



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, 17 November 2015 at 5.30pm.**

Yours faithfully

**ROBERT MIANICH  
DIRECTOR CORPORATE SERVICES**

12 November 2015

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**Committee Members:**

**Members:**

Cr Adamos  
Cr McEvoy  
Cr Yong

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

Cr Green

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

Cr Limnios

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

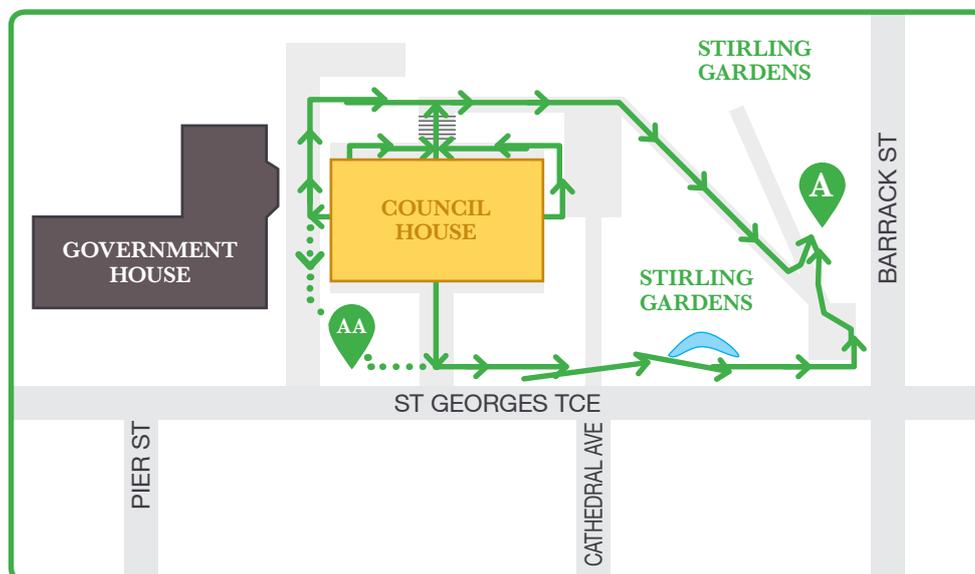
**whoop whoop whoop**

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 2015)

<b>Members:</b>	<b>1<sup>st</sup> Deputy:</b>	<b>2<sup>nd</sup> Deputy:</b>
Cr Adamos	Cr Green	Cr Limnios
Cr McEvoy		
Cr Yong		

**Quorum:** Two  
**Terms Expire:** October 2017

**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**

## **17 NOVEMBER 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 – 6 October 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 schedule listed below, it is recommended that Committee resolve to close the meeting to the public prior to discussion of the following:

<b>Schedule No.</b>	<b>Item No. and Title</b>	<b>Reason</b>
Confidential Schedule No. 18 & 19	Item No. 16 – Matched Funding Business Grants 2015/16, Additional requested assessments	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

## PLANNING COMMITTEE – ELECTION OF PRESIDING MEMBER

### **RECOMMENDATION:**

**(APPROVAL)**

***That in accordance with Section 5.12 of the Local Government Act 1995, the Planning Committee elects a Presiding Member.***

### **BACKGROUND:**

FILE REFERENCE: P1026043  
REPORTING UNIT: Governance  
RESPONSIBLE DIRECTORATE: Corporate Services  
DATE: 12 October 2015  
MAP / SCHEDULE: N/A

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

<b>Legislation</b>	Section 5.12 of the <i>Local Government Act 1995</i>
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Strategic Community Plan</b> Council Four Year Priorities: Capable and Responsive Organisation S18 Strengthen the capacity of the organisation

At its meeting held on **4 June 2013**, Council resolved to establish the Planning Committee with the following Terms of Reference:

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 Waterbank;
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.

It is noted that at the Special Council meeting held on **22 October 2015**, Council resolved to refer the Terms of Reference to each of the relevant Committees for review.

**Membership:**

Membership (Members appointed 22 October 2015):

<b>Members:</b>	<b>1<sup>st</sup> Deputy:</b>	<b>2<sup>nd</sup> Deputy:</b>
Cr Adamos	Cr Green	Cr Limnios
Cr McEvoy		
Cr Yong		

**Quorum:**

Two

**Terms Expire:**

Local Government Elections October 2017

**DETAILS:**

Section 5.12 of the *Local Government Act 1995* requires the members of the Committee to elect a Presiding Member.

The procedure that is required to be followed is detailed in Schedule 2.3, Division 1 of the Act which is as follows:

**When the Committee elects a Presiding Member**

2. (1) The office of Presiding Member is to be filled as the first matter dealt with –
  - (a) at the first meeting of the Committee after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
  - (b) at the first meeting of the Committee after an extraordinary vacancy occurs in the office of Presiding Member.

- (2) If the first ordinary meeting of the Committee is more than three weeks after an extraordinary vacancy occurs in the office of Presiding Member, a special meeting of the Committee is to be held within that period for the purpose of filling the office of Presiding Member.

### **CEO to preside**

3. The Chief Executive Officer (CEO) is to preside at the meeting until the office of Presiding Member is filled.

### **How the presiding member is elected**

4.
  - (1) The Committee is to elect a Committee member to fill the office of Presiding Member.
  - (2) The election is to be conducted by the CEO in accordance with the procedures prescribed.
  - (3) Nominations for the office of presiding member are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
  - (3a) Nominations close at the meeting at a time announced by the CEO which is to be sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
  - (4) If a committee member is nominated by another committee member the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
  - (5) The committee members are to vote on the matter by secret ballot as if they were electors voting at an election.
  - (6) Subject to clause 5(1), the votes cast under sub-clause (5) are to be counted, and the successful candidate determined, in accordance with the procedures set out in Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
  - (7) As soon as practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with the regulations, if any.

### **Votes may be cast a second time**

5.
  - (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than seven days.
  - (2) Any nomination for the office of presiding member may be withdrawn, and further nominations may be made, before or when the meeting resumes.
  - (3) When the meeting resumes the Committee members are to vote again on the matter by secret ballot as if they were electors voting at an election.

- (4) The votes cast under sub-clause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

The votes are to be counted in accordance with Schedule 4.1 of the *Local Government Act 1995* as if those votes were cast at an election. If two or more candidates receive the same number of votes so that Clause 2, 3 or 4 cannot be applied, the CEO is to draw lots in accordance with regulations to determine which candidate is elected.

**COMMENTS:**

The Planning Committee is required to elect a Presiding Member.

## ITEM NO: 2

### PLANNING COMMITTEE – REVIEW OF TERMS OF REFERENCE

**RECOMMENDATION:** (CONSIDERATION)

***That the Planning Committee:***

- 1. considers the Terms of Reference for the Planning Committee, as detailed in Schedule 1;***
- 2. notes that any amendments will require the consideration and endorsement of Council.***

#### BACKGROUND:

FILE REFERENCE: P1029513  
REPORTING UNIT: Governance  
RESPONSIBLE DIRECTORATE: Corporate Services  
DATE: 29 October 2015  
MAP / SCHEDULE: Schedule 1 – Terms of Reference for Committees as at 22 October 2015.

At its meeting held on **4 June 2013**, Council adopted a revised Committees of Council structure, establishing the resulting Committees and adopting the terms of reference for each Committee.

Following the 2015 Local Government Elections, at its special meeting held on **22 October 2015**, Council resolved to refer the Terms of Reference to each of the relevant Committees for review.

The current Terms of Reference for the Planning Committee are attached as Schedule 1 for review. It is noted that any amendments proposed will require the endorsement of Council.

#### LEGISLATION / STRATEGIC PLAN / POLICY:

**Legislation** Section 5.8 of the *Local Government Act 1995*

**Integrated Planning and Reporting Framework Implications** **Corporate Business Plan**  
Council Four Year Priorities: Capable and Responsive Organisation  
S18 Strengthen the capacity of the organisation

**DETAILS:**

As of October 2015, the Planning Committee had been cancelled twice in 2015 due to no items being presented for consideration. 66 items had been considered by the Committee to October 2014 compared to 73 items considered by the Committee so far in 2015. This clearly indicates that the Committee remains relevant and is working well together with the City of Perth Local Development Assessment Panel to oversee new developments in the City of Perth.

**FINANCIAL IMPLICATIONS:**

There are no financial implications related to this report.

## STANDING COMMITTEES OF COUNCIL

*Convened in accordance with s.5.8 of the Local Government Act 1995*

### Marketing, Sponsorship & International Engagement Committee

#### TERMS OF REFERENCE

OCM 04/06/13

1. To oversee and make recommendations to the Council on matters related to:
  - a. marketing of the city (including marketing of the City's car parks);
  - b. initiatives to promote Perth as a tourist destination;
  - c. events held in Forrest Place and the Hay and Murray Street Malls and other Council reserves and parks;
  - d. international relations including Sister City relationships and U.S. Naval visits and the World Energy City Partnership;
  - e. the implementation of the Christmas Decorations Strategy;
  - f. the management of the Australia Day Celebrations;
  - g. street busking in the City;
  - h. use of the City's banner and flag sites;
  - i. corporate communications and public relations.
2. To assess and determine:
  - a. requests made to the Council for donations and sponsorship, with authority to approve or decline requests of \$10,000 or less;
  - b. requests to waive fees associated with the hire of the City's exhibition screens in accordance with Procedure PR0720, with authority to approve or decline requests over \$5,000.

## Works & Urban Development Committee

### TERMS OF REFERENCE:

OCM 04/06/13

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

1. works required to construct, upgrade and maintain streets, footpaths, thoroughfares and other public places, including streetscape upgrades, landscaping initiatives and directional signage and graffiti;
2. design, construction and upgrading of parks, reserves, recreational and civic amenities and facilities and Council owned buildings, excluding Council House, the Perth Town Hall, City of Perth Public Lending Library and the Perth Concert Hall;
3. the façade lighting of buildings;
4. waste management.

## Finance & Administration Committee

### TERMS OF REFERENCE:

OCM 04/06/13

1. To oversee and make recommendations to the Council on matters related to:
  - a. the financial management of the City including budgeting, payment of accounts, collection of debts, investment of funds and write-offs;
  - b. strategic and annual plans;
  - c. management of local government property, including issues relating to the City's civic buildings (Council House, Perth Town Hall, Perth Concert Hall and the City of Perth Library);
  - d. business opportunities and proposals, including those related to parking, having the potential to achieve new income or savings for the City, which may have been initiated by other Committees of the Council;
  - e. fees and charges levied by the City in accordance with Sections 6.16 or 6.32 of the Local Government Act 1995;
  - f. Elected Members, including protocols and procedures, benefits and allowances;
  - g. Council's policies, local laws and Register of Delegations;
  - h. the management and enforcement of permanent and temporary on-street parking proposals or restrictions and any associated fees or signage;
  - i. any other issues requiring a decision of the Council and not specifically defined in the Terms of Reference for any other Committee of the Council.
2. To determine:
  - a. public art, art purchases and management of the City's art collection with the authority to purchase artworks over \$5,000 (excluding GST) and the deaccession of artworks in accordance with Policy 18.2 – Collection Management;
  - b. requests for receptions referred to the Committee by the Lord Mayor, with authority to approve or decline requests of \$5,000 or less.

## Planning Committee

### TERMS OF REFERENCE:

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 Waterbank;
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.

## OCCASIONAL COMMITTEES OF COUNCIL

*Convened in accordance with s.5.8 of the Local Government Act 1995*

### Audit and Risk Committee

#### TERMS OF REFERENCE:

OCM 19/11/13

1. The Audit and Risk Committee's role, in accordance with Regulation 16 of the Local Government (Audit) Regulations 1996, is to provide guidance and assistance to the local government regarding:
  - a. the matters to be audited;
  - b. the scope of audits; and
  - c. financial, risk and compliance management functions as prescribed in the Local Government Act 1995; as well as
  - d. other matters specified in these Terms of Reference.
2. The Committee may resolve to request the Chief Executive Officer (CEO) to provide any information or make arrangements to provide independent expert advice, as appropriate and required by the Committee in order to fulfil its duties and responsibilities.
3. The Committee is to review and make recommendations to the Council regarding:
  - a. **Financial Management**
    - i. the annual Financial Statements with a view to being satisfied as to their accuracy and timeliness and the inclusion of prescribed disclosures and information;
    - ii. changes in accounting practices, policies and material changes in accounting treatment, providing advice on the appropriateness of implementation strategies; and
    - iii. the City's financial status and performance.
  - b. **Risk Management**
    - i. the City's risk management strategies and policies;
    - ii. the adequacy of the City's risk management systems and practices; and
    - iii. the management of strategic risks, identifying as appropriate, specific risks for more detailed review and response.

**c. Internal Controls**

- i. the standard and effectiveness of the City's corporate governance and ethical considerations; and
- ii. the integrity, adequacy and effectiveness of the City's financial and administration policies, systems and controls in providing financial and governance information which:
  - is accurate and reliable;
  - complies with legislative obligations and requirements; and
  - minimises the risk of error, fraud, misconduct or corruption.

**d. Legislative Compliance**

- i. the integrity, adequacy and effectiveness of the City's systems and controls for legislative compliance;
- ii. the level of compliance with legislative obligations as well as the City's policies;
- iii. the CEO's report on the review of the City's legislative Compliance systems, at least once biennially; and
- iv. the annual statutory Compliance Audit.

**e. Internal and External Audit Planning and Reporting**

- i. the process to select and the appointment of an External Auditor;
- ii. the integrity, adequacy and effectiveness of the City's Internal Audit Plan and External Audit Plan;
- iii. reports, findings and recommendations arising from Internal and External Audits;
- iv. the audit of the City's Annual financial statements;
- v. the integrity, adequacy and effectiveness of the management response and any actions proposed to be taken to address issues raised by the Internal or External Auditor; and
- vi. the oversight and monitoring of implementation of agreed actions.

Delegated Authority 1.1.3 – Audit and Risk Committee provides authority for the Committee to fulfil the duty of the Council to meet with the City's External Auditor at least once per year [s.7.12A(2)].

## CEO Performance Review Committee

### TERMS OF REFERENCE:

OCM 04/06/13

To:

1. Undertake an annual review of the performance of the Chief Executive Officer as required by Section 5.38 of the Local Government Act 1995;
2. Establish annual performance objectives for the Chief Executive Officer;
3. Report the outcome of the review referred to in part 1 above to Council.

## ITEM NO: 3

### AMENDMENTS TO DELEGATED AUTHORITY REGISTER 2015/16 – CITY PLANNING SCHEME NO.2 (SECTIONS 2.5.1 AND 2.5.2)

**RECOMMENDATION:** (APPROVAL)

***That Council ADOPT BY AN ABSOLUTE MAJORITY the amended Delegations of Authority for City Planning Scheme No. 2 sections 2.5.1 and 2.5.2 as shown in Schedule 3.***

#### BACKGROUND:

FILE REFERENCE: P1023743  
REPORTING UNIT: Strategic Planning  
RESPONSIBLE DIRECTORATE: Planning and Development  
DATE: 5 November 2015  
MAP / SCHEDULE: Schedule 2 – Existing Delegations of Authority 2.5.1 and 2.5.2  
Schedule 3 – Amended Delegations of Authority 2.5.1 and 2.5.2

Clause 59 – Part 5 (Miscellaneous) of City Planning Scheme No. 2 (CPS2) enables Council to delegate its powers with respect to the CPS2 to a Committee or an officer of the Council. Accordingly Council has delegated powers to the Chief Executive Officer, Director City Planning and Development and the Manager Approval Services. The delegated powers relate to planning approval, advertisement and referral of applications, and authorised entry. These are detailed in the extract of the Delegated Authority Register 2015/16 as set out in Schedule 2.

#### LEGISLATION / STRATEGIC PLAN / POLICY:

<b>Legislation</b>	<i>Planning and Development Act 2005; Planning and Development (Local Planning Scheme) Regulations 2015; Local Government Act 1995 Delegated Authority Register 2015/16</i>
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Corporate Business Plan</b> Council Four Year Priorities: Capable and responsive organisation S18 Strengthen capacity of the organisation

## **DETAILS:**

The '*Planning and Development (Local Planning Schemes) Regulations 2015*' (hereafter referred to as the Regulations) were gazetted on 25 August 2015 and took effect from 19 October 2015. The Regulations replace the Town Planning Regulations 1967 and associated Model Scheme Text. The Regulations include deemed provisions which automatically come into effect in every local planning scheme and override any provisions within that scheme which are in conflict with the deemed provisions.

Council's existing delegations refer to various CPS2 clauses which will be deleted, modified, renumbered or replaced with the deemed provisions. The affected clauses will remain in CPS 2 until a scheme amendment is undertaken to align with the new Regulations. However, the clauses superseded by the deemed provisions will have no legal authority.

Clause 59 of CPS2 provides the current head of power for delegations. Clause 82 of the deemed provisions supersedes Clause 59 of CPS2 and limits Council's delegation to the CEO only.

Clause 83 of the deemed provisions enables the CEO to delegate their powers to other officers such as those currently identified in the Delegated Authority Register 2015/16.

Legal advice confirms that both the Council, and subsequently the CEO will need to adopt new delegations which relate specifically to the deemed provisions. Additionally, there are no transitional provisions which would enable the City's administration to continue operating under Council's existing delegation until the new delegation is adopted by Council.

A copy of the current Delegations of Authority showing the proposed amendments is provided in Schedule 3. This will enable the City's administration to continue to operate and undertake its statutory planning responsibilities in a streamlined and efficient manner.

## **FINANCIAL IMPLICATIONS:**

There are no financial implications arising from this report.

## **COMMENTS:**

The proposed amendments to the existing delegations CPS2 2.5.1 and 2.5.2 as detailed in the City's Delegated Authority Register 2015/16 are required to align with the recently gazetted Regulations to ensure legal compliance. The intent of the delegations remains unchanged. Further modifications to the register will be required upon a scheme amendment being gazetted.



2. Statutory Delegations – Other Legislation

**CITY PLANNING SCHEME**

**2.5**

<b>2.5.1 City Planning Scheme No. 2- Planning Approval</b>	
<p><b>Function Delegated:</b> <i>This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [refer below].</i></p>	<ol style="list-style-type: none"> <li>1. Authority to determine an application for planning approval for the commencement or continuation of any development or use of any land or building where the application:                             <ol style="list-style-type: none"> <li>(a) complies with all applicable standards and requirements of the Scheme, planning policies and precinct plans, including a change of use to a use classified under the Scheme as a preferred (P) use;</li> <li>(b) includes a change of use to a use classified under the Scheme as a contemplated (c) use or constitutes a non-complying application for the purposes of clause 47 of the Scheme where the non-compliance is considered minor.</li> </ol> </li> <li>2. Authority to require an applicant to advertise a proposal.</li> <li>3. Authority to comment on applications referred to the Council by other authorities.</li> <li>4. Authority to determine the advertising content of a proposed sign at:                             <ol style="list-style-type: none"> <li>a. 267 (Lot 10) St Georges Terrace, Perth (OCM 01/04/14)</li> <li>b. 81 (Lot 81) St Georges Terrace, Perth (OCM 01/04/14)</li> </ol> </li> </ol>
<b>Statutory Power Delegated:</b>	City Planning Scheme No.2 Clauses 41, 43, 44, 45 and 47
<b>Power Originally Assigned to:</b>	Local Government
<b>Statutory Power of Delegation:</b>	City Planning Scheme No.2 Clause 59
<b>Power Delegated to:</b>	Chief Executive Officer Director City Planning and Development Manager Approval Services
<b>Council's Conditions on Delegation:</b>	<p>In relation to Delegated Authority 1(b) above, approval may only be granted where no significant objections are received during the public submission period.</p> <p>In relation to Delegated Authority 3 above, comment may only be made on proposals that are considered minor in nature.</p> <p>Authority may not be exercised where the application is for planning approval where the development may have a detrimental impact on a place which is the subject of a declaration made under clause 30 of the Scheme.</p> <p>Authority may not be exercised where any elected member has requested that the application be referred to the Council for determination.</p>

## 2. Statutory Delegations – Other Legislation

### 2.5.1 City Planning Scheme No. 2- Planning Approval

	<p>Details of approvals issued under delegated authority are to be made available to elected members on a weekly basis.</p> <p>In relation to Delegated Authority 4 above, the authority may only be exercised by the Manager Approval Services.</p>	
<b>Statutory Power to Sub-delegate:</b>	Nil.	
<b>Compliance Links:</b>	<p>City Planning Scheme No. 2 and subordinate Schemes:</p> <ul style="list-style-type: none"> <li>• TPS 7 City of Perth Town Planning Scheme No. 7 (Saint Martins)</li> <li>• TPS 11 City of Perth Town Planning Scheme No. 11 (Wesley Trust)</li> <li>• TPS 13 City of Perth Town Planning Scheme No. 13 (SGIO)</li> <li>• TPS 14 City of Perth Town Planning Scheme No. 14 (Withernsea)</li> <li>• TPS 16 City of Perth Town Planning Scheme No. 16 (AMP)</li> <li>• TPS 21 City of Perth Town Planning Scheme No. 21 (FAI Site)</li> <li>• TPS 23 City of Perth Town Planning Scheme No. 23 (Paragon)</li> <li>• TPS 24 City of Perth Town Planning Scheme No. 24 (131-137 Adelaide Terrace)</li> <li>• LPS 26 City of Perth Local Planning Scheme No. 26 (East Perth Redevelopment Area)</li> </ul> <p>Planning and Development Act 2005 Planning and Development Regulations 2009</p>	
<b>CEO's Sub-delegation to:</b>	N/A	
<b>CEO's Conditions on Sub-delegation:</b>	N/A	
<b>Record Keeping Practices:</b>	Records of decisions are kept on Pathways, file notes in the physical DA files (legally the only full record of a DA) and in Trim (Desk of the CEO – procedural report to EMs).	
<b>Version Control</b>		
<b>Version</b>	<b>Decision Reference</b>	<b>Date Delegated</b>
1		88/10 - 16/02/2010
1	Annual Review	294/12 - 26/06/12
1	Annual Review	319/13 - 25/06/13 CEO Trim 77838/13
2	New DA.4(a)= sign content	01/04/14
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM 99056/15

## 2. Statutory Delegations – Other Legislation

<b>2.5.2 City Planning Scheme No.2 – Appoint Authorised Officers</b>		
<b>Function Delegated:</b> <i>This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [refer below].</i>	Authority to appoint Authorised Officers for the purposes of entering any building or land to determine whether the provisions of this Scheme have been or are being observed [cl.63].	
<b>Statutory Power Delegated:</b>	City Planning Scheme No.2 Clause 63 Authorised Entry.	
<b>Power Originally Assigned to:</b>	Council (Local Government)	
<b>Statutory Power of Delegation:</b>	City Planning Scheme No.2 Clause 59 Delegation.	
<b>Power Delegated to:</b>	Chief Executive Officer Director City Planning and Development Manager Approval Services	
<b>Council's Conditions on Delegation:</b>	Nil.	
<b>Statutory Power to Sub-delegate:</b>	Nil.	
<b>Compliance Links:</b>		
<b>Record Keeping Practices:</b>	P1027271 - HUMAN RESOURCES - AUTHORISATIONS - Register Authorised Persons	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	09/06/2015 OCM 99056/15

## 2. Statutory Delegations – Other Legislation

**CITY PLANNING SCHEME****2.5**

<b>2.5.1 City Planning Scheme No. 2- Planning Approval</b>	
<p><b>Function Delegated:</b></p> <p><i>This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [refer below].</i></p>	<ol style="list-style-type: none"> <li>1. Authority to determine an application for planning approval for the commencement or continuation of any development or use of any land or building where the application:               <ol style="list-style-type: none"> <li>(a) complies with all applicable standards and requirements of the Scheme, planning policies and precinct plans, including a change of use to a use classified under the Scheme as a preferred (P) use;</li> <li>(b) includes a change of use to a use classified under the Scheme as a contemplated (c) use or constitutes a non-complying application for the purposes of clause 47 of the Scheme <b>and clause 64 of “The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes”</b> – where the non-compliance is considered minor.</li> </ol> </li> <li>2. Authority to require an applicant to advertise a proposal.</li> <li>3. Authority to comment on applications referred to the Council by other authorities.</li> <li>4. Authority to determine the advertising content of a proposed sign at:               <ol style="list-style-type: none"> <li>a. 267 (Lot 10) St Georges Terrace, Perth (OCM 01/04/14)</li> <li>b. 81 (Lot 81) St Georges Terrace, Perth (OCM 01/04/14)</li> </ol> </li> </ol>
<p><b>Statutory Power Delegated:</b></p>	<p>City Planning Scheme No.2 Clauses 41, 43, 44, 45 and 47</p> <p><i>The relevant clauses of “The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes” – including clauses 61, 64, 67 and 68</i></p>
<p><b>Power Originally Assigned to:</b></p>	<p>Local Government</p>
<p><b>Statutory Power of Delegation:</b></p>	<p>City Planning Scheme No.2 Clause 59</p> <p><i>The relevant clauses of “The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes” – including clauses 81 to 84</i></p>
<p><b>Power Delegated to:</b></p>	<p>Chief Executive Officer Director City Planning and Development Manager Approval Services</p>
<p><b>Council’s Conditions on Delegation:</b></p>	<p>In relation to Delegated Authority 1(b) above, approval may only be granted where no significant objections are received during the public submission period.</p> <p>In relation to Delegated Authority 3 above, comment may only be made</p>

## 2. Statutory Delegations – Other Legislation

### 2.5.1 City Planning Scheme No. 2- Planning Approval

	<p>on proposals that are considered minor in nature.</p> <p>Authority may not be exercised where the application is for planning approval where the development may have a detrimental impact on a place which is the subject of a declaration made under clause 30 of the Scheme and <b>clauses 8 and 9 of “The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes”</b>.</p> <p>Authority may not be exercised where any elected member has requested that the application be referred to the Council for determination.</p> <p>Details of approvals issued under delegated authority are to be made available to elected members on a weekly basis.</p> <p><del>In relation to Delegated Authority 4 above, the authority may only be exercised by the Manager Approval Services.</del></p>	
<b>Statutory Power to Sub-delegate:</b>	<p>Nil.</p> <p><b>The relevant clauses of “The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes” – including clause 83</b></p>	
<b>Compliance Links:</b>	<p>City Planning Scheme No. 2 and subordinate Schemes:</p> <ul style="list-style-type: none"> <li>• TPS 7 City of Perth Town Planning Scheme No. 7 (Saint Martins)</li> <li>• TPS 11 City of Perth Town Planning Scheme No. 11 (Wesley Trust)</li> <li>• TPS 13 City of Perth Town Planning Scheme No. 13 (SGIO)</li> <li>• TPS 14 City of Perth Town Planning Scheme No. 14 (Withernsea)</li> <li>• TPS 16 City of Perth Town Planning Scheme No. 16 (AMP)</li> <li>• TPS 21 City of Perth Town Planning Scheme No. 21 (FAI Site)</li> <li>• TPS 23 City of Perth Town Planning Scheme No. 23 (Paragon)</li> <li>• TPS 24 City of Perth Town Planning Scheme No. 24 (131-137 Adelaide Terrace)</li> <li>• LPS 26 City of Perth Local Planning Scheme No. 26 (East Perth Redevelopment Area)</li> </ul> <p>Planning and Development Act 2005          Planning and Development Regulations 2009  <b>The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</b></p>	
<b>CEO’s Sub-delegation to:</b>	N/A	
<b>CEO’s Conditions on Sub-delegation:</b>	N/A	
<b>Record Keeping Practices:</b>	Records of decisions are kept on Pathways, file notes in the physical DA files (legally the only full record of a DA) and in Trim (Desk of the CEO – procedural report to EMs).	
<b>Version Control</b>		
<b>Version</b>	<b>Decision Reference</b>	<b>Date Delegated</b>
1		88/10 - 16/02/2010
1	Annual Review	294/12 - 26/06/12
1	Annual Review	319/13 - 25/06/13 CEO Trim 77838/13

2. Statutory Delegations – Other Legislation

<b>2.5.1 City Planning Scheme No. 2- Planning Approval</b>		
2	New DA.4(a)= sign content	01/04/14
2	Annual Review	24/06/14 270/14 CEO Trim 234521/14
3	Annual Review	09/06/15 OCM 99056/15

## 2. Statutory Delegations – Other Legislation

<b>2.5.2 City Planning Scheme No.2 – Appoint Authorised Officers</b>		
<b>Function Delegated:</b> <i>This detail is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [refer below].</i>	Authority to appoint Authorised Officers for the purposes of entering any building or land to determine whether the provisions of this Scheme have been or are being observed [cl.63].	
<b>Statutory Power Delegated:</b>	City Planning Scheme No.2: Clause 63 Authorised Entry  <i>The relevant clauses of “The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes” – including clause 79</i>	
<b>Power Originally Assigned to:</b>	Council (Local Government)	
<b>Statutory Power of Delegation:</b>	City Planning Scheme No.2: Clause 59 Delegation  <i>The relevant clauses of “The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes” – including clauses 81 to 84</i>	
<b>Power Delegated to:</b>	Chief Executive Officer Director City Planning and Development Manager Approval Services	
<b>Council's Conditions on Delegation:</b>	Nil.	
<b>Statutory Power to Sub-delegate:</b>	Nil  <i>The relevant clauses of “The Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes” including clause 83.</i>	
<b>Compliance Links:</b>		
<b>Record Keeping Practices:</b>	P1027271 - HUMAN RESOURCES - AUTHORISATIONS - Register Authorised Persons	
Version Control		
Version	Decision Reference	Date Delegated
1	New Delegation	09/06/2015 OCM 99056/15

## ITEM NO: 4

**206 (LOT 50) ADELAIDE TERRACE, EAST PERTH – 11-LEVEL MIXED-USE DEVELOPMENT CONTAINING 48 MULTIPLE DWELLINGS, ONE COMMERCIAL TENANCY AND 51 CAR PARKING BAYS**

**RECOMMENDATION**

**(APPROVAL)**

*That in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, Council APPROVES BY AN ABSOLUTE MAJORITY the application for an 11-level mixed-use development containing 48 multiple dwellings, one commercial tenancy and 51 car parking bays at 206 (Lot 50) Adelaide Terrace, East Perth, as indicated on the Metropolitan Region Scheme Form One dated 17 August 2015, and as shown on the plans received on 20 October 2015 and 4 November 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 received on 20 October 2015 and perspectives received on 4 November 2015, with particular attention to the side/rear podium walls, right of carriageway area, front canopy and the configuration and alignment of the ground floor entryway and commercial 'alfresco' space, 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;*

*(Cont'd)*

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;***
3. ***the recommendations contained in the Acoustic Report prepared by Lloyd George Acoustics on 28 August 2015 regarding the noise amelioration construction specifications and other noise management measures, being implemented in full to the satisfaction of the City with final detailed acoustic reports as listed in Section 4 of the Report, including additional specific noise amelioration measures for the gymnasium, being submitted and approved by the City, prior to applying for the relevant building permit;***
4. ***a final 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. ***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;***

(Cont'd)

8. ***the proposed vehicle and pedestrian entry levels being consistent with the immediately adjacent existing footpath and Right-of-Carriageway levels with final details of the existing and proposed levels being submitted for approval by the City prior to applying for a building permit;***
9. ***the commercial tenancy being used for 'Retail (General)', 'Business Services', 'Office' or 'Dining' uses with details of any proposed external ventilation or ducting or window treatments being provided prior to applying for the relevant building permit. Any other proposed use of the commercial tenancies shall be subject to a separate application for approval;***
10. ***any signage for the development being integrated with the design of the building with details of any signage for the tenancies not exempt from approval under the City's Planning Policy 4.6 – Signs being subject to a separate application(s) for approval;***
11. ***an updated Transport Impact Statement detailing final vehicle and pedestrian safety measures and right of carriageway maintenance arrangements being submitted for approval by the City prior to applying for a building permit;***
12. ***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 and 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;***
13. ***the works referred to in Condition 12, 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;***
14. ***the screening of the rear (north east facing) first floor balcony being increased to a minimum 1.6 metres above floor level to provide for improved privacy and amenity for future occupants of the apartment and adjacent apartments/developments; and***

**(Cont'd)**

**15. 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. delivery of materials and equipment to the site;**
- b. storage of materials and equipment on the site;**
- c. parking arrangements for contractors and subcontractors;**
- d. any dewatering of the site; and**
- e. other matters likely to impact on the surrounding properties.**

**BACKGROUND:**

SUBURB/LOCATION: 206 Adelaide Terrace, Perth  
FILE REFERENCE: 2015/5334  
REPORTING UNIT: Development Approvals  
RESPONSIBLE DIRECTORATE: Planning and Development  
DATE: 9 November 2015  
MAP / SCHEDULE: Schedule 4 – Map and coloured perspectives for 206 Adelaide Terrace, East Perth  
3D MODEL PRESENTATION: A 3D Model for this application will be available at the Committee meeting.

LANDOWNER: Hospitality Pty Ltd  
APPLICANT: Aztec Architects Pty Ltd  
ZONING: (MRS Zone) Central City Area  
(City Planning Scheme Precinct) Adelaide (P13)  
(City Planning Scheme Use Area)  
Office/Residential  
APPROXIMATE COST: \$12.5 million

**SITE HISTORY:**

The subject site has a total area of 905m<sup>2</sup> with a frontage of 15.13 metres to Adelaide Terrace. The site is currently occupied by a vacant two storey commercial building. The site is bordered by a recently developed 10 storey mixed-use development to the west, a single story commercial building to the north (rear) and a nine storey office building to the east. The subject site has a two metre wide easement along its eastern boundary which forms part of a four metre wide right of carriageway with the adjoining property at 200 Adelaide Terrace.

**DETAILS:**

Approval is sought for the demolition of the existing commercial building on site and the construction of an 11-level mixed-use development containing 48 multiple dwellings, one commercial tenancy and 51 car parking bays.



## COMPLIANCE WITH PLANNING SCHEME:

### Land Use

The subject site is located within the Office/Residential use area of the Adelaide Precinct (P13) under City Planning Scheme No. 2 (CPS2). The Precinct will be developed as a residential quarter accommodating a wide range of residential and visitor accommodation and employment opportunities serviced by activities which support these uses. The Precinct will also accommodate offices, functioning as secondary, less intensive, general office district and will contain a mixture of general commercial activities of a kind that will contribute to residential amenity.

Within the Office/Residential use area of the Precinct, multiple dwellings ('Residential') is a preferred ('P') use, except at pedestrian level where it is prohibited ('X') unless it provides pedestrian interest and activity. There are no ground floor dwellings with only the entry lobby to the apartments and a commercial tenancy activating the street front of the building. The applicant has indicated that a tenant for the ground floor commercial tenancy has not been confirmed at this stage. Therefore the applicant is seeking a flexible approval to cater for alternative 'Business Services', 'Office', 'Dining', and 'Retail (General)' uses within the tenancy. Within the Precinct, 'Office', 'Dining' and 'Business Services' are preferred ('P') uses and 'Retail (General)' is contemplated ('C'). It is considered that the proposed uses are consistent with the intent of the Precinct and will be compatible with the surrounding land uses. Therefore this range of potential uses can be supported.

### Development Requirements

In accordance with the Statement of Intent for the Office/Residential use area of the Adelaide Precinct (P13) The Precinct will develop at an intensity markedly lower than the city centre, generally characterised by medium scale buildings. Buildings will have a nil street setback and be of a low scale along the street frontage to provide a consistent and continuous urban edge. Additional building height will be set back from all lot boundaries. Buildings should be designed to a high standard and evoke a sense of prestige.

The proposal's compliance with the CPS2 development standards and requirements is summarised below, with proposed variations highlighted in bold:-

Development Standard	Proposed	Required
Maximum Plot Ratio:	3.7:1 (3,382m <sup>2</sup> )	4.0:1 (3,620m <sup>2</sup> )
Maximum Street Building Height:	<b>25 metres</b>	21 metres
Maximum Building Height:	29.5 metres	No prescribed limit

Development Standard	Proposed	Required
<b>Setbacks:</b>		
<u>Front (Adelaide Terrace)</u>		
- Lower Building Levels	Nil up to <b>25 metres</b>	Nil up to 21 metres
- Upper Building Levels	5 metres setback up to a height of 29.5 metres	5 metres setback up to a height of 65 metres
<u>Rear (north)</u>		
- Lower Building Levels	Nil (ground floor parking podium); <b>Nil (first level balcony)</b> to 4 metres (openings/balconies)	Nil (no openings/balconies) 4 metres (with openings/balconies)
- Upper Building Levels (up to 65 metres in height)	4 metres	3 metres (no openings/balconies) 4 metres (with openings/balconies)
<u>Side (west)</u>		
- Lower Building Levels	Nil (no openings) to <b>3 metres (with openings)</b>	Nil (no openings/balconies) 4 metres (with openings/balconies)
- Upper Building Levels (up to 65 metres in height)	<b>3 metres (with openings)</b>	3 metres (no openings/balconies) 4 metres (with openings/balconies)
<u>Side (east)</u>		
- Lower Building Levels	Nil to 4 metres (no openings); <b>2 metres (with openings)</b>	Nil (no openings/balconies) 4 metres (with openings/balconies)
- Upper Building Levels (up to 65 metres in height)	<b>2 metres (with openings)</b>	3 metres (no openings/balconies) 4 metres (with openings/balconies)

<b>Development Standard</b>	<b>Proposed</b>	<b>Required</b>
<b>Car Parking:</b>		
Residential bays	51 bays	48 bays (minimum) 96 bays (maximum)
Commercial Tennant bays	Nil	9 bays (maximum)
<b>Bicycle Parking:</b>		
Bicycle Bays	16 bays	16 bays (minimum)

Variations to the street building height and setback 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 CPS2 development standards, the proposal was advertised to the owners of the adjacent properties for a period of 14 days, closing on 6 October 2015. These included the owners at 197, 200, 207 and 208 Adelaide Terrace and 297, 309 and 311 Hay Street, Perth. Two submissions, raising objections to the proposal, were received including one from an individual owner within strata complex at 208 Adelaide Terrace and one from the strata managers on behalf of the owners of the same complex. The comments received from the adjacent property owners are summarised below:-

*"The proposed development has the potential to destructively affect the adjoining lots by:-*

- significant removal of direct natural sunlight into the adjoining lots;*
- substantial increase in shadowing effects over the adjoining lots;*

- *completely blocking sunshine and air flow in the 208 Adelaide Terrace apartments and make them unliveable;*
- *extensive increase in wind velocity across the Lot's balconies."*

*"Other considerations also include:-*

- *removal of views of the Swan River and surrounds thereby decreasing Lot value;*
- *increased environmental disturbance from 206 vicinity occupiers;*
- *construction damage to Au Apartments' architectural structure and infrastructure;*
- *construction disturbance of noise, dust and vibration from the proposed development."*

The comments regarding the side setback variations and its impact on the adjacent properties in terms of solar access, overshadowing and wind velocity will be discussed in the building height and setbacks section of this report.

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 through construction management plans. The objectors can also be advised to obtain a dilapidation report for their property prior to the commencement of construction.

The impact of the development on the value of properties and perceived loss of views are matters that are not directly relevant in any assessment of the planning merit of a proposed development. It is noted that these concerns are of a high importance amongst existing residents however cannot be specifically addressed within the relevant planning framework.

### **Design Advisory Committee**

At its meeting held on 17 September 2015, the Design Advisory Committee (DAC), having considered the design for the proposed development advised that it:-

1. *considers that the form of the building is inappropriate for this constrained site and that inadequate justification has been provided for the proposed side and rear setback variations having regard for the objectives and principles of the City's Building Heights and Setbacks Policy;*
2. *requests that a traffic impact statement be prepared for the proposed use of the right of carriageway easement, noting that access to the car stackers directly from this shared access could cause delays to vehicle movements;*

3. *considers that access to the car parking adjacent to the right of carriageway easement needs to be reviewed in terms of pedestrian safety; and*
4. *raises concerns in regard to the quality of the design and materials, noting that any design review should incorporate an awning or canopy over the footpath to provide pedestrian shelter.”*

The applicant subsequently met with the City’s officers and submitted revised plans which aimed to address the abovementioned issues. The revised plans were subsequently considered by the DAC at its meeting held 8 October 2015 and resolved that it:

- “1. *acknowledges the minor revisions made to the design but is disappointed by what it considers to be an inadequate response to the Committee’s previous concerns regarding the form of the building and the proposed side and rear setback variations, having regard for the objectives and principles of the City’s Building Heights and Setbacks Policy;*
2. *maintains its previous concerns in regard to the quality of the design and materials. Additionally, the following design matters require further review:*
  - 2.1 *the provision of only highlight windows to the bedrooms on the front portion of the eastern façade are not supported and could be replaced by larger openings;*
  - 2.2 *the doors to the car stackers should screen the view of the cars from the street while also addressing pedestrian safety within and adjacent to the development;*
  - 2.3 *the 1.6m high screens to the balconies are not considered necessary for protecting privacy in the context of inner city development and could be removed;*
  - 2.4 *the height and extent of the awning will be ineffectual in providing pedestrian shelter across the building frontage;*
  - 2.5 *while the enclosure of the ground level outdoor seating area has been reduced, an alternative, less formal means of demarking this area should be considered to improve the building frontage presentation and interaction with the street;*
  - 2.6 *the protruding upper level balconies to the rear of the development should be setback so as not to be such a dominating element;*
  - 2.7 *all air-conditioning plant must be acoustically and visually screened;*
3. *notes that an assessment of any submitted traffic impact statement by the City’s traffic engineers will determine the appropriateness of the use of the right of carriageway easement to access the proposed car stackers.”*

Final revised plans and an updated traffic report have been submitted to address the above points. 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 applicant has revised the design of the proposal to include more substantial openings to the front portion of the eastern façade and revised the car stacker doors to a perforated mesh finish. The modifications are consistent with the DAC's comments and will provide for increased passive surveillance and articulation of the eastern façade of the building.

In accordance with DAC's comments, the applicant has also modified the design of the canopy to provide continual cover across the front façade of the building. The height of the canopy has also been reduced to provide for improved protection for pedestrians. It is considered that the design of the canopy requires additional refinement at the detailed design stage to improve its integration with the façade and reduce the requirement for supporting structures and fixings. This can be addressed as a condition of any approval.

In response to the DAC's concerns in relation to the design and functionality of the ground floor commercial tenancy's external area, the applicant has included planters and revised the location and extent of glazing and access to the area. The modifications are generally consistent with the intent of the DAC's comments however it is considered that further refinement is required to this and the adjoining entryway. It is recommended that final details and dimensions of the ground floor façade, entryway and external area treatments be provided, prior to the building permit stage, and can be addressed as a condition of any approval.

In relation to the DAC's comments regarding the provision of 1.6 metre high privacy screens on the western elevation, the design has been modified to include standard one metre high balustrades to the balcony areas. This is consistent with similar scale residential developments within the city. The upper western façade has also been amended to provide for a fully screened air-conditioning plant area to address the DAC's recommendation to provide suitable acoustic and visual screening to the mechanical plant. In addition, the applicant has increased the setback of the upper level balconies on the northern façade to reduce their visual dominance as noted by the DAC.

With regards to size and diversity of dwellings, the City's Residential Design Policy (4.9) requires development to include a suitable range of dwelling sizes and types. The proposal is compliant with respect to dwelling diversity given it includes a diverse range of apartment types and configurations with a mix of one, two and three bedroom apartments being offered. The development is also compliant with respect to the Policy's minimum size recommendations for one (50m<sup>2</sup>) and three (100m<sup>2</sup>) bedroom apartments and balconies (10m<sup>2</sup>). However it is noted that the two bedroom apartments (ranging between 63m<sup>2</sup> and 68m<sup>2</sup>) fall below the respective minimum size requirement of 70m<sup>2</sup> suggested by the Policy. The reduced size of the

apartments is however offset by the provision of the majority of balconies in excess of the minimum 10m<sup>2</sup>, the internal design maximising efficiency.

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 design features to reduce the overall bulk of the building. However it is considered that additional refinement and resolution of the final materials/finishes palette and treatment of the side/rear podium walls and right of carriageway area in particular, is required prior to the building permit stage.

### **Building Height and Setbacks**

In accordance with CPS2, the site has no prescribed maximum building height, however, a maximum street building height of 21 metres is prescribed along Adelaide Terrace in the subject location. The development proposes a 25 metre street building height which represents a four metre variation from the CPS2 requirement. It is noted that the adjoining recently completed development at 208 Adelaide Terrace has a street building height of 28 metres and that the proposed height is consistent with the overall scale of development in this section of Adelaide Terrace and will not be dominant or imposing within the streetscape. The variation is considered to be minor in this context can therefore, be supported based on the design satisfying the requirements of Clause 47 of CPS2. .

Variations are also proposed to the side and rear setback requirements of CPS2. The proposed rear setback variation is considered to be acceptable given the reduced nil setback only applies to half the width of the first floor level at this point and the main building is setback to the four metre standard. It is considered that the encroaching balcony/terrace area makes effective use of the roof of the ground floor driveway rear entry. It is also noted that no objections were received from the adjoining landowner/s to this proposed setback variation. However it is recommended that the balustrade of the subject balcony be increased to a minimum 1.6 metres above floor level to provide for improved privacy and amenity for future occupants of the apartment and adjacent apartments/developments. This can be addressed as a condition of any approval.

The proposed western and eastern side setback variations, by contrast, are more significant with the western variations also being subject to objections from the adjoining landowner/s. It is noted that given the 15.13 metre width of the site (including two metres of undevelopable right of carriageway), there is scope under the City's Building Heights and Setbacks Policy (4.4) for the building to be developed with 3.5 metre side and rear setbacks in lieu of the standard four metres. In particular, the eastern side proposes a minimum setback of two metres in lieu of the required 3.5 metre setback. Whilst the western façade is proposed to be setback between nil (four metres above the prescribed podium height) and three metres to balconies in lieu of the 3.5 metre setback requirement.

The bulk and scale of the proposal, resulting from the setback variations being sought was also raised as a concern by the DAC. In response the applicant has

advised that *“the constraint of having a right of carriageway to the eastern boundary became a priority and opportunity to commence design around where the parking facilities would be located. The exploration of parking areas and access began informing the footprint and ultimately the shape and access to and within the site”*.

With regards to the eastern side setback variation, the applicant asserts that *“there is ample separation provided to enable daylight access and ‘sky views’ from street level and internal adjoining spaces of both buildings”*. *The profile of the eastern easement façade will serve to add interest along that corridor space between buildings and provide a dynamic framing of space and sky as people move past and within the space”*. It is noted that a portion of the adjoining building at 200 Adelaide Terrace is located on the two metre eastern alignment of the right of carriageway up to nine levels in height. However given the curved nature of the front and rear portions of the building its impact on the carriageway environment is lessened.

The proposed development, whilst setback two metres from the eastern common boundary at its closest point, includes four metre setbacks to the ground floor, first, eighth and ninth levels. It is considered that these offsets, combined with the articulated design of the second to seventh floor levels façade will provide for adequate separation between the proposed development and the adjacent existing building. The variation can be supported as the setback variation would not compromise the requirements of Clause 47 of CPS2. It is also noted that no objection was received from the adjoining landowner(s) in this regard.

The western setback variations are subject to objections from the adjoining landowners based on concerns in relation to increased overshadowing, restriction of access to natural sunlight and ventilation and increased wind velocity. It is noted that the proposed development includes three separate boundary walls, approximately 25 metres in height, along the common boundary with 208 Adelaide Terrace. The applicant advises that the placement of the rear parapet is intentional to directly correlate with an existing boundary wall of the adjacent development and reduce its impact. In addition, to reduce the impact of the boundary walls on the adjoining building, light wells ranging in length between eight and 13 metres have been provided which are in excess of the standard six metres prescribed by the Policy.

A review of the proposal’s overshadowing extent has confirmed that the parapet height and setback variations will only have a negligible impact on the existing adjacent residential development. This is in comparison to a compliant development where a podium wall (with no openings) up to 21 metres in height could be located on the common boundary. The impact of the three metre setback to the balconies and main building from the common boundary is in part offset by the four to eight metre setback of the adjoining development. The separation is therefore between four to eight metres between the buildings, allowing for sufficient solar and ventilation access. The staggering of the walls and openings will also assist in reducing wind speeds and any tunnelling impacts.

It is therefore considered that the proposed western boundary setback variations would not compromise the requirements of Clause 47 of CPS2 and the external treatment of the podium boundary walls in particular can be reasonably conditioned to ensure their impacts on adjacent properties are minimised.

## **Car Parking and Traffic Management**

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.

The applicant submitted a preliminary Transport Impact Statement (TIS) for the City's review in support of the application. The TIS is generally consistent with the City's requirements however final vehicle and pedestrian safety measures and right of carriageway maintenance arrangements will need to be addressed by the applicant prior to submitting a building permit. In addition, measures to minimise potential delays associated with accessing the proposed car stacker bays, noting the width of the right of carriageway, and allowing for efficient vehicle movements during peak periods. It is therefore recommended that condition of approval be imposed requiring the submission of a final Transport Impact Statement to the City's satisfaction.

## **Noise**

The applicant submitted an Acoustic Report in support of the proposed works which provides a preliminary assessment in relation to proposed noise mitigation measures and potential for the development to comply with the associated noise regulations. While the City's officers are supportive of its recommendations it was noted that the Report does not specifically reference attenuation measures for the proposed gymnasium on Level 1 and also recommends a suite of additional detailed acoustic assessments to be undertaken at the detailed design stage. It is therefore recommended that any approval include a condition requiring a final detailed acoustic report to be submitted containing specific noise amelioration measures for the gymnasium.

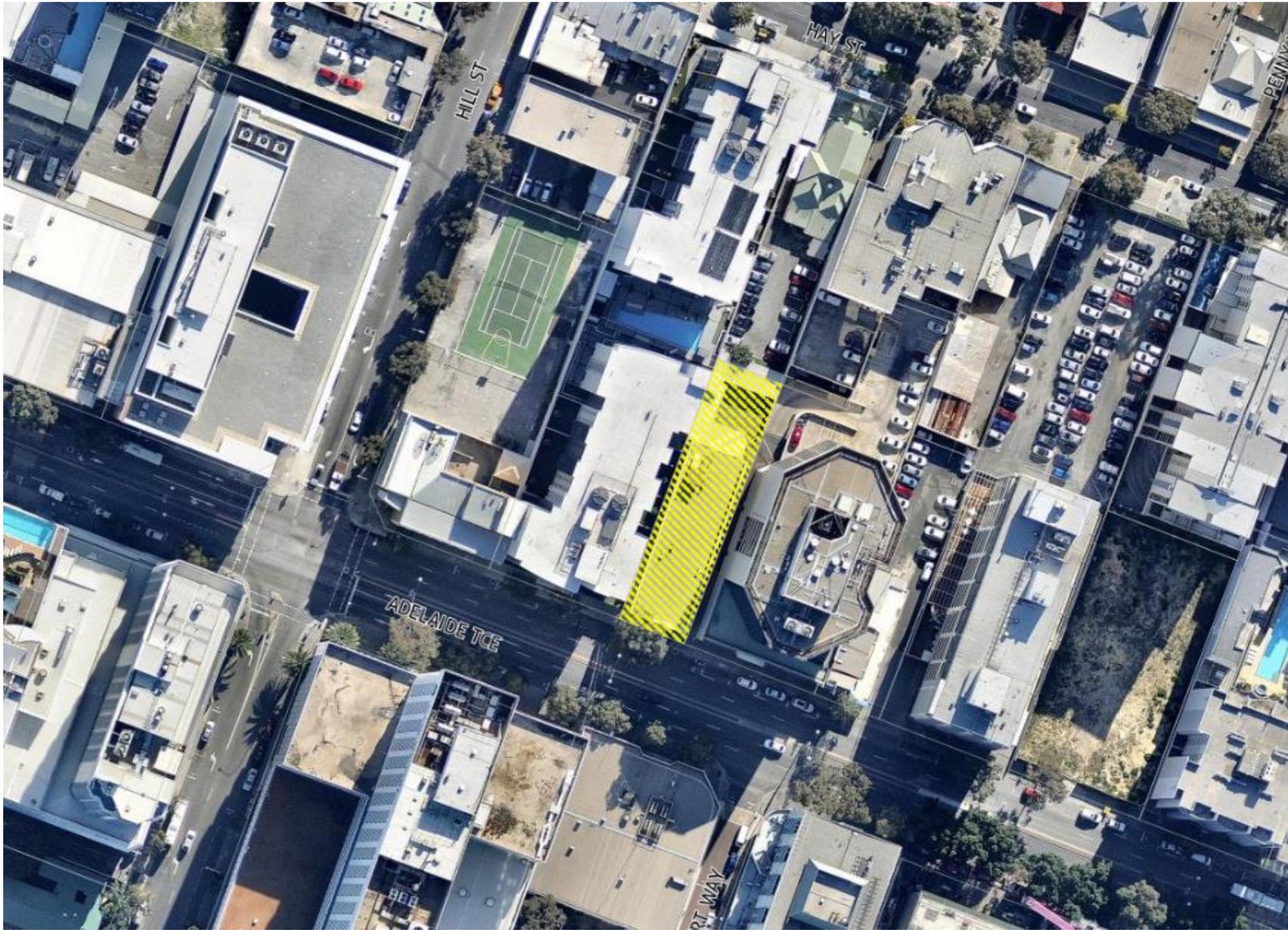
## **Conclusion**

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 development.

The proposed 11-level mixed-use development is consistent with the Statement of Intent for the Adelaide Precinct which is to be developed as a residential quarter accommodating a wide range of residential and visitor accommodation and employment opportunities serviced by activities which support these uses. The proposed development is in keeping with the scale of development recently approved along Adelaide Terrace.

The proposal is seeking variations to the street building height and setback requirements of CPS2 however there are not considered to result in any adverse

impact on adjoining properties or occupants and are therefore supported in accordance with Clause 47 of CPS2.



**2015/5334; 206 ADELAIDE TERRACE, EAST PERTH**



**2015/5334; 206 ADELAIDE TERRACE, EAST PERTH (PERSPECTIVES)**



**2015/5334; 206 ADELAIDE TERRACE, EAST PERTH (PERSPECTIVES)**

## ITEM NO: 5

**61-61A (LOT 10) BENNETT STREET, EAST PERTH – PROPOSED EIGHT LEVEL MIXED-USE DEVELOPMENT COMPRISING 19 MULTIPLE DWELLINGS, A RESTAURANT AND 19 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 the demolition of the existing building and the construction of a eight level mixed-use development containing 19 multiple dwellings and 19 car parking bays at 61-61A (Lot 10) Bennett Street, East Perth, as indicated on the Metropolitan Region Scheme Form One dated 8 September 2014, and as shown on the plans received on 9 October 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 received on 9 October 2015 and perspectives received on 2 October 2015, with final details of the design, external materials and finishes for the building being submitted for approval by the City prior to applying for a building permit;*
- 2. air conditioner condensers not being permitted on the residential balconies where they affect the use or enjoyment of the balcony and being located or screened so they cannot be viewed from the street or surrounding properties;*
- 3. any proposed external building plant, lift overruns, piping, ducting, water tanks, transformers, and fire booster cabinets being located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street, 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 by the City prior to applying for a building permit;*

*(Cont'd)*

4. ***the proposed development being designed and constructed in such a manner so that existing and possible future noise levels associated with traffic impacts and nearby commercial uses, in addition to noise generated from residential and dining uses within the development, that could potentially affect future residents, can be successfully attenuated. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and be submitted for approval by the City prior to the submission of an application for the relevant building permit and may include (but not be limited to) the following:***
  - 4.1 ***installation of double glazing or heavyweight single glazing of a minimum thickness of 10mm on windows and glass doors to bedrooms and living areas;***
  - 4.2 ***acoustic insulation in external walls, non-glazed doors and roofs;***
  - 4.3 ***the construction of shared walls, ceilings and floors between dwellings and between residential and non-residential units, in such a way which minimises the transmission of noise; and***
  - 4.4 ***acoustically insulated ducting in ducted air-conditioning;***
5. ***a Waste Management Plan identifying permanent facilities for bins, (including compactor and waste treatment facilities if applicable) and addressing the City's requirements for waste collection, being submitted and approved by the City prior to applying for a building permit;***
6. ***a detailed landscaping and reticulation plan 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;***

(Cont'd)

7. ***the dimensions of all car parking bays, aisle widths, wheel stops, columns locations, ramps width, ramp grades, change of grades, gradient of first 6m of the internal driveway, car stackers, reversing areas and circulation areas, including turning circle for entering/existing vehicles, complying with the Australian Standards AS/NZS 2890.1:2004 with a report prepared by a qualified engineer, stating compliance with the standard being submitted and approved by the City prior to applying for a building permit;***
8. ***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;***
9. ***a minimum of one residential store being provided for each residential dwelling with a minimum of 12 of the stores having a minimum size of 5m<sup>2</sup> to enable bicycle storage, or secure bicycle parking bays being provided to comply with the requirements for bicycle parking under the City Planning Scheme No. 2 'Bicycle Parking and End of Journey Facilities' with details of the design and location of these facilities being submitted and approved by the City prior to applying for a building permit;***
10. ***all stormwater being contained on-site with details of the stormwater drainage being submitted to the City for approval by the City prior to applying for a building permit;***
11. ***the proposed vehicle and pedestrian entry levels being consistent with the immediately adjacent existing footpath levels with final details of the existing and proposed levels being submitted and approved by the City prior to applying for a building permit;***
12. ***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 and landscaped to the satisfaction of the City in order to preserve the amenity of the area to prevent unauthorised car parking and reduce dust and sand being blown from the site and shall be maintained in a clean and tidy state;***

(Cont'd)

13. *the works referred to in Condition 12 being secured by a bond/deed of agreement between the landowner and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant;*
  
14. *a construction management plan for the proposal being submitted prior to applying for a building permit, detailing how it is proposed to manage:*
  - 14.1 *delivery of materials and equipment to the site;*
  - 14.2 *storage of materials and equipment on the site;*
  - 14.3 *parking arrangements for contractors and subcontractors;*
  - 14.4 *other matters likely to impact on the surrounding properties.*

#### **BACKGROUND:**

SUBURB/LOCATION:	61-61A Bennett Street, East Perth
FILE REFERENCE:	2014/5287
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	26 October 2015
MAP / SCHEDULE:	Schedule 5 – Map and coloured perspectives for 61-61A Bennett Street, East Perth
3D MODEL PRESENTATION:	A 3D Model for this application will be available at the Committee meeting.
LANDOWNER:	TK Hua and LK Xa
APPLICANT:	Craig Smith
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Goderich (P14) (City Planning Scheme Use Area) Residential R160
APPROXIMATE COST:	\$2.4 million

**Mr Craig Smith, City Architect, has disclosed a direct financial interest in this Item and has not participated in any discussion or decisions in regards to the matter in his capacity as City Architect of the City Of Perth.**

#### **SITE HISTORY:**

The subject site is located at the south-west corner of the intersection of Bennett and Goderich Streets with a right of way adjoining the site on its western boundary. It has an area of 541m<sup>2</sup> with frontages of 13.5 and 40.5 metres to Bennett and Goderich

Streets respectively. It is currently occupied by a two storey residential building accommodating two dwellings.

**DETAILS:**

The applicant seeks planning approval to demolish the existing building on the site and to construct an eight level building to accommodate 19 multiple dwellings, a ground floor restaurant and 19 car parking bays. The development will be constructed of a mix of render, stone cladding, glass, aluminium glazing systems and metal louvres to the balconies and services. Details of the proposed development are as follows:

<b>Lower Basement</b>	This level will be accessed via the internal stairwell and will house servicing such as pumps, tanks and the elevator pit.
<b>Basement Level</b>	This level has vehicular access via the right of way adjoining the property to the west and is intended to accommodate parking for 19 cars, including parking for 13 of the cars within car stackers and two scooter bays. Bicycle racks and 6 residential stores are also intended to be located at this level.
<b>Ground Floor Level</b>	This level is intended to accommodate a restaurant tenancy with an area of 180.4m <sup>2</sup> and frontage to Bennett and Goderich Streets. A one bedroom dwelling (51.9m <sup>2</sup> ) and a two bedroom dwelling (80.2m <sup>2</sup> ) are proposed to face Goderich Street at this level with courtyards within the street setback area. Access to the residential lobby is to be gained via Goderich Street. One residential store and a bin store are to be located at this level.
<b>First to Fourth Floor Level</b>	A one-bedroom dwelling (51.9m <sup>2</sup> ), two two-bedroom dwellings (75 and 75.7m <sup>2</sup> ) and a three-bedroom dwelling (108.1m <sup>2</sup> ) are to be located at each of these levels. A store for one dwelling is also proposed to be located at each level.
<b>Fifth Floor Level</b>	This level will accommodate a three-bedroom dwelling (136.7m <sup>2</sup> ) with associated storeroom, a common store and communal facilities for the residents of the site including a deck, garden terrace and barbecue facilities.

**LEGISLATION / POLICY:**

**Legislation**

*Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes) Regulations 2015*  
City Planning Scheme No. 2

**Policy**

Policy No and Name: 3.1 - Design of Residential Development  
4.1– City Development Design Guidelines  
4.9 – Residential Design Policy  
5.1 - Parking Policy  
5.3 – Bicycle Parking and End of Journey Facilities  
6.3 – Goderich Design Policy

## COMPLIANCE WITH PLANNING SCHEME:

The subject site is located within the Residential R160 use area of the Goderich Precinct (P14) under the City Planning Scheme No. 2 (CPS2). This area will accommodate a wide variety of residential and visitor accommodation. New residential development is to be medium to high density. Other uses which serve the immediate needs of the residents will also be supported.

The protection and enhancement of the amenity of existing and future residential development in and around the Precinct is important. To ensure its cohesion as a residential area, non-residential activities will be confined to those areas which will not adversely impact on residential uses. Ensuring the compatibility of mixed-use developments in residential/commercial areas is also necessary and building design will aim to avoid conflict between the two uses.

Multiple dwellings ('Residential') are a preferred ('P') use in the Residential R160 use area of the Goderich Precinct while a restaurant ('Dining') is a contemplated ('C') use subject to advertising.

### Development Requirements

On major streets within the Goderich Precinct, buildings will be set on the street boundary. Elsewhere in the Precinct, buildings may be set in attractive landscaped areas. The environment will be further enhanced by improvements to streetscapes and the provision of pocket parks.

Within the Residential R160 use area an increase in residential use is sought by the conversion of non-residential premises and the construction of new residential buildings. Development will be medium rise taking into consideration the prominence of land in the eastern part of the Precinct, which forms part of an east west ridge rising to reach its highest point on Cemetery Hill. Along Hill, Bennett, Plain, Wellington and Hay Streets development will have a nil street setback. Elsewhere, development will be setback from the street. Development will be of a low scale along the street frontage with additional height setback from all lot boundaries. On amalgamated lots street facades will be narrow, in keeping with the existing subdivision and development pattern. Building design will not embody large unbroken elements, but display a variety of built form. Pedestrians should have ease of access throughout the area and design of residential development should take this into consideration; in particular new vehicle crossovers to the street will be discouraged where alternative access is available.

The proposal's compliance with the CPS2 development standards and requirements is summarised below, with proposed variations highlighted in bold:

<b>Development Standard</b>	<b>Proposed</b>	<b>Required / Permitted</b>
<b>Maximum Plot Ratio:</b>	2.92:1 (1,585m <sup>2</sup> )	3.0:1.0 (1,620m <sup>2</sup> )
<b>Street Building Height:</b> Bennett Street	19.2 metres	21 metres

<b>Development Standard</b>	<b>Proposed</b>	<b>Required / Permitted</b>
Goderich Street	19.6 metres	29 metres
<b>Maximum Building Height:</b>	19.6 metres	Height to be contained within a 45 degree angled height plane measured from Hay Street.
<b>Setbacks:</b>		
Bennett Street (east)	<b>Nil – 3 metres</b>	Nil
Goderich Street (north)	<b>Nil to 3.4 metres</b>	4.5 metres
Side (south)		
- Lower building levels	Nil where no openings to <b>3 metres where openings</b>	Nil where no openings, 4m where openings
- Upper building levels	Building does not project into upper building levels	3 metres where no openings, 4 metres where openings
Side (west)		
- Lower building levels	<b>1.9 metres</b>	Nil where no openings, 4m where openings
- Upper building levels	Building does not project into upper building levels	3 metres where no openings, 4 metres where openings
<b>Car Parking:</b>		
Residential	19 car parking bays (2 scooter bays), <b>nil visitor bays</b>	19 bays including 5 visitor bays (minimum)
Commercial	Nil	8 bays (maximum)
<b>Bicycle Parking</b>	7 residential bicycle bays and 12 residential stores in excess of 5m <sup>2</sup> <b>Nil</b> commercial bicycle parking bays	10 residential bicycle bays or can be located within residential stores (minimum dimension 2.2m and area of 5m <sup>2</sup> ) and 1 non-residential bay (minimum)

Variations to the setbacks, visitor parking 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 proposal was advertised to the owners of the adjacent properties for a period of 14 days, closing on 16 April 2015. No submissions were received as part of the advertising process. It was not deemed necessary to re-advertise the revised plans as the variations sought were not as excessive as previously requested.

### **Design Advisory Committee**

The original proposal was considered by the Design Advisory Committee (DAC) at its meeting held on 2 April 2015 where the DAC advised it:

- "1. supports the approach taken to the proposed building setback and landscaping to Goderich Street provided the lower landscaping terrace extends across the front of the ground floor balconies as depicted on some of the drawings and on the basis that there is sufficient soil depth to support the proposed landscaping;*
- 2. supports the proposed side and rear setbacks, noting the location of the rear right of way and the setbacks of established development along Bennett Street;*
- 3. acknowledges that there have been a number of changes and improvements made to the original plans in consultation with the City's officers but considers that there are still a number of unresolved design issues, noting that the City expects higher quality resolution of materials, design details and landscaping and is therefore, unable to support the current design until there is a fully resolved scheme for the proposed development."*

The owner changed architects and the new 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, Finishes and Landscaping**

The proposed design of the development has been modified to address the specific concerns of the DAC. The supporting structures to the upper level balconies facing onto Goderich Street have been removed to reduce the building's perceived bulk and provide a greater setback to the building at pedestrian level. At upper building levels the balconies will be cantilevered over the ground level and will project into the setback area to be setback 1 metre from the street.

The alternative façade treatment and modifications to the location and size of the is considered to be a more resolved design. The window design has refined from a number of different styles, sizes and locations of windows to a more consistent size and location over the entire building. A mix of render, stone cladding, glass, aluminium glazing systems and metal louvres have been used to articulate the facades. The proposed use of materials, colours and finishes is considered to be consistent with the Goderich Design Policy. It is however, recommended that a condition of approval be imposed requiring the use of high quality and robust materials.

To the Goderich Street frontage the retaining wall that was originally proposed along the majority of the setback reaching a height of 0.9 metres has been staggered to allow for a lower overall height of 0.61 metres. This, with a combination of increased in-ground landscaping, has resulted in an improved streetscape and better pedestrian amenity.

Through the process of revising the design the applicant has removed the proposed three bedroom dwelling from level four and incorporated 2 two bedroom dwellings and a one bedroom dwelling on the level. Additionally the fifth floor now incorporates a large common area for residents rather than a private space for the three bedroom dwelling.

### **Building Height and Setbacks**

In accordance with the Goderich Street Design Policy (6.3), development above the street building height is required to be contained within a 45 degree angled height plane measured from Hay Street. This 45 degree angled height plane relates to the angle of the sun at noon on the 21 August and 21 April and potential overshadowing of adjacent properties. Containment of development within this plane will ensure that the solar access principles of this Policy are met. Whilst it is expected that development should be contained within this plane, it not intended that development should take this precise form. The proposed development complies with the building height requirements.

Variations are proposed to the required 4.5 metre setback to Goderich Street with the development having a nil setback to the commercial tenancy, entrance lobby and fire stair and the residential dwellings adjoining residential development to the west having a setback between 1 metre to the balconies and 3.4 metres to the rest of the

building. The minor variations are considered to be consistent with the existing streetscape and will not be dominant or imposing within the streetscape. The staggering of the setback from the nil setback of the commercial tenancy on Goderich Street to an increased setback to the residential units is considered to be a good transition between the commercialised nature of the Bennett Street to the residential nature of Goderich Street.

The development also has a proposed side (west) setback variation of 1.9 metres from the required 4 metre side setback requirements of the Policy. Given the location of a Right of Way to the west of the property that provides separation between the buildings the reduced setback is considered acceptable and is not considered to have a detrimental impact on the adjoining properties.

The proposed southern side setback of nil to 3 metres is, by contrast, a more significant variation. The adjacent residential building located to the south at 57-59 Bennett Street is a single storey building. The setback for lower building levels where there are no openings may be nil and a minimum 4 metres where there are openings. The setback variation of 3 metres to the openings at lower building in lieu of the required 4 metre setback is not considered to have a substantial impact on the surrounding landowners given the primary openings of the dwellings are to the north, west and east elevations.

It is noted that there were no objections to the setback variations and that the DAC also supported the original setbacks. It is considered that these variations can be supported in accordance with clause 47 of the City Planning Scheme No 2.

### **Car Parking**

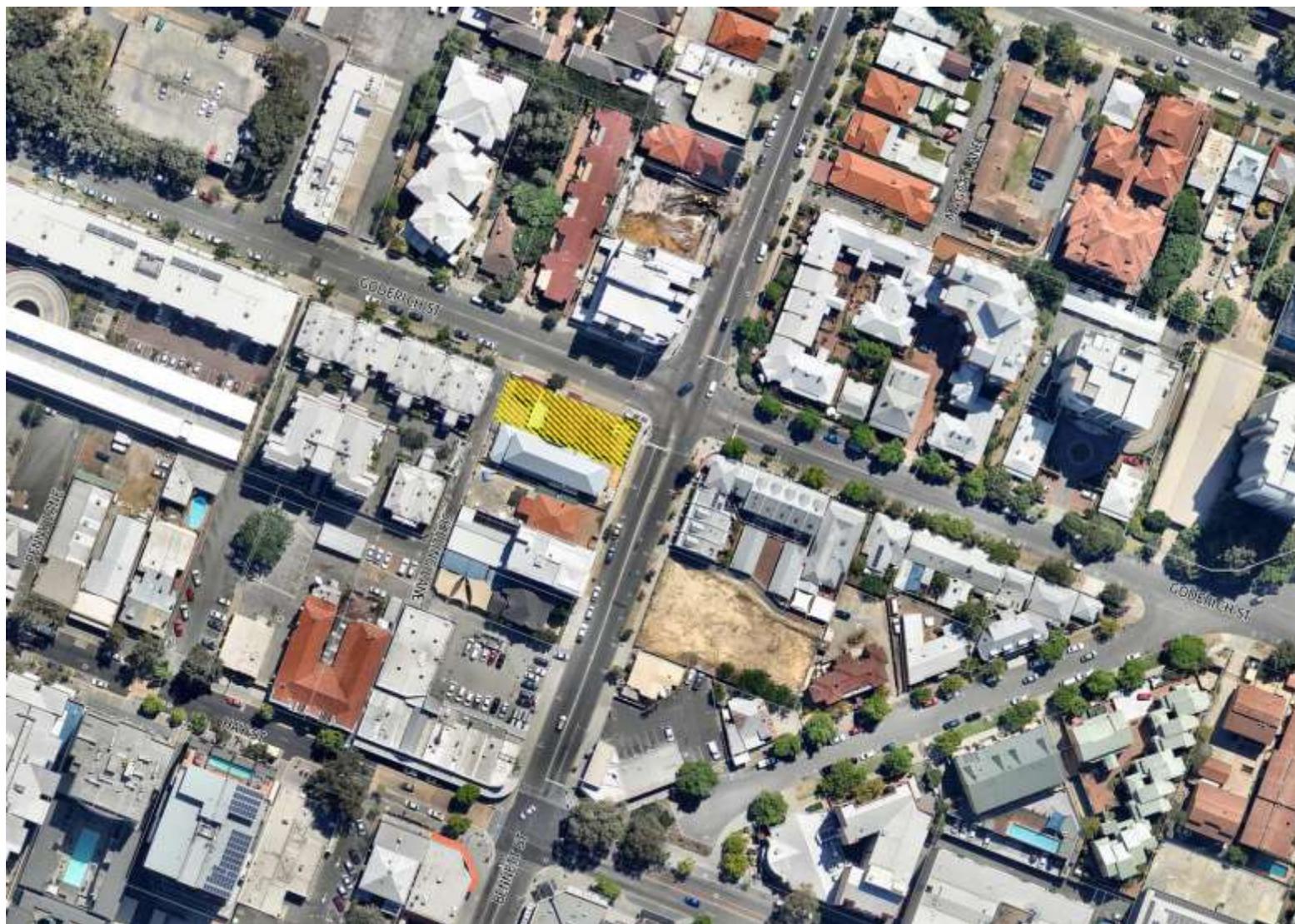
The development is compliant with respect to resident car parking bay provision as prescribed by the Residential Design Codes (R-Codes). However, the R-Codes also require visitor parking bays be provided, and for this development 5 visitor bays are required. It is considered that given the dimensions of the subject lot and noting the proposal meets the minimum resident car parking bay requirement via the use of car stackers, the requirement for visitor bays to be provided on site would be onerous. It is also 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. Given the availability of alternative transport options within the area it is considered the variation can be supported in accordance with clause 47 of the City Planning Scheme No 2.

### **Conclusion**

In response to the concerns of the Design Advisory Committee, the applicant has provided revised plans and elevations to resolve a number of design issues and to improve the overall presentation and quality of the development.

The proposed eight level residential development is consistent with the Statement of Intent for the Goderich Precinct which is to be further developed as a residential neighbourhood. Although the proposal is seeking minor variations to the setback

requirements of CPS2, these will not result in any adverse impact on adjoining properties or occupants or on the streetscapes. The proposed development is in keeping with the scale of development recently approved along Bennett Street and satisfies the built form guidelines and principles of the City's Development and Design Guidelines Policy (4.1) and Goderich Street Design Policy (6.3). Therefore it is recommended that the application be conditionally approved.



**2014/5287: 61-61A BENNETT STREET, EAST PERTH**



**2014/5287: 61-61A BENNETT STREET, EAST PERTH**



**2014/5287: 61-61A BENNETT STREET, EAST PERTH**

## ITEM NO: 6

**2 – 14 (LOTS 1, 2 AND 3) ELDER STREET, PERTH – PROPOSED ‘NEW TECHNOLOGY’ SIGN WITH THIRD PARTY ADVERTISING CONTENT TO REPLACE EXISTING SIGNS INCLUDING THE PAINTING OF FAÇADE OF BUILDING**

**RECOMMENDATION:**

**(APPROVAL)**

***That in accordance with the City Planning Scheme No. 2 and the Metropolitan Region Scheme the Council APPROVES BY AN ABSOLUTE MAJORITY the application for a ‘new technology’ horizontal sign to include the display of third party advertising content at 2 - 14 (Lots 1, 2 and 3) Elder Street, Perth as detailed on the application form dated 9 July 2015 and as shown on the plans received on 31 July 2015 subject to:***

- 1. the advertising content being predominantly (75%) related to products, services or events for the Budget Car Rental and Mobi Storage businesses located on the site;***
- 2. a comprehensive advertising strategy for the sign detailing the control of the amount (maximum 25% of advertising time) and content of any third party advertising; illumination levels; management and maintenance of the sign being submitted to the City for approval prior to commencement of the use of the sign;***
- 3. the advertisements being restricted to static displays that contain only single, ‘self-contained’ messages that shall have a ‘dwell’ duration of not less than 45 seconds. The duration of transition between the full display of one message and the full display of the next message shall not exceed 0.1 seconds. Transitional effects such as fly-in, fade-out and scrolling shall not be permitted;***

**(Cont’d)**

4. ***the sign content excluding symbols, graphics or text that could be mistaken for an instruction to drivers or any colours, shapes or lighting that could be mistaken for a traffic sign or traffic control signal, or a format normally used for traffic control or warning, incident or traffic management, or road safety or driver information messages, except where required by a public authority;***
5. ***the letter size and legibility of text generally conforming to the guidelines set out in Austroads' Guide to Traffic Management Part 10 – Traffic Control and Communication Devices and shall not include website and social media email addresses or text messaging instructions;***
6. ***the sign being in accordance with the relevant requirements of the Australian Standards: Control of the Obtrusive Effects of Outdoor Lighting (AZ4282-1997) and the maximum luminance of the sign being in accordance with the levels identified by Main Roads WA being daytime – 6000 cd/m<sup>2</sup>, dawn/dusk – 600 cd/m<sup>2</sup> and night – 300 cd/m<sup>2</sup>;***
7. ***the sign having a default setting that will display an entirely black screen when no content is being displayed or a malfunction occurs;***
8. ***the applicant/owner of the sign exempting the City from any liability resulting from claims due to driver distraction caused by the sign, with the applicant/owner accepting all responsibility for any such claims;***
9. ***the applicant advising the City which painting option is to be installed prior to the painting of the building façade.***

#### **BACKGROUND:**

SUBURB/LOCATION: 2 - 14 (Lots 1, 2 and 3) Elder Street, Perth  
FILE REFERENCE: 2015/5304  
REPORTING UNIT: Development Approvals  
RESPONSIBLE DIRECTORATE: City Planning and Development  
DATE: 16 October 2015  
MAP / SCHEDULE: Schedule 6 – Maps and coloured perspectives for a new sign at 2 - 14 Elder Street, Perth

LANDOWNER: Mr W B Busby and Busby Nominees Pty Ltd  
APPLICANT: Pinnacle Planning

ZONING: (MRS Zone) Central City Area  
(City Planning Scheme Precinct) Citiplace (P5)  
(City Planning Scheme Use Area) City Centre

APPROXIMATE COST: \$175,000

### **SITE HISTORY:**

The subject site is located on the eastern side of Elder Street, between Murray and Hay Streets in Perth. The site is occupied by a large warehouse style building which is used for storage purposes associated with Budget Car and Rental and Mobi-Storage. The City approved a development application under delegated authority on 7 July 2015 for the removal of the asbestos roof and the replacement of the roof with Colorbond sheeting.

There are currently two horizontal wall signs approved on the building advertising Budget vehicle rentals; a larger sign on the upper portion of the Elder Street façade with a Budget logo sign below, that are to be removed. There is also a vertical sign for Budget on the northern façade which is being retained.

### **DETAILS:**

The applicant seeks development approval to replace two existing horizontal wall signs on the Elder Street façade of the subject building with a single 'New Technology' sign. The proposed LED advertising sign will be wall mounted 4.74 metres at its highest point above the sloping footpath level and will measure 7.5 metres wide by five metres in height.

The applicant has indicated that 75% of the advertising content of the LED sign will be for Budget and Mobi-Storage that both occupy the site and 25% of the advertising space will be for third party advertising purposes.

The application also includes new paintwork to the façade of the building. The applicant has presented two options for the façade design which includes either rectangular or triangular shapes across the facade in blue, orange and yellow, the corporate colours for the Budget car rental business.

### **LEGISLATION / POLICY:**

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

#### **Policy**

Policy No and Name: 4.6 Signs

### **COMPLIANCE WITH PLANNING SCHEME:**

#### **Development Requirements**

The subject property is located within the City Centre Use Area of the Citiplace Precinct (P5) under the City Planning Scheme No. 2 (CPS2). The Precinct will be enhanced as the retail focus of the State providing a range of retail and related

services more extensive than elsewhere in the metropolitan region. Building facades will incorporate interesting architectural elements thereby contributing to a lively, colourful and stimulating environment.

The Statement of Intent for the Citiplace Precinct does not specify any development provisions for signage. The CPS2 Signs Policy 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. 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(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:**

### **Signs Policy**

Under the Signs Policy the proposed sign is both a horizontal sign and a 'new technology' sign with third party advertising content. General performance criteria as well as specific design criteria are applicable as follows:

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

All new signage in the city is required to respond to the local character of the street and the prevailing building style as well as making a positive contribution to its setting. Enhancement of the desired future environmental character of an area should also be a primary consideration when assessing the appropriateness of a new sign proposal.

The intended local character of this Precinct is that it will be enhanced as the retail focus of the State and that building facades will incorporate interesting architectural elements contributing to a lively, colourful and stimulating environment. The old warehouse building with its blank façade facing the Mitchell Freeway does little to contribute to this character, with Elder Street having limited retail or pedestrian focus. The removal of the existing signs and the installation of the proposed sign will add to

the creation of a more “lively, colourful and stimulating environment” in this section of the street.

Under the Signs Policy ‘new technology’ signs are only permitted within the Citiplace and Northbridge Precincts, with the most appropriate location considered to be within plazas or public spaces where they can be viewed by gathered or passing pedestrians. While the site is in the Citiplace Precinct, it is not adjacent to a plaza or public space and, therefore, it is unlikely the proposed sign will be seen by many pedestrians, particularly given the site’s location adjacent to the Mitchell Freeway and the positioning of the sign four metres above the pavement level. However, as the primary purpose of the sign is to advertise the businesses located on the site and related products and events, the intention of the sign is not to provide general advertising or entertainment suitable to a more public location, so in this instance it is considered that the locational requirements can be varied.

The proposed digital sign is in a location that has been occupied by a large horizontal sign for many years. A digital sign with a prolonged dwell time per image is unlikely to have a significantly greater amenity impact on the locality than the existing sign.

#### *Variety and Interest*

The Signs Policy recognises that signage can play an important role in the interest and appeal of a building or place, and as such the City supports variety over monotonous design. A sign should reflect the quality of the service or the merchandise that it is advertising, be appropriate to the building or site and aim to attract attention in a way which is well thought out and well designed.

The proposed sign will add visual interest to the building’s blank western façade. Its scale relative to the building is not considered to be excessive. The new sign will have an upgraded appearance compared to the existing signs and, as a result of its varying digital content, will potentially draw greater attention.

#### *Community Expectations*

The objective of the Signs Policy has been to ensure that the City is not detrimentally impacted upon by a proliferation or clutter of signage that is unsympathetic to the character of the City’s precincts and buildings. Stringent controls on particular types of advertising signs, particularly those displaying third party advertising, have been relaxed in recent times, in some instances, in recognition of new advertising trends and technology. A review of the Signs Policy is currently underway to address these changes in expectations and various aspects of the policy which are now considered to be out-dated.

It is considered that the proposal to replacing two existing approved signs on the building, which have been in place for several years, with a new technology sign, with its enhanced presentation and variable messages, would generally meet community expectations for the city centre. As it is the only large wall sign and the only sign with third party advertising content along Elder Street, visual clutter is not considered to be an issue.

### *Safety*

A sign should in no way endanger the safety of the public and 'new technology' signs should not be able to be viewed by passing motorists for whom they may be a distraction and therefore a safety hazard. The content of 'new technology' signs may move but not flash or pulsate in a manner that is likely to cause a hazard or nuisance to motorists or the occupants of neighbouring properties.

The sign will be visible by motorists travelling from Murray Street and along Elder Street and the Mitchell Freeway. The application was referred to Main Roads WA for comment given the proximity of the site to the Mitchell Freeway. Main Roads WA reviewed the application and advised that the orientation of the sign is such that it would have minimal visibility from the Freeway and therefore, minimal impact on the safety of Freeway motorists.

Main Roads WA has recommended that the sign displayed should have no less than 45 second dwell time and the transmission between the full display of one message and the full display of the next message shall not exceed 0.1 seconds. It has also been advised that transitional effects such as fly-in, fade-out and scrolling shall not be permitted. Main Roads WA has provided suggested maximum values for varying ambient lighting conditions. The final luminance levels are to be determined based on the site specific requirements, including the orientation of the sign and shading. Main Roads recommendations can be imposed as conditions of any development approval.

As the sign is located mid-block it would not interfere with the operation or safety of the intersections at Hay or Murray Streets.

### *Design, Construction and Maintenance*

Signs are required to be simple, clear and efficient with structural components and wiring concealed. The proposed sign meets this requirement with all structures and services concealed.

### *Third Party or General Advertising*

As indicated the sign is intended to display 25% of its content for third party advertising. The Signs Policy states that third party 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.

The Council has generally discouraged third party advertising throughout the city to avoid a proliferation of signage and visual clutter. The applicant has advised that the third party advertising may be restricted to advertisements for products associated with the Budget Rental or Mobi-Storage businesses which utilise the site (which, by definition, would not be considered third party advertising). However, in the event that general advertising is displayed, a management strategy will be required to

determine how this will be limited to 25% of the advertising space as proposed. Any support of this proposal should not be construed as a precedent for a proliferation of third party advisements in the locality.

### **Facade Painting**

Both options for the painting of the façade are considered to be appropriate and will assist in upgrading the appearance of the building. The applicant will be required to confirm which option they will be installing prior to painting the façade.

### **Conclusion**

The proposed 'new technology' horizontal sign with third party advertising content including the painting of the façade of the building at the subject site can be supported on the basis that it is replacing two signs of a similar size, with the exception being that the new sign will have frequently changing content with enhanced graphics. The imposition of appropriate conditions to manage the sign's contents and graphics will ensure that the amenity and safety of the locality for motorists, pedestrians and building occupants are maintained.



**2015/5304; 2-14 ELDER STREET, PERTH**



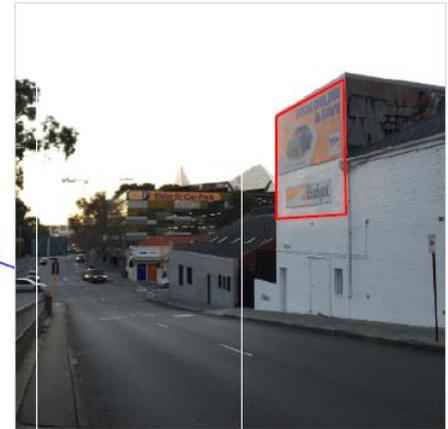
MURRAY STREET  
MOTORIST VIEW



ELDER STREET - SOUTH  
MOTORIST VIEW



ON RAMP TO FREEWAY - SOUTH  
MOTORIST VIEW



ELDER STREET - NORTH  
PEDESTRIAN VIEW

SCALE

1:2000 @ A3

PROJECT TITLE

**2 ELDER STREET**  
DIGITAL SIGN PROPOSAL  
SITEPLAN & VIEWS

DATE

23.10.15

DRAWING #

SK.01



**2015/5304; 2-14 ELDER STREET, PERTH**

## ITEM NO: 7

**8 (LOTS 21, 400 AND 401) PARKER STREET, NORTHBRIDGE – 12-LEVEL MIXED-USE DEVELOPMENT CONTAINING 60 MULTIPLE DWELLINGS, THREE COMMERCIAL TENANCIES LOCATED AT THE GROUND AND FIRST FLOOR LEVELS AND 27 CAR PARKING BAYS – TRANSFER OF PLOT RATIO**

**RECOMMENDATION:**

**(APPROVAL)**

***That:***

- 1. in accordance with the provisions of the City Planning Scheme No. 2, Council APPROVES BY AN ABSOLUTE MAJORITY the application for a 12-level mixed-use development containing 60 multiple dwellings, three commercial tenancies and 27 car parking bays at 8 (Lots 21, 400 and 401) Parker Street, Northbridge as detailed on the Metropolitan Region Scheme Form One dated 6 August 2015, and as shown on the plans received on 23 October 2015 subject to:***
  - 1.1 the proposed development being restricted to a maximum plot ratio of 4.8:1 (2,626m<sup>2</sup>) including 20% transferable plot ratio (being 438m<sup>2</sup> of plot ratio floor space that is currently recorded ('banked') in the Transfer of Plot Ratio Register of City Planning Scheme No. 2) transferred from 47 (Lot 9) Wellington Street, Perth;***
  - 1.2 the owner submitting evidence and final confirmation to the City that the transaction in respect of transfer of plot ratio has been finalised between the owners of 47 (Lot 9) Wellington Street, East Perth and 8 (Lots 21, 400 and 401) Parker Street, Northbridge;***
  - 1.3 the subject lots being amalgamated into one Lot on 'one certificate of title' prior to the building being occupied;***

**(Cont'd)**

- 1.4 final details of the design and a sample board of the high quality and durable materials, colours and finishes, including the refinement of materials and finishes to the southern elevation of the building being submitted and approved by the City prior to applying for a building permit;**
- 1.5 the windows to the corridors along the southern elevation of the building being designed with obscure glazing with the lower building level windows being further recessed to protect access to natural light with details being submitted and approved by the City prior to applying for a building permit;**
- 1.6 air conditioner condensers not being permitted on residential balconies where they affect the use 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 shall be located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street and nearby 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 by the City prior to applying for a building permit;**
- 1.7 the dimensions of all car parking bays, the vehicle entrance, aisle widths and circulation areas complying with the Australian Standard AS2890.1;**
- 1.8 the residential car parking bays being for the exclusive use of the occupants or guests of the development and not being leased or otherwise reserved for use by tenants or occupants of other buildings or sites;**
- 1.9 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;**

**(Cont'd)**

- 1.10 any signage for development being integrated into the design of the building with any signage not exempt from approval under the City's Planning Policy 4.6 Signs being subject to a separate application for approval;**
- 1.11 the proposed development being designed and constructed in such a manner so that existing and possible future noise levels associated with traffic impacts and nearby commercial and entertainment uses, in addition to noise generated from within the development, that could potentially affect future residents, can be successfully attenuated. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and be submitted for approval by the City prior to the submission of an application for the relevant building permit and may include (but not be limited to) the following:**
- a. installation of double glazing or heavyweight single glazing of a minimum thickness of 10mm on windows and glass doors to bedrooms and living areas;**
  - b. installation of high performance acoustic glazing to bedrooms sharing external light slots;**
  - c. acoustic insulation in external walls, non-glazed doors and roofs;**
  - d. the construction of shared walls, ceilings and floors between dwellings and between residential and non-residential units, in such a way which minimises the transmission of noise; and**
  - e. acoustically insulated ducting in ducted air-conditioning;**

**(Cont'd)**

- 1.12 any contract for sale or lease agreement for the proposed office tenancy and residential dwellings to include a prominent notice advising prospective purchasers and occupants of the development of the location of existing Licensed Entertainment Venues in the immediate locality including details of the current operating conditions of these venues and advising that the locality is subject to noise and other adverse impacts not normally associated with a typical residential development;**
- 1.13 a notification be placed on the Strata Title of each residential dwelling in accordance with Section 70A of the Transfer of Land Act 1893, to advise prospective purchasers of the potential noise impacts in this locality that might affect the use or enjoyment of the development;**
- 1.14 a Waste Management Plan, identifying a permanent storage and wash down facility for bins for both recyclables and general waste and including a waste disposal/collection strategy demonstrating how these facilities will be serviced by the City, being submitted and approved by the City prior to applying for a building permit;**
- 1.15 the ground floor and first floor commercial tenancies being restricted to 'Office', 'Retail-(General)' or 'Dining' use with any other proposed use requiring a separate application for approval;**
- 1.16 the proposed floor levels of the pedestrian and vehicle entrances to the building being designed to match the current levels of the adjacent footpaths, to the City's satisfaction, with details being submitted and approved by the City prior to applying for a building permit;**
- 1.17 a dilapidation report for the heritage building at 115 Francis Street Avenue being submitted and approved by the City prior to applying for a building permit;**

(Cont'd)

**1.18 a construction management plan for the proposal being submitted for approval 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. any other matters likely to impact on the surrounding properties.**

**2. the applicant is advised that with reference to above condition 1, upon receipt of evidence and confirmation, the plot ratio transfer from 47 Wellington Street to 8 Parker Street will then be irreversible and the transfer will be permanently registered on the Transfer of Plot Ratio Register of City Planning Scheme No. 2.**

**BACKGROUND:**

SUBURB/LOCATION: 8 (Lots 21, 400 and 401) Parker Street, Northbridge

FILE REFERENCE: 2015/5313

RESPONSIBLE UNIT: Development Approvals

RESPOND DIRECTORATE: Planning and Development

DATE: 28 October 2015

MAP / SCHEDULE: Schedule 7 – Map and colour perspectives for 8 Parker Street, Northbridge

3D MODEL PRESENTATION: A 3D Model for this application will be available at the Committee meeting.

LANDOWNER: Reef Developments Pty Ltd, Odd Eilert Ostbo Halvorson, Christina Anne Halvorsen, PL Cox Pty Ltd and Stephen John Clarke

APPLICANT: Mark Aronson Architecture Pty Ltd

ZONING: (MRS Zone) Central City Area Zone (City Planning Scheme Precinct) Northbridge Precinct 1 (City Planning Scheme Use Area) City Centre

APPROXIMATE COST: \$11 million

## SITE HISTORY:

The subject site has a total area of 547m<sup>2</sup> and is located on the eastern side of Parker Street, opposite Russell Square. The site also has frontage to Mountain Terrace along the eastern boundary. The site is located adjacent to a State listed heritage building referred to as 'Tower House'.

## DETAILS:

Approval is sought to construct a 12-level mixed-use development containing 60 multiple dwellings, three commercial tenancies and 27 car parking bays at the subject site.

Details of the proposed development are as follows:

<b>Basement Level</b>	This level contains 50 store rooms ranging in size from 3m <sup>2</sup> to 3.5m <sup>2</sup> , a meter room and a transformer room.
<b>Ground Floor Level</b>	This level contains the entrance lobby and lift for the residential apartments and commercial tenancy above. The residential car park including 27 car stacker bays is located at this level and accessed from Mountain Terrace. A commercial tenancy fronting Parker Street (54.4m <sup>2</sup> ) and commercial tenancy fronting Mountain Terrace (36.6m <sup>2</sup> ) is located at this level. The bin storage areas and domestic pump room will be located in the residential car park at this level.
<b>First Floor Level</b>	This level will contain one commercial tenancy fronting onto Parker Street (100.8m <sup>2</sup> ), 10 residential store rooms ranging in size from 3.2m <sup>2</sup> to 3.7m <sup>2</sup> , 37 scooter/bicycle bays and 1 x one bedroom apartment (47.5m <sup>2</sup> ).
<b>Second and Third Floor Levels</b>	Each level will contain 8 x one bedroom apartments ranging in size from 42.7m <sup>2</sup> to 45m <sup>2</sup> .
<b>Fourth Floor Level</b>	This level will contain 5 x one bedroom apartments ranging in size from 42.7m <sup>2</sup> to 44.1m <sup>2</sup> . A communal lounge, sun deck and lap pool for the residents will be provided at this level.
<b>Fifth Floor Level</b>	This level will contain 6 x one bedroom apartments ranging in size from 42.7m <sup>2</sup> to 45.8m <sup>2</sup> .
<b>Sixth, Seventh and Eighth Floor Levels</b>	Each level will contain 8 x one bedroom apartments ranging in size from 42.7m <sup>2</sup> to 44.3m <sup>2</sup> .
<b>Ninth and Tenth (Mezzanine) Floor Levels</b>	These levels will contain 8 two-storey apartments ranging in size from 66.6m <sup>2</sup> to 100.5m <sup>2</sup> including 6 apartments with two bedrooms and one bathroom and 2 apartments with three bedrooms and two bathrooms.

The proposed development will provide a total of 52 one bedroom apartments, 6 two bedroom one bathroom apartments and 2 three bedroom and two bathroom apartments for a total of 60 apartments.

The applicant advises that the building will be designed using contrasting render and pre-cast concrete finishes with the use of colour to the side elements to provide variety, depth and articulation. The development is proposed to be constructed using a variety of materials and finishes including painted concrete panels, face brickwork, vertical metal louvred screens, exposed aggregate with an aluminium glazing system to the windows and painted steel balustrades to the balconies to create an industrial warehouse feel.

## **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  
   4.6 Signs  
   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 in the City Centre Use Area of the Northbridge Precinct 1. The Precinct will remain Perth's primary entertainment and night life area and will provide a variety of residential and visitor accommodation and commercial services. Mixed residential and commercial developments will be encouraged throughout the Precinct to strengthen its residential component as well as creating employment opportunities.

A residential use is a preferred ('P') use in the City Centre Use Area of the Northbridge Precinct and is therefore supported in this location. The applicant has indicated 'Dining' uses for the ground floor commercial tenancies including a restaurant along Parker Street and a café adjacent to Mountain Terrace. A 'Dining' use is also a preferred ('P') use in this location. With respect to the first floor commercial tenancy this is proposed to be used as an 'Office' which is a contemplated ('C') use in the Northbridge Precinct.

### **Development Requirements**

New developments in the Northbridge Precinct will continue to have regard to the scale and character of existing streets. Redevelopment of small to moderate size lots is appropriate as opposed to the amalgamation of the existing lots into large sites. Developments will have a nil street setback and be of a low scale along the street frontage with additional building height setback from all lot boundaries. In addition, the height of buildings must allow for adequate sun penetration into key pedestrian streets and public places including Russell Square. The Precinct will also

be characterised by versatile building forms which will be easily adaptable to new uses and be able to accommodate a variety of interesting and informative signs. The facades will also add interest and vitality to the street, and be characterised by continuous shopfronts and traditional designs, incorporating verandahs, awnings and artwork.

The proposal has been assessed against the City Planning Scheme requirements and the proposal's compliance with the following development standards is summarised below:

<b>Development Standard</b>	<b>Proposed</b>	<b>Required / Permitted</b>
<b>Maximum Plot Ratio:</b>	<b>4.8:1 (2,626m<sup>2</sup>) including 20% transfer of plot ratio (438m<sup>2</sup>)</b>	Base Plot Ratio 4.0:1 (2,188m <sup>2</sup> ) based on a site area of 547m <sup>2</sup>  Maximum 20% increase through the transfer of plot ratio providing a total plot ratio of 4.8:1 (2,626m <sup>2</sup> )
<b>Building Heights:</b>		
<u>Parker Street</u>	<b>32.8 metres along the street frontage with a nil street setback up to a total height of 32.8 metres</b>	Maximum street building height of 14 metres with a 5 metre setback up to a total height of 33 metres
<u>Mountain Terrace</u>	<b>32.8 metres along the street frontage with a nil street setback up to a total height of 32.8 metres</b>	Maximum street building height of 14 metres with a 5 metre setback up to a total height of 33 metres
<b>Setbacks:</b>		
<u>Side (North)</u>		
Lower building level	Nil to 3 metres (no openings), <b>Nil to 3 metres (with openings)</b>	Nil (no openings) to 4 metres (with openings)
Upper building level	<b>Nil to 3 metres (no openings), Nil to 3 metres (with openings)</b>	3 metres (no openings) or 4 metres (with openings)
<u>Side (South)</u>		
Lower building level	Nil (no openings)	Nil (no openings) to 4 metres (with openings)

<b>Development Standard</b>	<b>Proposed</b>	<b>Required / Permitted</b>
Upper building level	<b>Nil (no openings)</b>	3 metres (no openings) or 4 metres (with openings)
<b>Car Parking:</b>		
<u>Residential</u>	<b>27 bays</b>	60 bays (minimum) 120 bays (maximum)
<u>Commercial</u>	Nil	8 bays (maximum)
<b>Bicycle Parking:</b>		
<u>Bicycle Bays</u>		
Residential	37 scooter/bicycle bays	20 (minimum)
Commercial	Nil	Nil

Variations to the building height, setback and 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’.*

In accordance with the provisions of Clause 34 (6) of the CPS2 the Council may only approve the transfer of transferable plot ratio if:-

“

- a) at the same time, it grants planning approval for development of the recipient site that utilises all or part of a donor site’s transferable plot ratio;*
- b) the development will have no significant adverse impact on the cultural heritage significance (if any) of the recipient site or its locality;*
- c) the development of the recipient site otherwise warrants approval under the Scheme; and*
- d) the resulting increase in plot ratio of the recipient site due to:*
- e) a transfer of transferable plot ratio under clause 34 does not exceed the maximum plot ratio specified for the recipient site by more than 20%; or*
- f) a combination of a transfer of transferable plot ratio under clause 34 and any plot ratio bonus granted under clause 28;*

- g) does not exceed the maximum plot ratio specified for the recipient site on the plot ratio plan by more than 20% above the maximum plot ratio specified for the or part of the lot due to a combination of bonus plot ratio under clause 28(2)(a) and transfer of transferrable plot ratio.”*

## **COMMENTS:**

### **Consultation**

Given the proposed variations to the CPS2 development standards the application was advertised to the owners of the surrounding properties for a period of 14 days, closing on 23 September 2015. These included the owners at 2 Parker Street, 103-105 Francis Street, 108-110 Francis Street, 115 Francis Street and 20-24 Parker Street. Two submissions were received including the owners directly adjacent at 2 Parker Street and 115 Francis Street. The comments received from the adjacent property owners are summarised below:-

- a loss of development potential to the adjacent lot at No. 2 Parker Street as a result of the nil side setback proposed along the southern elevation;
- the potential damage to the interior adornments of the Church of Saints Constantine and Helen through vibration and dredging work; and
- loss of amenity, overlooking to the adjacent heritage property as a result of the nil side setback proposed on the northern elevation.

The comments regarding the side setback variations and its impact on the adjacent properties in terms of development potential, amenity and overlooking will be discussed in the setback section of this report.

With respect to the concerns regarding the potential damage to the interior of the adjacent heritage building as a result of noise and vibration, this will be addressed as part of the construction management plan for the development including the preparation of a dilapidation survey report which can be required as a condition of any approval.

### **Design Advisory Committee**

At its meeting held on 17 September 2015, the Design Advisory Committee (DAC) having considered the design of the proposed 12-level mixed-use development advised that it:

“

1. *supports the scale, form and design quality of the proposed building but considers further design refinement and development is necessary to:*
  - 1.1 *strengthen the intended corner presentation of the building;*

- 1.2 *improve the aesthetic treatment of the blank southern facade;*
  - 1.3 *confirm the structural integrity of the peristyle frame on the northern elevation;*
  - 1.4 *demonstrate the effectiveness of the proposed light slots, including the removal of all balcony intrusions into the light slots;*
  - 1.5 *incorporate additional daylight into the corridors on each level;*
  - 1.6 *provide pedestrian shelter across the entire frontage of the building.*
2. *supports the variations to the minimum residential car parking requirements having regard for the location and target market for the apartments;*
  3. *supports the reduced size of the apartments and balconies but considers that the storeroom sizes should be increased to meet the minimum area requirements;*
  4. *notes that details will need to be submitted to demonstrate how the development will be designed to ameliorate noise impacts from the surrounding entertainment district.”*

In response to the above the applicant has prepared revised plans and a written statement which will be discussed in the proceeding sections of this report.

### **Transfer of Plot Ratio**

The Council may approve a transfer of plot ratio of up to 20% from a registered donor site provided it complies with Clause 34 of CPS2 and the City's Transfer Plot Ratio Policy 4.5.2. When considering the merits of an application for the transfer of plot ratio, consideration must be given to the impact of any transfer of plot ratio on other development standards that apply to the site under CPS2.

In this instance the applicant is seeking to transfer an additional 438m<sup>2</sup> of plot ratio floor area from an approved donor site at 47 Wellington Street, Perth which will equate to a total of 20% additional plot ratio for the development. The proposed development will have no significant adverse impact on the locality and is considered to warrant approval in accordance with Clause 34 of CPS2 and the Transfer Plot Ratio Policy.

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

The subject site is located adjacent to a heritage building on the corner of Parker Street and Francis Street. The building design, materials and finishes takes reference and is intended to complement the existing heritage buildings in the area as well as creating an industrial warehouse feel. A variety of materials and finishes are proposed including red facebrick of similar colour those used in the nearby heritage buildings at Tower House and the Cathedral of St Constantine and St Helene. The rest of the building will be finished with painted concrete panels, exposed aggregate, vertical metal louvred screens, glass blocks and an aluminium

glazing system to the windows and painted steel balustrades to the balconies. An art mural is also proposed along the southern elevation. Whilst the proposed materials and finishes are generally supported some concern has been raised by the City's DAC regarding the aesthetic treatment of the southern elevation. Further materials have been added to break up the bulk of this elevation however the revised design could be further refined and simplified with the City's officer's recommending that one of the materials be removed from this elevation. The applicant has agreed with this recommendation to delete one of the finishes from the southern elevation which can be required as a condition of any approval.

Given its location adjoining the Tower House heritage building which will remain, the site has been treated as a 'bookend' or corner lot. Where buildings are located on prominent sites such as corner lots or sites which terminate views and vistas the City's Design Guidelines recommends the incorporation of design elements which accentuate corners and address street frontages. The City's DAC raised some concerns regarding the design of the north-west corner of the development and its presentation to the street. In order to strengthen the 'bookend' and corner presentation of the building the design has been modified to simplify the tower element by bringing it down to the ground with a clean plane and removing elements that add clutter to the lower portions of the façade. In addition, columns have been introduced at the amenity level to strengthen the verticality of the tower element. The applicant also investigated a change of materials to include facebrick on the tower element however the white render was considered more suitable in terms of strengthening the corner element and creating a canvas to display the architecture of the heritage building adjacent.

The City's Residential Design Policy 4.9 requires developments to provide a range of dwelling sizes and types to increase the number of people that can afford to live in the city and to diversify the residential population. Dwellings should provide high quality, useable living spaces with minimum floor areas recommended including 40m<sup>2</sup> for studio apartments, 50m<sup>2</sup> for one bedroom apartments, 70m<sup>2</sup> for two bedroom apartments and 100m<sup>2</sup> for three bedroom apartments. A usable balcony space with a minimum area of 10m<sup>2</sup> and a minimum dimension of 2m<sup>2</sup> is also recommended. The development proposes one bedroom apartments of 42.7m<sup>2</sup> - 45.8m<sup>2</sup>, two bedroom apartments of 66.6m<sup>2</sup> - 72.5m<sup>2</sup> and three bedroom apartments 88m<sup>2</sup> - 100m<sup>2</sup> with balconies of approximately 5 - 6m<sup>2</sup> in area. Whilst not meeting the minimum apartment and balcony size requirements the apartments provide an efficient floor layout. The size of the balconies are considered to be suitable in terms of the proposed affordable studio style living arrangements being provided and the sites proximity to noise generating activities within the Northbridge entertainment area. The City's DAC supported the size of the apartments noting the development will provide affordable accommodation in the city however recommended that the storeroom sizes be increased to meet the minimum area requirements. In response to concerns regarding the size of the storerooms (1m<sup>2</sup> - 1.2m<sup>2</sup>) the design has been revised to increase the size of the storerooms to 3m<sup>2</sup> - 3.7m<sup>2</sup>. Based on the above it is considered that the smaller apartment sizes and balconies can be supported.

All buildings within the City should be designed to maximise sunlight penetration into the building and to the adjoining properties. The City's DAC and officer's raised some concerns regarding the lack of natural light into and amenity of the internal

corridors. In response to these concerns the design has been revised to include glass blocks along the southern elevation of the building, providing natural light to the western corridors. The applicant has also advised that highlight windows are proposed adjacent to the lift area at each level. Whilst the introduction of the glass blocks to the southern elevation is supported it is recommended that the glass blocks be further recessed at the lower building levels (ground to third floor level) to ensure that light to the corridors is not blocked out should the site to the south be redeveloped with a nil side setback at the lower building level. An increase in the depth of the recess to the glass block windows at the lower building levels can be required as a condition of any approval.

The City's Development Design Guidelines recommends that all buildings which are located within the City Centre Scheme Use Area be designed to incorporate pedestrian shelter over the footpath. Pedestrian shelter should be designed to maximise opportunities for protection from the elements and should relate to the architecture of the building. The City's DAC recommended that the awning proposed along Parker Street be extended across the entire frontage of the building. In response to the DAC's recommendation the awning along both Parker Street and Mountain Terrace have been extended across the entire length of the façades. This is considered to address the concerns of the City's DAC and is consistent with the City's Development Design Guidelines.

The City's DAC also requested the applicant confirm the structural integrity of the peristyle frame on the northern elevation. In response to this concern the applicant has provided further details from at Wood and Grieve Engineers. With the exception of the flat brick arch at the top of the frame, the intention is that the frame will be constructed in steel and clad with fibre-cement sheet which will be rendered and polished or alternatively rendered and painted to match the white render of the tower element. This is an approach that has been used at the QV1 building by Harry Seidler and has remained in good condition. Based on the above it is considered that the response provided by the applicant has satisfactorily addressed the City's DAC's concerns.

Another concern raised by the City's DAC is the effectiveness of the proposed light slots to the bedrooms along the eastern and western elevations as well as privacy concerns resulting from the balcony intrusions into this space. In response the light slots have been deleted from the proposal. The depth of the light slots measure 5.8 metres in length by 1.4 metres in width, however due to their location on the eastern and western facades have been demonstrated to achieve adequate direct sunlight penetration during the day. The applicant has also provided a perspective showing that an aspect from the bedroom window light slots will be achieved. In order to address the noise issues associated with separate apartment windows adjoining the light slots high performance glazing will be provided to each bedroom. Based on the above it is considered that the issues raised by the City's DAC and officers regarding the effectiveness of the light slots have been satisfactorily addressed.

### **Building Heights and Setbacks**

The proposed height of the building at 32.8 metres is consistent with the maximum height prescribed at the site of 33 metres. Variations are sought to the street setback

requirements whereby a maximum street building height of 14 metres applies with a 5 metre setback to the upper building level from Parker Street and Mountain Terrace up to a height of 33 metres. The development proposes a nil setback to both Parker Street and Mountain Terrace up to a height of 32.8 metres. Whilst no street setbacks are proposed to the upper building level the double height volume pool and amenity area will provide some distinction between the lower and upper building levels. Given the site's position adjacent to a heritage building and its orientation, views to the sky will be maintained and there will be little impact in terms of overshadowing to the adjacent park. With respect to the street setbacks in the locality the buildings to the south are much lower in scale however are also built with a nil street setback. As mentioned previously the site has been treated as a corner lot and therefore the building has not been designed in accordance with the setbacks of the heritage buildings to the north. Based on the above it is considered that the variations to the maximum street building height and upper building level street setbacks can be supported in accordance with the principles of the City's Building Heights and Setbacks Policy 4.4 and clause 47 of CPS2 as the variations proposed is considered to result in a better outcome compared to compliant design.

The application also proposes setbacks to the side elevations including variations to the upper building level of the southern elevation whereby a 3 metre setback is required and a nil side setback has been proposed up to a height of 32.8 metres. This variation has been sought as a result of the narrow frontage of the site at 13.4 metres. The property owner to the south at No. 2 Parker Street has raised concerns regarding the impact of the side setback variation on the future redevelopment potential of this site. Given there are no habitable windows proposed along the southern elevation there will be no impact in terms of a loss of privacy should the site at 2 Parker Street be redeveloped in the future. With respect to the windows at the end of the corridors these should be obscured to avoid any issues in terms of overlooking or loss of privacy to the site to the south which can be required as a condition of any approval. Any habitable rooms proposed to face north at the site to the south will be restricted by this development in terms of access to natural light, however with the advantage of not being subject to overlooking from this development. The difference between a compliant scheme with a 3 metre setback or a nil setback however is not significant in terms of access to light in this instance as the façade will be north-facing with significant reflected light. It is also noted that the development site to the south has much greater development potential in terms of its overall height and therefore only a portion of the upper building level is likely to be affected allowing for a potential design response (between 14 metres and 33 metres height). Based on the above it is considered that the variation to the southern setback can be supported in accordance with principles of the City's Building Heights and Setbacks Policy 4.4 and clause 47 of CPS2.

Side setback variations are proposed to the northern elevation whereby a 3 metre setback is required at the lower building level where there are no openings or a 4 metre where there are openings. The development proposes a nil to 3 metre setback at the lower building level. Two of the apartments at each level and the internal corridor will have windows facing north with a 3 metre setback. This is considered satisfactory in terms of privacy and access to natural day light, particularly given the nature of the heritage site next door. With respect to the upper building level a 3 metre setback should be provided where there are no openings or 4 metres where

there are openings. The development is seeking to provide a nil to 3 metre setback at the upper building levels. All of the habitable rooms and the window to the internal corridor will however be setback 3 metres from the northern boundary ensuring an appropriate level of privacy and access to natural light can be achieved. Given the site's position adjacent to a heritage building an appropriate level of separation at the upper building level views to the sky will be maintained. Based on the above it is considered that the variations to the northern side setback requirements will meet the principles of the City's Heights and Setback Policy 4.4 and clause 47 of CPS2.

### **Vehicle Parking**

The City's Parking Policy 5.1 requires a minimum of one car parking bay and a maximum of two car parking bays per dwelling to be provided, equating to 60 to 120 bays. The development proposes 27 car parking bays located at the ground floor level which will be accessed from Mountain Terrace. The development also proposes 37 dedicated bicycle or scooter bays located at the first floor level. The applicant advises that the number of car parking bays provided is reflective of the target market for the development which is to provide affordable accommodation in the city including studio apartments for students or key city workers where car ownership is low. The variation to the minimum car parking requirement is also justified on the basis that the site is well serviced by public transportation options including the CAT service and Perth Railway Station. The site is also located in the city centre where a wide range of goods and services are available and the development provides dedicated bays for alternative modes of transport including scooter and bicycle parking bays. Based on the above it is considered that the variation to the minimum number of car parking bays can be supported in accordance with objectives of the City's Parking Policy 5.1.

### **Noise**

Residential developments should deliver an appropriate level of amenity for residents by attenuating noise between dwellings, other building uses and activities, external noise sources and from mechanical plant and equipment. As the site is located adjacent to the Northbridge entertainment district the development will need to be carefully designed to ameliorate against noise impacts from the surrounding noise generating activities.

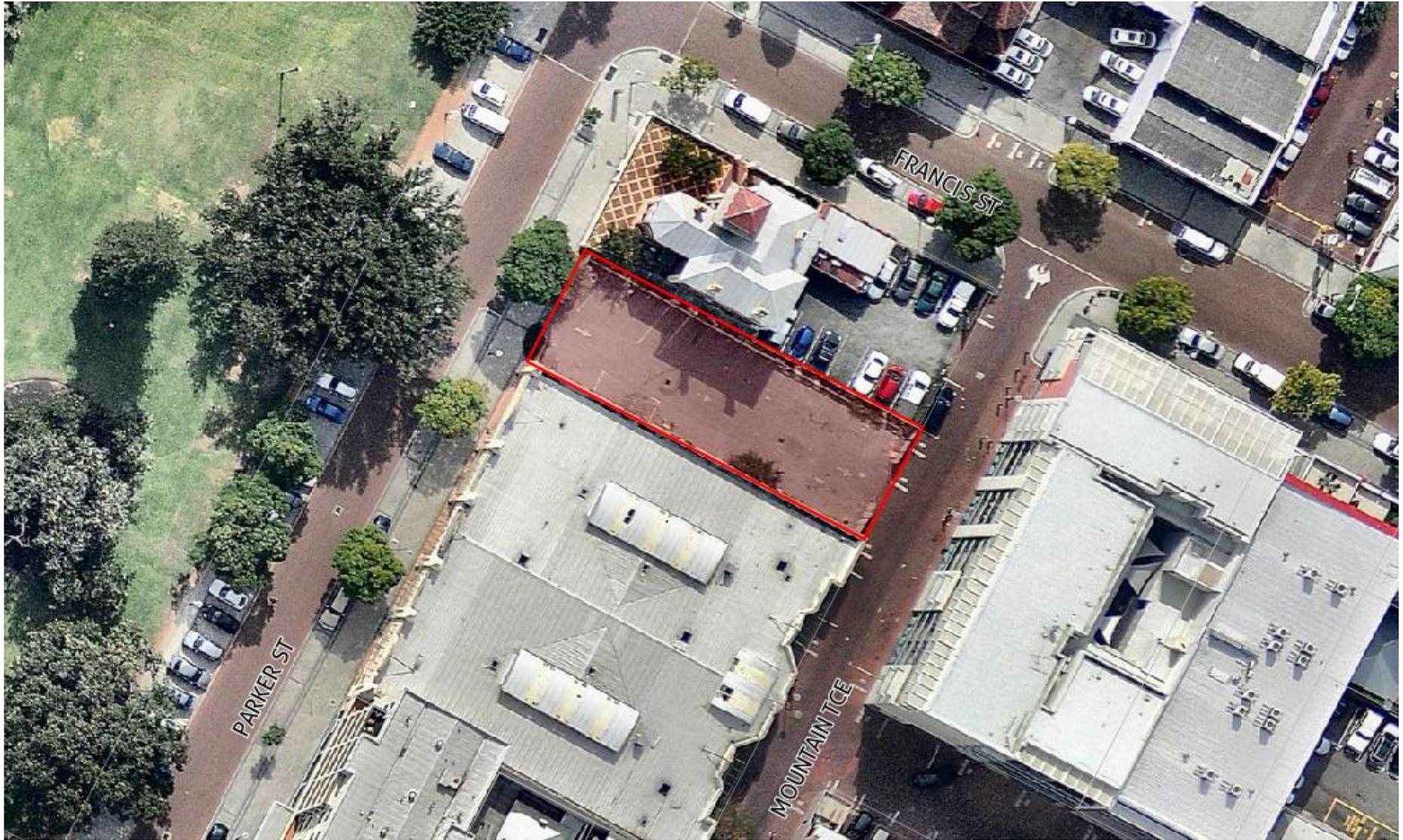
The applicant has confirmed that the proposed development can be designed with materials and methods to minimise any impacts of excessive external noise, as well as noise transfer between dwellings in accordance with the Environmental Protection (Noise) Regulations 1997, the Australian Standards and the Building Code of Australia. This is supported by an acoustic report prepared by Gabriels Environmental Design on 8 September 2015. Any approval should be conditioned to require specific details of the noise attenuation measures which are to be implemented at the detailed design stage prior to the submission of an application for a building permit.

Nevertheless it is considered appropriate to require that a notification be placed on the strata titles under Section 70A of the Transfer of Land Act 1893, to advise

prospective purchasers of the potential noise impacts in this locality that might affect the use or enjoyment of the development.

## **Conclusion**

The proposed mixed use development will provide a large number of one bedroom apartments, increasing the number of people that can afford to live in the City and adding to its diversification. With respect to the variations to the street and side setback requirements the development is considered to meet the principles and intent of the City's Building Height and Setback Policy 4.4 and therefore can be supported in accordance with clause 47 of CPS2. The variation to the minimum number of car parking bays is supported on the basis that there are alternative scooter and bicycle bays provided within the development as well as access to a wide range of public transport options in the general locality. The design concerns raised by the City's DAC and administration are considered to be satisfactorily addressed in the revised design or can be met through conditions of approval. Based on the above it is recommended that the application should be conditionally approved.



**15/5313; 8 (LOTS 21, 400 & 401) PARKER STREET, NORTHBRIDGE**



**15/5313; 8 (LOTS 21, 400 & 401) PARKER STREET, NORTHBRIDGE**

## ITEM NO: 8

### 125-137 (LOT 201) ST GEORGES TERRACE, PERTH – CHANGE OF USE OF TENANCY FROM ‘SMALL BAR’ TO ‘TAVERN’ (‘ENTERTAINMENT’)

**RECOMMENDATION:**

**(APPROVAL)**

*That, in accordance with the provision of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council approves the application for the change of use of Bar Lafayette from a ‘Small Bar’ to a ‘Tavern’ (‘Entertainment’) at 125-137 (Lot 201) St Georges Terrace, Perth as detailed on the Metropolitan Region Scheme Form One dated 4 September 2015 and as shown on the plans received on 9 September 2015 subject to:*

- 1. all entertainment within the small bar being restricted in volume to background level noise over which normal levels of conversation can occur with no music permitted within the proposed alfresco areas;*
- 2. a management plan for the ‘Small Bar’ detailing control of noise, patron behaviour, queuing of patrons, hours of operation, and a procedure for handling and resolving complaints made in relation to the operation of the venue, being submitted and approved prior to the tavern use coming into operation with the approved plan being implemented in full by the manager/proprietor of the venue to the City’s satisfaction;*
- 3. a Waste Management Plan identifying a permanent internal storage and wash down facility for bins and including a waste collection strategy, being submitted for approval by the City prior to applying for a building permit.*

**BACKGROUND:**

SUBURB/LOCATION: 125-137 St Georges Terrace, Perth  
FILE REFERENCE: 2015/5364  
REPORTING UNIT: Development Approvals  
RESPONSIBLE DIRECTORATE: Planning and Development  
DATE: 3 November 2015

MAP / SCHEDULE: Schedule 8 – Map and Photograph for 125-137 St Georges Terrace, Perth

3D MODEL PRESENTATION: A 3D Model for this application will be available at the Committee meeting.

LANDOWNER: Brookfield (City Square Lots 1-7) Pty Ltd

APPLICANT: Stephen Vetten

ZONING: (MRS Zone) Central City Area  
(City Planning Scheme Precinct) St Georges Precinct 6  
(City Planning Scheme Use Area) City Centre

APPROXIMATE COST: Nil.

### **SITE HISTORY:**

On 5 April 2012 planning approval was granted under delegated authority to approve a portion of the lower ground level of the subject building to 'Entertainment' for a Small Bar ('Bar Lafayette') (DA-2012/2069). The proposal included an internal fitout and a minor alteration to the existing façade of the building to reinstate a window and a door.

The development was approved subject to a condition being imposed requiring all entertainment within the small bar being restricted in volume to background level noise over which normal levels of conversation can occur with no music permitted within the proposed alfresco areas. This was imposed as a condition of approval due to no acoustic information being provided for assessment of the proposal.

### **DETAILS:**

The application proposes to change the use of the subject tenancy on the site from a 'Small Bar' to a 'Tavern' both of which fall within the 'Entertainment' use group under the City's Planning Scheme No 2 to a Tavern Licence to be issued by the Department of Racing, Gaming and Liquor, enabling allow an increase in patron numbers on site.

The application does not propose to make any physical alterations to the building, with no changes to entertainment which is current an acoustic guitarist on Thursday 5.00pm to 8.00pm and hours of operation all of which will continue as it does currently albeit with an increase in patron numbers.

### **LEGISLATION / POLICY:**

**Legislation** *Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes) Regulations 2015*

City Planning Scheme No. 2

### **Policy**

Policy No and Name: Precinct Plan No. 6 – St Georges  
4.1 City Development Design Guidelines

## **COMPLIANCE WITH PLANNING SCHEME:**

### **Land Use**

The St Georges Precinct will continue to function as the State's principal centre for business, finance, commerce and administration. In this regard the tradition, prestige and convenience of the Precinct will be highlighted as a prime location for office activities. A range of commercial and educational uses, including banks, travel agencies, educational establishments, art galleries and convenience facilities for residents, visitors and the work force, such as restaurants, lunch bars, kiosks and local shops, are appropriate, particularly at street or pedestrian level.

The proposal for a tavern falls within the 'Entertainment' use group category of the City Planning Scheme No. 2 (CPS2), which is a contemplated ('C') use in the City Centre area of the St Georges Precinct (P6). The provisions of clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes) outlines matters to be considered by the City when assessing a contemplated use. In considering an application for development approval the City is to have due regard to the matters outlined in clause 67 of the deemed provisions as relevant to the application.

### **COMMENTS:**

#### **Consultation**

No advertising of the application is required under the Scheme provisions. It is noted that there is an existing small bar use on the site and that the surrounding commercial tenancies are under the same ownership that would not be impacted by the change of use.

The building on the site is permanently listed on the State Register of Heritage places as part of the Newspaper House Group and Perth Technical College (ID 2112) and is also listed on the City's register of Places of Cultural Heritage Significance. The State Heritage Office advised that there was no need to comment on the proposal given there were no physical modifications being made and the use was not substantially changing.

#### **Noise**

The applicant has advised the City that the only entertainment that will be provided on site is an acoustic guitarist on Thursday afternoons 5.00pm-8.00pm. As there are a number of entertainment establishments as part of the Brookfield Place development it is considered necessary to condition any approval to restrict any music or entertainment within the venue to background noise levels only over which normal levels of conversation can occur and no music in the proposed alfresco areas. This is due to the lack of acoustic information provided to demonstrate that any increase in entertainment on the site can comply with the Environmental Noise Regulations.

The major increase in noise will come from the increase in patron numbers. The bar is currently limited to 120 patrons with the applicant indicating that their proposed new capacity will be a maximum of 200. This number however will ultimately depend on the maximum occupancy granted by the City' in terms of the Health legislation and also the Department of Racing, Gaming and Liquor.

### **Hours of Operation**

A tavern or 'Entertainment' use is a contemplated ('C') use in the City Centre use area of the St Georges Precinct. The current operating hours for the bar are 4pm to midnight Monday to Thursday and Saturday, and Friday 2.00pm to midnight with the bar being closed on Sundays.

In accordance with the Liquor Control Act, the permitted trading hours for a Tavern is 6.00am to 12.00am Monday to Saturday and 10.00am until 10.00pm on Sundays. Given that the applicant has advised that they are not proposing to change their operating hours. There are no proposed modifications to the operation of the entertainment use except for the increase in patron numbers and there are no noise sensitive premises within close proximity to the development the City expects that the venue can comply with the *Environmental Protection (Noise) Regulations 1997*.

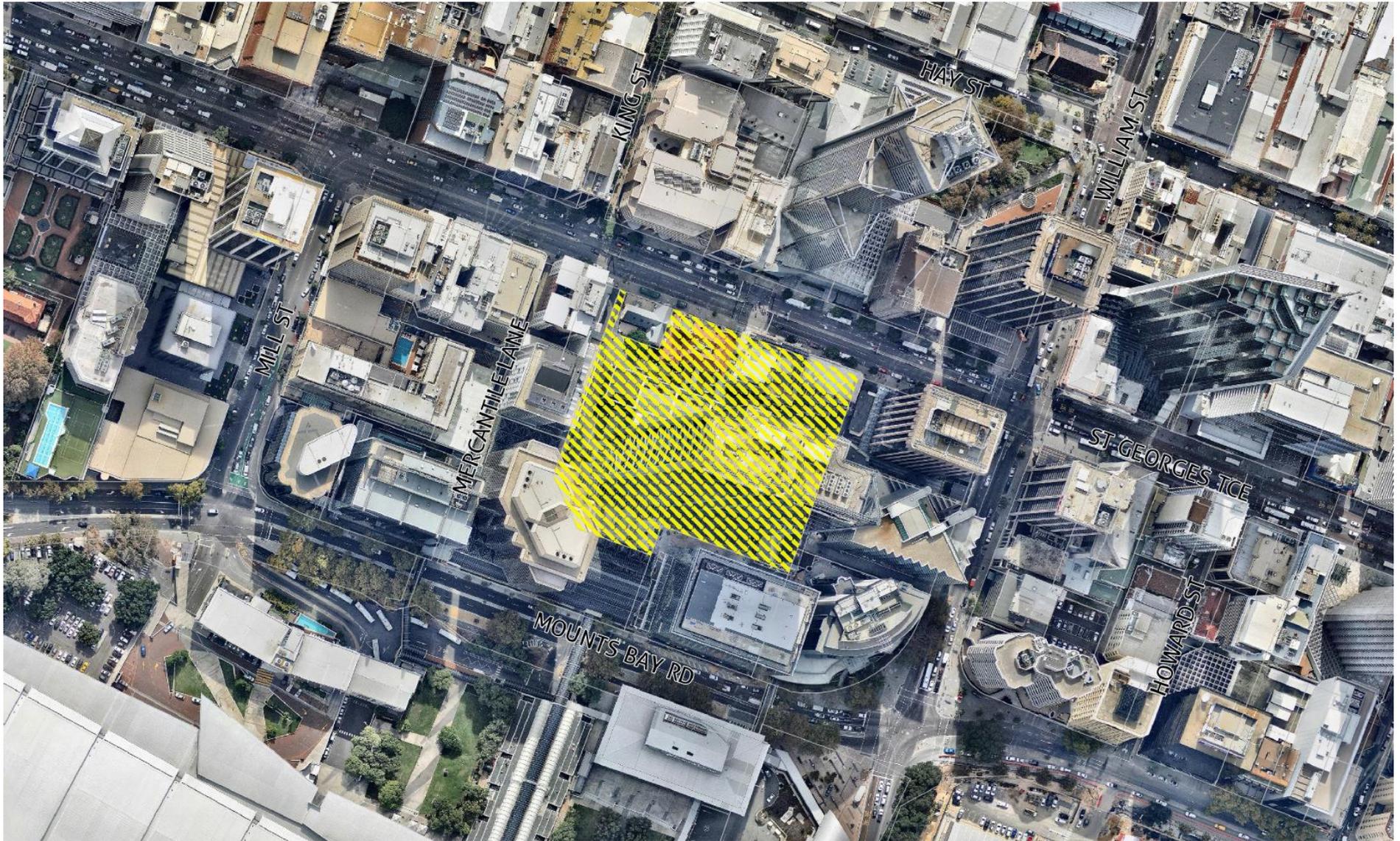
### **Land Use**

It is not considered that the change of use from a Small Bar to a Tavern in this location will have a detrimental impact on the area and it is considered that the use will add to the interest and activity within the Brookfield development and the St Georges Precinct. The proposed tavern will have little impact on the area with an additional 80 patrons being the only modification to the bar's current operations. The venue will provide activity and interest to the locality during and after normal business hours. The proposal is considered an appropriate adaptive use of the heritage building and can be supported subject to relevant conditions of approval.

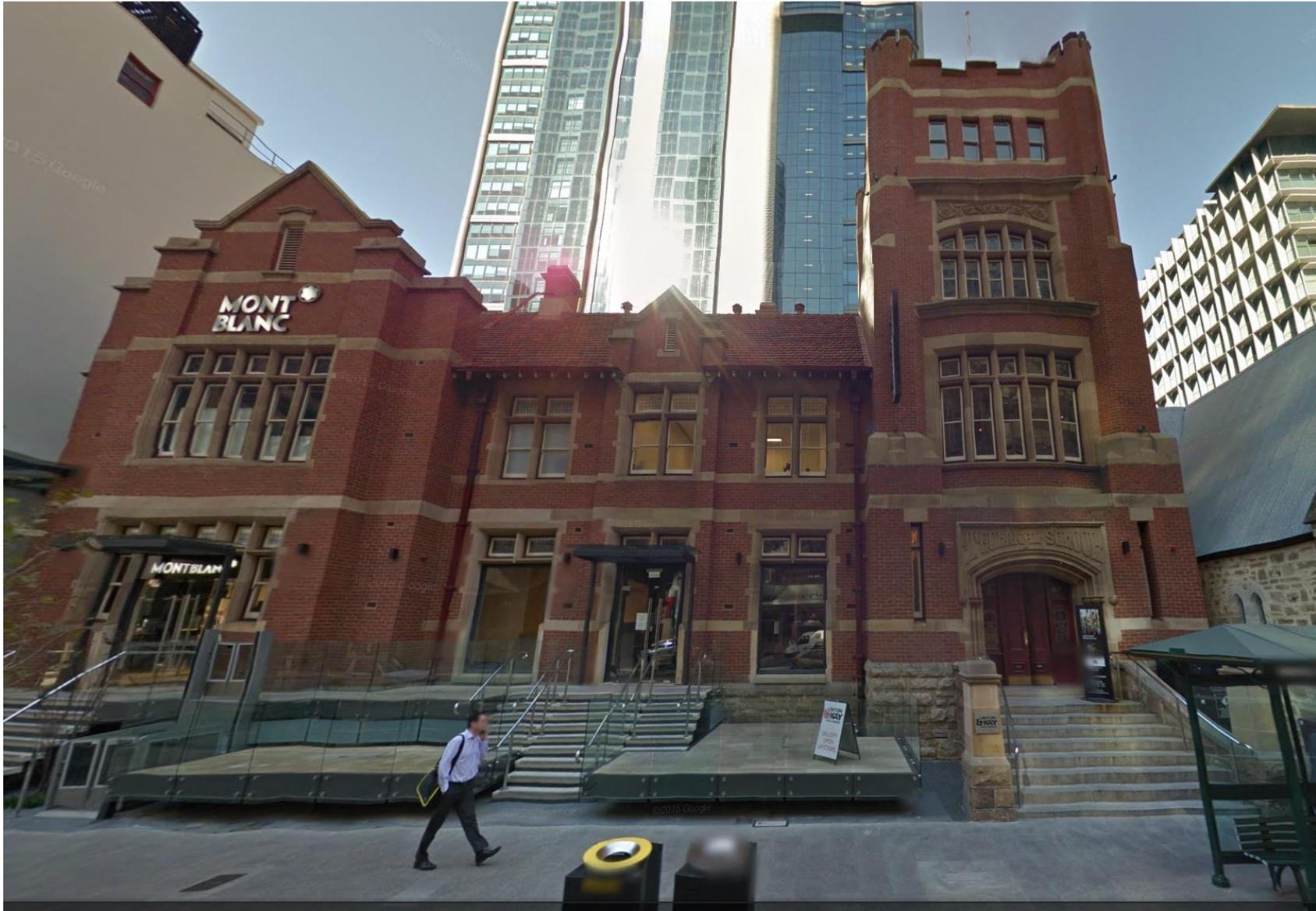
### **Conclusion**

It is considered that the proposed tavern ('Entertainment') use is compatible with the existing character of the Brookfield Place and will not have any adverse impact on the character of the area during the day. It is considered that the venue can be successfully attenuated to comply with the *Environmental Health (Noise) Regulations 1997*. Any approval should be conditioned to require a noise management and operational plan for the venue as well as a waste management strategy.

Based on the above it is recommended that the change of use from a small bar to a tavern ('Entertainment') should be approved subject to appropriate conditions as outlined in the report.



**2015/5364; 125-137 ST GEORGES TERRACE, PERTH**



2015/5364; 125-137 ST GEORGES TERRACE, PERTH

## ITEM NO: 9

### 75 AND 93 (LOTS 21 AND 30) WILLIAM STREET, PERTH – PROPOSED SINGLE STOREY STRUCTURE FOR USE AS A COFFEE KIOSK ('MIXED COMMERCIAL') AND THE INSTALLATION OF SIGNAGE

**RECOMMENDATION:**

**(APPROVAL)**

*That in accordance with the City Planning Scheme No. 2 and the Metropolitan Region Scheme, Council APPROVES the proposed single storey structure for the use as a coffee kiosk ('Mixed Commercial' use) and the installation of signage on the structure at 75 and 93 (Lots 21 and 30) William Street, Perth as detailed on the application form dated 1 September 2015 and as shown on the plans received on 28 October 2015 subject to:*

- 1. final details of the design, external materials and finishes for the structure/building, including a sample board demonstrating the use of high quality, robust materials, being submitted for approval by the City prior to applying for the relevant building permit;*
- 2. a section 70A notification under the Transfer of Lands Act 1893 prepared by the City's solicitors being placed on the titles prior to occupancy of the City's approval for the structure to remain or to be removed prior to any transfer of ownership;*
- 3. a Waste Management Plan for identifying permanent facilities for bins and addressing the City's requirements for waste collection, being submitted for approval by the City prior to applying for the relevant building permit;*
- 4. a management plan addressing servicing, delivery of goods for sale and signage replacement being submitted for approval by the City prior to applying for a building permit;*
- 5. all stormwater being contained on-site with details of the stormwater drainage being submitted to the City for approval prior to applying for a building permit;*

*(Cont'd)*

6. ***any sign content not relating to the coffee kiosk being restricted to public art murals and to advertising community events or charity/not for profit organisations with any related logos occupying the minority of the sign area, to the satisfaction of the City;***
7. ***a comprehensive signage strategy for signs not relating to the fast foot outlet detailing the control of content, management and maintenance of the sign being submitted for approval by the City prior to any signage being installed;***
8. ***a report demonstrating that adequate surveillance is provided to the site being submitted for approval by the City prior to applying for a building permit;***
9. ***a construction management plan for the proposal being submitted prior to applying for a building permit, detailing how it is proposed to manage:***
  - 9.1 ***delivery of materials and equipment to the site;***
  - 9.2 ***storage of materials and equipment on the site;***
  - 9.3 ***parking arrangements for contractors and subcontractors;***
  - 9.4 ***other matters likely to impact on the heritage church or retail business.***

## **BACKGROUND:**

SUBURB/LOCATION:	75 and 93 William Street, Perth
FILE REFERENCE:	2015/5353
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	2 November 2015
MAP / SCHEDULE:	Schedule 9 – Map and coloured perspectives and for 75 and 93 William Street, Perth
3D MODEL PRESENTATION:	N/A
LANDOWNER:	Uniting Church in Australia Property Trust WA
APPLICANT:	Post Architecture
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Citiplace (P5) (City Planning Scheme Use Area) City Centre Minor Town Planning Scheme No. 11: Wesley Trust
APPROXIMATE COST:	\$75,000

## **SITE HISTORY:**

The site of the proposal development straddles both 75 and 93 William Street within a walkway area between the heritage listed Wesley Church and the retail building forming part of the Wesley Centre to the north.

The subject sites form part of Minor Town Planning Scheme No 11 which is comprised of 772-776 Hay Street, 75, 93, 95 and 97-107 Murray Street, Perth. Subject to Clause 3.2 of TPS 11, the Scheme area is permitted to be treated as one site in one occupancy, therefore permitting development to be located on any part of the Scheme Area. However, as per Clause 3.1, the floor area of any new development when combined with the floor area of all other buildings within the area must not exceed the maximum permissible plot ratio, including any bonus plot ratio that may be awarded for any development of the site.

A maximum plot ratio of 2.95:1 (20,597m<sup>2</sup>) was approved as a part of a conditional Development Approval, dated 19 December 2006, for the 'Wesley Trust Area', which is made up of the four subject sites. The current plot ratio may vary from this figure given the CPS 2 definition of plot ratio has been slightly modified since 2006.

## **DETAILS:**

The applicant seeks planning approval to construct a single storey kiosk straddling 75 and 93 William Street, Perth. The kiosk will use used to sell coffee and associated small pre-prepared foods that will be taken away from the site to be consumed. The kiosk will be constructed of a steel clad material that will close into a box shaped structure when closed. The kiosk is proposed to be clad in a vinyl wrap which will change on a regular basis which will display public artist work and advertising local charities. The kiosk will be located between the Wesley Church to the south and the Wesley Centre to the north. The intention of the proposal is to encourage increase pedestrian traffic through the area and activate the space.

## **LEGISLATION / POLICY:**

### **Legislation**

*Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes) Regulations 2015*  
City Planning Scheme No. 2  
Town Planning Scheme 11 Wesley Trust

### **Policy**

Policy No and Name: 4.1– City Development Design Guidelines  
4.4 - Building Heights and Setbacks  
4.8 - Pedestrian Walkways  
4.10 - Heritage

## COMPLIANCE WITH PLANNING SCHEME:

### Land Use

The subject property is located within the City Centre Use Area of the Citiplace Precinct (P5) under the City Planning Scheme No. 2. The Citiplace Precinct will be enhanced as the retail focus of the State offering a wide range of general and specialised retail uses as well as a mix of other uses such as residential and visitor accommodation, entertainment, commercial, medical, service industry and minor office. The area centred on Hay and Murray Street Malls will remain the retail and pedestrian core of the city.

The proposed coffee kiosk does not provide any seating within the structure/building and as such is defined to be a 'Fast Food Outlet' under the City's Scheme which falls within the 'Mixed Commercial' use group. Under the Use Group Table for the Citiplace Precinct 'Mixed Commercial' is a contemplated ('C') use and hence can be considered for approval on the site.

### Signs

The CPS2 Signs Policy (4.6) 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 Policy the proposed public artwork to decorate the kiosk is defined as being a "Wall Mural" which means *"a graphic design that does not convey a defined advertising message."* The applicant has advised that the changeable artwork will feature artwork from local artists a portion of the time which will not feature any advertising. Wall murals are not exempt from planning approval and clause 9.13 states that each application for a wall mural will be treated on its merits. In this regard, consideration will be given to the locational context and content of the proposed wall mural, and the overriding need to protect the character and general amenity of the locality.

The other portion of the time the structure is proposed to feature advertising from community events or charity/not for profit organisations. This advertising is defined as "Third Party Advertising or General Advertising" which 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 City's policy also 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, Council is satisfied that the visual quality, amenity and safety of the area will be enhanced, or at the very least, not diminished.

The CPS2 Signs Policy (4.6) sets out specific requirements that ensure the proposed signage complies with the statement of intent within the relevant Precinct. Within the Citiplace precinct signs that contribute to the creation of a lively, colourful and stimulating pedestrian and retailing environment are appropriate in this area. The policy outlines specific criteria for signage within the Citiplace area including that:

- *Signage should reflect the character of the area and its function as the retail core of the city. However, restraint should be shown in the number of signs per tenancy.*
- *Signs should be of high quality, visually interesting, and respond to the significant role of Hay and Murray Streets as major retail areas and public gathering spaces. All signs should be consistent with the objectives and proposed actions contained within the "Malls Action Plan".*

The City's policy states that the design and placement of signs on or near heritage buildings and places requires careful consideration to be compatible with and not detract from, the heritage significance of the building or place. In some cases new signs of a very traditional character are most appropriate, whereas in others signs should be clearly contemporary in design. Opportunities for placement of signs and acceptable media may be more limited than in other situations.

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

### Development Requirements

The proposal has been assessed against the City Planning Scheme requirements and the proposal's compliance with the following development standards is summarised below:-

<b>Development Standard</b>	<b>Proposed</b>	<b>Required / Permitted</b>
<b>Maximum Plot Ratio:</b>	2.62:1.0 (20,619m <sup>2</sup> )	5.0:1.0 (39,280m <sup>2</sup> )
<b>Maximum Building Height:</b>	3.97 metres	Additional height above the Street Building Height within a 45° height plane measured from Hay Street.
<b>Setbacks:</b> Front (William Street):	<b>14.5 metres</b>	Nil

<b>Development Standard</b>	<b>Proposed</b>	<b>Required / Permitted</b>
Side (Hay Street)	24 metres	Nil No Openings and/or Balconies, 3 metres Lower Building Levels
Side (North)	38 metres	Nil No Openings and/or Balconies, 3 metres Lower Building Levels
Side (between 75 and 93 William Street)	<b>Nil</b>	Nil No Openings and/or Balconies, 3 metres Lower Building Levels
Rear (West)	21 metres	Nil No Openings and/or Balconies, 3 metres Lower Building Levels

**COMMENTS:**

**Consultation**

No consultation with the public was undertaken as part of the application as there are no CPS2 standards and provisions proposed to be modified apart for the required nil setback to William Street and the nil setback proposed between 75 and 93 William Street

The church on 75 William Street is permanently listed on the State Register of Heritage places (ID 2003) and is also listed on the City's register of Places of Cultural Heritage Significance. The application was referred to the State Heritage Office (SHO) which responded on the 14 October 2015 unconditionally supporting the proposal.

**Land Use**

It is considered that the proposed use will complement the existing retail and food and beverage outlets within the area. Whilst the use is defined as a fast food outlet it is not considered that the use would have the negative impacts some traditional fast food outlets typically have, including issues with waste and traffic. The use is also considered to have a beneficial impact by attracting patrons into the area between Wesley Church and the Wesley Centre which will potentially have a beneficial impact on the retailers within this area.

## **Development Standards**

The application proposes to vary the required nil setback to William Street under the City's Building Heights and Setback Plan. This variation is not considered to have a negative impact on the streetscape of the area given the area acts as a pedestrian movement area with this development adding and improving activation. It is also considered that the increased setback will ensure that the views from the street to the church are not obscured. Whilst the proposed structure will partially block sightlines to the rear of the structure of the walkway the whole structure is only 3.5 metres wide. The walkway will remain a minimum of 4.5 metres wide which in width and a 4.5 metre space to the north of the structure will still allow for direct sightlines to the rear of the property from William Street. Given the above it is considered that a condition be imposed requiring a report being submitted to the satisfaction of the City demonstrating adequate surveillance being provided to the site to ensure no antisocial behaviour occurs.

The development also proposes to straddle the two lots (Lots 21 and 30) which effectively gives the development a nil side setback at both 75 and 93 William Street. Given that the setback affects only the lots being developed, and are lots within the same ownership, this is not considered to have a detrimental impact on the area. It is considered necessary to impose a condition on any approval granted requiring the lots to be amalgamated or notification of section 70A under the *Transfer of Land Act 1983* being placed on the title requiring the structure/building to be removed prior to any lot changing ownership.

## **Design Guidelines/Policy**

### *4.10 Heritage*

A Heritage Impact Statement has been prepared by Griffiths Architects which outlines that there are no impacts the proposal will have against the values identified in the statement of significance for the Wesley Church under the SHO register.

The City's Heritage Policy (4.10) encourages the retention of character and values of heritage places. The City's policy also states that any new development adjacent to a heritage place, whether a Conservation Area or an individual listing, should respect its setting and curtilage. It is considered that the Wesley Church has a clear curtilage line where the raised platform is located. Whilst the proposal does partially impose on the heritage building it is considered that the setbacks between the buildings is sufficient to not have a detrimental impact on the heritage place.

The Policy also states that new works which can be reversed in the future is desirable, or where they cannot be reversed may be supported, provided the cultural significance of the place is not compromised. The new kiosk is lightweight and can be removed in the future without compromising the integrity of the heritage building

Under the Policy, new buildings on heritage sites are required to be assessed based on the following performance criteria:

*“New buildings in a Conservation Area should be of similar scale, proportions, setback and height to the heritage buildings in the locality.”*

The building is smaller in size than the existing Wesley Church however this is considered to be beneficial as it does not impose on the existing heritage building and maintains sightlines to the building.

*“New buildings should be of contemporary design and not copies of existing significant buildings.”*

The design of the new building substantially differs in architectural style to the existing building and does not attempt to mimic the building.

*“New design should respect existing heritage buildings and respond to their articulation and detail in areas such as dominant parapet lines, roof line, window configuration, door openings and awnings.”*

It is considered that the proposed building respects the existing heritage building whilst not imitating any features of the building.

## **Signs Policy**

### *Signs Within Special Areas – Hay Street / Murray Street*

The City's Signs Policy states that within the Hay Street / Murray Street core retail area signage should reflect the character of the area and its function as the retail core of the city. However, restraint should be shown in the number of signs per tenancy. It is considered that whilst the signage is large in size due to the non-commercial nature of the signs and being integral to the kiosk design it will not have a detrimental impact on the area and will draw a greater number of pedestrians to the area.

The policy also states that signs should be of high quality, visually interesting, and respond to the significant role of Hay and Murray Streets as major retail areas and public gathering spaces. The signage will have a beneficial impact by attracting patrons into the area between Wesley Church and the Wesley Centre which will potentially have a beneficial impact on the retailers within this area. It is recommended that a condition be imposed on any approval granted relating to the requirement of the sign to be high quality and visually interesting through a sign management plan being submitted and approved prior to the signs being installed.

### *Third Party Advertising*

*“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 negatively impact on the visual quality, amenity and safety of the area. The restriction of the third party advertising to only advertise

charities and community groups rather than general advertising is considered appropriate and in accordance with the proposal. It is recommended that a condition be imposed on any approved granted requiring any logos for such charities or community groups be the minority of the sign area.

#### *Signs on Heritage Buildings and Places*

The City's Signs Policy states that the design and placement of signs on or near heritage buildings and places requires careful consideration to be compatible with and not detract from, the heritage significance of the building or place. In some cases new signs of a very traditional character are most appropriate, whereas in others signs should be clearly contemporary in design.

The policy related mainly to locating sign on the subject heritage listed buildings rather than those contemporary buildings that may be located of the same lot as a heritage building. It is considered that the form of the signs being public art wall murals and advertising for community groups and charities will not have a negative impact on the heritage listed site. Additionally the signage has been designed as an integral part of the architecture of the building and hence is considered a necessary addition given the support of the additional building.

#### General Performance Criteria

Under the policy, signs are required to be assessed based on the following performance criteria:

##### *Response to Location*

*"A sign should be appropriate to its setting. A new advertising sign should aim to respond to the character of the street, and the prevailing building style."*

Given then pedestrian nature of the area it is considered the wall mural is of an appropriate size and scale setback from William Street and inviting pedestrians into the area.

##### *Contribution to Local Character*

*"A new sign should make a positive contribution to its setting."*

It is considered that the sign will have a beneficial impact on the area by providing visual interest to pedestrians within the area and on William Street.

##### *Variety and Interest*

*"A sign should reflect the quality of the service or the merchandise, be appropriate to the building or site, and aim to attract attention in a way which is well thought out and well designed."*

The quality and content of the sign is considered to be appropriate to the core retail area and to the subject site. It is recommended that a condition be imposed on

requiring any logos to be the minority of the sign area and only being for public art, community uses and charities.

### *Community Expectations*

The sign is considered to meet community expectations within the Hay Street / Murray Street area as it will provide an attractive shop front and provide activity, interest as identified in the statement of intent for the Citiplace precinct.

### *Safety*

*“A sign should in no way endanger the safety of the public.”*

The sign is affixed to the new kiosk and does not represent a danger to the public, adjoining site/s, pedestrians or vehicular traffic.

### *Design, Construction and Maintenance*

*“Signs should be simple, clear and efficient. For example, building façades should not be visually spoiled by clumsy and unsightly methods of providing electrical services to the sign.”*

The proposed signage will be installed directly to the building as a film and hence will have no supporting structures or wiring.

*“On-going maintenance of signs should be as easy as possible, and thought should be given at the time of initial design as to the economics and ease of re-using existing mountings, service installations and framing.”*

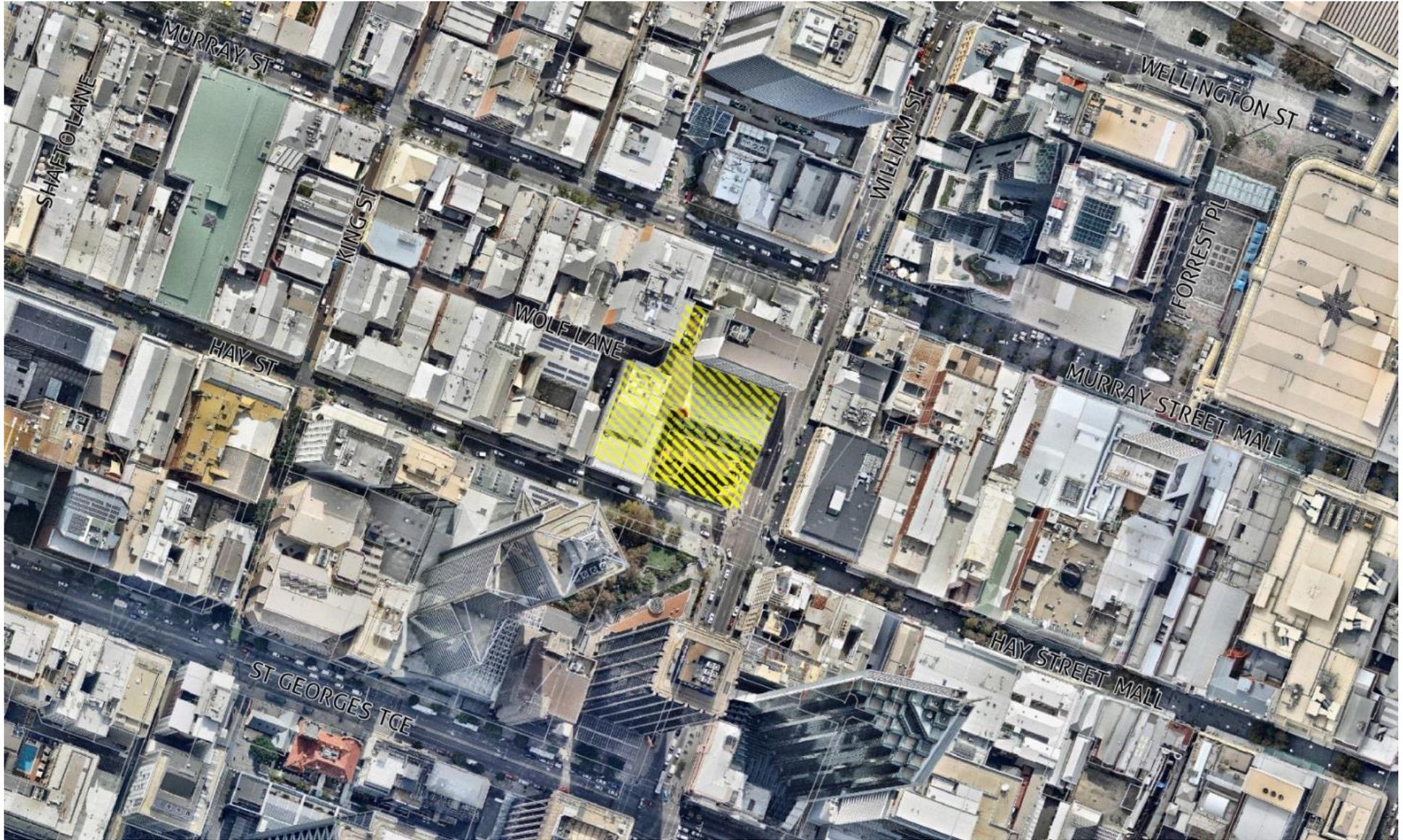
The vinyl film existing frame design facilitates changes to the signage content with minimal impact on the integrity of the building to which it is attached and also allows any graffiti to easily be fixed or removed.

*“Signs should be located at a height which avoids impact from footpath maintenance vehicles, and which discourages vandalism.”*

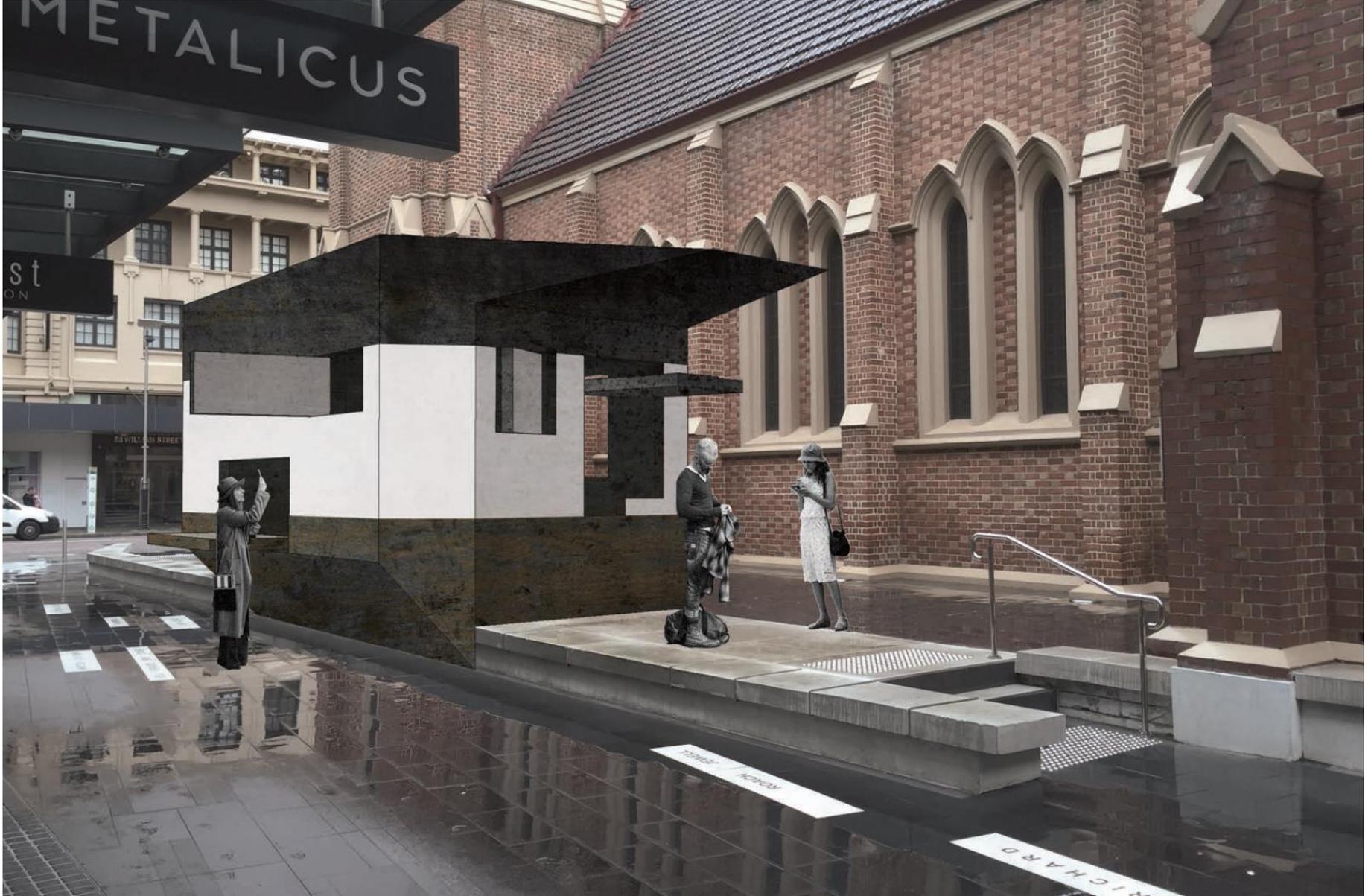
Opportunistic vandalism is often unavoidable however the nature of the film and the rotating nature of the sign should reduce requirement for regular maintenance and/or cleaning.

### **Conclusion**

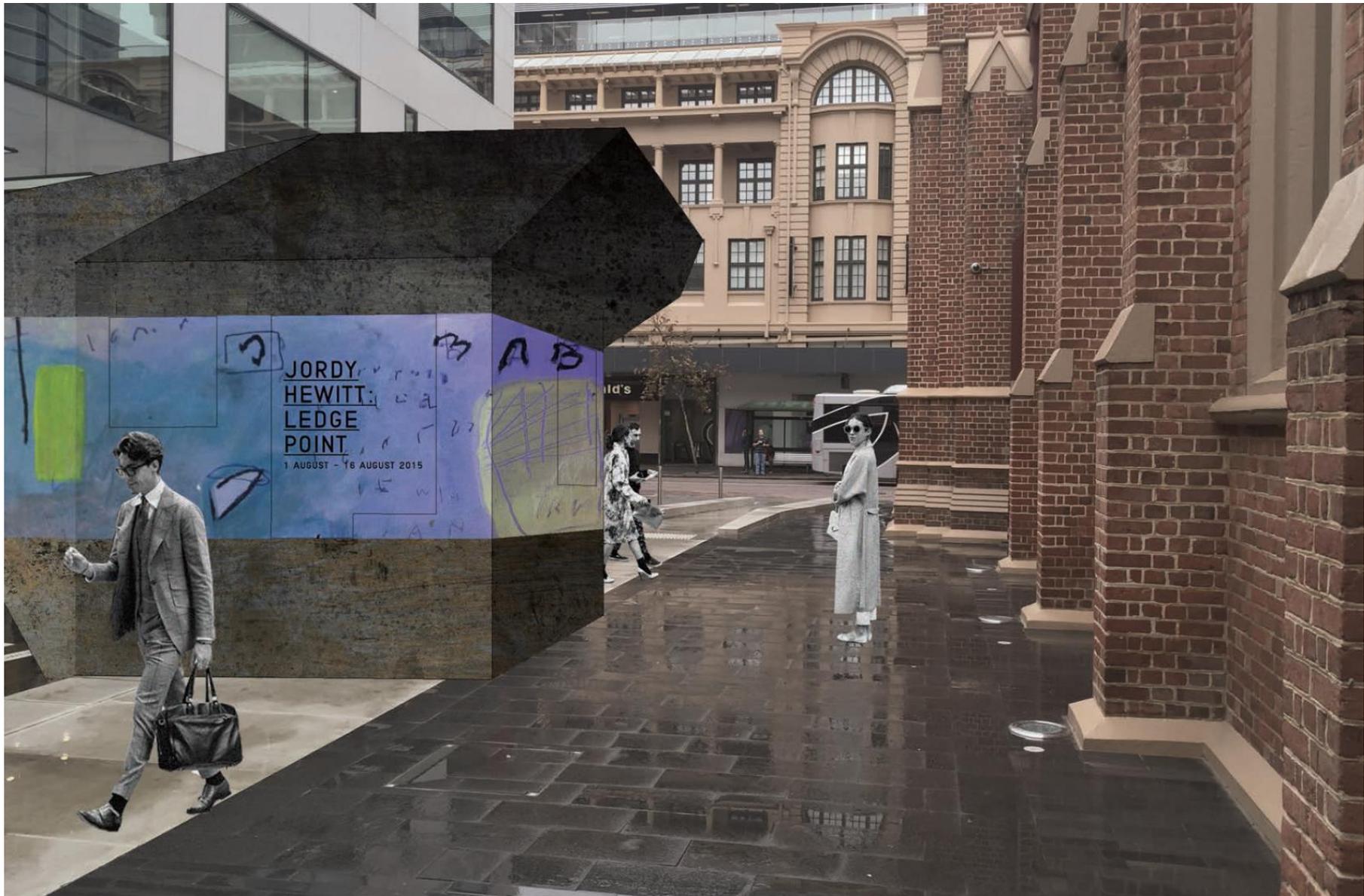
The proposed coffee kiosk structure will be positioned between the Wesley Church and the Wesley Centre to assist in the activation of this space. As it is a minor structure it will not have any detrimental impact on the streetscape or the heritage significance of the subject site. The proposed wall mural and third party advertising is generally consistent with the requirements and intent of the CPS2, including Policy 4.6 – Signs, and is considered to maintain visual interest and vibrancy to the adjacent street environment. Pursuant to Clause 47 of CPS2, the proposal is recommended for conditional approval.



**2015/5353; 75 & 93 WILLIAM STREET, PERTH**



2015/5353; 75 & 93 WILLIAM STREET, PERTH



2015/5353; 75 & 93 WILLIAM STREET, PERTH



2015/5353; 75 & 93 WILLIAM STREET, PERTH



2015/5353; 75 & 93 WILLIAM STREET, PERTH

## ITEM NO: 10

### 76 (LOT 5) WITTENOOM STREET, EAST PERTH – REQUEST FOR APPROVAL AS A DONOR SITE FOR ADDITIONAL TRANSFER OF PLOT RATIO

**RECOMMENDATION:** (APPROVAL)

*That, in accordance with Clause 34 of the City Planning Scheme No. 2 Council APPROVES the request for approval as a donor site for the transfer of 635m<sup>2</sup> of transferable plot ratio from 76 (Lot 5) Wittenoom Street, East Perth to the City's register of transfer of plot ratio in accordance with the application for 'Transfer Plot Ratio – Donor Site Approval' dated 13 October 2015, subject to the existing Heritage Agreement for the subject site being modified, at the landowner's cost, and signed by the landowner(s), the City and the State Heritage Office with the finalised agreement being submitted to the City prior to the subject site being registered as a donor site in the register of transfer of plot ratio.*

#### BACKGROUND:

SUBURB/LOCATION:	76 (Lot 5) Wittenoom Street, East Perth
FILE REFERENCE:	2015/5414
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	20 October 2015
MAP / SCHEDULE:	Schedule 10 – Map for 76 Wittenoom Street, East Perth
3D MODEL PRESENTATION:	N/A
LANDOWNER:	Kella Nominees Pty Ltd
APPLICANT:	Mike Allen Planning
ZONING:	(MRS Zone) Urban (City Planning Scheme Precinct) East Perth Precinct (P15) (Local Planning Scheme No. 26: East Perth Redevelopment Area) EP 4 – Silver City
APPROXIMATE COST:	Nil

## **SITE HISTORY:**

At its meeting held on **12 July 2005** Council approved the transfer of 75% of the unutilised plot ratio floor area, equating to 3,054m<sup>2</sup>, from 76 (Lot 5) Wittenoom Street, East Perth (the former East Perth Primary School), with 500m<sup>2</sup> being transferred to 1 Walker Avenue and 7 Rheola Street, West Perth and the balance of the available plot ratio floor area (2,554m<sup>2</sup>) being recorded in the Transfer of Plot Ratio Register to be set aside ('banked') for future development proposal(s). A Heritage Agreement between the owner and the City of Perth was agreed to and signed by the relevant respective parties.

Council has since approved a number of development applications including the transfer of 'banked' plot ratio from 76 Wittenoom Street, East Perth. The balance of available plot ratio floor area is currently 185m<sup>2</sup>.

## **DETAILS:**

Approval is sought to register an additional 635m<sup>2</sup> of unused plot ratio from the subject site to the City's Register of Transfer Plot Ratio. Under the City Planning Scheme No. 2 the subject site has a plot ratio of 1.5:1 or 4,894.5m<sup>2</sup> plot ratio floor area. Council at its meeting held on **12 July 2005** approved the transfer of 3,054m<sup>2</sup> of the unused plot ratio floor area from 76 Wittenoom Street, East Perth to the City's Register of Transfer of Plot Ratio. At the time of the transfer, Policy 4.6.2 Transfer Plot Ratio required a minimum 25% of unused plot ratio to be retained on the donor site. The policy was amended in February 2013 which permitted a minimum of 10% of unused plot ratio to be retained. Given the amendment to the policy, it is proposed to transfer an additional 635m<sup>2</sup> (15%) of unused plot ratio floor area from the subject site to the City's Register of Transfer of Plot Ratio for use in whole or part on a recipient site subject to a separate application for approval.

It is proposed to retain 410m<sup>2</sup> (10%) of plot ratio floor space on the subject site, accommodating any minor future development. Any future development of the subject site would be subject to a separate application for approval.

## **LEGISLATION / POLICY:**

**Legislation** City Planning Scheme No. 2  
**Section:** Clause 34 Transfer of Plot Ratio

- '(1) The Council may, on request, approve a place as a donor site for the transfer of transferable plot ratio, if the place –*
- (a) is recorded in the register of places of cultural heritage significance or located within a conservation area;*
  - (b) cannot be development to the maximum plot specified in the plot ratio plan without adversely affecting the cultural heritage significance of:*
    - (i) the place or its locality; or*
    - (ii) any conservation area within which the place is located;*

- (c) *is not reserved or located in a reserve shown on the Scheme map and referred to in clause 12(1) (a) or (b); and*
  - (d) *is subject to a conservation plan if the place is of cultural heritage significance.*
- (2) *The Council may approve or refuse a request made under clause 34(1). Where it grants approval, the Council –*
- (a) *shall determine the amount of transferable plot ratio on a donor site taking into account the need to retain an amount of unused plot ratio for future development, or adaptation of the place; and*
  - (b) *shall impose conditions which must be satisfied prior to a place being recorded as a donor site in the register of transfer of plot ratio. These conditions shall include*
    - (i) *the preparation of a heritage agreement, at the landowner's cost to be signed by the landowner and the City and, where the place is listed on the Register of Heritage Places under the Heritage of Western Australia Act 1990, the Heritage Council of Western Australia; and*
    - (ii) *if considered necessary by the Council for the conservation of the place, the completion of any urgent works specified in the conservation plan for the place.*
- (3) *Approval of a place as a donor site shall lapse if all conditions of the Council's approval are not fulfilled before the expiration of 12 months, or such further period as the Council may determine, from the date of which the Council resolved to grant the approval.*
- (4) *On fulfilment of all the conditions of the Council's approval, the place shall be recorded as a donor site in the register of transfer of plot ratio in accordance with clause 35.'*

## **Policy**

Policy No and Name: 4.5.2 Transfer Plot Ratio Policy

Many places of cultural heritage significance or those located in conservation areas, comprise buildings that do not utilise the maximum floor area which the applicable plot ratio may allow. Some of this unused plot ratio may be able to be used for development or adaptive reuse of the place, guided by a conservation plan. Where this is possible, the amount of plot ratio required to facilitate future development or adaptive reuse shall be retained. A minimum 10% of unused plot ratio shall be retained on the donor site.

## **COMMENTS:**

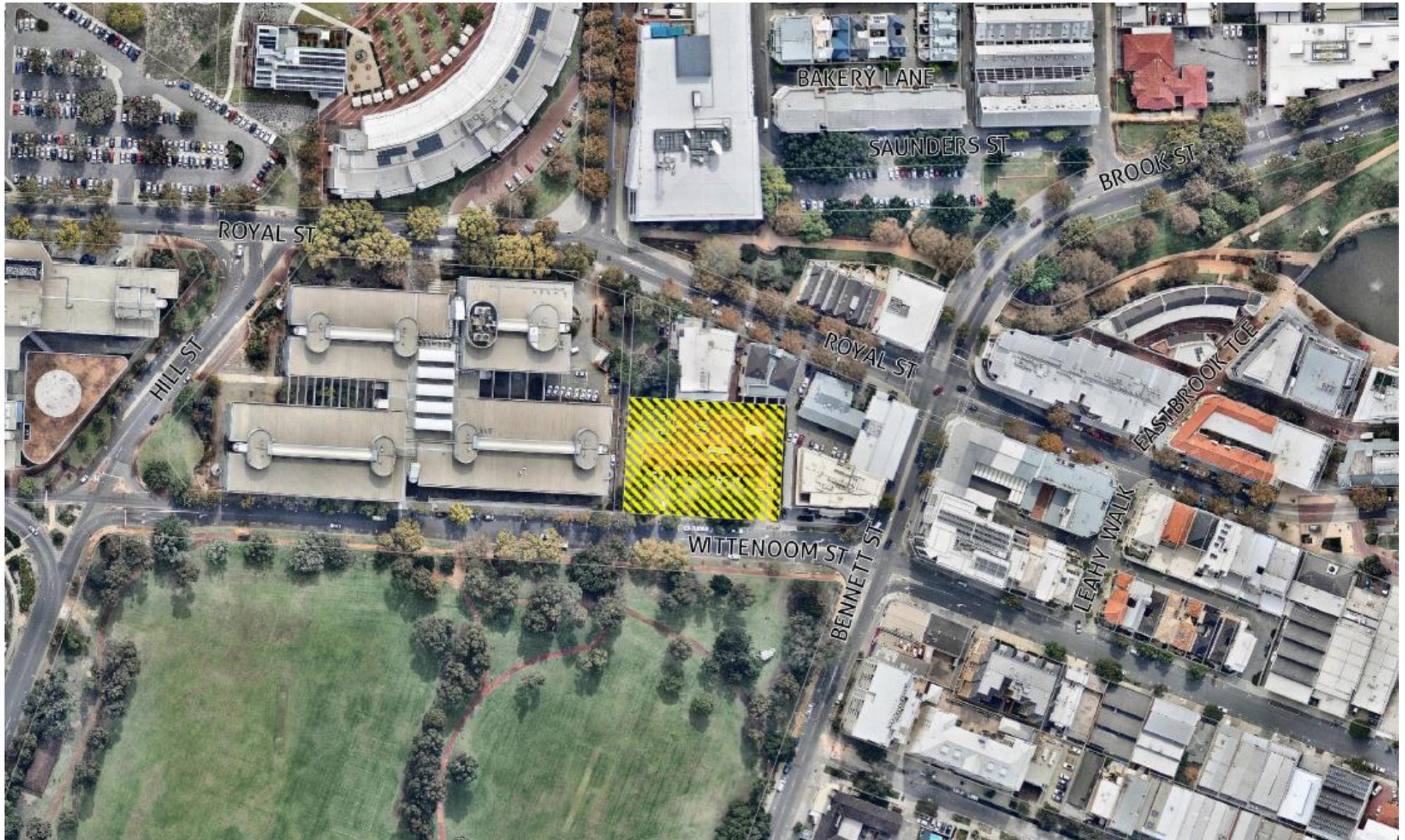
### **Transfer of Plot Ratio**

The subject site has 1,045m<sup>2</sup> or 25% of remaining plot ratio floor area available. It is proposed to transfer 635m<sup>2</sup> of the unused plot ratio floor area from the subject site to the City's register of transfer of plot ratio. A total of 410m<sup>2</sup> plot ratio floor area, equivalent to 10% of unused plot ratio floor area will remain on the site that can be utilised for future adaptation and/or development of the site. The proposed minimum 10% remaining unused plot ratio is consistent with the Transfer of Plot Ratio Policy under City Planning Scheme No. 2.

The Heritage Agreement for the subject site identifies a Conservation Plan for the heritage listed building which identifies an area directly north of the existing building as the only area where potential development can be considered. Given the limited potential for the site, it is considered that the proposal to transfer an additional 635m<sup>2</sup> to the register of transfer of plot ratio can be supported subject to the current Heritage Agreement being modified and submitted to the City under Clause 34(2)(b)(i) prior to the 635m<sup>2</sup> of unused plot ratio being added to the City's Transfer of Plot Ratio.

### **Conclusion**

The proposed transfer of 635m<sup>2</sup> of plot ratio floor space from 76 Wittenoom Street, East Perth is supported in accordance with clause 34 of City Planning Scheme No. 2. Subject to satisfying the proposed condition of approval, the subject site will be entered on the City's register of transfer of plot ratio for use in whole or part in proposed developments on future recipient sites subject to separate applications for approval.



**2015/5414; 76 (LOT 5) WITTENOOM STREET, EAST PERTH**

## ITEM NO: 11

### USE OF RUSSELL SQUARE, NORTHBRIDGE – PLEASURE GARDENS, FRINGE WORLD FESTIVAL 2016

**RECOMMENDATION:**

**(APPROVAL)**

***That Council APPROVES the use of Russell Square, Northbridge, by Artrage Incorporated to conduct the Fringe World Festival 2016 event from Friday, 22 January 2016 until Sunday, 21 February 2016, with proposed operating times from 5.00pm until 11.00pm Sunday through to Wednesday, 5.00pm until 12 midnight on Thursday, and Friday and Saturday from 4.00pm until 1.00am, subject to the applicant:***

- 1. indemnifying the Council against any claim arising from the event and the use of the reserve and hold a Public Liability Insurance Policy with a limit of indemnity of \$10,000,000;***
- 2. paying the reserve hire fee of an estimated \$50,000.00, excluding GST, but including Public Building fees, Regulation 18 application fees and a \$10,000 damages bond, the whole or part of which may be refundable;***
- 3. providing management plans to adequately address Risk, Noise, Recycling and Waste Removal, Security, and Disability Access and Inclusion to the satisfaction of the City, at least one month prior to the event;***
- 4. covering all costs for the provision of any Council services, including noise monitoring and cleaning of the reserve or for the repair of any damage to the reserve or infrastructure resulting from the event;***
- 5. commencing re-turfing and / or restoration of the portions of the reserve affected by the event at the conclusion of all activities, to the specification and satisfaction of the City and at the applicant's cost;***

**(Cont'd)**

6. ***submitting an “Application for Regulation 18 Approval for a Non-complying Event” and receiving approval from the City’s Chief Executive Officer to hold a non-conforming event in accordance with Regulation 18 of the Environmental Protection (Noise) Regulations 1997;***
7. ***complying with the relevant requirements of the Health Act 1911, the Health (Public Buildings) Regulations 1992 and Food Act 2008;***
8. ***seeking approval for a liquor licence from the Department of Racing, Gaming and Liquor;***
9. ***providing three notification letters to surrounding commercial and residential premises, to the satisfaction of the City, in December 2015, January 2016 and again in February 2016 when the event is operating.***

**BACKGROUND:**

Russell Square was used by Artrage for their 2014 and 2015 festivals.

FILE REFERENCE: P1010379-18  
REPORTING UNITS: Development Approvals  
Environment and Public Health  
RESPONSIBLE DIRECTORATE: Planning and Development  
DATE: 10 June 2015  
MAP / SCHEDULE: N/A

**LEGISLATION / STRATEGIC PLAN / POLICY:**

**Legislation** *Health Act 1911  
Environmental Protection (Noise) Regulations 1997  
Food Act 2008  
Clause 8 of the City of Perth Local Government Property  
Local Law 2005*

**Integrated Planning and Reporting Framework Implications** **Strategic Community Plan**  
Council Four Year Priorities: Perth as a capital city  
S5 Increased place activation and use of under-utilised space.

**DE TAILS:**

A request has been received by Artrage to hire Russell Square, Northbridge, from Friday 8 January 2016 to Sunday 6 March 2016, with performance days between

Friday 22 January 2016, until Sunday 21 February 2016, for an event production called "Pleasure Gardens", which is a component of the Fringe World Festival 2016. The event will consist of a range of entertainment consistent with previous Fringe World Festival events. It is proposed that the event operates from 5.00pm until 11.00pm, Sunday through to Wednesday, 5.00pm until 12 midnight on Thursday, and on Friday and Saturday from 4.00pm until 1.00am.

Performances will be held in several marquee type structures ranging in shape, size and audience capacity. These performances will showcase Fringe World's unique approach to live entertainment utilising both traditional and non-traditional artists, equipment and stage sets.

Entrance to the marquees will be ticketed, however, a seating area and restaurant area will be setup within the festival grounds which will be freely accessible to members of the public to enjoy the festival atmosphere, whilst being able to consume food and drinks.

Due to the size and duration of the event, damage to the reserve would be expected. In order to ensure that the potential damage is kept to a minimum, Artrage propose to introduce a structured hand watering scheme during non-performance times, in consultation with the City. The applicants will need to contact the Water Corporation and the Department of Water to apply for a special watering licence, outside of the times of the City's licensed bore usage, which is 9.00am until 6.00pm.

The applicants would also be responsible for covering all costs associated with any damage caused by the event and implement a turf management plan to re-turf and / or restore the area to the satisfaction of the City.

The applicants will be required to provide comprehensive event, risk, noise, and waste management plans, together with ensuring that they comply with the *Health Act 1911*, *Food Act 2008*, *Environmental Protection (Noise) Regulations 1997*, and the requirements under the *Health (Public Buildings) Regulations 1992*. The event organisers will need to work closely with the City, Western Australian Police and the Department of Racing Gaming and Liquor to ensure that all the necessary management plans comply with the requirements of each Authority.

#### **FINANCIAL IMPLICATIONS:**

ACCOUNT NO:	CL11A800006523
BUDGET ITEM:	Recreation and Culture - Other Recreation and Sports - Parks, Gardens and Reserve
BUDGET PAGE NUMBER:	3
BUDGETED AMOUNT:	\$215,000
AMOUNT RECEIVED TO DATE:	\$ 62,370
ACTUAL INCOME:	\$ 40,000

As the exact number of shows and participants are not known at this time, it is estimated that the reserve hire fee will be \$40,000. Last year, there were 460 performances which resulted in reserve hire of \$46,396.

All figures quoted in this report are exclusive of GST.

### **COMMENTS:**

The City received a number of complaints post event (2015) from residents in the area regarding the size and duration of event, start and finishing times, the event being granted approval to extend the season for two weeks, noise impacts and lack of access to the grounds for surrounding residents.

Subsequently, several meetings have been held with affected residents and Artrage to address these issues and measures that can be implemented to reduce the impact to surrounding residents.

Artrage have agreed to implement the following measures;

#### Noise Impact reduction

- The size of the event has significantly decreased. In 2015 there were 10 venues, in 2016 there will be six venues only.
- The site layout has been amended to reduce noise impact to surrounding residents.
- The start and finishing times have been reduced, with the potential to further reduce these finishing times if needed.
- There will be no extended season.
- An independent acoustic consultant will be engaged to monitor the event in accordance with the regulation 18 noise approval, as well as the City's Environmental Health Officers (EHO's).
- Noise measurements will be provided to the City's Senior EHO daily.
- Dedicated Artrage staff members will be allocated to handle all complaints, with copies of the complaints and their resolutions provided to the City.
- Three notification letters will be sent to affected residents, the first being in December, followed by another in January and again in February while the event is operating.

#### Resident Access

- Neighbourhood meetings will be held with surrounding residents.
- Neighbourhood badges will be given to ensure access can be gained to the reserve at all times.
- Free tickets and discounted food and drinks will also be offered.

With the event being in place for an extended period of time, additional security during non-performance times will be provided by the event organisers to protect infrastructure and assets placed on the reserve. The children's playground situated at the south west corner of Russell Square will be outside the fenced area and will be fully accessible at all times.

It is anticipated that this event will offer additional separate fringe and mainstream arts events to an area already know as an entertainment precinct. Given the limited

capacity of the marquees, adequate parking and public transport is already established within the area and there is no need to provide additional transport or parking services.

### **Environmental Protection (Noise) Regulations 1997:**

The applicant is required to submit an "Application for Regulation 18 Approval for a Non-complying Event" on the basis that the performances would lose their effect if the provisions of the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) were enforced. Regulation 18 allows for the approval of a non-complying event to be granted when it is considered that the event would lose its character if the normal provisions of the Noise Regulations were applied. Any such approval is subject to strict management conditions including a noise management plan, community notification and complaint handling procedures by the applicant.

The Chief Executive Officer of the relevant local government may approve two 'non-complying' events at a venue in any 12 consecutive months. Additional events may be approved where the majority of occupiers on whom the noise will impact have no objection. Agreement as to the noise management conditions will also be required from any adjoining local governments whose residents may be affected by the sound levels from the event.

It should be noted that Fringe World 2016 will be the first non-conforming event held on the reserve within a 12 month period.

The approval can be issued subject to whatever conditions are considered appropriate, including designated sound levels that cannot be exceeded at certain positions inside and outside the venue, limiting the duration, time and number of pre-concert sound checks, limitations on the volume of any recorded music played prior to the concert and a curfew on finishing times.

Noise management measures will include:

- Advance notification to noise sensitive premises.
- Artrage will be providing a noise complaint service with the use of a dedicated telephone line and email address.
- Monitoring of noise levels at the mixing desk, roving locations and permanent stations throughout the event to ensure that noise levels are maintained at prescribed levels.
- Noise mitigation packages to be offered to those residents severely impacted by noise levels from the event.
- Submission of a noise monitoring report seven days after the event; and
- Set levels of noise emissions and timeframes.

It is anticipated that the month long event and the proposed finish times could impact on local residents however, with the negotiated changes being implemented by Artrage the residents might be more tolerant of this event particularly with modifications made to the performance finish times. Notwithstanding, this event will

be managed closely in accordance with the Regulation 18 noise approval issued by the City.

### **Health (Public Building) Regulations 1992**

The applicant will be required to submit a Form 1 – Application to construct, extend or alter a public building under the *Health Act 1911* and will need to comply with all other provisions and / or requirements under the *Health Act 1911*.

Public health, safety and security of patrons will be addressed in consultation with other agencies to the satisfaction of the City and in consultation with the Western Australian Police.

### **Conclusion:**

This event is now in its third year and has been successfully run in the past, albeit, recognising the impacts of the 2015 event on some residents. The 2016 event has the potential to provide the Northbridge businesses with economic benefits from the patrons who are drawn to the festival, together with broader promotional benefits. Therefore, with the modifications made from last year's event, it is considered that the use of the Russell Square, Northbridge, by Artrage to conduct the Pleasure Gardens event from Friday 22 January 2016 until Sunday 21 February 2016 can be approved, subject to the applicant complying with the City's requirements.

## ITEM NO: 12

### LANGLEY PARK, WEST END SECTION – PERTH INTERNATIONAL ARTS FESTIVAL PRESENTATION OF THE OPENING CEREMONY, “HOME”

**RECOMMENDATION:**

**(APPROVAL)**

***That the Council APPROVES the use of the west end of Langley Park, for Perth International Arts Festival to conduct their opening ceremony, a music concert called “Home”, on Saturday 13 February 2016, from 6.30pm until 8.30pm, subject to the applicant:***

- 1. indemnifying the Council against any claim arising from the event and the use of the reserve and hold a Public Liability Insurance Policy with a minimum limit of indemnity of \$20,000,000;***
- 2. paying the reserve hire fees, Public Building fees; application fees; and a Damages Bond of \$20,000.00, the whole or part of which may be refundable, and covering all other costs for the provision of any Council services such as; noise monitoring; cleaning of the reserve; and the repair of any damage to the reserve or infrastructure resulting from the event; estimated to be \$16,000.00;***
- 3. submitting a Turf Management Plan to the satisfaction of the City that ensures that the reserve will be watered during and after the bump in days; one month prior to the event;***
- 4. submitting Management Plans to adequately address Emergency, Risk, Noise, Parking, Waste, Pedestrian movement, Security, and Disability Access and Inclusion to the satisfaction of the City, one month prior to the event;***
- 5. complying with the relevant requirements of the Health Act 1911, the Health (Public Buildings) Regulations 1992, Environment Protection (Noise) Regulations 1992 and the Food Act 2008, as detailed in the Public Health and Safety Event Approval issued by the City;***

**(Cont'd)**

6. ***providing written notification of the event to affected properties including residential and commercial premises, to the satisfaction of the City, one month and at least seven days prior to the event.***

**BACKGROUND:**

Perth International Arts Festival (PIAF) have in the past utilised all sections of Langley Park for opening ceremonies.

FILE REFERENCE: P1007793-15  
REPORTING UNIT: Development Approvals Unit  
RESPONSIBLE DIRECTORATE: Martin Mileham, Director Planning and Development  
DATE: 28 October 2015  
MAP / SCHEDULE: N/A

**LEGISLATION / STRATEGIC PLAN / POLICY:**

<b>Legislation</b>	<i>Local Government Act 1995</i> , Section 3.50 Closing certain thoroughfares to vehicles; Clause 8 of the City of Perth Local Government Property Local Law 2005 <i>Road Traffic Act 1974</i> , Section 92 (2). Permits a Local Authority to close a road; <i>Health Act 1911</i> ; <i>Environmental Protection (Noise) Regulations 1997</i> <i>Food Act 2008</i> <i>Health (Public Buildings) Regulations 1992</i>
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Strategic Community Plan</b> Council Four Year Priorities: Perth as a Capital City S5 Increase place activation and use of underutilised space

**DETAILS:**

A proposal has been submitted to the City for the use of the west end of Langley Park by PIAF to conduct their opening ceremony "Home" from 6.30pm until 8.30pm on Saturday 13 February 2016. Home is a concert type event for home grown music artists from Western Australia, which will attract an estimated crowd of 30,000. This proposed event is one week after West Australian Opera's presentation of "Opera in the Park" which had previously booked the use of the west end of Langley Park. West Australian Opera and PIAF propose to share infrastructure for their respective events.

PIAF has advised that the western end of Langley Park suits their requirement to be located as close to Elizabeth Quay as possible as patrons will be invited to move to Elizabeth Quay at the conclusion of the Home event to view additional entertainment activities.

Victoria Avenue between Terrace Road and Riverside Drive and Riverside Drive from Plain Street to Barrack Square will need to be closed for this event to ensure the safety of patrons. Traffic controllers will be required to assist patrons crossing the road safely and making their way to Elizabeth Quay at the conclusion of the event.

### **FINANCIAL IMPLICATIONS:**

The exact figures are unknown at this time as PIAF have not submitted the relevant detailed information, however, reserve hire fees and any other fees associated with this event will be charged in accordance with the City's adopted fee schedule. It is anticipated that the fees will be in the order of \$10-15,000.

### **COMMENTS:**

#### **Impact on Maintenance of Langley Park**

The western end of Langley Park will be used for Opera in the Park seven days prior to the PIAF event and it will also be used for Carnival Land as part of the Australia Day's Skyworks celebrations on 26 January 2016. The event dates are as follows:-

- Skyworks – Tuesday 26 January 2016;
- Opera in the Park – Saturday 6 February 2016;
- PIAF Home – Saturday 13 February 2016.

There are also a number of events approved in December 2015 at the west end of Langley Park, including Symphony in the City, Wonderland and Carols by Candlelight.

This will provide limited opportunities for watering and maintaining the reserve between major events. This may result in the deterioration in the condition of the western portion of Langley Park, which will require additional time to recover and this may render the area unusable for events booked in March and April 2016.

Notwithstanding, it has been agreed to prioritise the removal of event equipment on the western portion of Langley Park after Skyworks which will allow the possibility of additional watering on this area of the reserve. PIAF have indicated that during the first few days on their event build, watering may be able to take place. With these additional watering days and the implementation of a turf management plan by the City it is anticipated that the recovery time of the reserve may be decreased. Remedial works to the reserve undertaken after the PIAF event, including additional watering, compost and fertiliser, would be in the order of \$16,000.

It will be imperative that at the conclusion of each event, the amount of damage calculated and that the costs are deleted from each bond.

While the running of three successive large scale events in the same section of Langley Park has the potential to cause extensive damage to the reserve, all event organisers are required to pay a bond to the City to cover any such damage. It is noted, in this case, that it will be the final PIAF event that will have the greatest impact on the reserve and the previously booked events could be financially disadvantage if the repair costs are to be divided equally between the events.

PIAF will have cost savings by sharing the infrastructure costs with Opera in the Park and accordingly, it is recommended that the majority of the costs of remedial works to the reserve be borne by PIAF.

Should the damage be such that it is not possible to repair the turf prior to following events, it may be possible to relocate PIAF easterly on Langley Park towards Plain Street or Wellington Square. However that will be dependent on other smaller event agreeing to share these reserves.

### **Impact on nearby residents**

It is noted that residents of Terrace Road, particularly at the western end, will have major events taking place on Tuesday 26 January 2016, Saturday 6 February 2016; and-Saturday 13 February 2016. However, each event is different in terms of its size, nature of entertainment and none of the events continue late into the evening. The PIAF event will be subject to noise management measures as detailed below, and will be required to submit management plans to address risk, parking and transport, waste, pedestrian movement, safety and security.

### **Environmental Protection (Noise) Regulations 1997:**

The event will require approval as a community event under the provisions of Regulation 16 of the Environmental Protection (Noise) Regulation 1997.

In support of the application for exemption, a detailed noise management plan will be required to be submitted to ensure compliance with the conditional approval. The report will cover:

- duration of event;
- type and number of noise sensitive premises likely to be affected;
- proximity of residences and other noise sensitive premises;
- style of music;
- history of venue;
- history of applicant;
- size of crowd;
- location and configuration of stages and sound systems.

Subject to the submission of event documents, noise management measures will include:

- advance notification to noise sensitive premises;

- providing a noise complaint service with the use of a dedicated telephone line;
- monitoring of noise levels at the mixing desk, roving locations and permanent stations throughout the event to ensure that noise levels are maintained at prescribed levels;
- Noise Mitigation packages to be offered to those residents severely impacted by noise levels from the event;
- submission of a noise monitoring report seven days after the event;
- set levels of noise emissions and time frames.

Independent monitoring will be carried out by an acoustic consultant and the costs of such monitoring borne by the applicant.

### **Health (Public Building) Regulations 1992:**

The applicant will be required to submit a Form 1 'Application to construct, extend or alter a Public Building' under the Health Act and any other requirements of the Health Act 1911.

Public health, safety and security of patrons will be addressed in the Public Health and Safety Event Approval issued by the City.

### **Conclusion:**

The PIAF event is designed to showcase established and emerging musical talent of Western Australia and, being a free event, is likely to attract large crowds to the city. With the event being held from 6.30pm to 8.30pm, the impact on nearby residents will be limited.

With the approved upgrade works to Supreme Court Gardens, there is increased demand on Langley Park to host a variety of community, sporting and other entertainment events. Ordinarily, the City ensures that adequate time is allowed between each major event for the watering, mowing and other maintenance of the reserve so that its appearance and on-going use can be properly managed. In this instance, the locational requirements and benefits to the event organisers of infrastructure sharing are acknowledged, but the costs of remedial works to the reserve will be increased as a result of conducting three large events over a three week period. These costs should be borne by the event organisers but can also be reduced if some additional watering is possible during the bump-in of "Home". Therefore, it is recommended that this event, to be held on the western section of Langley Park on Saturday 13 February 2016, from 6.30pm until 8.30pm, be approved.

## ITEM NO: 13

### UNION CYCLISTE INTERNATIONAL WORLD CYCLING TOUR 2016

**RECOMMENDATION:** (APPROVAL)

**That Council:**

1. **APPROVES the CiC Events Management's use of the City of Perth CBD area for the Union Cycliste International World Cycling Tour including Riverside Drive and Mounts Bay Road on Friday, 11 March 2016, and Sunday, 13 March 2016, subject to the applicant:**
  - 1.1 **indemnifying the Council against any claim arising from the event and the use of the road reserves and holding a Public Liability Insurance Policy with a limit of indemnity of \$20,000,000;**
  - 1.2 **obtaining the approval of the WA Police, Main Roads Western Australia and Public Transport Authority;**
  - 1.3 **submitting a Traffic Management Plan for the road closures associated with the cycling events to the satisfaction of the City, Main Roads Western Australia, and the WA Police, not less than 60 days prior to the event;**
  - 1.4 **providing management plans to adequately address, Noise, Waste Removal, Pedestrian Access around the event, Security, and Disability Access and Inclusion to the satisfaction of the City, at least 30 days prior to the event;**
  - 1.5 **submitting a Risk Management Plan, Event Management Plan, and Comprehensive Communication Plan to the satisfaction of the City and the WA Police, not less than 60 days prior to the event;**

(Cont'd)

- 1.6 covering all costs associated with the event including on street parking, road reserve hire fees, traffic and parking management, the assessment of noise management plans and public building requirements, and the provision of any Council services, and a \$10,000 damages bond, the whole or part of which may be refundable;**
  - 1.7 complying with the relevant requirements of the Health Act 1911, the Health (Public Buildings) Regulations 1992, and Environmental Protection (Noise) Regulations 1997, detailed in the Public Health and Safety Event Approval issued by Environmental & Public Health;**
- 2. advise the applicant that it is supportive of the world final events on Thursday 1, Friday 2, and Sunday 4 September 2016, however approval will be dependent on the proposed traffic management plan and how access to the affected properties will be managed.**

#### **BACKGROUND:**

FILE REFERENCE:	N/A
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	19 October 2015
MAP / SCHEDULE:	Schedule 11 – UWCT Perth – Individual Time Trial Course Schedule 12 – UWCT Perth - Team Relay Course Schedule 13 – Proposed Road Closures Schedule 14 – UWCT Perth – Road Race Course

CiC Events Management held a similar event called, “Velofest UWCT Gran Fondo & NRS Criterium” cycling event on Sunday, 29 March 2015, utilising city streets. They have also been involved in the organising of this year’s Freeway Bike Hike.

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

<b>Legislation</b>	<i>Local Government Act 1995</i> , Section 3.50 Closing certain thoroughfares to vehicles; <i>City of Perth Thoroughfares and Public Places Local Law 2007</i> ; <i>Road Traffic Act 1974</i> , Section 92 (2). Permits a Local Authority to close a road; <i>Road Traffic (Events on Roads) Regulations 1991</i> , Section 4. Requires Local Authority approval before an application
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can be made to hold an event on a road;  
*Health Act 1911;*  
*Health (Public Buildings) Regulations 1992;*  
*Environmental Act 1986;*  
*Environmental Protection (Noise) Regulations 1997;*  
*Food Act 2008.*

**Integrated Planning  
and Reporting  
Framework  
Implications**

**Strategic Community Plan**

Council Four Year Priorities: Perth as a capital city  
S5 Increased place activation and use of under-  
utilised space

**Policy**

Policy No and Name: 14.11 - Approval of Events on Roads

**DETAILS:**

A proposal has been presented to the City by CiC Events Management to conduct the Union Cycliste International World Cycling Tour (UWCT) 2016 qualifying event on Friday, 11 March 2016 with the world finals to be held on Thursday, 1 September 2016 and Friday, 2 September 2016 which will mirror the March event. There will also be a qualifying "road race course" to be held on Sunday, 13 March 2016 and the world final on Sunday, 4 September 2016.

CiC Events Management has explained that the 2016 March events in Perth are part of the 2016 World Cycling Qualifying rounds for the world finals. Qualifying rounds will also take place in 13 other countries with the World Cycling Final proposed to be held in Perth in September 2016. The Union Cycliste Internationale (UCI) is the world governing body for the sport of cycling recognised by the International Olympic Committee (IOC).

**Road Closures**

It is estimated that the appointed traffic management company will require an hour to install the road closures before and after each road race within the CBD.

**UWCT Perth – Individual Time Trial**

The qualifying event will be held on Friday 11 March 2016 and the final is proposed to be held on Thursday 1 September 2016, both commencing at 10.00am until 2.00pm. This event will utilise Riverside Drive, Barrack Street, Geoffrey Bolton Avenue, William Street and Mounts Bay Road (refer to Schedule 11). Extensive temporary road closures will be required in order to conduct the event, as follows:-

*Road Closures information:*

- Riverside Drive, east and west bound lanes, between Point Fraser Car Park and Barrack Street.

- Barrack Street between Riverside Drive and St Georges Terrace.
- Geoffrey Bolton Avenue.
- William Street between The Esplanade and Freeway off ramp, south bound lanes.
- Mounts Bay Road, west bound lanes only between William Street and Hackett Drive.
- Governors Avenue.
- Victoria Avenue between Terrace Road and Riverside Drive.
- Plain Street between Terrace Road and Riverside Drive.

West bound traffic from The Causeway can be diverted onto St Georges Terrace or to Wellington Street for this event. Stirling Highway east bound traffic entering the City will have the opportunity to go northbound using one of the following streets, Winthrop Avenue, Spring Street, Mill Street and William Street. Access to P.C.E.C. parking will be maintained for the general public and the Esplanade Busport for Transperth buses.

### **UWCT Perth - Team Relay**

The world final will be held on Friday 2 September 2016, from 12.30pm until 1.30pm. This event will consist of laps looping between Barrack Square and St Georges Terrace, utilising Howard Street, Geoffrey Bolton Avenue, and Barrack Street (refer to Schedule 12).

#### *Road Closures information:*

- St Georges Terrace between William Street and Barrack Street, west bound lanes.
- Howard Street.
- Geoffrey Bolton Avenue.
- Barrack Street between St Georges Terrace and Riverside Drive.
- Barrack Square.
- Riverside Drive between Barrack Street and Victoria Avenue.
- Sherwood Court.
- The Esplanade.

All traffic will be diverted away from the closed portion of St Georges Terrace, utilising Wellington Street and Roe Street. Transperth buses entering and exiting the Esplanade Busport via William Street will still be able to use the east bound lanes of St Georges Terrace which will be turned into two way traffic for buses only, and will be under traffic management. The pedestrian underpass from Allendale Square to the north side of St Georges Terrace can be utilised for pedestrian movement.

The road closures required for both the Time Trial and Team Relay events are shown in Schedule 13.

## **UWCT Perth – Road Race**

The qualifying Grand Fondo Road Race to be held on Sunday 13 March 2016 and the world final to be held on Sunday 4 September 2016, from 7:00am until 1.30pm, will be under the direction of WA Police, utilising Perth Freeways and roads through the northern suburbs and the Darling Escarpment and will have minimal impact on the city centre (refer to Schedule 14). This event will commence at Elizabeth Quay, departing via Geoffrey Bolton Avenue and will then enter the north bound freeway on ramp.

### *Road Closures information:*

- William Street between The Esplanade and Riverside Drive.
- Geoffrey Bolton Avenue.

The required road closures for this portion of the road race will be under the care and control of the WA Police.

### **FINANCIAL IMPLICATIONS:**

ACCOUNT NO:	CL11A800006523
BUDGET ITEM:	Recreation and Culture - Other Recreation and Sports - Parks, Gardens and Reserve
BUDGET PAGE NUMBER:	3
BUDGETED AMOUNT:	\$215,000
AMOUNT RECEIVED TO DATE:	\$ 18,037
ACTUAL INCOME:	\$ 0

The exact figures are unknown at this time as the Metropolitan Redevelopment Authority (M.R.A.) and the City of Perth are still in discussions as to the care and control of the roads and footpaths within Elizabeth Quay. The world finals are in the 2016-17 budget.

The closure of various street and resultant congestion may deter visitors or commuters from bringing their vehicles into the city resulting in a loss of patronage for the City's Car Parks. However this be offset by the numbers of spectators being attracted into the City by this event.

### **COMMENTS:**

An initial meeting took place on 13 August 2015, involving major stakeholders, Public Transport Authority (PTA) Main Roads Western Australia (MRWA), the City of Perth and CiC Events Management and WA Police. During the meeting it was identified that access for buses, taxis and delivery vehicles and significant traffic congestion would be the major issue for conducting the proposed races during week days. However, with acceptable traffic management plans in place and an appropriate comprehensive communication plan, covering all available media options, the major stakeholders considered that they could offer 'in principle' support for these events.

This event is expected to attract worldwide media attention. Tourism W.A. is a sponsor of the Perth events. It is anticipated that both the March and September events will attract large numbers of local, interstate and overseas participants, estimated to be in the region of 1300-1500 cyclists. This year's final event took place in Hobro and Aalborg, Denmark, where media coverage was extensive.

The City will liaise with all the public utilities to ensure that any planned road or lane closures can be accommodated during these proposed events.

## **Traffic Management**

To facilitate the Individual Time Trial event, substantial road closures will be required on Friday 11 March 2016, however, as the road closures are predominantly along the Perth Foreshore, (Mounts Bay Road and Riverside Drive), some major through roads will be kept open at all times. The Barrack Square businesses and the Swan Brewery development are the main properties affected by the event as access will be limited.

The Team Relay event will not be held in Perth in March, however it is proposed to be part of the world finals in September 2016. The event will be held from 12.30pm to 1:30pm on Friday 2 September 2016. As the event impacts on a large portion of CBD on a week day, the Traffic Management Plan will need to address the significant congestion caused by the road closures and manage access to the private and public parking areas. It is anticipated that during the race no vehicular movements will be permitted. Arrangements will be made however, to allow public transport on important bus routes.

The plan will also need to detail the management of pedestrians during the event to ensure the safe movement of spectators and other pedestrians around and through the event. Measures would be put in place similar to other events and parades held in the City, to enhance both pedestrian and spectator safety and convenience.

The City did express concerns over the cobble stones utilised in Barrack Square and Geoffrey Bolton Avenue. The applicants have advised that professional riders have surveyed the course and advised that it should not be a problem, noting that cobbled surfaces are often incorporated into bicycle races across Europe.

This event will also have an impact on the delivery of the Transperth bus services during peak times. The PTA will have to re-route buses along St Georges Terrace between Barrack Street and William Street and Barrack Square throughout the event days to circumvent road closures, which may cause some confusion for patrons and may cause delays to services. MRWA will also have a role in controlling traffic lights to manage and minimise congestion throughout the City and approving road closures for the Individual Time Trial and Road Race event on the Freeways and Mounts Bay Road.

It is expected that the proposed route and times may require minor amendments depending on the issues that may arise during the development and assessment of the traffic management plan by the various authorities.

## **Communication Plan**

In order to reduce the impacts on traffic and transport in the city, the event organisers will be required to undertake an extensive media program covering all media outlets, including written notification to all properties directly affected by the road closures. It is hoped that commuters and shoppers will be encouraged to remain in the City at the conclusion of the events

Road closure advertising will be essential within the printed, radio and electronic media. The use of electronic message boards will be required along major arterial routes into the City. Fortunately, the City, MRWA and the PTA can assist advertising the event with established electronic promotional tools such as websites, bulk email distribution, Facebook, twitter and smartphone 'apps'.

The Communication Plan would need to include a public relations hotline to deal with enquires and complaints.

## **Environmental Protection (Noise) Regulations 1997:**

The regulation of noise associated with outdoor events is prescribed in the *Environmental Protection (Noise) Regulations 1997*.

Strict management conditions relating to noise will be placed on the event to reduce impact on surrounding residents. These conditions will be included in the Public Health and Safety Event Approval.

The approval can be issued subject to whatever conditions are considered appropriate and reasonable.

The applicant will be required to submit a noise management plan which should include:

- duration of event;
- type and number of noise sensitive premises likely to be affected;
- proximity of residences and other noise sensitive premises;
- style of music;
- size of crowd;
- location and configuration of stages and sound systems.

Noise management measures will include:

- advance notification to noise sensitive premises;
- providing a noise complaint service with the use of a dedicated telephone line;
- loudspeakers used for music and public address are to be facing away from the nearest residential properties and angled towards the ground to minimise spread of sound;
- limiting the duration, time and number of pre-event sound checks.

### **Health (Public Building) Regulations 1992:**

The applicant will be required to submit a Form 1 'Application to construct, extend or alter a Public Building' under the Health (Public Buildings) Regulations 1992 and any other requirements of the *Health Act 1911*.

Public health, safety and security of patrons will be addressed in the Public Health and Safety Event Approval issued by the City.

### **Conclusion**

Tourism W.A. and the Minister for Transport will be supporting this event.

The City can exploit this event to raise the City's profile as a Healthy City and producing a marketing strategy to publicise the economic benefits of the event.

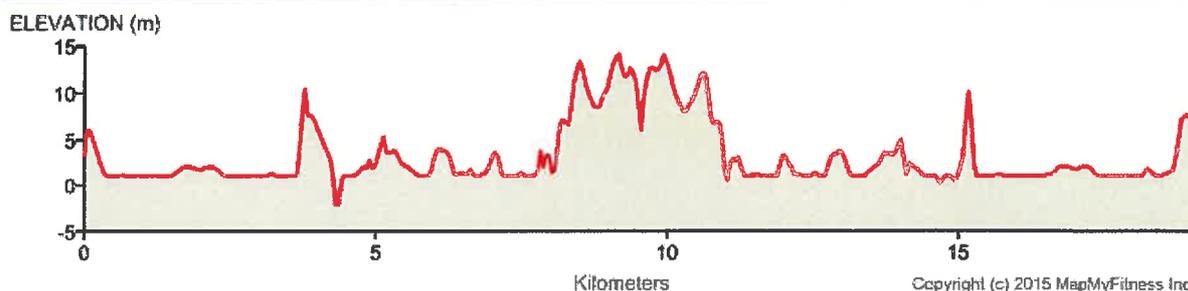
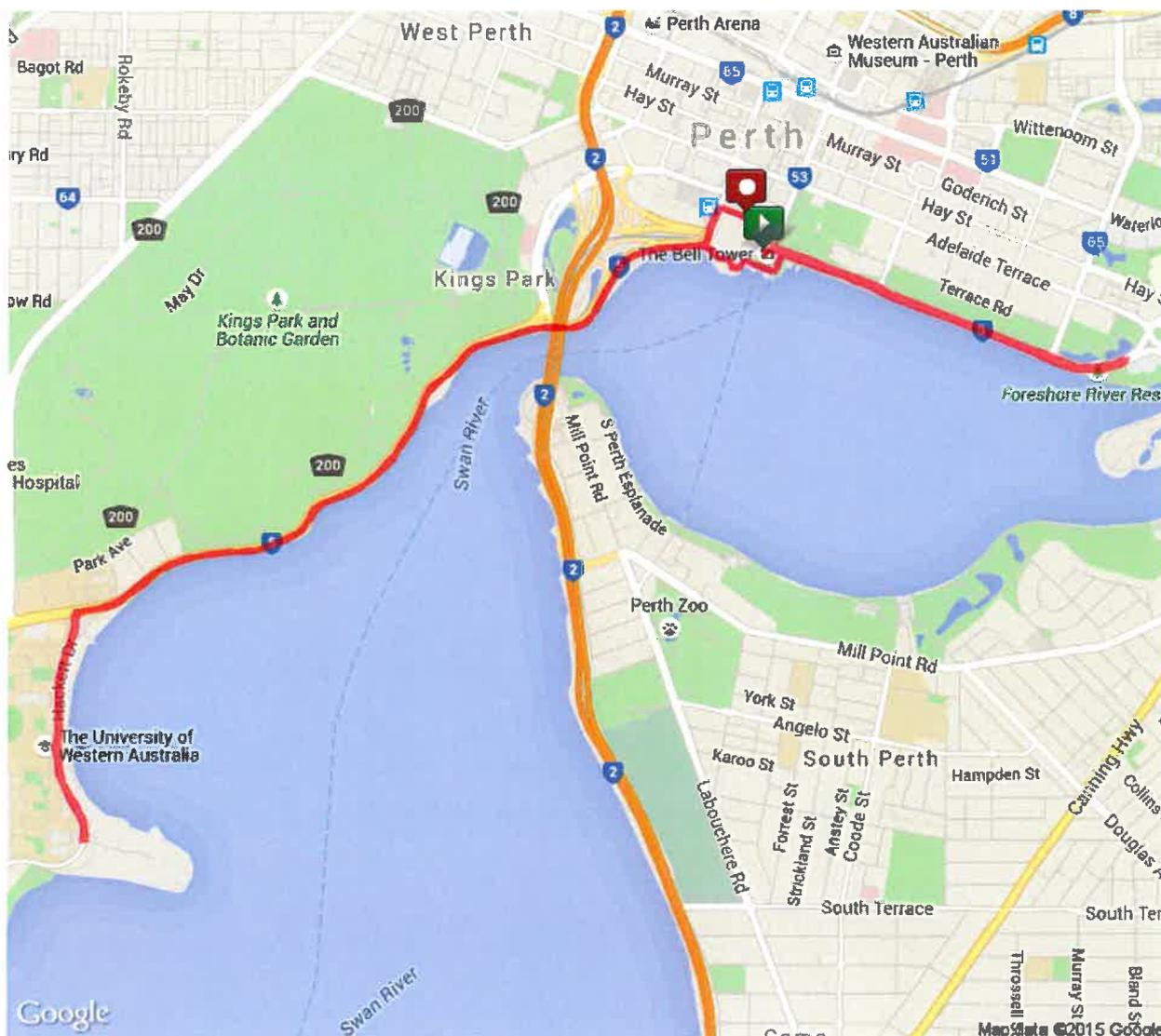
The main concern for the City would be the traffic congestion during Friday of the March 2016 event and during Thursday and Friday for the finals held in September 2016. However, Perth's inclusion in these prestigious international events will assist in meeting some of the City's strategic goals as a capital city on a global stage. Perth will also be the benefactor of multi media coverage which has the potential to be broadcast worldwide, in particular highlighting the CBD area, Perth Foreshore and Elizabeth Quay.



**Time Trial Course (1 Lap)**

Distance: 19.16 km

Elevation: 54.81 m (Max: 14.3 m)



This fast Time Trial course showcases the iconic Swan River and the new jewel of Perth Elizabeth Quay, while limiting the effect of the Time Trial on Perth’s road users.



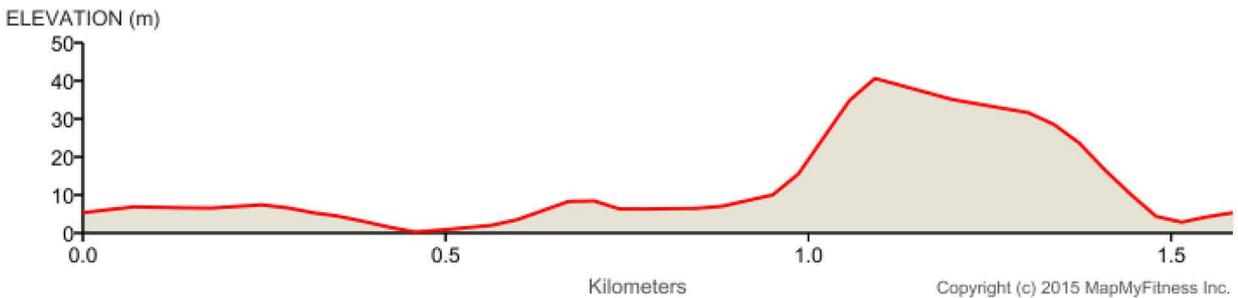
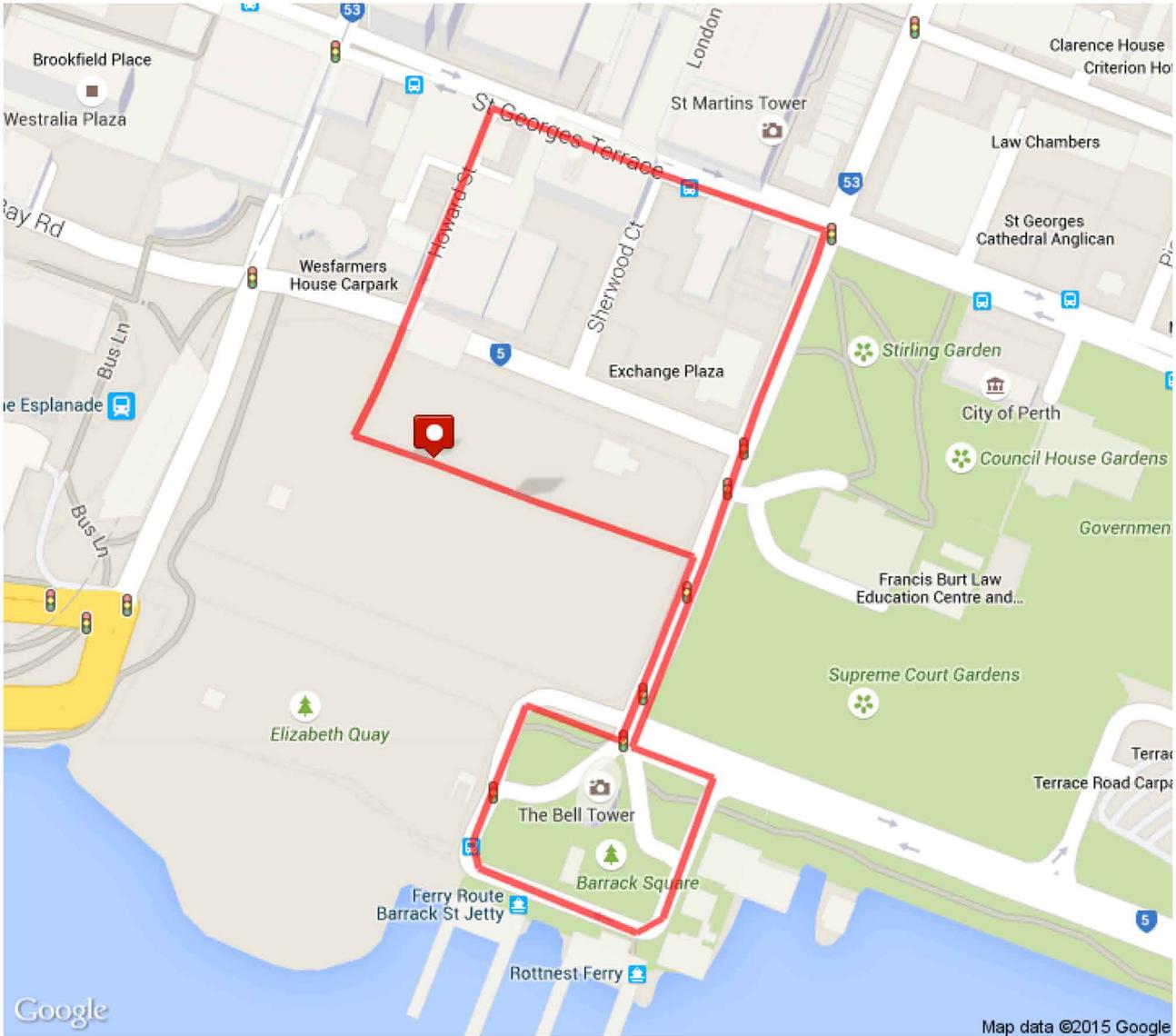


# WORLD CYCLING TOUR PERTH

## Team Relay Course

Distance: 1.58 km

Elevation: 30.94m (Max: 40.87)



Fast paced Team Relay course showcasing beautiful Elizabeth Quay, Barrack Square and Perth City. The perfect course for spectators to view the exciting race.



# Road Closures Friday 11 March and Thursday 1 September 2016





Sunday 13 March 2016  
& Sunday 4 September 2016

SCHEDULE 14

# WORLD CYCLING TOUR PERTH

## ROAD RACE



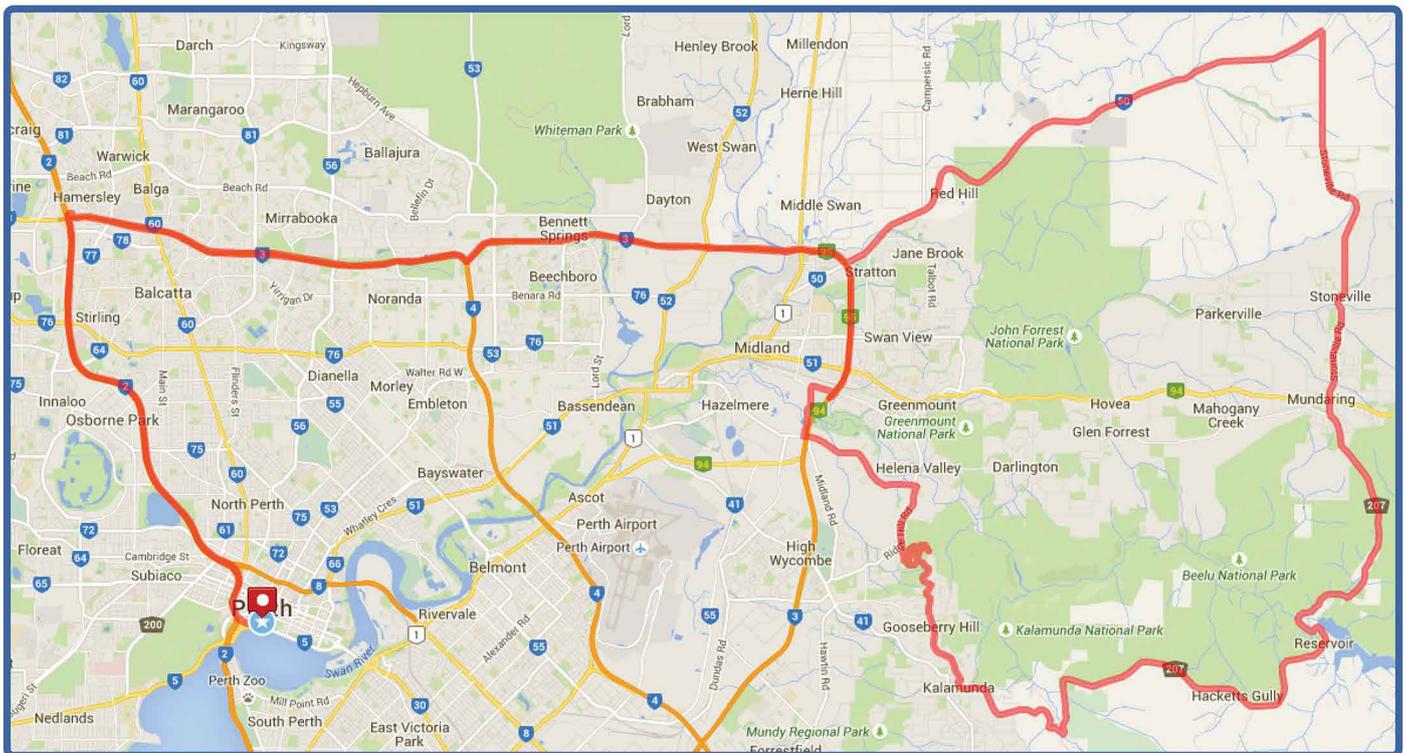
**DISTANCE**  
**142.95KM**



**ELEVATION**  
**1,399.48M**



**MAXELEVATION**  
**316.55M**



ELEVATION (m)



## ITEM NO: 14

**INITIATION OF AMENDMENT NO. 34 TO CITY PLANNING SCHEME NO. 2 TO INTRODUCE A SPECIAL CONTROL AREA OVER LOTS 2, 7, 8 AND 123 MURRAY STREET, PERTH.**

**RECOMMENDATION: (APPROVAL)**

***That Council:***

- 1. pursuant to section 75 of the Planning and Development Act 2005 (the Act), resolves to initiate Amendment No. 34 to the City Planning Scheme No. 2, as detailed in Schedule 16 – Proposed Scheme Amendment No.34;***
- 2. pursuant to regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), resolves that Amendment 34 to the City Planning Scheme No. 2 is a standard amendment pursuant to regulation 34 of the Regulations for the following reasons:***
  - 2.1 the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and***
  - 2.2 the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;***
- 3. pursuant to section 81 of the Act, resolves to refer Amendment No. 34 to the City Planning Scheme No. 2 to the Environmental Protection Authority; and***
- 4. pursuant to section 84 of the Act, resolves to advertise Amendment No. 34 to the City Planning Scheme No. 2 for public inspection in accordance with regulation 47 of the Regulations.***

## **BACKGROUND:**

FILE REFERENCE: P1031820  
REPORTING UNIT: Strategic Planning  
RESPONSIBLE DIRECTORATE: Planning and Development  
DATE: 29 October 2015  
MAP / SCHEDULE: Schedule 15 – Location Plan  
Schedule 16 – Scheme Amendment Report

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

**Legislation** Clauses 75, 81 and 84 of the *Planning and Development Act 2005*  
Clause 56 and 57 of the City Planning Scheme No. 2  
Clause 34, 35 and 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

**Integrated Planning and Reporting Framework Implications** **Strategic Community Plan**  
Council Four Year Priorities: Perth as a Capital City  
S5 Increased place activation and use of underutilised space

### **Policy**

Policy No and Name: City Centre Precincts 1 to 8 Plan

### **Site Details**

The subject site is comprised of four separate Lots being 2 (No. 396), 7-8 (No. 370-372) and 123 (No. 378-392) Murray Street, Perth. At present the subject site is occupied by an at-grade fee paying public car park occupying the centre (Lot 123), with single and two storey commercial developments at the western and eastern extent of the site respectively.

Refer to Schedule 15 – Location Plan

### **Planning Approval**

A development application for a 33 level residential and a 28 level hotel building was approved by the City of Perth Local Development Assessment Panel at its meeting on **4 June 2015**. The approved development also includes the demolition of the existing buildings on the site.

The 33 level residential building on the eastern portion of the site contains 401 multiple dwellings, five studio/offices, a restaurant and a café. The 28 level hotel building on the western portion of the site contains 487 guest rooms and five restaurant tenancies.

### *Plot Ratio*

The development was approved with a plot ratio of 5.98:1 (29,501m<sup>2</sup>) inclusive of 19.6% bonus plot ratio (being 4,841m<sup>2</sup> plot ratio floor area) for a new Residential use in accordance with Clause 28 of City Planning Scheme No. 2 (CPS2) and the requirements of the Bonus Plot Ratio Policy 4.6.1.

### *Car Parking*

A total of 387 car parking bays are to be provided on site, with 339 residential car bays located within the residential building, and 48 car bays within the hotel building.

### *Conditions*

The approval was subject to 28 conditions as well as an advice note stating that *'the applicant be advised that any future subdivision of the subject site following the completion of one or both of the proposed towers, will require an amendment to City Planning Scheme No. 2 to create a special control area over the site, in order to ensure the car parking and plot ratio provisions for the respective lots comply with the City Planning Scheme No. 2'*.

### **DETAILS:**

A request has been received from Rowe Group on behalf of the landowner of the subject site to amend CPS2 to introduce a Special Control Area over Lots 2 (No. 396), 7-8 (No. 370-372) and 123 (No. 378-392) Murray Street, Perth. Establishing a Special Control Area over the subject site will enable any future development to distribute the allowable plot ratio and car-parking provisions across the lots as required. This will assist in the development of a high quality hotel, residential development, restaurant and retail tenancies in accordance with the existing Planning Approval. Refer to Schedule 16 - Scheme Amendment Report.

### **FINANCIAL IMPLICATIONS:**

ACCOUNT NO:	CL 16201000
BUDGET ITEM:	Community Amenities - Town Planning & Regional Development - Other Town Planning
BUDGET PAGE NUMBER:	9
BUDGETED AMOUNT:	\$1,311,387 (this component is \$142,484)
AMOUNT SPENT TO DATE:	\$ 167,168 (this component is \$4,935)
PROPOSED COST:	\$10,661.39
BALANCE:	\$1,133,558

All figures quoted in this report are exclusive of GST.

Staff costs to progress and finalise the proposed Scheme Amendment have been calculated at \$3,661.39 based on Schedule 3 of the *Town Planning and*

*Development Regulations 2009*. This fee was received from the applicant on 18 September 2015.

The advertising and gazettal fees have been estimated at \$7,000 based on previous amendment fees and will be invoiced to the applicant in due course.

**COMMENTS:**

The proposal to establish a Special Control Area over Lots 2 (No. 396), 7-8 (No. 370-372) and 123 (No. 378-392) Murray Street, Perth is supported as it will:

- Allow for the subdivision of the subject land into separate green title lots while maintaining the intent of the Planning Approval and provisions of the CPS2, specifically plot ratio and tenant car parking allowance over the site;
- Facilitate a coordinated approach to developing the property, enabling components of the development to commence while not impacting on the Planning Approval; and
- Facilitate the activation of an underutilised site.

The proposed Special Control Area for the subject site is seen as a rational and appropriate response to delivering the proposed development for this site, and meets the condition advice note on the Planning Approval which aims to facilitate a more coordinated approach to developing the site across four separate lots.

**Planning and Development (Local Planning Schemes) Regulations 2015**

The *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations 2015)* were gazetted on 25 August 2015 and came into effect on 19 October 2015.

*The Regulations* introduce a risk based approach to amending Local Planning Schemes including three new categories of amendments; Basic, Standard and Complex. It is considered that the proposed amendment would be a Standard amendment because:

- the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Under a Standard amendment, the process is as follows;

- The Council decides to initiate an amendment to the CPS2.
- The City refers the amendment to the Environmental Protection Authority (EPA) who decide whether an environmental review is required. Once determined, the EPA inform the City of the outcome and ability to proceed.

- The amendment is advertised for public comment for a period of 42 days as required by the *Regulations*.
- The submissions received during the advertising period are reviewed by the City who then put the amendment forward for final adoption by Council.
- Once adopted, the City refers the amendment to the Western Australian Planning Commission (WAPC).
- The WAPC are required to submit the amendment documents and recommendations to the Minister for Planning within 60 days.
- Once signed off by the Minister the amendment is gazetted and comes into effect.



**Location Plan**

**Lots 2 (No. 396), 7-8 (No. 370-372) and 123 (No. 378-392) Murray Street, Perth**



**City of Perth**  
**City Planning Scheme**  
**No. 2**

**Amendment No. 34**





CITY of PERTH

PLANNING & DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

**CITY OF PERTH**

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**CITY PLANNING SCHEME NO. 2**

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**AMENDMENT NO. 34**

RESOLVED that the Council, in pursuance of section 75 of the Planning and Development Act 2005, amend City Planning Scheme No. 2 by:

1. Inserting after Clause 57A(1):
  - (v) 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area.
2. Inserting the following in Schedule 9 Special Control Areas:
  - 22. 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area**
    - 22.1 Special Control Area  
The following provisions apply to the land marked as Figure 22, being 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area.
    - 22.2 Objectives  
To facilitate the development of 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area as a whole in a coordinated manner.
    - 22.3 Plot Ratio  
For the purpose of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one lot.
    - 22.4 Car Parking  
For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.  
  
Nothing is to prevent the tenant car parking facilities in one building or lot within the Special Control Area from being leased or used by the tenants of another building within the Special Control Area.
3. Amending the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly.



CITY of PERTH

4. Inserting Figure 22 – 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area into Schedule 9 – Special Control Areas of this Scheme.



**Figure 22 - 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area**



CITY of PERTH

Dated this ..... day of .....2015

---

CHIEF EXECUTIVE OFFICER



CITY of PERTH

**PROPOSAL TO AMEND A  
TOWN PLANNING SCHEME**

1. **LOCAL AUTHORITY:** CITY OF PERTH
2. **DESCRIPTION OF TOWN PLANNING SCHEME:** CITY PLANNING SCHEME NO. 2
3. **TYPE OF SCHEME:** LOCAL PLANNING SCHEME
4. **SERIAL NUMBER OF AMENDMENT:** AMENDMENT NO. 34
5. **PROPOSAL:**

RESOLVED that the Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend City Planning Scheme No. 2 by:

1. Inserting after Clause 57A(1):
  - (v) 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area.
2. Inserting the following in Schedule 9 Special Control Areas:
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The following provisions apply to the land marked as Figure 22, being 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area.
    - 22.2 Objectives  
To facilitate the development of 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area as a whole in a coordinated manner.
    - 22.3 Plot Ratio  
For the purpose of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one lot.
    - 22.4 Car Parking



For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.

Nothing is to prevent the tenant car parking facilities in one building or lot within the Special Control Area from being leased or used by the tenants of another building within the Special Control Area.

3. Amending the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly.
4. Inserting Figure 22 – 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area into Schedule 9 – Special Control Areas of this Scheme.



**Figure 22 - 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area**



## **SCHEME AMENDMENT REPORT**

### **1.0 INTRODUCTION**

The purpose of this amendment to City Planning Scheme No. 2 (CPS2) is to introduce a Special Control Area (SCA) over the land situated at 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street, Perth.

SCA's provide a mechanism to prescribe development standards for specific sites or areas within the Scheme Area.

The 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street SCA is proposed to enable any future development on the subject site to distribute the allowable plot ratio and car-parking provisions across the lots as required. This will facilitate the development of a high quality hotel, multiple dwelling development, restaurant and retail tenancies, and various associated amenity facilities. The development proposed is in accordance with the existing Planning Approval.

### **2.0 SUBJECT SITE**

The subject site, being 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street, Perth, is located at the north eastern side of the intersection of Murray Street and Shafto Lane. The subject site comprises four (4) separate allotments, having a combined land area of 4,932m<sup>2</sup>, owned in freehold by Fragrance WA-Perth Pty Ltd.

The subject site is bound by existing commercial development to the north and east, Murray Street to the south and Shafto Lane to the west. It is occupied by an at grade fee paying public car park at the centre of the site (Lot 123), with single and two storey commercial development at the western and eastern extent of the site respectively.



CITY of PERTH



*Figure 1 – Aerial Photograph of Subject Site*



CITY of PERTH

### 3.0 PLANNING FRAMEWORK

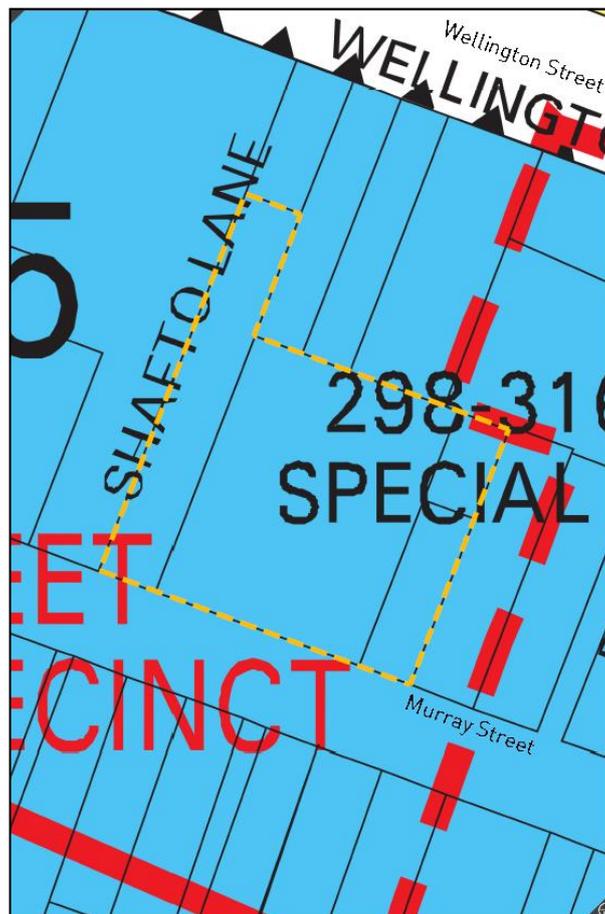
#### 3.1 Metropolitan Region Scheme

The subject site is zoned Central City Area under the Metropolitan Region Scheme.

#### 3.2 City Planning Scheme No. 2

##### 3.2.1 Use Area and Precinct

The land is located in the City Centre Scheme Use Area and the Citiplace Precinct (P5) as provided by CPS2. 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 residential and visitor accommodation, entertainment, commercial, medical, service industry and office. Uses at street and pedestrian level will mainly be shops, restaurants (including cafes), taverns and other uses, that have attractive shop fronts and provide activity, interest and direct customer service. Other uses will be established above or below street level and major pedestrian levels.”



*Figure 2 – Extract from City Planning Scheme No.2 Scheme Map*



### **3.2.2 Preferred and Contemplated Uses**

Preferred Uses within Precinct 5 – Citiplace, east of King Street, applicable to the subject site include Business Services, Dining, Entertainment, Retail (Central, General and Local) and Special Residential. Contemplated uses include Civic, Community and Cultural, Education, Healthcare, Home Occupation, Industry, Mixed Commercial, Office, Residential and Storage.

### **3.2.3 Plot Ratio**

In accordance with CPS2, the subject site is permitted to have maximum plot ratio of 5.0:1, together with a maximum 20% bonus plot ratio (1.0:1) available for the provision of the Residential or Special Residential uses.

With an area of 4,932 square metres, the land within the Special Control Area has the potential to be developed with a total plot ratio floor area of 24,660 square metres, without the award of bonus plot ratio, or up to 29,592 square metres with 20% bonus plot ratio.

## **4.0 PLANNING APPROVAL**

A development application for a 33 level residential and a 28 level hotel building was approved by the City of Perth Local Development Assessment Panel at its meeting on **4 June 2015**. The approved development also includes the demolition of the existing buildings on the site.

The 33 level residential building on the eastern portion of the site contains 401 multiple dwelling, five studio/offices, a restaurant and a café. The 28 level hotel building on the western portion of the site contains 487 guest rooms and five restaurant tenancies.

The proposed development has a plot ratio of 5.98:1 (29,501m<sup>2</sup>) inclusive of 19.6% bonus plot ratio (being 4,841m<sup>2</sup> plot ratio floor area) for a new Residential use in accordance with Clause 28 of CPS2 and the requirements of the Bonus Plot Ratio Policy 4.6.1.

### **4.1 Parking**

The proposed development will have a maximum of 387 car parking bays provided on site, comprising 45 commercial tenant bays (including car bays for the hotel), 1 loading bay, 2 ACROD car bays and 339 residential car bays. All bays are for the exclusive use of tenants or occupants of the development and their guests/customers and will not be leased or otherwise reserved for use of the tenants or occupants of other buildings or sites.

The 339 residential car bays will be accessed via Murray Street and the 48 commercial car bays will be accessed via Shafto Lane. A porte cochere for the hotel is also



proposed in front of the hotel with entry from Shafto Lane and exiting directly onto Murray Street.

#### **4.2 Advice Note**

The development approval was subject to 28 conditions as well as an advice note which included the guidance that *'the applicant be advised that any future subdivision of the subject site following the completion of one or both of the proposed towers, will require an amendment to City Planning Scheme No. 2 to create a special control area over the site, in order to ensure the car parking and plot ratio provisions for the respective lots comply with the City Planning Scheme No. 2'*.

#### **5.0 THE PROPOSAL**

The purpose of this Scheme Amendment is to introduce a SCA into the City of Perth CPS2, being the '396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area' to facilitate the development of the land as a whole in a coordinated manner in order to achieve a high quality outcome for the site.

The proposed provisions of the SCA to be incorporated into Schedule 9 of the CPS2 Scheme Text are as follows:

#### **22. 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area**

##### **22.1 Special Control Area**

The following provisions apply to the land marked as Figure 22, being 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area.

##### **22.2 Objectives**

To facilitate the development of 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area as a whole in a coordinated manner.

##### **22.3 Plot Ratio**

For the purpose of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one lot.

##### **22.4 Car Parking**

For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.

Nothing is to prevent the tenant car parking facilities in one building or lot within the Special Control Area from being leased or used by the tenants of another building within the Special Control Area.



It is also proposed to amend the City Centre Precincts Plan to indicate the Special Control Area.

## **6.0 PLANNING CONSIDERATIONS**

Given the nature of the development and variety of land uses proposed, it is likely that the subject site will be required to be located on separate Titles. It is possible however that the subdivision of the subject site would result in the approved development no longer being compliant with the plot ratio and car parking requirements of CPS2.

The proposed SCA would allow for the subdivision of the subject site while maintaining the intent of the Planning Approval and provisions of CPS2 by enabling the various developments to be located on separate green title allotments, but maintaining the approved plot ratio and car-parking arrangements.

Further, the City could not support the subdivision of the site until such a time as the proposed SCA applying to plot ratio and car-parking has been prepared and subsequently gazetted.

*The Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations 2015) were gazetted on 25 August 2015 and came into effect on 19 October 2015. The Regulations 2015 replaced the Town Planning Regulations 1967 and associated Model Scheme Text.*

Under the *Regulations 2015* it is considered that the proposed amendment would represent a Standard amendment for the following reasons:

- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

## **7.0 CONCLUSION**

The SCA applicable to 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street is proposed to assist in facilitating the high quality redevelopment of the subject site and subsequent subdivision, as well as activating an underutilised site. The proposed SCA will ensure a holistic approach to the development of the site, allowing for flexibility in the way plot ratio and car-parking are distributed within the SCA.

The proposed SCA is consistent with the relevant statutory planning framework provided by CPS2.



CITY of PERTH

**PLANNING AND DEVELOPMENT ACT 2005  
CITY OF PERTH  
CITY PLANNING SCHEME NO. 2**

**AMENDMENT NO. 34**

The City of Perth under and by virtue of the power conferred upon it in that behalf by the Planning and Development Act 2005 hereby amend the City Planning Scheme No. 2 by:

1. Inserting after Clause 57A(1):
  - (v) 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area.
2. Inserting the following in Schedule 9 Special Control Areas:
  - 22. 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area**
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The following provisions apply to the land marked as Figure 22, being 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area.
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    - 22.3 Plot Ratio  
For the purpose of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one lot.
    - 22.4 Car Parking  
For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.  
  
Nothing is to prevent the tenant car parking facilities in one building or lot within the Special Control Area from being leased or used by the tenants of another building within the Special Control Area.
3. Amending the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly.



CITY of PERTH

4. Inserting Figure 22 – 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area into Schedule 9 – Special Control Areas of this Scheme.



**Figure 22 - 396 (Lot 2), 370-372 (Lots 7-8) and 378-392 (Lot 123) Murray Street Special Control Area**



CITY of PERTH



CITY of PERTH

**ADOPTION**

Adopted by resolution of the City of Perth at the Ordinary Meeting of the Council held on

The..... day of.....20.....

\_\_\_\_\_  
LORD MAYOR

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER



CITY of PERTH



CITY of PERTH

**FINAL ADOPTION**

Adopted for final approval by the City of Perth at the Ordinary Meeting of the Council held on the on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, and the Common Seal of the City of Perth was hereunto affixed by the authority of a resolution of the Council in the presence of:

\_\_\_\_\_  
LORD MAYOR

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

\_\_\_\_\_  
Recommended / Submitted for Final Approval

DELEGATED UNDER S.16 OF PD ACT 2005

\_\_\_\_\_  
DATE

FINAL APPROVAL GRANTED

\_\_\_\_\_  
MINISTER FOR PLANNING

\_\_\_\_\_  
DATE



CITY of PERTH



## SCHEDULE 1 EXISTING CITY CENTRE PRECINCTS PLAN (P1 TO 8)



**CITY CENTRE:**

Will continue to develop as the focus of business, retail, civic, cultural and entertainment activities in Western Australia

**PRECINCTS:**

The City Centre contains the following Precincts

- P1 - Northbridge      P5 - Citipace
- P2 - Cultural Centre    P6 - St Georges
- P3 - Stirling          P7 - Civic
- P4 - Victoria         P8 - Foreshore

**PARLIAMENT HOUSE AND SURROUNDS:**

A Clause 32 area which maintains the visual prominence of Parliament House and the aesthetic quality of development in the area.

**MINOR TOWN / LOCAL PLANNING SCHEMES (TPS / LPS):**

The additional Schemes which apply in the city centre are:

- TPS 11 - Wesley Trust and WA Travel Centre
- TPS 13 - State Government Insurance Office
- TPS 16 - David Jones Site (now Central Park)
- TPS 21 - FAI Site
- TPS 23 - Paragon
- LPS 26 - Normalised Redevelopment Areas

**SPECIAL CONTROL AREAS**

Special control areas apply in the city centre for these areas:

- 2 - CTA Building
- 5 - 240 St Georges Tce & 899-915 Hay St
- 6 - 141 & 125-137 St Georges Tce & 18 Mounts Bay Road
- 8 - 126-144 Stirling Street
- 11 - 225-239 St Georges Tce (Bishops See)
- 12 - 298-316 Murray Street
- 15 - 92-120 Roe Street
- 17 - St Martins
- 18 - 30 Beaufort Street
- 19 - 2-6 (Lot 40) Parker Street

**PLANNING POLICIES:**

Planning and design guidelines apply in the city centre for these areas:

- James, William, Roe and Lake Street
- King Street
- Goderich
- William Street Station Precinct



**LEGEND**

- Scheme Area Boundary
- CITY OF PERTH SCHEME RESERVES**
  - Parks & Recreation
  - Public Purposes - Civic Use
- CITY OF PERTH SCHEME USE AREAS**
  - City Centre
  - Town Centre
  - Residential
  - Office/Residential
  - Residential/Commercial
  - Commercial
- OTHER**
  - Additional Uses
  - Normalised Redevelopment Area
  - Metropolitan Redevelopment Authority Area
  - City Centre Boundary
  - MRS Clause 32 Area
  - Minor Town / Local Planning Schemes and Number
  - Special Control Areas and Number
  - Other Planning Control Areas
  - Precinct Boundary
  - Precinct Number
- METROPOLITAN REGION SCHEME RESERVES**
  - Parks & Recreation
  - Railways
  - Civic & Cultural
  - Waterways
  - Public Purposes
    - Hospital
    - Car Park
    - University
    - SECWA
    - Special Uses
- ROADS**
  - Primary Regional Roads
  - Other Regional Roads

NOTE: The Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.



## SCHEDULE 2 PROPOSED CITY CENTRE PRECINCTS PLAN (P1 TO 8)



**CITY CENTRE:**

Will continue to develop as the focus of business, retail, civic, cultural and entertainment activities in Western Australia

**PRECINCTS:**

The City Centre contains the following Precincts

- P1 - Northbridge
- P2 - Cultural Centre
- P3 - Stirling
- P4 - Victoria
- P5 - Citipace
- P6 - St Georges
- P7 - Civic
- P8 - Foreshore

**PARLIAMENT HOUSE AND SURROUNDS:**

A Clause 32 area which maintains the visual prominence of Parliament House and the aesthetic quality of development in the area.

**MINOR TOWN / LOCAL PLANNING SCHEMES (TPS / LPS):**

The additional Schemes which apply in the city centre are:

- TPS 11 - Wesley Trust and WA Travel Centre
- TPS 13 - State Government Insurance Office
- TPS 16 - David Jones Site (now Central Park)
- TPS 21 - FAI Site
- TPS 23 - Paragon
- LPS 26 - Normalised Redevelopment Areas

**SPECIAL CONTROL AREAS**

Special control areas apply in the city centre for these areas:

- 2 - CTA Building
- 5 - 240 St Georges Tce & 899-915 Hay St
- 6 - 141 & 125-137 St Georges Tce & 18 Mounts Bay Road
- 8 - 126-144 Stirling Street
- 11 - 225-239 St Georges Tce (Bishops See)
- 12 - 298-316 Murray Street
- 15 - 92-120 Roe Street
- 17 - St Martins
- 18 - 30 Beaufort Street
- 19 - 2-6 (Lot 40) Parker Street
- 22 - Lots 2, 7, 8 and 23 Murray Street

**PLANNING POLICIES:**

Planning and design guidelines apply in the city centre for these areas:

- James, William, Roe and Lake Street
- King Street
- Goderich
- William Street Station Precinct



**LEGEND**

- Scheme Area Boundary
  - CITY OF PERTH SCHEME RESERVES**
    - Parks & Recreation
    - Public Purposes - Civic Use
  - CITY OF PERTH SCHEME USE AREAS**
    - City Centre
    - Town Centre
    - Residential
    - Office/Residential
    - Residential/Commercial
    - Commercial
  - OTHER**
    - Additional Uses
    - Normalised Redevelopment Area
    - Metropolitan Redevelopment Authority Area
    - City Centre Boundary
    - MRS Clause 32 Area
    - Minor Town / Local Planning Schemes and Number
    - Special Control Areas and Number
    - Other Planning Control Areas
    - Precinct Boundary
    - Precinct Number
  - METROPOLITAN REGION SCHEME RESERVES**
    - Parks & Recreation
    - Railways
    - Civic & Cultural
    - Waterways
    - Public Purposes
      - Hospital
      - Car Park
      - University
      - SECWA
      - Special Uses
  - ROADS**
    - Primary Regional Roads
    - Other Regional Roads
- NOTE: The Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves

## ITEM NO: 15

### ELIZABETH QUAY – EXECUTIVE POWERS OVER NEW LAND AREA

**RECOMMENDATION:** (APPROVAL)

***That Council request the Minister for Local Government to seek approval from the Governor under section 3.19 of the Local Government Act 1995 to include the area as depicted in the map that forms Schedule 17 and including all of the Elizabeth Quay development as an area to be regarded as being within the City of Perth's district in which it can perform all of its executive functions as described in section 3.18 of the Local Government Act 1995.***

#### BACKGROUND:

FILE REFERENCE: P1015531-5  
REPORTING UNIT: Executive Support  
RESPONSIBLE DIRECTORATE: CEO  
DATE: 9 November 2015  
MAP / SCHEDULE: Schedule 17 – Boundary and District map

The Elizabeth Quay development is nearing completion. The Metropolitan Redevelopment Authority will retain development control of the area, however, the City of Perth is expected to take responsibility for the application of its local laws as well as health and other legislation administered by local government as executive functions.

An area of the Elizabeth Quay development is outside of the City of Perth boundary and action is required to bring it within the jurisdiction of the City.

#### LEGISLATION / STRATEGIC PLAN / POLICY:

**Legislation** *City of Perth Restructuring Act 1993*  
*Local Government Act 1995 – Section 3.19*

**Integrated Planning and Reporting Framework Implications** **Strategic Community Plan**  
Council Four Year Priorities: Major Strategic Investments  
S1 Ensure that major developments effectively integrate into the city with minimal disruption and risk.

## **Policy**

Policy No and Name: N/A

## **DETAILS:**

As a result of the Elizabeth Quay development reclaiming areas of the river, the current City of Perth boundary does not encompass the whole development as shown in the map that forms Schedule 17. As a result the City of Perth does not have the ability to apply its local laws or perform other executive functions required by State Government Acts and regulations. This includes the *Local Government Act 1995*, its regulations and other legislation that would otherwise be the responsibility of a Local Government Authority.

The City of Perth Bill includes a provision to extend the boundary of the City. If passed by Parliament in its present form it will move the boundary to the centre of the river thereby including all of the Elizabeth Quay development. However, the proposed City of Perth Act is not expected to become law before the completion of Elizabeth Quay. In addition the Bill currently proposes that the boundary change come into effect in July 2016 well after the proposed opening of Elizabeth Quay.

There are two options to bring the whole of the Elizabeth Quay development area within the jurisdiction of the City of Perth.

- A minor boundary change.
- A Governor's order to include the area as a part of the City of Perth for the purpose of carrying out its executive functions.

A minor boundary change will require an application to the Local Government Advisory Board (LGAB) and approval by the Minister for Local Government. As a "minor" boundary change the LGAB would not need to have a consultation period or undertake an extensive investigation against the boundary criteria. However, the Department of Local Government & Communities have advised a minor boundary change is likely to take several months.

Under section 3.19 of the *Local Government Act 1995*, the City can request the Governor's approval to have a part of the State considered part of the City's district for the purposes of the City carrying out its executive functions under the Act. The only restriction is that this land can't already be located in another district. Given the location of Elizabeth Quay, this will not be an issue. Some of the proposed area of the district falls within areas over which the Swan River Trust has authority and for which it is currently in the process of adjusting its boundaries as a result of the Elizabeth Quay development. Discussion with the Swan River Trust has confirmed that this is not an issue in relation to the City's capacity to carry out its executive functions which will remain the same as currently exists albeit over the new area.

### **Governor's Order under Section 3.19 of the *Local Government Act 1995***

It is proposed that a Governor's Order to allow the City to carry out its executive functions in the area of Elizabeth Quay outside of its current boundary is the best option to ensure the effective management of the area pending the outcome of Parliament's consideration of the City of Perth Bill. This will be of particular importance for Skyworks 2016 to allow control of public drinking, noise, litter and other matters associated with the event.

To receive a Governor's Order for this purpose Council need to make a request to the Department of Local Government specifying the area to be included and the executive functions to be performed.

The area to be included is shown in Schedule 17 and it is proposed the Order be made for the executive functions contained within the *Local Government Act 1995*, all City of Perth Local Laws and other legislation that would otherwise be the responsibility of a Local Government Authority.

### **FINANCIAL IMPLICATIONS:**

There are no significant costs associated with the purpose of this report.

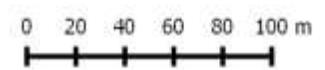
### **COMMENTS:**

The Elizabeth Quay is scheduled to be open to the public in December 2015 and is expected to have large numbers of visitors. It is essential that the City of Perth has the capacity to manage the area and utilise its executive powers in this regard to ensure the safety and amenity of the area.

A Governors Order under section 3.19 of the *Local Government Act 1995* is the most effective way to achieve this given the time constraints and the possibility of the City of Perth Act changing the boundary to include all of the Elizabeth Quay development in due course.



### City of Perth Boundary - Elizabeth Quay



## ITEM NO: 16

### MATCHED FUNDING BUSINESS GRANTS 2015/16, ADDITIONAL REQUESTED ASSESSMENTS

**RECOMMENDATION:** (APPROVAL)

***That Council:***

**1. *approves the distribution of three Matched Funding Business Grants totalling \$21,000 as follows:***

**1.1 *\$7,000 to Your Colours for store upgrades and renovations consistent with diversifying the business in Bon Marche Arcade at 80 Barrack Street, Perth;***

**1.2 *\$7,000 to Henry Saw for façade upgrades, signage and laneway beautification at Grande Lane, 117 Barrack Street, Perth; and***

**1.3 *\$7,000 to Makmal Capital for ground floor redevelopment at 100-104 Murray Street, Perth.***

#### **BACKGROUND:**

FILE REFERENCE: P1031674  
REPORTING UNIT: Economic Development  
RESPONSIBLE DIRECTORATE: Economic Development and Activation  
DATE: 10 September 2015  
MAP / SCHEDULE: Confidential Schedule 18 – Assessment Matrix  
Confidential Schedule 19 –Application Assessments

The bulk of 2015-16 Matched Funding Business Grants were awarded at a Council Meeting held on **1 September 2015**.

At the Planning Committee meeting held 25 August 2015, the Committee agreed to amend the Officer Recommendation as follows: That a new part 5 be added as follows:

**5. *authorises the Chief Executive Officer to continue discussions with the unsuccessful applicants to be considered on merit for the remaining \$20,000 of grant funding available within the City’s budget.***

This recommendation was supported at the Council Meeting held 1 September 2015.

This report outlines how additional assessment has been undertaken and provides Council the opportunity to allocate the remaining \$20,000 in the Matched Funding Grant budget for 2015-16.

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

<b>Legislation</b>	Section 2.7(2)(b) of the <i>Local Government Act 1995</i>
<b>Integrated Planning and Reporting Framework Implications</b>	<b>Strategic Community Plan</b> Council Four Year Priorities: Perth as a Capital City S5 <i>Increased place activation and use of under-utilised space</i> S6 <i>Maintain a strong profile and reputation for Perth as a city that is attractive for investment</i> S7 <i>Collaborate with private sector to leverage city enhancements</i>

### **Policy**

Policy No and Name      6.19 – Matched Funding Business Grants

### **DETAILS:**

Following the Council Meeting held on **1 September 2015**, officers engaged with individual businesses to advise of the reassessment process.

The following businesses did not receive funding in the first report of Matched Funding Grants:

- Your Colours;
- Henry Saw;
- Makmal Capital;
- Chico Gelato;
- The Little Ferry Company;
- Frisk;
- Anthony Rechichi Architect; and
- Le Vietnam.

Contact was made with these businesses and they were given the opportunity to have their discussion relayed to the assessment panel by the contacting officer, and/or to submit additional information supporting their initial application.

Email correspondence was sent to each applicant on 4 September 2015, advising them of Council's request for reassessment.

A follow-up telephone conversation was made to each applicant on 7 September 2015.

The close date for additional information to be received was 16 September 2015.

Officers from the Economic Development Unit re-convened the initial internal panel to reassess these applications.

The confidential assessment matrix detailed in Confidential Schedule 18 outlines the individual assessments for each application.

A confidential schedule outlines the business projects and engagement with the Administration.

**FINANCIAL IMPLICATIONS:**

ACCOUNT NO:	CL 43 972 000
BUDGET ITEM:	Economic Services – Other Economic Services – Economic Development
BUDGET PAGE NUMBER:	65
BUDGETED AMOUNT:	\$2,945,828 This component is Business Support: \$210,000
AMOUNT SPENT TO DATE:	\$ 645,527
PROPOSED COST:	\$ 21,000
BALANCE:	\$2,280,301

All figures quoted in this report are exclusive of GST.

**COMMENTS:**

It is recommended that Council approve a total of \$21,000 to three city businesses as a part of the requested reassessment of applicants in the 2015/16 Matched Funding Business Grant round.

If they choose, it is possible for Council to reprioritise the distribution of funds to other applicants.

CONFIDENTIAL SCHEDULES 18 & 19  
ITEM 16 – MATCHED FUNDING BUSINESS GRANTS  
2015/16, ADDITIONAL REQUESTED ASSESSMENTS

FOR THE PLANNING COMMITTEE MEETING

17 NOVEMBER 2015

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