the

external courtyard within the frontage area as recommended by the DAC. The structures are not major and can therefore be removed when future road widening occurs.

Under the provisions of the Policy, where an area of road widening was included for the purposes of calculating plot ratio, it is to be set aside as a separate lot and ceded free of cost and transferred to the City of Perth, without payment or compensation. Given the proposed area does not contribute to plot ratio, Section 5.3 requires that in cases where the road widening area is not included in the site area calculations, the road widening is to be set aside as a separate lot for future acquisition and transfer to the City.

In addition the previous proposal allowed for a portion of the north-west corner of the site for the widening of the right of way. This has not been proposed as part of the development however City officers recommend an appropriate visual truncation be factored into the design of the rear bin store by way of condition on any approval to provide for suitable sight lines. Future widening of laneway can be investigated as part of any future redevelopment noting the current proposal is a medium term project as per the landowners advice.

Given the previous arrangements with the landowner/applicant and the City, it is considered appropriate that any approval be conditioned to require a written agreement between the owner of the site and the City confirming the above future Hay Street widening arrangements prior to applying for the relevant building permit.

### **Noise**

The applicant submitted an Acoustic Report in support of the proposed works which is considered to be a draft assessment in relation to proposed noise mitigation measures and potential for the development to comply with the associated noise regulations. It is therefore considered appropriate that the relevant building permit plans be certified by an acoustic consultant to confirm that the proposed development contains the appropriate acoustic requirements to achieve compliance with the relevant noise legislation.

### **Bicycle Parking**

A minimum of 30 bicycle parking bays is required under the City's Bicycle Parking and End of Journey Facilities Policy (5.3). Eleven bicycle racks are proposed to be located on the ground level to the rear of the hotel development. The minimum bicycle parking requirement of 30 bays, with 28 being attributed to the hotel development, is however considered onerous given the hotel guests and patrons are unlikely to be arriving by bicycle and these facilities will be mainly used by staff of the hotel and tavern. Given the anticipated low demand and the availability of alternative general storage areas should demand be exceeded, it is considered that the variation to the Policy provisions can be supported.

## **Conclusion**

The proposed redevelopment will facilitate the refurbishment of the existing heritage listed Carlton Hotel development and provide additional hotel accommodation within the Goderich Precinct. In response to the concerns of the Design Advisory Committee, the applicant has provided revised plans and elevations to improve the overall presentation and quality of the design.

The development generally complies with the requirements of CPS2, with the proposed setback and bicycle parking variations being supported in accordance with Clause 47 of CPS2. Other aspects of the development including materials/finishes can be conditioned to address the Council's requirements.

Given the above, it is recommended that the proposed development be supported subject to relevant conditions. The recommendations of the HCWA are also supported and should form conditions of approval in this case.



**2015/5186; 248-260 HAY STREET, EAST PERTH**



**2015/5186; 248-260 HAY STREET, EAST PERTH (PERSPECTIVE)**

## ITEM NO: 7

### 860 (LOTS 2, 11 AND 12) HAY STREET, PERTH – ALTERATIONS AND ADDITIONS TO AN EXISTING BETTING AGENCY - TAB

**RECOMMENDATION:**

**(APPROVAL)**

***That Council, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application for alterations and additions to an existing betting agency - TAB at 860 (Lots 2, 11 and 12) Hay Street, Perth, as indicated on the Metropolitan Region Scheme Form One dated 20 July 2015, and as shown on the plans received on 21 July 2015, subject to:***

- 1. final details of the external materials, colours and finishes of the new shopfront being submitted to the City for approval prior to applying for a building permit; and***
- 2. any new signage for the tenancy not exempt from approval under the City's Planning Policy 4.6 – Signs being subject to a separate application for approval.***

**BACKGROUND:**

SUBURB/LOCATION:	860 (Lots 2, 11 and 12) Hay Street, Perth
FILE REFERENCE:	2015/5291
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	4 September 2015
MAP / SCHEDULE:	Schedule 9 – Map for 860 Hay Street, Perth
3D MODEL PRESENTATION:	A 3D Model for this application will <u>not</u> be available at the Committee meeting.
LANDOWNER:	Yee Sang Investment Pty Ltd
APPLICANT:	Modus Design Pty Ltd
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Citiplace (P5) (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	\$50,000

## **SITE HISTORY:**

The ground floor tenancy of the subject site is currently tenanted by an agency of the Totalisator Agency Board ('TAB') which provides betting and gaming services to the general public. The upper floor tenancy is vacant and has been untenanted for an extended period of time.

## **DETAILS:**

Approval is sought to refurbish the existing TAB tenancy by removing the existing recessed shopfront glazing, extending the current floor slab and ceiling elements out to the building line and installing new glazing and an entrance suite adjacent to the Hay Street frontage. Improvements to accessibility also form part of the proposal with the installation of a new internal ramp to comply with the relevant Australian Standard(s).

The proposal seeks to address the existing recessed shop front (approximately four metres in depth by seven metres in width) which currently provides a semi-concealed area which the applicant has advised is regularly used for antisocial activities, particularly after hours, and for littering purposes. The recessed area is also currently not ideal for the safety of after hours suppliers who are required to unlock and access the premises.

## **LEGISLATION / POLICY:**

**Legislation**                      *Planning and Development Act 2005*  
City Planning Scheme No.2

**Policy**  
Policy No and Name:        4.1– City Development Design Guidelines  
6.7 - Hay Street Pedestrian Walkway and Road Reserve  
Widening Policy

## **COMPLIANCE WITH PLANNING SCHEME:**

### **Land Use**

The subject site is located in the City Centre Use Area in the Citiplace Precinct 5 under City Planning Scheme No. 2 (CPS No.2). The intent of the Citiplace Precinct is to offer a wide range of general and specialised retail uses as well as a mix of other uses such as entertainment, commercial, medical, service industry, residential and minor office. The refurbishment works associated with the current betting agency ('Entertainment') use are considered to be consistent with the precinct intent.

### **Development Requirements**

New development within the Precinct will have a nil street setback and be of a low scale along the street frontage with any additional building heights being setback from all lot boundaries. Shop fronts will be continuous, complementing traditional shop fronts and will provide awnings or verandahs over footpaths to provide weather

protection for pedestrians. The proposal is compliant with respect to these requirements

The proposed extension of the frontage represents a minor increase in plot ratio floor area of 28m<sup>2</sup> and results in the total floor area of the building on the site increasing to 497m<sup>2</sup>. The proposal is therefore compliant with respect to plot ratio given the site has a maximum plot ratio of 5.0:1.0 (or 3,900m<sup>2</sup> of floor area).

The property is subject to the City's Hay Street Pedestrian Walkway and Road Reserve Widening Policy (6.7). The Policy objectives are to:

- (a) provide a base for rationalising the land tenure of the pedestrian environment;
- (b) provide a base for the preservation of long term options for footpath widening;
- (c) avoid adverse road widening impacts on individual buildings that contribute to desired streetscape character;
- (d) improve pedestrian and property security, by promoting the development of visible and interactive building facades and pedestrian spaces;
- (e) improve the overall quality of the pedestrian environment, including its visual interest, safety, comfort, convenience and efficiency;
- (f) increase the extent of pedestrian shelter, in a form that is consistent with the preservation of desired streetscape character.

The TAB shopfront has been setback to be consistent with the road widening requirements implemented since the 1950's in accordance with By-laws and as guided by the former Hay Street Guidelines. However, no road widening or colonnade lot was ever established. The variation to the Hay Street widening provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:

*'47(3)(c)(i) if approval were to be granted, the development would be consistent with:*

- (A) the orderly and proper planning of the locality;*
- (B) the conservation of the amenities of the locality; and*
- (C) the statement of intent set out in the relevant precinct plan; and*

*(ii) the non-compliance would not have any undue adverse effect on:*

- (A) the occupiers or users of the development;*
- (B) the property in, or the inhabitants of, the locality; or*
- (C) the likely future development of the locality'.*

## **COMMENTS:**

### **Consultation**

The application was not advertised to the adjoining landowners for comment as the development does not propose any significant variations to the CPS2 provisions that are considered to negatively impact on adjoining properties.

## **Hay Street Pedestrian Walkway and Road Reserve Widening Policy**

The subject site is subject to road widening (approximately one metre) as detailed in the City's Hay Street Pedestrian Walkway and Road Reserve Widening Policy (6.7). While the minority of properties on the northern side of this section of Hay Street have been colonnaded, the Policy states that existing colonnading should be retained along this street block and specifically identifies that the City should acquire the land to the existing building façade of 860 Hay Street. The proposal seeks to remove the recessed shopfront, and does not include any provision of setbacks to glazing from the front boundary to accommodate future colonnading and therefore represents a variation to the Policy.

Further colonnades are, as a general principle however, no longer encouraged as colonnades generally do not complement the more traditional streetscape that predominates along Hay Street. The Policy also acknowledges that the flow and security of colonnaded areas is to be improved by discouraging the creation of "dead ends" and unsafe "dark spots", by "re-positioning isolated recessed shop fronts to the property line to provide a uniform building line". As the ground floor of the buildings either side of the TAB tenancy are built up to the traditional street boundary alignment (i.e. have not been colonnaded) and a colonnade lot has not been created to the front of 860 Hay Street, it is considered desirable to realign the TAB shopfront to address the Policy's safety and amenity objectives.

The variation can be further supported in this instance noting that no major structural building works are proposed as part of the refurbishment and any major future redevelopment of the site could facilitate the widening requirements of the Policy. The building also retains its existing canopy to provide pedestrian shelter over the footpath.

### **Building Design**

The design of the proposed alterations and addition is supported on the basis that it will effectively bring the tenancy 'to the street' which is consistent with ground floor developments adjoining the site and within the locality. It is noted that the current frontage configuration of the tenancy with a recessed entry, whilst providing effective universal access, is not in accordance with current principles of Crime Prevention Through Environmental Design (CPTED). The refurbishment works will provide for a secure frontage and eliminate the current 'entrapment' area which has the potential for anti-social behaviour, particularly after hours.

### **Heritage**

The subject site not listed on the City's CPS2 Places of Cultural Heritage Significance Register. The upper floor façade is currently covered by a steel screening element which is not considered to contribute to the streetscape. The current condition or quality of the original façade behind the screen is not known however, archive photos have revealed it was consistent in design with the adjoining properties' facades.

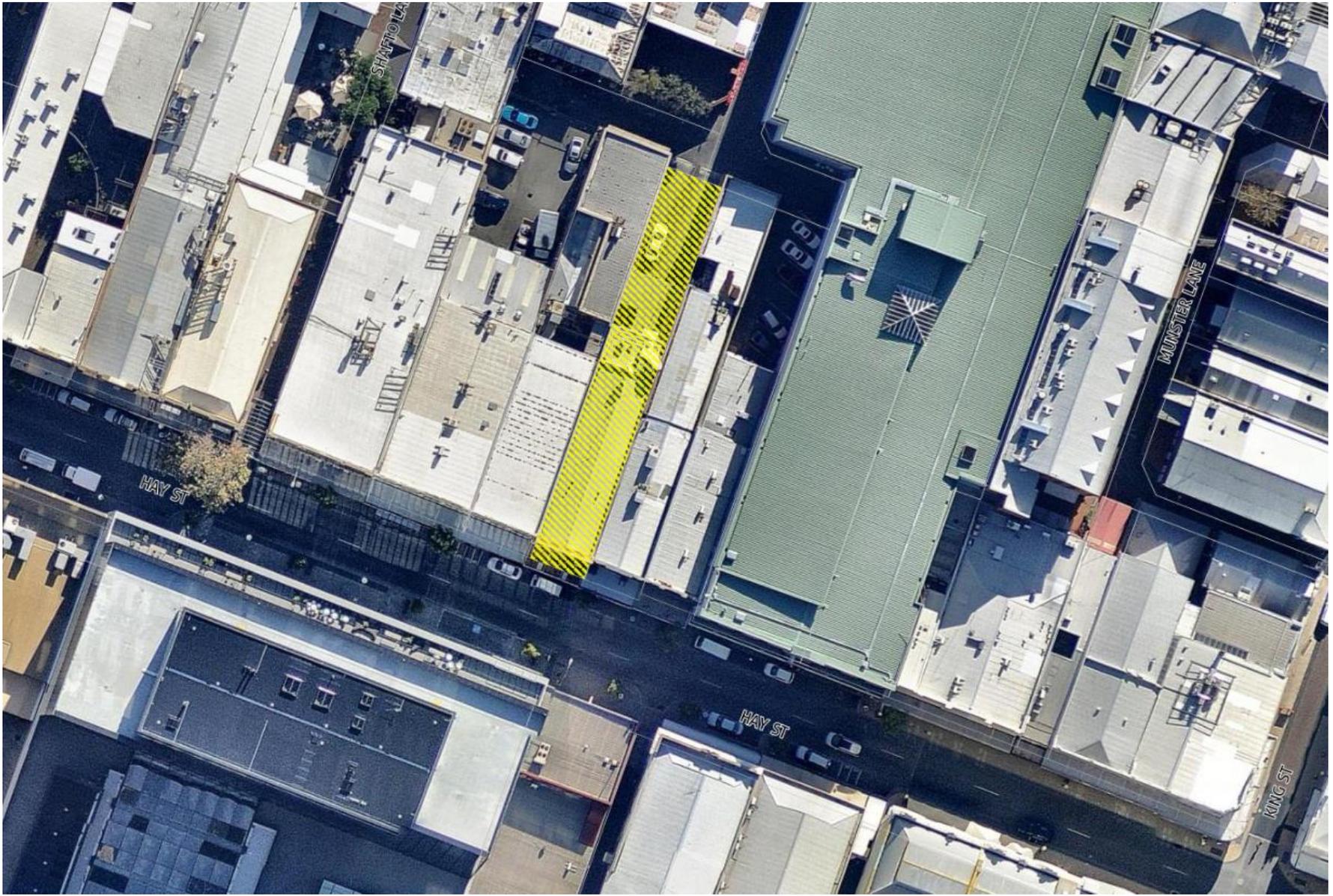
It is noted that neither the subject property, nor the adjoining properties, are heritage listed. However, when viewed in the broader context it is noted that the property is one of eight buildings along this section of Hay Street that together present an intact upper floor streetscape that positively contributes to the character of the street, and which are worthy of investigation by the City. This investigation will form part of future business planning by the City.

Whilst upper level works are not proposed as part of the subject application, it is recommended that the landowner be encouraged to investigate if the original façade remains, and if so consider the restoration of the upper level façade.. This will be communicated to the landowner as part of this development approval process.

### **Conclusion**

The proposed refurbishment works are considered to be an improvement on the existing configuration and façade of the current TAB tenancy in Hay Street. The proposed variation to the Hay Street Pedestrian Walkway and Road Reserve Widening Policy (6.7) can be supported in accordance with the objectives of the Policy and Clause 47 of CPS2.

Given the above, it is recommended that the proposed development be supported subject to relevant conditions.



**2015/5291; 860 HAY STREET, PERTH**

## ITEM NO: 8

### CITY OF PERTH SUBMISSION ON THE DRAFT HERITAGE BILL 2015 (REVIEW OF THE HERITAGE OF WESTERN AUSTRALIA ACT 1990)

**RECOMMENDATION:** (APPROVAL)

***That Council endorses the submission to the State Heritage Office on the Draft Heritage Bill 2015 as detailed in Schedule 10***

#### BACKGROUND:

FILE REFERENCE: P1021248  
REPORTING UNIT: Strategic Planning  
RESPONSIBLE DIRECTORATE: Planning and Development  
DATE: 3 September 2015  
MAP / SCHEDULE: Schedule 10 – City of Perth Submission 2015  
Schedule 11 – Review of City of Perth Submissions and Heritage Bill response  
Schedule 12 – State Heritage Office Fact Sheet for Local Government

In April 2011 the Heritage Minister announced a review of the Heritage of Western Australia Act 1990 (the Act) as an initiative of the State Cultural Heritage Policy, which outlines the objectives and focus of the Government in the area of cultural heritage.

The review of the Act involved two phases of public consultation:

1. The release of a Consultation Paper seeking comment on the role of the Heritage Council and the objects and functions of the Act;
2. The release of a Discussion Paper to address stakeholder feedback from phase (1) with an exploration of current practice and approaches of other jurisdictions.

On **10 June 2011** the City of Perth provided comment to the Heritage Council of Western Australia (HCWA) on phase 1. At its meeting held on **6 December 2011** the Council resolved to provide advice to HCWA on phase 2.

On 12 August 2015 the Heritage Minister released the Draft Heritage Bill 2015 (Heritage Bill) for stakeholder and community consultation. The Heritage Bill is the culmination of the 2011 review.

The Heritage Bill has been reviewed in the context of the Council's previous submissions. Schedule 10.

The State Heritage Office's (SHO) fact sheet on the Heritage Bill for local governments is at Schedule 12.

### **LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	Heritage Act of Western Australia 1990
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Corporate Business Plan</b> S9 Promote and facilitate CBD living 9.2 Review of the City's approach to Conservation of Heritage Places

#### **Strategic Community Plan**

Council Four Year Priorities: Community Outcome Healthy and Active in Perth. A view with a well-integrated built and green environment in which people and close families chose a lifestyle that enhances their physical and mental health and take part in arts, cultural and local community events.

### **DETAILS:**

The Heritage Bill is a complete rewrite of the Act, and is a result of 180 submissions received through the release of the Discussion and Consultation Papers in 2011.

The Heritage Bill is considered to have addressed the majority of the issues previously raised by the City as outlined in Schedule 11. Specifically, the Heritage Bill:

- Responds to stakeholder feedback;
- Is written in plain English;
- Is logically structured;
- Strengthens and tightens important areas of the legislation including: Definitions, the Functions of the HCWA.
- Reduces the current two part registration process, involving interim and permanent registration, into one process;
- Includes new sections to assist Local Government and the HCWA in the conservation of place including stopping demolition by neglect;
- Ensures greater transparency for Local Government and ratepayers of the State Heritage Registration decision making process, particularly decisions made by HCWA and Minister;
- Enables the greater use of Regulation to guide the implementation of the legislative requirements set out in the Draft Heritage Bill.

Overall, the Heritage Bill is significantly improved compared to the current Heritage Act 1990. There are however two areas where extra refinement of the Heritage Bill is required:

1. It is considered that the Heritage Bill presents an opportunity for the State Government to lead by example in relation to the ongoing management and care of its assets. The State owns approximately 32 properties within the City of Perth. As such, consideration should be given that State Government apply the same standards and rigour it seeks to apply to private owners. This ensures transparency and leadership in dealing with heritage conservation
2. In making the Heritage Bill legible there is a greater reliance on using Regulations to guide the application of the Act. Regulations to be drafted will include:
  - a. how building permits are to be treated;
  - b. what would be exempt from referral to the HCWA;
  - c. what constitutes detrimental effect from development abutting a heritage site; and
  - d. timeframes in which the HCWA is to render its advice.

There is an implied process of consultation and engagement in the development of these Regulations and the City of Perth and Local Government generally should be actively consulted in the development of these regulations.

The City's submission at Schedule 10 further details the City's response to the Heritage Bill.

### **FINANCIAL IMPLICATIONS:**

There are no direct financial implications attached to this report. HCWA currently does not charge for Heritage Agreements. This is proposed to change which has implications for the City and private landowners implementing the City's heritage incentives through the City Planning Scheme.

These costs are yet to be determined, how they would be borne, and by whom, would need to be determined if this change were to be implemented.

### **COMMENTS:**

The authors of the Heritage Bill (the Minister for Heritage, HCWA and the SHO) should be complimented on producing a new piece of legislation that is:

- Written in plain English;
- Transparent;
- Legible; and a

- A refinement of the existing Heritage Act 1990 based on comment from stakeholders including the Council.

Further clarification is required on how the HCWA propose to develop Regulations to deliver the Heritage Bill, specifically the level of engagement of the City of Perth and local government in this process.

In addition to the above, Part 9 of the Heritage Bill which relates to how the State Government manages their own heritage buildings needs further clarification. Currently the Bill includes mechanisms (including penalties) which require privately owned heritage places to be properly maintained and conserved. This however does not apply where properties are owned by the State Government. It is considered that the Heritage Bill presents an opportunity for the State Government to lead by example in relation to the ongoing management and care of its assets.

The City's submission on the Heritage Bill is detailed in full at Schedule 10.

Submissions on the Heritage Bill 2015 close on Friday, 25 September 2015. The HCWA will review the submissions and deliver final drafting instructions to the Office of Premier and Cabinet, who will then create a final Bill. This document will be taken to Cabinet to seek approval to introduce it to Parliament. It is understood that the aim is to get the Heritage Bill introduced to Parliament in November 2015.

**CITY OF PERTH'S SUBMISSION 2015**

**DRAFT HERITAGE BILL 2015  
(REVIEW OF THE HERITAGE ACT OF WESTERN AUSTRALIA ACT 1990)**

**CITY OF PERTH SUBMISSION**

**Introduction**

The Council of the City of Perth welcomes the Draft Heritage Bill 2015 and the opportunity to comment on it. The current Act has been operational for 25 years and has seen Western Australians consolidate their understanding of the concepts of cultural heritage.

The Heritage Council of Western Australia, the State Heritage Office and the Minister for Heritage should be commended for engaging with stakeholders, be it at sometimes on a very tight timeframe, to produce a Bill that achieves substantial reform.

**Comments on the Bill**

The Council of the City of Perth supports the following in relation to the Heritage Bill 2015:

- The language and the structure of the Heritage Bill is very user friendly following a logical framework.
- The Heritage Bill uses definitions that are consistent with national and international practice. This ensures best practice is applied across Western Australia and in a consistent manner.
- The Heritage Bill moves away from the current Act's requirement that the HCWA members represent certain interests or groups and sets out the necessary skills and expertise that members of the HCWA should have to be eligible for appointment. This ensures that representation on HCWA is skills based thus providing the best possible advice to the Minister and decisions to the SHO and Local Government..
- Under Section 13 Functions of the HCWA are increased and are clearly articulated. For example significant changes include:
  - *To provide and facilitate the provision of financial and ... other conservation incentives*
  - *Prevent the deterioration or injudicious treatment of a place i.e. demolition by neglect*
  - *To acquire, own, lease or manage property*

It is important to clearly set out the Functions of the HCWA to enable greater transparency and interpretation of the legislation ensuring greater flexibility and resilience over time.

- Registration of State Heritage Places - Part 3 Section 29 – 48 of the Bill
- The current process of Interim and then Permanent Registration has been simplified into a single step to enable the Permanent Registration of a place. This new approach is more efficient, reducing costs and time taken in assessing documentation at the City of Perth.
- As set out in the Heritage Bill there will no longer be the requirement of the HCWA to seek comment from the Local Government and for the Local Government to be involved in the decision making process. It is understood that this matter will be addressed through the development of Regulation and as the City of Perth and all Local Government are a key stakeholder it is imperative that they are consulted in their development.
- Greater transparency is provided around the registration process through Section 17 which outlines the relationship between the Minister and the HCWA. Transparency of processes is clearly outlined requiring all directions received by the HCWA from the Minister to be published in the Annual Report.
- Section 32 Factors Relevant to cultural heritage significance: This Section clearly articulates and therefore clarifies through 9 separate criteria what the HCWA has regard to when determining if a place has cultural heritage significance. This approach is consistent with National and International standards (HERCON) which is regarded as the benchmark of assessing cultural heritage significance. Under the current Act 1990 Section 47 (2) highlights 3 broad areas that the Council should have regard to.
- Part 4 Section 58 establishes the ability to apply a Repair Order. This is a new section within the Bill ensuring that the place is protected from damage or deterioration due to fire, weather or other causes, securing the place from vandalism or maintaining or repairing the place - demolition by neglect. This is an important addition to the Act to ensure owners don't allow places to run down.
- Part 6 of the Green Bill retains the HCWA ability to offer financial incentives. The incentives on offer remain the same however the increased Functions set out in Section 13 (e) provide the opportunity or flexibility in the Bill to increase the type of incentives on offer without legislative change.
- Section 72 under Part 6 makes allowance for an owner to seek a revaluation for land tax without a Heritage Agreement. Any new approaches to incentives

need to be fully explored by the City to determine the implications on property and benefit to owners

- Part 8 Section 90 Local Heritage Surveys – This section enables the Municipal Heritage Inventory (MHI) prepared under S45 of the existing Act to be incorporated under the new Bill. The intent and purpose of the MHI has changed now resulting in a Local Heritage Survey that is for the benefit of the LGA and does not address Model Scheme text features as these are provided under the Planning and Development Act 2005.

The Council of the City of Perth does not support the following in relation to the Heritage Bill 2015:

- The insertion of Section 84 (4) (d) which makes provision for the HCWA through Regulation to seek the payment of fees for the preparation or operation of a Heritage Agreement to which it is not a party. The HCWA does not currently seek payment. The City has entered into eight Heritage Agreements to date in relation to the implementation of Transfer Plot Ratio through its City Planning Scheme No. 2 and if the HCWA imposes any costs it would look at passing the costs onto the applicant. This would have a negative impact on the incentive.
- Part 9 of the Heritage Bill deals exclusively with State Government heritage. Private and Government owned property are treated differently under the legislation, yet it is not clear in the Heritage Bill why this is proposed.

Section 95 of Part 9 goes some way to ensuring that Government take a leadership role by specifying that guidelines need to be prepared concerning property that is State Government owned and on the State Register. However S 95(3) states that guidelines [in relation to state owned places on the state heritage register] under this section do not have legislative effect.

Section 58 does not allow the HCWA to issue a repair order on Crown land or place owned by a public authority except in the concurrence with the relevant Minister of that public authority.

Section 65 does provide the HCWA with power to assess all developments (including those of the Crown) however this does not address the ongoing care and maintenance of place under its management.

It is considered that the Heritage Bill presents an opportunity for the State Government to lead by example in relation to the ongoing management and care of its assets. As such, consideration should be given that State Government apply the same standards and rigour it seeks to apply to private owners. This ensures transparency and leadership in dealing with Heritage Conservation.

As an absolute minimum the State Government should complete a condition report of all places that are listed on the State Register and that report be made public on an annual basis for public scrutiny through the Annual report of the HCWA.

The Council of the City of Perth recommends further consultation is required by the HCWA in relation to the following issue:

- Though the Heritage Bill is a lot more transparent and legible than the current legislation there is a greater reliance on Regulations to be developed to outline process. It is critical that any Regulations that have implications on the City of Perth (and local government generally) are developed in consultation and in a timely manner.

REVIEW of CITY OF PERTH SUBMISSIONS and HERITAGE BILL RESPONSE

<p>CoP Consultation Paper Submission 10/6/2011</p>	<p>Council Discussion Paper Submission 6/12/2011</p>	<p>Heritage Bill Response to City Submissions</p>
		<p>Part 2 The Council - including its Constitution Membership, Functions and Powers of the Council</p>
<p>It is noted that the number of places listed in the State Register has increased on an annual basis since the inception of the Act. What needs to be carefully considered are the implications to this increasing heritage place portfolio and the ability to fund the anticipated outcomes, such as the level of funding attributed to grants, one of the primary incentives offered to owners.</p> <p>This has broad implications to what are the expectations of the Act and the review, and the service levels expected of the Office of Heritage by the owners of heritage places and the broader community. Such an outcome of this consideration would be answering the issue of ensuring the long term sustainability of an effective and efficient heritage presence within Western Australia.</p>	<p>Consideration of the operational funding necessary to effectively implement the current Act be included in the review, to ensure the service levels expected by the owners of heritage places and the broader community, and any future initiatives resulting from the review can be met.</p>	<p>Part 2. The Heritage Bill does not address funding specifically as this is a matter of Government policy - however the extended Functions set out in Section 13 (e) and Powers in Section 14 open the possibility of creating alternate funding options that the HCWA could consider and seek State Government funding. Any new program established could then be managed through Regulation.</p>

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<p>What are the roles of the Heritage Council of WA and Office of Heritage in delivering effective outcomes for the heritage of Western Australia?.</p> <p>Is there an opportunity to refocus the functions of Heritage Council of WA from operational to more strategic?</p>		<p>Part 2 Sections 10 - 28</p> <p>The Heritage Bill moves away from the current Act's requirement that the HCWA members represent certain interests or groups and sets out the necessary skills and expertise that members of the HCWA should have to be eligible for appointment.</p> <p>Under Section 13 Functions of the HCWA are increased and are clearly articulated.</p> <p>Significant changes include:</p> <ul style="list-style-type: none"> <li>(e) <i>To provide and facilitate the provision of financial and ... other conservation incentives</i></li> <li>(g) <i>Prevent the deterioration or injudicious treatment of a place i.e. demolition by neglect</i></li> <li>(i) <i>To acquire, own, lease or manage property</i></li> </ul> <p>It might be perceived that there is a conflict of interest as the HCWA would be the regulator and potentially the developer, however the HCWA is not a planning authority.</p>

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		<p>As the only State heritage regulator, the HCWA functions need to be clearly defined to enable discussion and refinement of the role and functions of those organisations that don't have a regulatory function, such as the National Trust to occur. There is currently substantial overlap in the Objects and Functions of the HCWA and the Trust.</p>
		<p>Part 3 The State Register of Heritage Places including the Register, entry amendments</p>
<p>There is a need to review the approach and mechanisms for listing of places on the Heritage Register.</p> <p>The role of local government – how local planning schemes respond to heritage in a consistent manner, greater clarification of the role of the Heritage Act, what opportunities exist to clarify the role and opportunities to add value to the work of local government by the Heritage Council of WA and Office of Heritage.</p> <p>The roll and purpose of the Minister and local government authorities in the listing</p>	<p>The role of the Minister for Heritage in registration and removal the State Heritage Register, and whether an independent review of places from a body such as the State Administrative Tribunal should be considered;</p>	<p>Part 3 The State Register of Heritage Places Section 29 – 48 deal with the establishing the register, entry of places.</p> <p>There are four main changes to note within this Part of the Heritage Bill</p> <ol style="list-style-type: none"> <li>1. The current process of Interim and then Permanent Registration has been simplified into a single step to enable the permanent registration of a place. This new approach is more efficient, reducing costs and time taken.</li> <li>2. As set out in the Bill there will no longer</li> </ol>

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<p>process.</p> <p>Identifying opportunities to increase transparency in all functions especially when the Minister is removed from processes.</p>		<p>be the requirement of the HCWA to seek comment from the Local Government and for the Local Government to be involved in the decision making process. It is understood that this matter will be addressed through Regulation ensuring that LGA's as a key stakeholder are consulted. The form of this process takes in the Regulation should be discussed with LGA's.</p> <p>However greater transparency is provided around the registration process through Section 17 which outlines the relationship between the Minister and the HCWA. Transparency of processes is clearly outlined requiring all directions received by the HCWA from the Minister to be published in the Annual Report.</p> <p>3. Section 32 Factors relevant to cultural heritage significance clearly articulates through 9 separate points what the HCWA has regard to when determining if a place has cultural heritage significance. Under the current Act 1990 Section 47 (2) highlights 3 broad areas that the HCWA should have regard to.</p>

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		<p>4. The role of the State Administrative Tribunal has been clearly defined within the Bill. New sections clearly setting out the rights of appeal by owners in Sections 55 – protection order, S62 repair order, S71 work permits, S80 modification of written law, S89 heritage agreements and S99 acquisition and compensation.</p>
		<p>Part 4 Protection Orders and repair orders</p>
<p>Ensure that demolition by neglect does not occur.</p>	<p>The proposal to address demolition by neglect is supported and that such a process should include appropriate safeguards such as rights of review and hardship clauses.</p>	<p>Part 4 Section 58 establishes the ability to apply a Repair Order. This is a new section within the Bill dealing with demolition by neglect. This is an important addition to the Act to ensure owners don't allow places to run down.</p>
		<p>Part 5 Matters affecting places of heritage interest</p>
	<p>The call-in powers for places abutting or in close proximity to a state registered place should be reviewed to ensure a clear rationale of when and why the call-in power is used.</p>	<p>Part 5 Section 65 Matters affecting places of heritage interest have not changed. However there is the opportunity to work with the SHO and the HCWA to ensure these matters are clarified through Regulation that establishes clear criteria of what should be referred to the</p>

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		<p>HCWA for advice.</p>
		<p align="center">Part 6 Support for Conservation</p>
	<p>Financial assistance to local governments in managing their heritage assets should be explored as part of the review process, with consideration of what incentives and support can be offered to local governments.</p>	<p>Part 6 of the Heritage Bill retains the HCWA ability to offer financial incentives. The incentives on offer remain the same however the increased Functions set out in Section 13 (e) provide the opportunity or flexibility in the Bill to increase the type of incentives on offer without legislative change.</p>
		<p>Section 72 does make allowance for an owner to seek a revaluation for land tax with or without a Heritage Agreement.</p>
		<p align="center">Part 8 Local Heritage Surveys</p>
	<p>Supports the removal of the requirement for local governments to prepare a Municipal Heritage Inventory from the Heritage of Western Australia Act 1990, the focus on the draft Model Scheme Text of the Planning and Development Act 2005, and Statement of Planning Policy 3.5 –</p>	<p>Part 8 Section 90 Local Heritage Surveys – This section enables the MHI prepared under S45 under the existing Act to be incorporated under the new Bill.</p> <p>The intent and purpose of the MHI has changed now resulting in a Local Heritage Survey that is for the benefit of the LGA and does not address Model Scheme text features</p>

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	<p>Historic Heritage Conservation, to ensure local governments plans for heritage assets within their districts.</p>	<p>as these are provided under the Planning Act 2005.</p> <p>Regulations will be developed around consultation for the Local Heritage Survey.</p> <p>Section 91 (4) (a) makes provision that the Survey be provided to the HCWA.</p> <p>There is no legal requirement to review the Survey.</p>
		<p align="center">Part 9 State Government heritage</p>
<p>Heritage buildings under the care and control of State Government departments. Are there opportunities to lead by example by ensuring annual property condition reports?</p>	<p>The review should examine the provision 'Duty of Public Authorities to Assist in Conservation of Registered Places' to clarify the requirements of the current clause that decisions be consistent with advice of the Heritage Council. In addition ensure that Government manage, maintain and report on its property portfolio, including consideration of how best to ensure a transparent and accountable process.</p>	<p>Part 9 The State Government own about 1/3 of all places on the State Register. Part 9 sets out the State Governments role in managing its assets.</p> <p>Part 9 does not regulate but states under Section 95 (3) .Guidelines [in relation to state owned places on the state heritage register] under this section do not have legislative effect.</p> <p>Section 58 does not allow the HCWA to issue a repair order on Crown land or place owned by a public authority except in the concurrence with the relevant Minister of that</p>

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		<p>public authority.</p> <p>Section 65 does provide the HCWA with power to assess all developments (including those of the Crown) however this does not address the ongoing care and maintenance of place.</p>



**ABOVE:** The former Royal WA Institute for the Blind now the Western Australian Ballet Centre, Maylands. Photography, Jon Green

## LOCAL GOVERNMENTS AND THE HERITAGE BILL 2015 (EXPOSURE DRAFT)

The *Heritage Bill 2015 (Exposure Draft)*, or Green Bill, will result in modern heritage legislation that is open, transparent, simple to operate and easy to understand, and reflects best practice in the recognition and protection of heritage places.

Informed by the feedback received in the two phases of public consultation conducted in 2011, the Green Bill retains features of the current Heritage Act that have served heritage well during the past 25 years. However, it addresses the shortcomings of the Act by introducing new features that reflect contemporary heritage management principles and practice.

The Green Bill strikes a necessary balance between recognising local heritage places without interfering with local planning schemes and policies.

### WHAT'S NEW IN THE GREEN BILL FOR LOCAL GOVERNMENTS?

#### Part 8. Identifying local heritage places

The Green Bill retains the local heritage 'inventories' required under Section 45 of the current Act, but renames them 'Local Heritage Surveys'.

This is to promote a move from the common name of 'municipal inventory' which was removed from the current Act by amendments in 1996. The term 'survey' better describes the intent of this document information as a resource based on input from the local community.

Local Heritage Surveys may include places rather than just buildings. As requested by local governments in submissions to the 2011 Heritage Act review, the purposes of Local Heritage Surveys are expressly stated:

- Identifying places of cultural heritage significance to the local district
- Assisting the local government in making and implementing decisions that respect cultural heritage values
- Providing a cultural and historical record of the district
- Providing an accessible public record of places of cultural heritage significance to the district
- Assisting a local government in preparing a heritage list or list of heritage areas under a local planning scheme.

The Heritage Council will publish guidelines to assist local governments in compiling and updating surveys. Statutory timeframes for review and update have been removed to allow local governments to maintain the survey in line with their own needs and practices.

To ensure continuity through the transition to a new Act, an existing Section 45 inventory is deemed to be a Local Heritage Survey.

## Part 5. Development referrals

The Green Bill retains the current Act's Section 11 referral provisions, revised for clarity. A new feature allows regulations to exempt certain places and works from referral where appropriate.

As with the current Act, local governments are required to refer planning applications and other proposals that 'may affect' a registered place to the Heritage Council, and the Heritage Council must provide its advice. In recognition of the statutory time constraints within the planning process, the Green Bill requires that Heritage Council advice is given within a time period prescribed in the Regulations.

The final decision on the proposal remains with the local government but must be 'consistent' with the Heritage Council's advice, unless there is 'no feasible and prudent alternative'. This aspect of the referral process remains unchanged from the current Act.

Regulations may also be used to establish a variety of matters associated with referrals, such as forms and cover sheets to be used when making referrals, particular issues and sources of information the Heritage Council is to consider when assessing referrals, issues to be addressed in the Heritage Council's advice, and so on.

## Other features

The objectives of the Green Bill continue to encompass all of the State's cultural heritage places, not just places of 'State' cultural heritage significance, although the primary responsibility of the Heritage Council continues to be the State Register of Heritage Places.

As with the current Act, local governments continue to be recognised as key stakeholders in the process of assessing places for potential inclusion in the State Register.

Experience of working in local government will remain an area of expertise that qualifies a person for membership on the Heritage Council, per Clause 12(3)(b).

The Heritage Council's functions expressly include providing advice and assistance to local governments, per Clause 13(j). The Heritage Council will also have more flexibility in providing financial assistance to local governments for heritage purposes, per Clause 75, which will assist in the administration of current programs such as the Heritage Advisory Service Subsidy.

The current Act's provisions regarding heritage agreements are retained in Part 7 of the Green Bill. Local governments will continue to be able to enter into heritage agreements in respect of local heritage places.

## HOW TO GET INVOLVED

The 'Heritage Bill 2015 (Exposure Draft) Information Paper' provides a comprehensive summary of all the new features of the Green Bill. The Information Paper is available on the State Heritage website at [stateheritage.wa.gov.au](http://stateheritage.wa.gov.au)

The feedback received from this Information Paper will inform the final draft of the *Heritage Bill 2015* that will be introduced to Parliament.

### How to participate:

Submissions to the Green Bill may be made public. When making a submission, please indicate the issue and what part/s of the Green Bill you are commenting on.

Comments under 500 words can be submitted through an easy online portal on the State Heritage website: [stateheritage.wa.gov.au](http://stateheritage.wa.gov.au)

More detail submissions should be sent via

**Email:** [info@stateheritage.wa.gov.au](mailto:info@stateheritage.wa.gov.au)  
Please use the words 'Heritage Green Bill' in the Subject field

**Post:** The Executive Director  
State Heritage Office  
PO Box 7479  
Cloisters Square  
PO WA 6850

**In Person:** State Heritage Office  
Bairds Building  
Level 2, 491 Wellington Street  
PERTH WA 6000

**Submissions close 5pm, Friday 25 September 2015.**

## CONFIDENTIAL ITEM NO: 9

### PROPOSED STREET NAMES FOR THE ROADS WITHIN THE ELIZABETH QUAY PRECINCT – CONFIDENTIAL REPORT

**RECOMMENDATION:**

**(ADVICE TO METROPOLITAN REDEVELOPMENT AUTHORITY)**

***That Council advises the Metropolitan Redevelopment Authority that it:***

- 1. supports the use of the proposed theme to be used for the naming of new roads and public realm areas within Elizabeth Quay, to create a narrative that is relevant to the location and to the development of Elizabeth Quay;***
- 2. considers that the specific names proposed do not convey a clarity on the theme and recommends that, if the Minister for Lands endorses the use of the proposed names, the Metropolitan Redevelopment Authority should include some interpretive information at Elizabeth Quay in order to explain the significance of the names;***
- 3. notes the advice detailed within the Confidential Report and Confidential Schedule 13.***

**BACKGROUND:**

FILE REFERENCE: P1002137-4  
REPORTING UNIT: Development Approvals  
RESPONSIBLE DIRECTORATE: Planning and Development  
DATE: 1 September 2015  
MAP / SCHEDULE: Confidential Schedule 13 – Map of Elizabeth Quay Precinct

**In accordance with Section 5.23(2)(e)(ii) of the *Local Government Act 1995*, this item is confidential and will be distributed to the Elected Members under separate cover.**

CONFIDENTIAL SCHEDULE 13

ITEM 9 – PROPOSED STREET NAMES FOR THE ROADS  
WITHIN THE ELIZABETH QUAY PRECINCT

FOR THE PLANNING COMMITTEE MEETING

15 SEPTEMBER 2015

DISTRIBUTED TO ELECTED MEMBERS UNDER  
SEPARATE COVER