



CITY of PERTH

MINUTES

PLANNING COMMITTEE

27 JANUARY 2015

THESE MINUTES ARE HEREBY CERTIFIED AS
CONFIRMED

PRESIDING MEMBER'S
SIGNATURE

DATE: 17 February 2015

PLANNING COMMITTEE

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Minutes of the meeting of the City of Perth **Planning Committee** held in Committee Room 1, Ninth Floor, Council House, 27 St Georges Terrace, Perth on **Monday, 27 January 2015**.

MEMBERS IN ATTENDANCE

Cr Butler - Presiding Member
Cr McEvoy
Cr Harley

OFFICERS

Mr Mileham - Director City Planning and Development
Mr Farley - Manager Sustainable City Development
Mr Ridgwell - Manager Governance – Departed the meeting at 6.30pm.
Ms Smith - Manager Approvals Services
Ms Ferguson - Principal Strategic Town Planner
Mr Smith - City Architect – Departed the meeting at 6.51pm.
Ms Honmon - Governance Officer

GUESTS AND DEPUTATIONS

Mr Sean Morrison - Urbis Pty Ltd
Ms Michelle Noble - Resident of 90 Terrace Road, East Perth

5 members of the public.
1 member of the media.

PL1/15 DECLARATION OF OPENING

5.30pm The Presiding Member declared the meeting open.

PL2/15 APOLOGIES AND MEMBERS ON LEAVE OF ABSENCE

Nil

PL3/15 QUESTION TIME FOR THE PUBLIC

The Director City Planning and Development advised that the following questions had been received in relation to Agenda Item 2 (Item PL9/15) relating to 8/90 (Lot 8 on SP 58159) Terrace Road, East Perth – Proposed Use of Tenancy as A 'Local Shop' and Associated Signage.

The Director City Planning and Development advised following responses would be provided to Mr Guerin, Resident of Terrace Road, East Perth as a part of the committee meeting minutes (TRIM 13654/15).	
Questions submitted by Mr Guerin, Resident of Terrace Road, East Perth (TRIM 13406/15).	
Question 1	<i>Would you please explain why a Fit-Out of 8/90 Terrace Rd was allowed to proceed prior to the Council's approval.</i>
Answer 1	Internal works (floor tiling and cool room installation) apparently commenced without approval of the City. As soon as the City became aware of the works the Development Compliance Officer met with the tenant and advised them that they had to stop all work and that further works could not proceed until all relevant planning and building approvals had been obtained. The works apparently ceased immediately and inspections confirmed that no further fit-out work has been undertaken as at latest. Some refrigeration cabinets were also delivered to the tenancy at this time and are being stored within the tenancy but have not been installed.
Question 2	<i>Why is 8/90 Terrace Rd now blacked out? What are the developers hiding? Why is access allowed prior to Council approval?</i> <i>These events give the appearance of the Council just going through the motions of consultation with affected parties, while in effect having already given the green light to the developers.</i>
Answer 2	The applicant has a current lease on the tenancy and, therefore, has a right to access the tenancy. As far as can be reasonably ascertained by the City, no works are being undertaken, the tenancy is not being used for any purpose and is not publically accessible. The Council has not determined an application and it has been made clear to the applicant that no works or use can proceed until the application is determined, with no guarantee that an approval will be issued.
Question 3	<i>The residents of 90 Terrace Rd have now received a flyer with an invitation to hear 'a presentation about the new shop'. Clearly the AQB Investment group consider that The Shop is already a fait accompli, so any input from affected parties is just a waste of time. This whole saga reflects very badly upon the elected Council and the so-called CONSULTATION process.</i>
Answer 3	The flyer has been prepared and distributed by the applicant at their own risk with no consent of the City / Council.
Question 4	<i>Who will be responsible for vehicular traffic that may well use our right-of-way for parking and turning? Who will police and</i>

	<i>monitor this shop-induced vehicular traffic? Is it the Council who appear to have sanctioned THE SHOP, or the developers who attract the vehicles?</i>
Answer 4	<p>The subject tenancy was designed and approved as a commercial tenancy as part of the original development of 90 Terrace Road, but has been vacant since the development was completed. Customer access to this tenancy, whatever the approved use, was and remains reliant on street parking as there is no visitor parking on-site allocated to this tenancy. Hence the preference within the Terrace Road Design Guidelines is for uses that serve the immediate locality that would attract the majority of customers as pedestrians.</p> <p>Control of vehicle access and parking on private property remains the responsibility of the owners of the property unless the on-site parking is registered with the City to enable unauthorised parking to be infringed by the City.</p>

PL4/15 CONFIRMATION OF MINUTES

Moved by Cr Harley, seconded by Cr McEvoy

That the minutes of the meeting of the Planning Committee held on 2 December 2014 be confirmed as a true and correct record.

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

PL5/15 CORRESPONDENCE

The Director City Planning and Development advised that the correspondence had been received and distributed to all Elected Members as follows:

- Two emails from Mr Guerin regarding Agenda Item 2 (Item PL9/15) relating to 8/90 (Lot 8 on SP 58159) Terrace Road, East Perth – Proposed Use of Tenancy as A ‘Local Shop’ and Associated Signage (TRIM 11939/15 and 13654/15) detailing concerns regarding the proposed development.

- Photographs from Ms Noble regarding Agenda Item 2 (Item PL9/15) relating to 8/90 (Lot 8 on SP 58159) Terrace Road, East Perth – Proposed Use Of Tenancy As A ‘Local Shop’ And Associated Signage (TRIM 13681/15) to accompany her deputation request (TRIM 12589/15).

PL6/15 DISCLOSURE OF MEMBERS’ INTERESTS

Nil

PL7/15 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

DEPUTATION: **Agenda Item 1, PL8/15 – Hay and Murray Street Malls, Road Reserve in front of 815 Hay Street and 300 Murray Street, Perth – Proposed Temporary Third Party Advertising to existing Telstra Pay Phones**

The Presiding Member approved a Deputation from Mr Sean Morrison of Urbis Pty Ltd (TRIM reference 12905/15).

5.36pm Mr Sean Morrison of Urbis Pty Ltd commenced the deputation and provided an overview of the proposed development application and requested that the Planning Committee consider the deletion of part 2 of the Officers recommendation.

5.42pm The deputation concluded.

PL8/15 HAY AND MURRAY STREET MALLS, ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH – PROPOSED TEMPORARY THIRD PARTY ADVERTISING TO EXISTING TELSTRA PAY PHONES

BACKGROUND:

SUBURB/LOCATION: Hay and Murray Street Malls and the Road Reserve in front of 815 Hay Street and 300 Murray Street, Perth

FILE REFERENCE: DA2014/5404

REPORTING OFFICER: Tegan Jeans, Planning Officer

RESPONSIBLE DIRECTOR: Martin Mileham, Director City Planning and Development

DATE: 6 January 2014
MAP / SCHEDULE: Schedule 1 – Map of locations of proposed signage
Schedule 2 – Images of current phones booths at locations 1 to 9
Schedule 3 – Proposed signage and mock ups of locations 5 and 7
Schedule 4 – Examples of proposed signage
Schedule 5 – Signage specifications

LANDOWNER: City of Perth
APPLICANT: Urbis Pty Ltd
ZONING: (MRS Zone) Central City Area Zone
(City Planning Scheme Precinct) – Precinct 5
Citiplace
(City Planning Scheme Use Area) – Central City Area Zone

APPROXIMATE COST: \$16,000

An application for third party advertising on 54 telephone booths in 41 locations in the city was submitted to the City on 31 July 2006. The application was not processed by the City beyond a preliminary assessment of the proposal as the application form was unsigned and a legal issue arose over who could sign the application as the 'owner' of the affected land. As the Council did not determine the application, the applicant submitted the application to the State Administrative Tribunal (SAT) on 31 August 2006 to review both the preliminary matter of the signing of the application form and the application for the third party signage.

For the purpose of stating the Council's position to the SAT, the application was considered by the Council at its meeting held on **31 October 2006**. The Council advised that it did not support the third party advertising for the following reasons:

- "1. the proposed signage would add to the visual clutter of the locality;*
- 2. the proposed signage would add to the proliferation of phone booths and advertising;*
- 3. the proposed signage would create maintenance concerns."*

Following discussions at a SAT mediation session, the applicant submitted revised details for a number of the proposed sign locations. At its meeting held on **12 December 2006**, Council considered this revised proposal and resolved to advise the SAT that it did not support the application for third party advertising on the existing and new telephone pedestals in the Perth Central Area for the reason that the proposed signage was in contradiction of the City's Sign Policy.

As a consequence of the Council's rejection of the revised proposal, the SAT heard an appeal on 27 – 29 February 2007 and delivered its decision on 2 April 2007 dismissing the applicant's application for review. The SAT was of the opinion that the application would involve a form of development which is uncharacteristic of each locality and which would diminish the character and amenity of each area. The

applicant subsequently appealed this decision to the Supreme Court which was also dismissed.

The installation or replacement of phone booths and the display of signs on phone booths that are limited to advertising telecommunication carriers and services are permissible under the *Telecommunications (Low-impact Facilities) Determination 1997* (made under the *Telecommunications Act 1997*) and are exempt from requiring the Council's planning approval.

DETAILS:

Approval is sought for temporary approval for six months for sixteen signs in nine locations displaying third party advertising which will be located on existing Telstra pay phone booths. Four of these phone booths have existing telecommunication signs affixed to them and as such only require approval for the display of third party content.

In some locations where there are currently four pay phones arranged in back-to-back pairs, two of the phone booths will be removed to provide an opportunity to affix the signs to the backs of the remaining phone booths.

The advertising will have two to three messages (static) that are proposed to rotate every seven seconds. The size of the advertisement will be 1600mm in height, 800mm in width and 160mm in depth. Each sign will be internally illuminated and housed within an aluminium frame with toughened glass. The signage panels do not extend beyond the extent of the existing pay phone structures.

The nine locations (16 telephones), numbered in accordance with the plan submitted by the applicant indicating the locations of existing Telstra public telephones, are listed below:

No.	Location Description	Existing	Proposed	Signs Proposed
1	612 Hay Street Mall, near Barrack Street (Outside Man to Man) (South side of mall)	4 payphones, 2 east, 2 west. No signage.	2 payphones (1 west, 1 east), with sign behind each. Westbound sign closer to mall. Eastbound sign to footpath.	2
2	701 Hay St Mall (Outside Witchery Enex 100, opposite Carillon City) (South side of mall)	2 payphones, facing east. 2 signs, facing west.	2 payphones (1 east, 1 west), with sign behind each. Westbound sign closer to mall. Eastbound sign to footpath.	2
3	729 Hay Street Mall, near William Street. (Outside Flight	4 payphones, 2 east, 2 west. No	2 payphones (1 west, 1 east), with sign behind each. Westbound sign	2

No.	Location Description	Existing	Proposed	Signs Proposed
	Centre, Opposite Solid Gold) (South side of mall)	signage.	closer to mall. Eastbound sign to footpath.	
4	815 Hay Street, near King Street (Outside CBD bar / restaurant) (South side of street)	1 payphone, facing west 1 sign facing east.	As per existing, and replace existing static sign with scrolling sign.	1
5	300 Murray Street, near William Street. (Outside Moon and Sixpence) (North side of street)	1 payphone, facing east. 1 large Telstra sign/logo, facing west.	As per existing, affix scrolling sign (to face west)	1
6	246 Murray Street Mall, near William Street. (Outside Forever New, near Perth Underground) (North side of mall)	4 payphones, 2 east, 2 west.	2 payphones, facing east. 2 signs, facing west (oriented toward Perth Underground)	2
7	223 Murray Street Mall, near Forrest Place. (Outside Zara) (South side of mall)	4 payphones, 2 east, 2 west.	2 payphones, facing west. 2 signs, facing east	2
8	183 Murray Street Mall. (Outside David Jones, western side) (South side of mall)	4 payphones, 2 east, 2 west.	2 payphones (1 west, 1 east), with sign behind each. Westbound sign closer to footpath. Eastbound sign to mall.	2
9	177 Murray Street Mall. (Outside David Jones, eastern) (South side of mall)	4 payphones, 2 east, 2 west.	2 payphones (1 west, 1 east), with sign behind each. Westbound sign closer to footpath. Eastbound sign to mall.	2

LEGISLATION / POLICY:

Legislation *Telecommunications (Low-impact Facilities) Determination 1997 as amended, made under subclause 6(3) of Schedule 3 of the Telecommunications Act 1997*

Policy

Policy No and Name: Policy 4.7 – Signs

COMPLIANCE WITH PLANNING SCHEME:

The Telstra public payphones are considered to be low impact facilities under the *Telecommunications Act 1997*. Under the Act, low impact infrastructure facilities and advertising relating to the facilities do not require planning approval however, the proposed third party advertising does require approval under the City Planning Scheme No. 2 (CPS2).

The subject sites are located within the City Centre Use Area of the Citiplace Precinct (P5). 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 CPS2 Policy 4.7 – Signs sets out the City's requirements for the erection and management of signs on or adjacent to buildings within the city. Policy 4.7 defines different types of signs and provides guidelines for their acceptable design and location. The signs are to be assessed in accordance with clause 9.9 of Policy 4.7 which considers the design excellence of the proposed sign and the degree to which it meets the policy's objectives.

Third party advertising is defined under Policy 4.7 as:

- 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 occupies 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.

Under the provisions of Policy 4.7, signs for general advertising purposes will be considered only 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. No sign may be erected so as to obstruct a view of traffic from a street or other public place such that it may cause a hazard to pedestrians or vehicles and hinder or obstruct pedestrian movement in any street or thoroughfare.

Policy 4.7 states that signs which contribute to the creation of a lively, colourful and stimulating pedestrian and retailing environment are appropriate in the Citiplace Precinct. Additionally the policy states that:

- signage should reflect the character of the area and its function as the retail core of the city;
- 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 Council, pursuant to Clause 43 of the CPS2, is to have regard to the strategic and statutory planning framework when making determinations. Variations to Policy 4.7 can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the CPS2 and provided the Council is satisfied that:

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

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

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

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

COMMENTS:

The applicant is aware of Council's and SAT's previous decisions in relation to third party advertising on phone booths in the city. This application seeks only a temporary, six month, approval for general advertising on pay phones within a targeted area of the city, being the retail core, where advertising, including third party advertising, is more prevalent than in some other city precincts. Locations adjacent to heritage places or within prestigious business areas and residential precincts have been avoided.

The temporary nature of the proposal is to enable Council to gauge public acceptance of the additional signs in addition to assessing the impact on the amenity of the locality, prior to seeking approval for any permanent installation of the advertising.

Signs Policy

Policy 4.7 requires that signs should reflect the character of the area and its function as the retail core of the city. The proposed signs will have a net increase of 12 signs which could add visual interest within the Mall areas and assist in promoting the area as a major retail precinct while taking advantage of the public gathering spaces within the Malls. The number of additional signs within the Malls is not considered to have a negative impact on the area, given the phone booths already exist.

In accordance with the Policy, signs are required to be assessed against the general (relevant) criteria below:

Response to location

Signs are required to be appropriate to their setting. In this regard, the signs will be positioned at pedestrian level and are of a pedestrian scale. The principal view of the signs will be by pedestrians walking on the street or in the Malls. The proportions of the sign appropriately replicate those of the payphone booth and will not add to congestion of the spaces.

Contribution to Local Character

It is considered that the signs will be compatible with the character of the area being a pedestrian retail focus area where advertising is prevalent. The signs will provide interest within the public realm whilst not detracting from the amenity of the area. There could be opportunity for local retailers to advertise at these locations and it is considered that the signs are consistent with the quality of the general locality and will not result in any detrimental impacts to views or to local amenity.

Variety and Interest

The Policy requires a sign to provide variety and interest while being appropriate to the building or site and to attract attention in a way that is well thought out and designed. In this regard, the signage will be either on the back of existing payphones or replacing existing payphones, none of which currently provide visual interest. The signs will be rotating to regularly vary the message, and will be frequently replaced with new advertising.

Community Expectations

While the Council previously did not support third party advertising on phone booths in the city on the basis that the signage would add to the visual clutter throughout the city, opinion has been changing to recognise that signage can contribute to city vibrancy. Both the Council and the community has demonstrated a greater acceptance of third party advertising. Given that the locations for the signs will be restricted and that advertising is regarded an integral part of any retail precinct or activity it is considered that the signs will be consistent with public expectations. Given the small number of additional signs they will not result in visual clutter, visual pollution or prevent any access to views.

It is recognised, however, that any sign content that might advertise suburban retail outlets or on-line shopping alternatives might raise objections from local retailers. The six month trial will provide the opportunity for any objections to be considered prior to any application for permanent third party signage being determined.

Safety

The proposed signage will not endanger the safety of the public by causing any obstruction to either pedestrians or drivers. However, it is considered that the signs that are located outside the Mall should be limited in the speed of rotations to reduce the impact the signs may have on distracting motorists. Furthermore it is recommended that these signs should not display any images that may be confused with traffic control or warnings, incident, traffic management or road safety or driver information messages. This could be addressed as a condition of any approval.

Design, Construction and Maintenance

The signs will be simple, clear and efficient with the content of the sign controlled by a signage management plan. All electrical components will be concealed and ongoing maintenance of the signs will be undertaken by Adbooth including weekly cleaning and a 24 hour service to register any complaints or maintenance issues, in accordance with Adbooth's current contractual obligations applicable to 160 advertising panels that they already have on phone booths across the metropolitan area.

Third party advertising

Third party advertising will only be permitted where the Council is satisfied that the visual quality, amenity and safety of the area will be enhanced, or at the very least, ensures that it is not diminished. In this regard, sensitively designed and placed advertising is a common characteristic of any modern international city pursuing a visually interesting and vibrant built environment. The applicant has advised that the content of the advertising will be in accordance with the standards applicable to outdoor advertising to ensure it is not offensive or otherwise inappropriate and all signs will be regularly maintained and replaced to ensure the visual quality and amenity is maintained. It is considered the proposed third party signage meets the intent of the Policy.

Citiplace Precinct

It is considered the proposed signs meet the objectives of the Policy within the Citiplace Precinct by contributing signage at a pedestrian scale that will be engaging and stimulating to passers-by.

To ensure the pay phones are still visible from all angles, and not just perceived as advertising structures when viewed from the back, it is recommended that a condition be required on any approval stating that the signs be affixed so that the 'hood' of the Telstra phone booths, that displays the Telstra logo, be able to be seen from all directions.

Commercial Use of Public Space

Attracting revenue from the installation of the proposed signs helps Telstra to offset the maintenance costs of the public telephones and can lead to the retention of public phones in locations where they might otherwise be removed. While not a relevant planning consideration, the proposal to add commercial advertising to telecommunications infrastructure for the purpose of generating a revenue stream raises questions regarding the leasing of the public space by the City and opportunities for revenue sharing or alternative revenue sources for the City. These matters will be further investigated during the trial period.

Conclusion

The proposed third party advertising signage is considered to be compatible with the surrounding developments and the character of the city's retail core and is unlikely to have an adverse impact on the amenity of the locality. It is therefore recommended that the application be approved subject to appropriate conditions.

The Planning Committee agreed to amend part 2 of the Officer Recommendation as follows:

2. ~~the advertising signs being positioned on the telephone booths to allow for the Telstra 'hood' to be visible from all directions; each telephone booth remaining clearly identifiable as a public pay telephone when viewed from any direction;~~

Moved by Cr Harley, seconded by Cr Butler

That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council APPROVES an application for sixteen temporary third party advertising signs affixed to the existing Telstra pay phones within Hay and Murray Street Malls, and the road reserve adjacent to 815 Hay Street and 300 Murray Street, as detailed on the Metropolitan Region Scheme Form One dated 4 December 2014, and as shown on the plans received on 5 December 2014 subject to:

1. ***the approval being valid for six months from the date of installation of third party advertising, after which all advertising, other than that related to telecommunication carriers and services, is to be removed until such time as the applicant obtains planning approval for the permanent display of third party advertising;***
2. ***each telephone booth remaining clearly identifiable as a public pay telephone when viewed from any direction;***

(Cont'd)

- 3. *a sign management strategy, detailing the on-going management of the signs including the control of advertising content and maintenance of the signs, being submitted for approval prior to installation of the signs;***
- 4. *a low level of illumination being used, and no part of the illuminated signs being flashing; and***
- 5. *the signs located outside the Hay and Murray Street Malls having a minimum 'dwell' duration of 20 seconds and not displaying advertising in a format that is normally used for traffic control or warning, incident or traffic management, or road safety or driver information messages, including red, green or yellow circles, octagons, crosses, triangles or arrows, red green or yellow lighting, or any other colours, shapes or lighting that could be mistaken for a traffic sign or traffic control signal.***

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler and Harley

Against: Cr McEvoy

Reason: The Planning Committee considered that the amendment to part 2 of the Officer Recommendation provides clarity for the applicant.

5.54pm Mr Morrison and one member of the public departed the meeting and did not return.

DEPUTATION: **Agenda Item 2, PL9/15 – 8/90 (Lot 8 on SP 58159) Terrace Road, East Perth – Proposed Use of Tenancy as a ‘Local Shop’ and Associated Signage**

The Presiding Member approved a Deputation from Ms Michelle Noble (TRIM references 12589/15 and 13681/15).

5.55pm Ms Noble commenced the deputation and outlined her objections to the proposed development.

6.05pm The deputation concluded.

**PL9/15 8/90 (LOT 8 ON SP 58159) TERRACE ROAD, EAST
PERTH – PROPOSED USE OF TENANCY AS A ‘LOCAL
SHOP’ AND ASSOCIATED SIGNAGE**

BACKGROUND:

SUBURB/LOCATION:	Unit 8/90 (Lot 8 on SP 58159) Terrace Road, East Perth
FILE REFERENCE:	2014/5395
REPORTING OFFICER:	Kathy Lees, Senior Planning Officer
RESPONSIBLE DIRECTOR:	Martin Mileham, Director City Planning and Development
DATE:	16 January 2015
MAP / SCHEDULE:	Schedule 6 – Map and street view of Unit 8/90 Terrace Road, East Perth Schedule 7 – Proposed Signage Schedule 8 – Applicant’s Response to Submissions
LANDOWNER:	L and S Altintas
APPLICANT:	M Al Shanti of 3Moon Design
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Adelaide (P13) (City Planning Scheme Use Area) Residential R160
APPROXIMATE COST:	\$55,000

DETAILS:

The subject site is located on the northern side of Terrace Road between Burt Way and Bennett Street, East Perth. It is occupied by the recently constructed ‘Adagio’ development which comprises two, four storey mixed-use buildings fronting Terrace Road located either side of a main vehicle entry, with a 24 storey residential tower to the rear. The subject tenancy is located at the ground floor level of the western four storey building, fronting Terrace Road and adjacent to the vehicle entry. It has an area of approximately 185m².

The original development application did not nominate the specific uses of the two commercial tenancies and a condition was imposed requiring the use of these tenancies to be subject to a separate application for approval. Accordingly the applicant is now seeking planning approval to use the subject tenancy as a ‘local shop’.

The shop is intended to operate between 6.00am and midnight each day. It was originally proposed to be operated as part of the ‘IGA’ group, however the applicant has now advised that it will be run independently and not as part of any specific retail group and it will be named ‘Glory Xpress Convenience Market’. It will provide

convenience goods including some take away food such as pre-made sandwiches, pies and sausage rolls.

As part of the application approval is sought for the installation of window signs and light boxes to the south and east elevations of the tenancy, facing Terrace Road and the central driveway. The window signs were originally intended to have a total area of 31m² but the applicant has now reduced the extent of signage to an area of 20m² with an 11m² area of plain vinyl to screen a rear section of the shop.

LEGISLATION / POLICY:

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

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject property is located within the Residential Use Area of the Adelaide Precinct (P13) under City Planning Scheme No. 2 (CPS2). The Precinct is intended 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 Terrace Road Residential Use Area is intended to remain an area for high density residential uses. Non-residential uses such as kiosks, coffee shops, restaurants and local shops are appropriate provided they are small scale, serve the residents and visitors and are part of a residential or special residential development.

A local shop falls within the Retail (Local) use group under the CPS2 and in the Residential Use Area of the Adelaide Precinct this is a contemplated ('C') use subject to advertising.

The property also falls within the Terrace Road Design Policy area. An objective of the Policy is "*to encourage a range of incidental and complimentary commercial uses adjacent to street frontages in order to increase the level of activity along both Terrace Road and the existing north/south streets.*"

Development Requirements

The proposal involves the internal fit-out of the tenancy which does not require development approval as it does not impact on the approved and constructed development on the site.

The signage proposed to the windows of the tenancy does require development approval. Signage which is less than 50% of the window area or 10m² in aggregate per tenancy, whichever is the lesser, is exempt from requiring planning approval. The proposed window signs are intended to have a total area of 19m².

COMMENTS:

Consultation

The application was advertised to a total of 179 landowners at 88, 90 and 98 Terrace Road, East Perth from 5 December 2014 to 29 December 2014.

A total of fifteen submissions were received including a number of late submissions. One was a letter of support while 14 raised concerns and/or opposed the proposed use.

The issues raised within the submissions are summarised as follows:

Traffic and Parking Issues

- a) There is no loading bay for delivery of goods. The area indicated for loading by the applicant is the car parking area for the tenancy located in the secure parking area of the development and only accessible by swipe card. It is also of limited size. It is therefore unlikely that most deliveries can and will occur there as indicated by the applicant. Deliveries should only be from Terrace Road.
- b) Delivery and customer vehicles are likely to park in the driveway and may also use it to turn around, reducing access to the residential car parking area and creating safety issues. Contractors fitting out the shop are already parking in the driveway.
- c) Illegal use of the Adagio driveway will need to be monitored. Fines will need to be issued by the City of Perth. It is unfair and onerous for residents to be required to monitor unauthorised parking or be placed at risk from increased traffic when traffic issues could have been reasonably foreseen.
- d) There is a lack of adequate parking for shop patrons. On-street parking is already extremely busy along Terrace Road. This should not be used to satisfy the parking requirements of a commercial or residential development unless it is sufficient to satisfy the parking demand – therefore a traffic impact study and further assessment of the increased traffic volumes generated by the shop should be conducted.
- e) A land use that is more compatible with available parking should be considered.
- f) Considering the street, frequency and location of public transport and pedestrian volumes, Adelaide Terrace would be a more suitable location for a local shop.
- g) Terrace Road is already a busy and congested road, the additional traffic and parking created by the shop will add to this.
- h) There is an absence of motorcycle parking at the site and poor layout of existing street car bays.

- i) There is no provision at this stage for short term on street bays to accommodate customer and delivery parking. Current parking restrictions relate to past residential uses and may now need to be changed given the proposed change of use.
- j) There is restricted visibility out of the Adagio driveway due to the bus bay to the east and vehicles parked to the west, and the potential loading of trucks on the street will exacerbate this.
- k) Customers may park on the street verge and damage reticulation and grass.
- l) Damage to the Adagio driveway is likely to result from additional vehicle movements and deliveries.

Noise and Safety

- a) Deliveries occurring in the driveway may create noise issues with reversing vehicles and potential safety issues with pedestrians.
- b) The tenancy adjoins the pedestrian entry to the apartment complex. Customers loitering in this area may cause noise and disturbance and safety and security may arise for residents using the pedestrian entry. Loiterers could also access the car parking area by following vehicles while security gates are open. There have already been a number of incidents with unauthorised access to the property resulting in damage and theft.
- c) Other nearby convenience stores have issues with undesirables and inappropriate behaviour, and this local shop may be the same, leading to safety issues for residents.
- d) The shop is likely to create additional noise before and after business hours.
- e) 24 hour operation of the shop, or 6am to midnight as proposed, is excessive and may attract undesirable activity and create noise and disturbance for residents.
- f) No music or amplified noise of any kind should be permitted.

Waste Management

- a) Littering by customers will be an issue in and around the premises. There is no public rubbish bin on the verge near the tenancy.
- b) Waste management must be appropriate to ensure no vermin infestations.
- c) If four wheeled bins are to be used, where will they be located?
- d) Based on the appearance of 'The Rise' convenience store in Adelaide Terrace, the pavements will need to be steam cleaned and patrons will sit on steps/walls

to consume products leaving their scraps and detracting from the pristine appearance of the Adagio development.

Signage

- a) The proposed signage is visually overbearing and not in keeping with the surrounds.
- b) The signage needs to be of a high standard and designed by professionals.
- c) The proposed signage will lower property values.

Trading Hours

- a) Concern about late night and 24 hour trading disrupting the 'peaceful/quiet enjoyment' of the area.
- b) Trading hours should be restricted 7.00am to 10.00pm.
- c) Closing time should be restricted to 9.00pm.
- d) The Adagio is a residential property and opening hours of 6.00am to midnight are not compatible with residential living.

General

- a) Increased activity created by the shop will result in a loss of privacy.
- b) Apartment owners were not advised that an IGA could operate from the premises, only a commercial office or restaurant.
- c) An IGA will lead to reduced properties values.
- d) Tenants of overseas investors are likely to be supportive because it is not their investment being affected.
- e) The proper application process was not followed and works commenced on site before approval was granted. Requests to stop work have been ignored.
- f) The proposal does not fit with the 'aesthetic disposition' of 90 Terrace Road as many of the properties are worth in excess of \$1,000,000.
- g) There are no other similar luxury apartment buildings on Terrace Road which incorporate a 'local shop'.
- h) The area is already well serviced by local shops, adequately providing for the needs of the area.

- i) Using a prime river view location for an IGA shop is inappropriate. The use of the premises as a local shop denies the opportunity for another use that would make better use of the view.
- j) The proposed use is not in keeping with the residential nature of Terrace Road.
- k) The advertising period was not long enough to prepare a cogent case for / against.
- l) Ensuring compliance with restrictions/conditions of approval will require vigilant monitoring.
- m) It is anticipated that the City will work with the Strata Company for the building to ensure the application complies with the Strata By-Laws.

A summary of the issues raised was provided to the applicant and he has provided responses which form an attachment to this report.

The issues raised in the objections are addressed under the following general headings.

Land Use and Amenity

The development was approved and built with two commercial tenancies fronting the street. Under the CPS2 in the Residential Use Area, retail, dining, consulting rooms, recreational facilities or small scale offices (maximum 100m²) are the only commercial uses which could be contemplated within these tenancies.

Under the CPS2, a local shop is defined “as a shop in which the only goods offered for sale are foodstuffs, toiletries, stationary or goods of a similar domestic nature intended for day to day consumption or use by persons living or working in the locality of the shop”. This use is consistent with the Statement of Intent for the Adelaide Precinct and the Terrace Road Residential Use Area. It is a small scale non-residential use which is intended to serve the needs of local residents and visitors staying in the area as well as users of Langley Park and the foreshore in general.

The Terrace Road Design Policy indicates that uses such as kiosks, coffee shops, restaurants and local shops will be encouraged in the area adjacent to the Terrace Road frontage where they are intended to complement the residential uses, in the sense that a substantial proportion of their turnover could be expected to fulfil local demand. The applicant has indicated that the shop will provide high quality produce to cater for the tastes of residents living in the area as they are intended to be their primary customer base.

A number of submissions have stated that a local shop would not be consistent with the residential character of the locality and surrounding high quality development. It is considered that it would create noise, privacy and security issues, attracting ‘undesirables’ to the area.

The applicant originally indicated that the shop is proposed to operate between 7.00am and midnight seven days a week, however as a result of submissions received the applicant now proposes that it close at 9.00pm each day. 9.00pm is considered to be an appropriate closing time in a residential area, to avoid noise issues for residents in the evenings.

However it is considered that on the weekends an opening time of 8am would also be more appropriate. It is therefore recommended that a condition be imposed limiting the hours of operation of the shop from 7.00am to 9.00pm during the week and 8.00am to 9.00pm on weekends.

Privacy concerns are difficult to support, as the tenancy fronts Terrace Road as required by the Terrace Road Design Policy and it was always intended to be used for commercial purposes. Similarly, security concerns and assumptions on the type of customers that will be attracted to the shop are difficult to validate as it could equally be argued that additional activity generated by the proposed use could add to safety in the area, particularly in the evenings.

A reduction in the hours of operation, as proposed, should reduce the potential for people to be loitering in the area at night. Submissions noted that the side entry to the shop adjoins the primary pedestrian entry to the 'Adagio' development, and customers loitering here may cause noise and safety concerns. A condition restricting customer access to the main entry of the shop, within the Terrace Road façade, should address this issue.

While submissions did indicate that there are already sufficient local shops in Adelaide Terrace to service the residents, this is a matter that is determined by the market and not a valid planning consideration. Similarly, the suggestion that a use which makes better use of the foreshore location would be preferable is also not a valid planning consideration. Council is required to determine the application before it and under the CPS2, the use is contemplated in this location, satisfies the Statement of Intent for the Precinct and the objectives of the Terrace Road Design Policy and can be permitted subject to advertising and where it will not adversely impact upon the amenity of the locality.

Parking and Deliveries

One car bay is allocated to the subject tenancy in the secure car parking area to the rear of the tenancy. The applicant has indicated that this will be used by the shop manager and for some deliveries. Customers who drive to the shop would be required to use on street parking. It is also likely that deliveries would all have to be made from the street, as the on-site parking area is not a practical or appropriate location for deliveries as access would require a swipe card and may impact upon security of the parking area.

This potential security issue has been raised in a submission. A condition requiring all deliveries to be done from the street would address this.

A number of submissions have raised concern that on street parking for customers and deliveries will not be adequate as this parking is already often used to capacity. As a result it has been suggested that customers and delivery vehicles are likely to park in the vehicle entry to the development or on the verge.

Under the Perth Parking Policy, rather than there being a minimum car parking requirement for commercial uses such as a local shop, a maximum car parking requirement applies based on the site area. As a consequence no customer car parking is required on site for the shop and the application cannot reasonably be opposed on the basis of insufficient parking. It is considered that a large number of the shop's customers would be local residents or visitors staying in the area and walking to the shop, or people already using Langley Park or the foreshore and so already in the area and not generating additional parking demand.

In relation to deliveries the applicant has indicated that because of the small size of the shop, deliveries will normally be by small van and potentially once per day.

Notwithstanding the above, it is considered appropriate that the Council agree to a review of the street parking in the area with a view to converting two parking bays at the front of the tenancy to short term parking (for example, a maximum 15 minute stay) to provide for the changing parking demands created by the local shop and other new commercial tenancies recently constructed or under construction in the vicinity.

It has been indicated in submissions that site lines from the driveway when exiting the property are poor. The standard distance required from a parking bay to a driveway is 1.5 metres and the parking bay meets this requirement. It would however be appropriate that a short term parking bay not be located immediately adjacent to the driveway as it is anticipated that it would be used for deliveries by trucks at times and could obstruct site lines.

Waste Management

Submissions have raised concerns in relation to littering and the need for vermin control and additional cleaning.

The applicant has indicated that rubbish will be stored to the rear of the shop and removed regularly by a private contractor. He has also advised that bins will be provided for customers and the area around the shop will be regularly cleaned by management. A condition requiring the submission of a waste management plan for approval prior to the submission of the building application for the fit-out is proposed to confirm and document specific details.

The local shop would be subject to the provisions of the Health Act, 1911 and associated regulations, with inspections carried out regularly. In this way vermin control and cleaning issues would be monitored.

Signage

As indicated, two light box signs and window signs are intended to be installed facing Terrace Road and the central driveway.

Submissions raised concern that the proposed signage was overbearing and not in keeping with the character of the area. While this is subjective, the applicant has since reduced the area of the window signs from 31m² to 20m² by removing the large scene proposed to be installed within the northern most window facing the driveway, replacing it with plain vinyl. This is considered to be a reasonable compromise, reducing the visual impact on the residential development to the rear while providing sufficient signage for the shop to be evident to potential customers.

Strata By-Laws

The Council of Owners has requested that the City work with them to ensure the shop complies with the Strata By-Laws. However, compliance with the By-Laws is a not a matter that the City would become involved in and this would need to be pursued by the Council of Owners independently. The Strata By-Laws do not fall within the matters which can be considered when determining a development application under the CPS2.

Advertising Process

One submission suggested that the correct advertising process was not followed for the application and sufficient time was not provided for comment. However in contrast, while 14 days is the standard advertised period provided for comment on development applications, this application was advertised for 24 days with late submissions also accepted as the advertising period extended over the Christmas period.

Compliance Issues

Concern has been raised that ensuring compliance with any proposed development conditions will fall to the residents of the 'Adagio' development and that this will be onerous. As with any conditions of development approval, they are enforceable in accordance with the Planning and Development Act 2005, with the standard powers and fines applicable.

Concern has been raised by submitters that works commenced on site without the required development and building approvals. While this is not a valid consideration when determining the development application, it is understood that the shop owners have not carried out any works to the tenancy since being instructed to stop work in December aside from some deliveries and the fit-out is not complete.

Conclusion

The establishment of a local shop within the subject commercial tenancy is consistent with the intent of the CPS2 and the Terrace Road Design Policy. It will

serve the needs of local residents and visitors to the area. The applicant has responded to a number of the concerns raised and has modified the proposal accordingly. It is considered that subject to appropriate conditions the local shop is unlikely to have a significant impact on the amenity of the Residential Use Area and can therefore be supported.

The Planning Committee agreed to amend the Officer Recommendation to include an additional part 1.5 as follows:

1.5 all window signage being of a high visual quality that is sympathetic and compatible with the on-site residential development, with all sign details being submitted to the City for approval prior to installation or modification;

Moved by Cr Harley, seconded by Cr Butler

That Council:

- 1. in accordance with the provisions of City Planning Scheme No. 2 and the Metropolitan Region Scheme APPROVES the application for the use of Unit 8/90 (Lot 8 on SP 58159) Terrace Road, East Perth as a 'local shop' with associated signage as detailed on the Metropolitan Region Scheme Form One dated 25 November 2014 and as shown on the plans received on 1 December 2014 and 19 January 2015 subject to:**
 - 1.1 the hours of operation of the shop being limited to 7.00am to 9.00pm Monday to Friday, and 8.00am to 9.00pm Saturday and Sunday;**
 - 1.2 vehicles delivering goods to the shop using on street parking and not entering the property;**
 - 1.3 only doorways in the street façade of the tenancy being used for customer entry and exit;**
 - 1.4 a waste management plan, including details of waste collection, bins and management of littering, being submitted and approved prior to the submission of an application for the relevant building permit;**
 - 1.5 all window signage being of a high visual quality that is sympathetic and compatible with the on-site residential development, with all sign details being submitted to the City for approval prior to installation or modification;**

(Cont'd)

- 2. notes that a review of the street parking restrictions in front of the tenancy with a view to providing two short term parking bays will be undertaken.**

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

Reason: The Planning Committee considered that the inclusion of the part 1.5 to the Officer Recommendation addresses concerns regarding the proposed signage for the development.

6.30pm 4 members of the public departed the meeting and did not return.

6.30pm Manager Governance departed the meeting and did not return.

**PL10/15 108, 114 AND 120 (LOTS 351, 600 AND 601)
BEAUFORT STREET, PERTH – PROPOSED
DEMOLITION OF ALL BUILDINGS AND STRUCTURES**

BACKGROUND:

SUBURB/LOCATION:	108, 114 and 120 Beaufort Street, Perth
FILE REFERENCE:	DA-2014/5309
REPORTING OFFICER:	Roberto Colalillo, Senior Planning Officer
RESPONSIBLE DIRECTOR:	Martin Mileham, Director City Planning and Development
DATE:	14 January 2015
MAP / SCHEDULE:	Schedule 9 – Map and photos for 108, 114 and 120 Beaufort Street, Perth
LANDOWNER:	Westop Investments Pty Ltd
APPLICANT:	TPG Town Planning, Urban Design and Heritage
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Stirling (P3) (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	\$34,800

SITE HISTORY:

The sites are located on the south-east corner of Aberdeen and Beaufort Streets and currently contain single storey buildings and associated at grade parking areas. The buildings at 108 and 114 Beaufort Street were previously used for community accommodation purposes, however they are now currently vacant and in a state of disrepair. The building at 120 Beaufort Street was used for a café but has recently closed and is now also vacant.

DETAILS:

The application proposes the demolition and clearing of all structures and vegetation on the subject sites to provide for a vacant future building site. Following the removal of all structures and vegetation on site, it is proposed to return the sites to their natural ground level. The application has been submitted in anticipation of a development application for a multi-storey mixed-use development to be lodged for the subject sites.

COMPLIANCE WITH PLANNING SCHEME:

Development Requirements

In considering an application for or involving demolition, Council is to have regard to the matters listed in clause 43(4) and specifically clause 48 'Determination of Application for Demolition' which states that Council:

- “(a) may defer consideration of the application until -*
- (i) it has granted planning approval for subsequent development of the relevant site;*
 - (ii) it has issued a building licence for that development; and*
 - (iii) it is satisfied that the subsequent development will commence;*
- (b) may approve the application, subject to conditions including -*
- (i) the retention, maintenance, reinstatement or repositioning of any part of the existing building or structure;*
 - (ii) the screening of the site during redevelopment; and*
 - (iii) where the development that has been approved has not been substantially commenced for a total period of more than 6 months, the landscaping of or other treatment of the site to the satisfaction of the Council; or*
- (c) may refuse the application.”*

COMMENTS:

Development Standards

The purpose of clause 48 of the City Planning Scheme No. 2 (CPS2) is to avoid situations where buildings are demolished and sites are then left vacant for extended periods, detracting from streetscapes and impacting on local amenity and city vitality. Generally Council has discouraged or refused to approve applications for demolition unless there is a degree of certainty in regard to the timely redevelopment of the site.

Officers have met with the owner of the site and relevant design consultants in relation to preliminary plans for the future development of the site. The owner has stated their intention to formally lodge a development application within the near future. Whilst this does not represent a valid planning approval or building permit, the common ownership of the site, lodgement of this demolition application and a separate amalgamation application with the Western Australian Planning Commission (WAPC) gives some level of confidence that development will occur on the site in the short term.

There have been a number of major residential development applications approved in the Stirling Precinct within the past twelve months including:

- 74-78 Stirling Street – 136 apartments;
- 108 Stirling Street – 168 apartments; and
- 30 Beaufort Street – 804 apartments.

As such there is no guarantee that, given the market and demand, this or any / all of the approved developments will proceed.

It is therefore considered appropriate that any approval be made subject to conditions requiring the sites to be landscaped and maintained in the event of no development progressing on the site after demolition. This would assist in the preservation of the local amenity and reduce the likelihood of the site being used for unauthorised car parking while awaiting redevelopment. It is also recommended that the owner be required to enter into a legal agreement and pay a bond to enable the City to carry out the works should the owner fail to comply with the requirement.

The application as submitted, does not include any details or plans with regards to the treatment, maintenance and securing of the sites post demolition.

Safety / Security

The City has received complaints about the sites and the poor state of the premises and surrounding grounds (for example, rubbish, mattresses, odour issues etc.). The properties have been used by vagrants / squatters in the past and the property owners have struggled in effectively maintaining and securing the sites. The demolition of the buildings and placement of proper temporary fencing and landscaping are therefore considered to be appropriate measures in resolving the safety and security, health and hygiene issues for these properties.

Amalgamation

The proponents have received conditional approval from the WAPC for the amalgamation of the three sites into one lot. In its application referral response to the WAPC, the City requested that no demolition works be undertaken as part of the amalgamation process. The request was based on the City's requirements for the demolition to be determined under the CPS2 given there was an active development application already lodged with the City. Contrary to the City's request, the WAPC included a condition on the amalgamation approval requiring all structures or buildings to be removed from the site.

Heritage

The sites are not included in the CPS2 Scheme Register or the Heritage Council of Western Australia's State Heritage Register, however their appearance suggest that they could potentially date from c.1900 given that they appear to be shown on a c.1897 historical map. As such, it is recommended that the applicant be required to prepare a photographic archival record of the properties prior to demolition. The purpose of this request is not to undertake a heritage assessment of the properties, but to retain a record of the properties for archival records purposes.

Conclusion

Given that the WAPC have issued a valid approval for amalgamation of the sites subject to a condition requiring demolition of the buildings and recognising the current security issues associated with the sites, it is recommended that Council support the demolition works subject to appropriate conditions.

It is therefore recommended the application be approved in accordance with Clause 48 of the CPS2, subject to appropriate conditions related to landscaping, archive record, dust management and the site remaining vacant until further development approvals are granted.

Moved by Cr McEvoy, seconded by Cr Butler

That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, Council APPROVES the application for the demolition of all buildings and structures at 108, 114 and 120 (Lots 351, 600 and 601) Beaufort Street, Perth, as detailed on the Metropolitan Region Scheme Form One dated 25 September 2014 and plans received on 16 January 2015, subject to:

- 1. the site being stabilised and aesthetically fenced or screened to the City's satisfaction within 60 days of the completion of the demolition of the buildings on-site, with details of the fencing or screening being submitted and approved prior to being installed;***

(Cont'd)

- 2. where an approved redevelopment of the site has not been substantially commenced within 12 months of the completion of the demolition of the buildings on the site, the site is to be landscaped to a high standard to the City's satisfaction and at the owner's cost, with the applicant/owner submitting a detailed landscaping and reticulation plan to the City for approval prior to the installation of the landscaping;**
- 3. the approved landscaping being reticulated and maintained to a high standard and in a safe and tidy condition to the City's satisfaction and at the owner's cost until such time that the site is redeveloped;**
- 4. the owners entering into a legal agreement with the City, prepared by the City's solicitors at the owner's expense, whereby, if the landscaping and works specified in 2 above are not installed within 15 months of the completion of the demolition works the legal agreement is to empower the City to enter the land and complete the required works;**
- 5. the owner submitting a bank guarantee or bond to the City for an amount to cover the full cost of the landscaping and associated works specified in 2 above, in order to secure the City's ability to carry out the works. The bank guarantee or bond is to be lodged contemporaneously with the execution of the legal agreement specified in 4 above. The full cost of the landscaping and works is to be determined by an independent Quantity Surveyor at the cost of the owner;**
- 6. an archive and photographic record of the buildings which are proposed to be demolished being submitted to the City prior to any demolition works occurring on site, with the record being prepared in accordance with guidelines provided by the City;**
- 7. a demolition management plan for the proposal being submitted prior to any demolition works occurring on site detailing:**
 - 7.1 dust and noise control/monitoring;**
 - 7.2 demolition methods;**
 - 7.3 removal of materials from the site, including**
 - 7.4 hazardous materials, and resource recovery;**

(Cont'd)

7.5 the proximity of services and utilities, including high pressure gas lines; and

7.6 other matters likely to impact on the surrounding properties;

8. all stormwater being contained on-site; and

9. no vehicle parking being permitted on the site.

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler and McEvoy

Against: Cr Harley

**PL11/15 METROPOLITAN REDEVELOPMENT AUTHORITY –
DEVELOPMENT APPLICATION REFERRAL – YAGAN
SQUARE INCLUDING WILLIAM STREET MALL –
PERTH CITY LINK**

BACKGROUND:

FILE REFERENCE: 2014/5380
REPORTING OFFICER: Jasmine Hancock, Senior Planner
RESPONSIBLE DIRECTOR: Martin Mileham, Director City Planning and Development
DATE: 15 January 2015
MAP / SCHEDULE: Schedule 10 – Yagan Square Conceptual Images

The Metropolitan Redevelopment Authority (MRA) has engaged Lyons consultants to prepare a development application for the Yagan Square Public Realm. The development of the Yagan Square concept has been undertaken in close consultation with the MRA and key stakeholders including the Public Transport Authority and the City, incorporating the feedback received during the consultation process in the final design.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation Sections 64 and 65 of *the Metropolitan Redevelopment Authority Act 2011*

**Integrated Planning
and Reporting
Framework
Implications**

Corporate Business Plan

Council Four Year Priorities: Major Strategic Investments

- S1 Ensure that major developments effectively integrate into the city with minimal disruption and risk
- 1.1 Coordination of interface with major projects and new precincts currently under construction (Elizabeth Quay, Perth City Link & Riverside) including logistics planning

DETAILS:

A development application for Yagan Square was referred to the City from the MRA on 21 November 2014. The MRA is seeking the Council's comments on the proposal.

Yagan Square is located at the crossroads of the Perth Central Railway Station, the new City Busport, the Perth Underground Railway Station and the potential route for future light rail. The highly connected nature of the existing site has been built on in the Yagan Square design from the initial design concept. Yagan Square Public Realm will connect Yagan Square at ground level to the Perth CBD, Perth City Link and Northbridge. The Public Realm consists of the following key areas:

- William Street Mall;
- Market Plaza;
- North Lane; and
- Upper Landscape and Meeting Place.

The public realm spaces will be flexible to provide for pedestrian access, events, outdoor dining and retail activities, as well as connectivity to the significant transport links adjoining Yagan Square.

Public Realm Spaces

William Street 'Mall'

William Street Mall has been designed as an urban street connection between William Street in the south and William Street to the north. The Mall has been designed to accommodate existing and future developments and infrastructure proposals such as the Busport, Lot 9 and 10 of Perth City Link, and the future light rail alignment.

Whilst it was originally understood that the future William Street Mall component of the Yagan Square development would be transferred to the care and control of the City, recent discussions have indicated that the entire area will remain under the MRA's control.

Market Plaza:

Market Plaza to the south of the Market Hall is a generous open public space defined by the Horseshoe Bridge pedestrian shoreline and retaining wall to the south, and by the Market south façade and outdoor dining zone to the north. A central commuter pedestrian zone links the Station south entry with the alignment of the Busport and City Walk, providing unimpeded sightlines and access between the two commuter hubs.

To the south of the pedestrian way an event space is anticipated to host a range of temporary events and retail activity including food vans and temporary markets, buskers and street performers as well as larger events using marquees and temporary stages. Event services infrastructure and urban furniture will anchor the temporary event space along the southern Horseshoe Bridge retaining wall with shade trees and seating.

North Lane

The North Laneway is created through the resultant space between the north part of the Horseshoe Bridge and the north side of the railway dive shaft. The space between the two existing elements is long and thin varying between approximately 15 metres at the west and 6.5 metres at the east end. This creates the opportunity for a laneway with multiple bars and restaurants of varying sizes that will provide passive surveillance and activation. Pedestrian and vehicle movements on the Horseshoe Bridge will also overlook the Lane.

Upper Landscape and Meeting Place

The Grass Terraces, Water Line and Track lead up from William Street Mall into Yagan Square, with the Bridge framing a visual link from below to the upper landscape through a series of colourful, textured West Australian wildflower and feature plantings anchored by the taller trees of the north-east garden. The canopy shade structures surrounding the Meeting Place amphitheatre and on the upper level of the North Bar hover over the Square creating a sense of destination above and beyond the Market and Bar buildings.

Arriving at the Upper Landscape level along the 'Track', the Meeting Place Amphitheatre is overlooked by the outdoor dining deck of the cafe/restaurant, providing passive surveillance and active engagement with the cultural activity of the Meeting Place.

The 'Forest' and 'Play-scape' will be located at the highest level of the site, providing lookout opportunities from a series of balconies as well as the location for the Waterline Source element. The Waterline Source will periodically bubble up and release water along the stream and waterline, animating a series of sculptural moments along its path down to the terminating pool alongside William Street Mall. The Play-scape has been designed as a series of play mounds, using natural forms and colours to create a challenging but accessible terrain for children of all ages and abilities, whilst integrating with the natural forest canopy and surrounding landscape.

Internal circulation

The internal circulation is designed to provide multiple points of contact to the surrounding precincts, encouraging movement to the upper levels, providing safe access and egress, creating and connecting a diverse sequence of spaces and providing opportunities for a flowing and dynamic experience. Multiple paths will provide different routes to move around the square including ramp, lift and stair access.

Materials and Paving

The urban palette of Yagan Square has been developed to integrate at the ground level with the overall character and palette of the City, whilst the upper level palette is distinctive. All paving, surfacing materials and furniture will be designed using hard wearing and durable materials.

Ground Level Public Realm

The ground plane will be a palette of materials and elements that has been coordinated with the currently available City of Perth standards. Key items include:

- City standard "verde austral" granite pavers on a concrete rigid base (vehicle grade pavement);
- City standard multi-pole system;
- Permeable paving system for street trees (to be developed in conjunction with City);
- Street tree pits and grating system (to be developed in conjunction with City);
- Custom furniture (to be developed in conjunction with City);
- In-situ concrete walls;
- Granite clad in-situ concrete low walls;
- Stainless steel ground surface tactile indicators;
- Stainless steel handrails;
- Outdoor dining delineator markers with engravings;
- Stainless steel retractable bollards;
- Stainless steel fixed bollards;
- Bicycle hoop;
- Drinking fountains; and
- Recycling and waste bins 120L in public places.

Upper Level Public Realm

The upper levels include a palette of materials and elements that will be distinctly Yagan Square. The upper level paving will be a variety of colours using both natural stone sourced from Western Australia where possible. Key items include:

- Granite paving and granite clad low walls;
- Pre-cast concrete large scale planks;
- In-situ concrete (coloured aggregate and finish to be confirmed);

- In-situ concrete retaining walls and landscape edges;
- Pre-cast concrete furniture with stainless steel upper back, arm rest and timber battens (integrated lights and services boxes in selected locations); and
- Trees in podium soil structure.

Furniture

Yagan Square will have a distinct palette of custom furniture while complementing the existing suite of custom furniture in Perth. The City's performance criteria for these custom elements will be addressed with an appropriate level of robustness and will comprise the following features:

- Concrete precast elements;
- Timber slat benches;
- Timber slat seat backs with arm rests;
- Potential to incorporate power outlets; and
- Potential to incorporate ornamental lighting.

Trees

The advanced trees in William Street Mall will provide shade in summer and dappled light in winter. The green canopies will contribute to reducing the urban heat island effect. The trees will make a visual green link from the city through to Northbridge, comprised of native tree species, consistent with the Western Australian Indigenous theme for Yagan Square.

In consultation with the City of Perth, Public Transport Authority and other community stakeholders a shortlist of trees for the William Street Mall has been provided including the following tree species:

- *Eucalyptus rudis*;
- *Agonis flexuosa*;
- *Corymbia aspera*;
- *Eucalyptus lesouefii*;
- *Eucalyptus gomphocephala*; and
- *Eucalyptus tottiana*.

The final species selection will depend on the growth, health, availability of tree stock and final consultation with the City, Public Transport Authority and relevant stakeholders.

Structures Activating the Public Realm

Market Hall

Located to the south of the railway dome structure, the Market Hall will be a significant attractor and activator in Yagan Square. The retail mix for the market hall will offer a diverse range of fresh food from a number of different sized tenancies. Anchor

tenants will be strategically located in prominent positions on the main facade of the building at the ground and mezzanine floor levels, providing major attractors in the precinct. The Market Hall model makes reference to newer contemporary fresh produce food markets in New York and is intended to be open seven days per week for long trading hours.

The Market Hall will predominately be a double height space, giving the interior a sense of grand scale reminiscent of great markets around the world. The higher ceilings in concert with the large glazed façade areas will bring natural light deep into the building.

The mezzanine level of the Market Hall is a highly visible space from both inside the Market Hall and from the Market Plaza and William Street Mall. The mezzanine retail tenancy also has a large external deck area which, when occupied, will provide additional activation to William Street Mall and Market Plaza.

Amenities for the Market Hall are located on both ground floor and mezzanine level and are accessible by the public from both within the hall, as well as from the public realm. The back of house area for the Market Hall occupies the space to the east end adjacent to the station. Accommodating storage cages for tenants, waste areas and MRA event store areas, the back of house area is accessed from the Market Plaza via a large roller shutter. A goods lift is also contained within the back of house area connecting into the plant room on the mezzanine level and the back of house areas for the cafe on the uppermost landscape level.

North Bar

The North Bar provides a series of food orientated hospitality venues, where visitors can come and experience a variety of intimate and engaging environments while eating and drinking. The North Bar consists of a multi-level restaurant that offers views to the North Lane, Horseshoe Bridge and the Meeting Place and upper landscaped areas of Yagan Square.

The North Horseshoe Bridge Vaults under the heritage bridge, currently occupied by the PTA Transit Guards, will be renovated in a future stage to include bicycle end-of-trip facilities including bicycle storage and a sequence of licensed café/bars of various sizes. When the future stage North Vaults renovation is complete the connection to Roe Street through the new retail tenancies will ensure an active and engaging public space.

The Café

The upper level structure in the south east corner of Yagan Square will house a family oriented cafe as a primary tenancy. The café will cater for informal groups visiting the amphitheatre, landscaped spaces and the play-scape found at the upper levels of Yagan Square. The Cafe is designed with areas of external glazing to optimise visual interaction within the Market Plaza and the south arm of the Horseshoe Bridge, as well as to the north landscaped areas and amphitheatre. The

structure of the cafe cantilevers over the Market Plaza and also houses the thermal cooling towers for the project.

The Yagan Square Canopy

The Yagan Square canopy is designed to provide shade cover in the hottest part of the seating areas and has practical applications as a shade device and night lighting feature.

The Digital Tower

The tower is a simple circular plan form, with a curved 'in the round' digital screen to cater for third party advertising as well as cultural content. The structural columns are extended significantly beyond the transparent digital mesh to create a symbolic marker for Yagan Square. The tower will be seen from the river end of William Street (similar to views of the Bell Tower from the north of the City) as a significant urban landmark, which helps locate Yagan Square as a destination. At a functional level the base of the digital tower will contain the site wide substation and an information kiosk.

Public Art

The MRA's Perth City Link Public Art Strategy envisions the full integration of public art into the design of Yagan Square Project. The approach to Public Art embraces the five key values of the Perth City Link Master Plan of Invite, Connect, Innovate, Celebrate and Experience.

To assist in Council's consideration of the development application, a series of images is shown in Schedule 10.

FINANCIAL IMPLICATIONS:

Since lodgement of the Yagan Square development application, the City has been advised that the public realm, including the future William Street Mall, will remain with the MRA for the foreseeable future. The City has yet to enter into a Site Specific Agreement with the MRA for Yagan Square raising uncertainty with respect the City's future role in the management of the public domain. This raises concerns of financial risk exposure for the City in terms of forward planning for asset management commitments and the implications for the City's workforce and long term financial planning.

It is recommended that the City seek further clarification from the MRA in terms of the business plan for Yagan Square and any potential future role for the City in the management of the public realm.

COMPLIANCE WITH PLANNING SCHEME:

The site is located within the Metropolitan Redevelopment Authority Area and is therefore subject to the provisions of the MRA's Central Perth Redevelopment Scheme No. 2 (CPRS2). More specifically the site is located within the Link Project Area of the CPRS2. The vision of the Link Project Area is to link the city centre and Northbridge with a new vibrant urbanism. Connectivity will be central, reconnecting Perth to Northbridge including connection to major public transport, pedestrian connections through the area and connecting people together through civic places and social events.

The proposed Yagan Square development is located in the Horseshoe Bridge Plaza under the CPRS2. The intent for the Precinct is to create a physical point of reference for visitors and provide an opportunity to define the locality as a key destination of inner city Perth. A central public square will be the focus of the Precinct. It will provide a social and meeting place for people and will form a major pedestrian hub between the Perth Train Station, sunken bus terminal infrastructure and pedestrian flow along William Street. The development of the Precinct's retail and commercial land uses will further reinforce the commercial heart of the Perth city centre. At street level a range of retail and dining uses will contribute to an engaging pedestrian experience that will link the city centre with the cultural and entertainment hub of Northbridge.

The draft Perth City Link Design Guidelines also makes reference to the vision and design intent of Yagan Square including a vibrant, high quality urban space which will be a landmark destination, celebration space and key transport connection for people visiting, living and working in the city centre. It will be a key point of arrival into the city, and a conduit for pedestrian movement between the CBD, Northbridge and the transit stations. Yagan Square will see the return of food, community and city life to the Horseshoe Bridge Plaza Precinct, and will be a place for people to meet, connect, discover and celebrate Western Australia's produce, heritage, cultural and environment.

Conclusion

It is considered that the proposed Yagan Square development concept is consistent with the vision and intent of the MRA's CPRS2 and the draft Perth City Link Design Guidelines, however, there is insufficient detail submitted at this stage to assess whether the proposed works will meet the City's design requirements and specifications. On this basis it is recommended that the application should be supported in principle subject to the submission of final details that are to the City's satisfaction.

6.43pm One member of the media departed the meeting and did not return.

Moved by Cr McEvoy, seconded by Cr Harley

That Council advises the Metropolitan Redevelopment Authority that it supports in principle the proposed public realm design concept for 'Yagan Square' within the Perth City Link project area, subject to the submission of additional details and information to address the following matters to the City's satisfaction:

- 1. provide evidence of the design, construction, maintenance and management response to an independent safety, universal accessibility and discrimination audit, including reference to the Government of Western Australia Creating Accessible Communities (June 1996, updated 2011), and Australian Human Rights Advisory note on streetscape, public outdoor areas, fixtures, fittings and furniture, February 2013 and references therein, for:*
 - 1.1 the design and construction of the public realm including furniture, features, signage, public art and events;*
 - 1.2 the design and construction of play areas including water play;*
- 2. design and construction details of all proposed public realm works including the final palette of colours and high quality and durable materials and finishes for the public realm, with details of paving, shade structures, urban furniture, planting pans, water features, irrigation with evidence of anti-skate design response to features in the public realm, being provided in accordance with the City's Design and Construction Notes;*
- 3. a lighting strategy for the public realm and for the buildings and structures within Yagan Square;*
- 4. a signage strategy including way-finding signage consistent with the City's Wayfinding Guidelines, in addition to signage for the various buildings, tenancies and facilities within Yagan Square;*
- 5. a detailed landscaping and reticulation plan that includes:*
 - 5.1 specific details regarding each street tree species located in the future William Street Mall including minimum allowances for height (mm), calliper (mm), nominal container volume (L) and root ball diameter (mm);*

(Cont'd)

- 5.2 *a risk analysis of all plant species selections including an assessment of on-site conditions and any mitigation measures that will be undertaken to ensure their survival; and***
- 5.3 *detailed final drawings of all irrigation works including all pipe work, pumping equipment and all associated ancillary equipment;***
- 6. *a service and delivery access plan for events spaces and buildings;***
- 7. *a site dewatering management plan;***
- 8. *a stormwater management plan to the City's specifications;***
- 9. *final details of the design and operation of the retractable bollards;***
- 10. *a dilapidation survey of the surrounding heritage buildings and structures at the site being undertaken with advice from the State Heritage Office;***
- 11. *details of the design and location of public toilets in consultation with the City, together with a public toilet management plan;***
- 12. *a comprehensive water management plan and final details for the proposed water features including details of all pipe work, pumping equipment, filtration equipment and all associated ancillary equipment;***
- 13. *certification to demonstrate all water feature elements comply with the provisions of the Health (Aquatic Facilities) Regulations 2007 and the Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities 2013;***
- 14. *final details of the proposed art concepts for the various locations within the development being negotiated with the City with a costed detailed Public Art Implementation Plan being submitted including costs, asset management and a maintenance plan across all lifecycle phases with provision for the City to:***

 - 14.1 *provide comment on the design vision, theming and brief;***
 - 14.2 *be represented on the appropriate selection panel;***

(Cont'd)

- 15. a construction management and staging plan for the proposed works being submitted and approved by the City prior to any works commencing on site, detailing how it is proposed to manage the following matters:**
- 15.1 vehicle, cycle and pedestrian access and movement through and/or around the project area;**
 - 15.2 delivery of materials and equipment to and from the site;**
 - 15.3 storage of materials, equipment and machinery on the site;**
 - 15.4 parking arrangements for contractors and subcontractors;**
 - 15.5 any other matters likely to impact on the surrounding properties and public areas;**
- 16. a noise management plan for the proposed works; and**
- 17. the Metropolitan Redevelopment Authority clarifying the business plan for Yagan Square and advising when any parts of the public realm will be transferred to the City to assist the City in terms of forward planning for asset management commitments and long term financial planning.**

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

6.51pm The City Architect, departed the meeting and did not return.

PL12/15 PROPOSED ENTRY OF THE PROPERTY AT 16 QUEEN STREET, PERTH IN THE CITY PLANNING SCHEME NO. 2 REGISTER OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE (OWNER NOMINATION)

BACKGROUND:

FILE REFERENCE:	P1023133
REPORTING OFFICER:	Sheree Morrison, Heritage Officer
RESPONSIBLE DIRECTOR:	Martin Mileham, Director City Planning and Development
DATE:	23 December 2014
MAP / SCHEDULE:	Schedule 11 – City Heritage Place Assessment (includes map) Schedule 12 – Owner submission (includes photographs)

The property at 16 Queen Street contains a two storey rendered brick former flour mill constructed c.1930 in the Inter-War Free Classical architectural style (refer to Schedule 11). The building is flanked either side by rendered two storey buildings of a similar scale. The place also forms part of a relatively intact streetscape along with other properties in Queen Street of a similar age that are currently not heritage listed. At its meeting held on **7 October 2014**, Council considered the owner's request to include the property in the City Planning Scheme No. 2 (CPS2 Register of Places of Cultural Heritage Significance). The Council resolved to state its intention to declare the place to be of cultural heritage significance. This was based on the City's Heritage Assessment (refer to Schedule 11) which was prepared in the context of the State Heritage Office's *Criteria for the Assessment of Local Heritage Places and Area*, which identified that the place has cultural heritage significance for the following reasons:

Aesthetic Value

- The place is of aesthetic significance as a fine example of a two storey rendered brick building in the Inter-War Free Classical style of architecture.
- The place is of aesthetic significance as an example of a commercial building constructed during the inter war period.
- The building is of aesthetic significance for its design which reflects the optimistic and affluent period following World War One.
- The place is of aesthetic significance as part of a streetscape comprising eight commercial buildings dating from the early twentieth century.

Historic Value

- The place is of historic significance because it reflects the expansion of commerce and trade in the city between the end of World War One and the beginning of the Great Depression.

Rarity

- The place is rare as part of a relatively intact streetscape of inner city commercial buildings from the early twentieth century.

Representativeness

- The place is representative as an example of a commercial building constructed in Perth following the end of World War One.

Whilst there has been some modification internally and to the façade at ground level the change does not diminish the overall cultural heritage significance of the place.

Despite the owner being the nominee, in accordance with the CPS2 requirements, the owner was given 14 days to make a written submission to the Council about the proposed declaration.

At its meeting held on **7 October 2014**, Council also noted that the place had yet to be graded in terms of level of significance pending an internal inspection, and that the results of the internal inspection and the owners' submission would be presented to the Council when it considered the final declaration.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning & Development Act 2005 (WA)
State Planning Policy 3.5 Historic Heritage Conservation
Town Planning Regulations 1967
Heritage of Western Australia Act 1990

City Planning Scheme No. 2:

- *Clause 30(1)* enables the Council to resolve to declare a place to be significant and worthy of conservation.
- *Clause 30(2)* requires that the Council record any places declared under Clause 30 in a register of places of cultural heritage significance.
- *Clause 30(4)* enables the Council to amend or revoke any declarations made under Clause 30.

Integrated Planning and Reporting Framework Implications

Corporate Business Plan

Council Four Year Priorities: Healthy and Active in Perth

S15 Reflect and celebrate the diversity of Perth.

15.3 Review and further develop the City's approach to the conservation, management and celebration of

its cultural heritage.

Strategic Community Plan

Council Four Year Priorities: Community Outcome

Healthy and Active in Perth

A city with a well-integrated built and green environment in which people and families chose a lifestyle that enhances their physical and mental health and take part in arts, cultural and local community events.

Policy

Policy No and Name: 4.11 – *Heritage (CPS2 Planning Policy)*

DETAILS:

In response to the request for a submission, the owners engaged a heritage consultant to provide a report to be submitted to the City on their behalf (refer to Schedule 12). The consultant report provides details about the 2011 adaptive reuse project and also the owner's position regarding the proposed declaration.

Adaptive re-use

It is noted that in 2011 the place was converted into an art gallery, design shop, bar and café known as Venn. The report states that an objective of the project was to ensure an adaptive re-use that respected the historic and cultural significance of the place. This resulted in the removal of intrusive elements and retention of original elements including pressed metal tin ceiling, polished floorboards, a wooden staircase, roof trusses, gantry crane, loading bar areas and steel beams.

The report also notes that the project adopted many of the principles of the ICOMOS Burra Charter which provides best practice standards for managing heritage places.

In 2011 the project architects were awarded the Design Institute Australia's Julius Elischer Award, Best in State award, the award for Interior Spaces – Hospitality and the Interior Spaces – Retail award.

Owners' Position

The consultant report states that the owners of the building are supportive of the inclusion of the place in the CPS2 Heritage Register. It is noted that the owners are keen to prepare a Conservation Management Strategy for the place to ensure that the heritage values are conserved and enhanced as part of any future development.

Graded level of significance

The State Heritage Office's Assessment Criteria document states that each place should be graded with a level of significance based on its values, condition, integrity and authenticity. The four levels of significance are associated with desired outcomes to assist in the future management of a place.

LEVEL OF SIGNIFICANCE	DESCRIPTION	DESIRED OUTCOME
Exceptional significance	Essential to the heritage of the locality. Rare or outstanding example.	The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place).
Considerable significance	Very important to the heritage of the locality. High degree of integrity/authenticity.	Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.
Some/Moderate significance	Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item.	Conservation of the place is desirable. Any alterations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible.
Little significance	Does not fulfil the criteria for entry in the local Heritage List.	Photographically record prior to major development or demolition. Recognise and interpret the site if possible.

It is noted that the CPS2 Heritage Register does not acknowledge levels of significance and that all places included in the CPS2 Heritage Register are subject to Heritage Planning Policy 4.11 which provides guidance applicable to development affecting all heritage places.

Notwithstanding the above, awarding a level of significance can assist the Council in making a decision on whether the place meets the threshold for entry into the CPS2 Heritage Register. An internal inspection is usually required to determine the level of significance however in this instance the consultant report provided adequate internal photographs.

Based on this information the property has been assessed as having a medium level of integrity (retains part original retail function) and moderate level of authenticity (fabric is in part original state). This suggests that the place should be awarded with a level of some/moderate significance.

FINANCIAL IMPLICATIONS:

If the place is included in the CPS2 Heritage Register the owner of the property will be eligible to apply for heritage grants, heritage awards and heritage rate concession.

COMMENTS:

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

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

Moved by Cr Harley, seconded by Cr McEvoy

That Council:

- 1. in accordance with Clause 30 of the City Planning Scheme No. 2:***
 - 1.1 notes that the owner is supportive of the proposal to declare 16 Queen Street, Perth to be of cultural heritage significance and worthy of conservation;***
 - 1.2 declares 16 Queen Street, Perth to be of cultural heritage significance and worthy of conservation;***
 - 1.3 gives notice of the above declaration to the owner and occupier of the place, the State Heritage Office and the Western Australian Planning Commission;***
- 2. in accordance with Clause 32 of the City Planning Scheme No. 2 records 16 Queen Street, Perth in the City Planning Scheme No. 2 Register of Places of Cultural Heritage Significance.***

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

PL13/15 PROPOSED ENTRY OF ELENi HOUSE, 48 LAKE STREET, NORTHBRIDGE, IN THE STATE REGISTER OF HERITAGE PLACES

BACKGROUND:

FILE REFERENCE:	P123002313
REPORTING OFFICER:	Noel Robertson, Principal Heritage Officer
RESPONSIBLE DIRECTOR:	Martin Mileham, Director City Planning and Development
DATE:	20 December 2014
MAP / SCHEDULE:	Schedule 13 – City of Perth Assessment (includes map) Schedule 14 – State Heritage Office assessment Schedule 15 – Photos

The property known as Eleni House at 48 Lake Street, Northbridge contains a substantial two storey residential brick building constructed in 1897 in the Federation Queen Anne Style.

At its meeting held on **19 September 2006**, Council resolved that the place was of cultural heritage significance to the City of Perth, and included it in the City Planning Scheme No. 2 (CPS2) Register of Places of Cultural Heritage Significance. Refer to the City of Perth Heritage Report attached as Schedule 13.

The Heritage Council's Register Committee has now resolved that the property is of cultural heritage significance to the State of Western Australia, and that stakeholders should be consulted on the proposed entry of the place in the State Register of Heritage Places (State Register).

Therefore, the State Heritage Office (SHO) is seeking written comments on the proposal from the City given that the subject property falls within the City's boundaries. The SHO has also invited the Council to nominate a person to attend the meeting at which the matter will be considered.

The SHO's Documentation of Places for Entry in the Register of Heritage Places is attached as Schedule 14.

At its meeting held on **29 January 2008**, Council resolved that all nominations for properties to be included in the State Register are to be referred to the Council for consideration. At its meeting held on **22 October 2013**, Council resolved for Cr Adamos to be the City's nominated representative at all Heritage Council Register Committee meetings.

If the Heritage Council decides that a place is of State significance, a recommendation is made to the Minister for Heritage, who will make the final decision on whether the place is entered in the State Register. The Minister will assess all submissions in determining if the place should be listed.

The City has sought information from the SHO in relation to the owner's position on the proposed registration. The SHO has advised that it is unable to disclose any information as all third party discussions and comments are confidential, and that information regarding the owner's comments on registration can only be released with the owner's consent or via a Freedom of Information Request. The City has written to the owner advising that the SHO is seeking written comments on the proposal from the City, and that the matter will be presented to the City's Planning Committee at its meeting to be held on 27 January 2015.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Part 5 Division 2 of the <i>Heritage Act of Western Australia 1990</i> Clause 30 of the <i>City Planning Scheme No. 2</i> .
Integrated Planning and Reporting Framework Implications	Corporate Business Plan Council Four Year Priorities: Healthy and Active in Perth. S15 Reflect and celebrate the diversity of Perth. 15.3 Review and further develop the City's approach to the conservation, management and celebration of its cultural heritage.

DETAILS:

The Cultural Heritage Significance of a place is assessed by considering various values. Each place is unique and has its own combination of values, which together show its cultural heritage significance.

The SHO's Documentation of Places for Entry in the Register of Heritage Places (Assessment Documentation) demonstrates that the place has Aesthetic, Historic and Scientific Values and Rarity and Representativeness significance. Those values, that are considered to be of State significance, form the following Statement of Significance:

"The place was built by and for William Atkins, one of Western Australia's most prolific builders;

The place is rare as a substantial residence known to have been constructed for a successful professional builder;

The place is rare as a granite residence, and particularly rare for its inner city location;

The place is indicative of the dramatic development and influx of wealth to Perth and its immediate suburbs in the late 1890's Gold Rush Period; and

The place is a fine and excellent example of a substantial two – storey Federation Queen Anne style residence, and a notable landmark."

It is also desirable that places in the State Register have at least reasonable levels of condition and integrity, and a high degree of authenticity. In relation to the subject property it is noted from the Assessment Documentation that:

“Condition: The place is currently well maintained and in good condition.

Integrity: The property is currently vacant; however it was most recently used as office accommodation. The fittings required for it to function as an office are easily reversible and therefore the integrity of the place is moderate

Authenticity: the place has been adapted to suit modern domestic living and office use over time but has, none-the-less, retained much of its original architectural detailing (both internal and external). Overall, the former house retains a moderate level of authenticity.”

It is based on the above information that the Heritage Council's Register Committee has determined that the place meets the threshold for entry into the State Register.

FINANCIAL IMPLICATIONS:

Given that the property is already included in the CPS2 Heritage Register it is already eligible to apply for the City's financial Heritage Incentives, including Heritage Grants and Heritage Rate Concession.

Therefore there are no further financial implications associated with this report.

COMMENTS:

The Council has previously acknowledged the significance of the place at a local level by way of including it in the CPS2 Heritage Register in 2006.

The SHO's Assessment Documentation for the property demonstrates that the place has significance at a State level and its proposed entry on the State Register is therefore supported.

OFFICER RECOMMENDATION

That Council advises the Heritage Council of Western Australia that it supports the registration of Eleni House located at 48 Lake Street, Northbridge, onto the State Register of Heritage Places.

The Planning Committee agreed to amend the Officer Recommendation as follows:

That Council advises the Heritage Council of Western Australia that, based on the evidence provided in the State Heritage Office assessment, as detailed in Schedule 14, it supports the registration of Eleni House located at 48 Lake Street, Northbridge, onto the State Register of Heritage Places.

Moved by Cr Harley, seconded by Cr McEvoy

That Council advises the Heritage Council of Western Australia that, based on the evidence provided in the State Heritage Office assessment, as detailed in Schedule 14, it supports the registration of Eleni House located at 48 Lake Street, Northbridge, onto the State Register of Heritage Places.

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

Reason: The Planning Committee considered it appropriate to amend the recommendation in order to clarify that this item is a referral from the State Government to Council and is based on the evidence provided by the State Heritage Office, as detailed in Schedule 14. The Committee further noted that the consultation with the landowner is a matter for the State Heritage Office.

**PL14/15 APPROVAL TO INITIATE AN AMENDMENT TO
PLANNING POLICY 5.1 – PARKING AND TO RESCIND
PLANNING POLICY 5.3 – PERTH PARKING POLICY**

BACKGROUND:

FILE REFERENCE:	P1922652
REPORTING OFFICER:	Siobhan Linehan, Acting Principal Strategic Town Planner
RESPONSIBLE DIRECTOR:	Martin Mileham, Director City Planning and Development
DATE:	23 December 2014

MAP / SCHEDULE: Schedule 16 – State Government’s Perth Parking Policy 2014
 Schedule 17 – City Planning Scheme No. 2 Planning Policy Manual – Section 5.1 – Parking Policy

City’s Planning Policy 5.1 - Parking

At its meeting held on **10 December 2013**, Council resolved to adopt revised changes to the City’s Planning Policy 5.1 – Parking, as part of a number of changes to the City Planning Scheme (CPS2) relating to the Normalised Redevelopment Area, subject to the gazettal of Amendment No. 28 to the CPS2 and Amendment No. 1 to Local Planning Scheme No. 26. These changes included updating the reference to the East Perth Redevelopment Area with the Metropolitan Redevelopment Area (MRA) and applying the ‘minimum 1 bay per dwelling maximum 2 bays per dwelling’ provision to the Normalised Redevelopment Area. The above mentioned scheme amendments have now been approved by the Minister for Planning and will be gazetted shortly.

State Government’s Perth Parking Policy

The Perth Parking Policy (the policy) was introduced by the State Government under the *Perth Parking Management Act 1999* and was developed in conjunction with the City of Perth. The policy provides for the licensing by the State Government of all public and tenant parking, with development approval remaining the responsibility of the Council. The major reasons for the introduction of the policy included concerns regarding increased traffic congestion and associated accessibility, safety and amenity issues including air quality in central Perth. It was also identified that the parking supply trends within the central city area were unsustainable and would further contribute to increasing traffic congestion.

The policy sets out the approach to be taken by the State Government, the City of Perth, the City of Vincent and the MRA to the development and management of parking facilities that fall within the Perth Parking Management Area (PPMA).

The State Government policy is currently incorporated into the CPS2 Planning Policy Manual, in the form of Planning Policy 5.3 – Perth Parking Policy, to assist Council in determining parking requirements for non-residential development applications within the PPMA.

The Department of Transport (DoT), in consultation with the City of Perth and other key stakeholders, undertook a number of draft reiterations to the policy between 2009 and 2012, which resulted in a revised Perth Parking Policy being gazetted on the 9 October 2012. The City’s Planning Policy 5.3 – Perth Parking Policy and Planning Policy 5.1 – Parking were amended at the Council meeting held on **25 June 2013** to reflect the changes to the State Government policy.

The DoT submitted to the City on 20 December 2013 proposed revisions to the Perth Parking Policy 2012 for comment. The DoT advised that the key impetus for the

revisions was to enable the maximum tenant parking allowance for individual lots within the MRA's Perth City Link project area, and in particular on the former Perth Entertainment Centre site, to be shared across a larger development area. The proposed changes will also be of benefit to other future MRA project areas including Elizabeth Quay.

The DoT indicated at this time that it was intending to review the *Perth Parking Management Act 1999* and the *Perth Parking Management Regulations 1999*. In this regard, the DoT has recently advised that the review of the legal framework is well underway and that the City will be consulted in the near future.

At its meeting held on **28 January 2014**, Council resolved to advise the DoT that it supported the draft revised Perth Parking Policy (December 2013) subject to the following:

- "1. the definition of 'Tenant Parking' outlined in section 2 being reworded to more clearly explain the intent of the policy. The definition should also refer to section 11.5 (Combined and Reciprocal Parking) and section 12 (Vacant Land and Buildings) to clarify under what circumstances the relevant planning authority may consider tenant parking being made available on a site by lease or otherwise for the use of tenants or workers of other sites;*
- 2. the term 'Private Residential' being replaced by 'Residential' as per the City of Perth City Planning Scheme No. 2. The definition of 'Residential' should be incorporated in the Perth Parking Management Act 1999 when it is reviewed in 2014;*
- 3. section 5 – Principles being amended to incorporate a clear statement indicating that the Perth Parking Policy is not applied retrospectively;*
- 4. sections 7 and 8.2 being reviewed and reworded for further clarity as they are overly complicated and unclear;*
- 5. section 7 being incorporated into the addendum (until the review of the Perth Parking Regulations 1999) as it is not a planning related matter;*
- 6. additional criteria being provided in section 8.3 to allow for tenant parking on redevelopment sites, which exceeds the maximum tenant parking allowance for the next Category of Street down in Table 1, where the amount of existing parking has been substantially reduced;*
- 7. reference being added in section 11.1 (which relates to residential parking) to section 11.5 (which relates to combined and reciprocal parking) where it states that 'tenant and public parking facilities may be considered for licensing as residential parking subject to approval from the relevant planning authority'; and*
- 8. section 12.1(d) (which relates to vacant land and buildings) being reviewed for further clarity as the edited section appears to require the number of parking*

bays licenced for use on the redevelopment site being reduced, which is not supported.”

As the Council can adopt only those sections of the draft revised Perth Parking Policy (December 2013) into the CPS2, which are relevant planning matters concerning the City, the City recommended to the DoT that matters relating purely to licensing be incorporated within the Perth Parking Management Regulations 1999.

The City also advised the DoT that the draft revised Perth Parking Policy (December 2013), should be publicly advertised given the time that had passed since the original policy was advertised for public comment in 2009. It was recommended that a requirement for a formal public comment period with respect to any future policy changes be incorporated into the *Perth Parking Management Regulations 1999*.

The Minister for Transport endorsed a final amended version of the Perth Parking Policy which was published in the Government Gazette on 18 November 2014. This supersedes the Perth Parking Policy 2012.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>Perth Parking Management Act 1999</i>
Integrated Planning and Reporting Framework Implications	Corporate Business Plan 2013/14 to 2017/18 Council Four Year Priorities: Getting Around Perth S4 Enhance accessibility in and around the City including parking
Policy	
Policy No and Name:	City Planning Scheme No. 2 Policy No. 5.3 – Perth Parking Policy

DETAILS:

The key changes in the Perth Parking Policy 2014 are summarised as follows:

- A parking precinct model has been introduced (Clause 8.2 and Addendum) to allow for parking distribution across large development sites within the MRA area.
- A section on Terms Used (Clause 2) has been added to improve clarity. Some new terms are included but no changes have been made to the intent of the policy.
- Increased certainty has been provided for developers (Clause 7) by stating that, upon building completion, they will be able to license the amount of parking approved by the planning authority rather than the amount of parking which would be in compliance with the policy at the time of licensing.

- References to the existing Special Control Areas within the City of Perth (currently section 6.2.2 of the 2012 policy) have been deleted. This is because the staged developments within the city to which this provision applied have since been completed. The potential licencing issues associated with staged developments are now covered under Clause 7.
- A small section of Irwin Street, between Murray and Hay Streets, has changed in the Street Hierarchy from Category 4 to Category 2 to protect it as a potential light rail route.
- The Pedestrian Priority Zone has been marginally retracted to the western side of Pier Street between Wellington and Murray Streets. This area is part of the Short Stay Parking Zone.
- The policy has been re-formatted and edited.

It should be noted that no changes have been made to the tenant parking allocations table.

As noted earlier, the State Government's Perth Parking Policy is currently incorporated into the CPS2 Planning Policy Manual. As a result of the changes to the State Government's policy, changes to the CPS2 Planning Policy Manual are therefore required.

FINANCIAL IMPLICATIONS:

ACCOUNT NO:	CL 16201000
BUDGET ITEM:	Community Amenities - Town Planning & Regional Development - Other Town Planning
BUDGET PAGE NUMBER:	9
BUDGETED AMOUNT:	\$1,221,842 (this component is \$186,254)
AMOUNT SPENT TO DATE:	\$ 457,295 (this component is \$0)
PROPOSED COST:	\$ 6,000
BALANCE:	\$ 758,547

All figures quoted in this report are exclusive of GST.

CONSULTATION:

It is proposed that the proposed amendments to the CPS2 planning policies will be advertised for 21 days, involving advertisements / notification in The West Australian newspaper for two consecutive weeks and on the City's website.

Whilst approval for advertising in accordance with Clause 56 of the CPS2 is sought to initiate the amendment to the Planning Policy 5.1 – Parking and the rescinding of Planning Policy 5.3 – Perth Parking Policy, the Officers are mindful that any written submissions provided during the consultation period will have to accord with the State Government's recently gazetted policy. Accordingly it will be important to

emphasise during the advertising period that it is essentially a notification that the City's CPS2 planning policies are being updated to accord with the State Government's recently gazetted Perth Parking Policy (2014).

COMMENTS:

The DoT has worked collaboratively with Officers on the proposed changes to the State Government policy, and has addressed the majority of issues raised by the Council. Concerns however still remain in relation to the lack of separation of the planning and licensing elements of the policy, making it difficult to incorporate the policy in full into the CPS2 Planning Policy Manual. The lack of public advertising of the changes to the policy is also an unresolved issue.

The State Government's policy has traditionally been planning focussed however has since been modified to incorporate more information relating to the licencing of tenant parking bays. The DoT has also advised that the policy is becoming more of an evolving document and it is likely that more regular updates will be occurring to it, particular after the Act and Regulations have been reviewed.

An additional issue is that whilst there is no formal requirement for changes to the State Government's policy to be advertised, any changes to the City's Planning Policy Manual to reflect the State Government's policy do require public advertisement. This puts the City in an invidious position as any written submissions received during the advertising period requesting further changes are unlikely to be able to be accommodated if they do not accord with the State Government's policy.

It is important however that the City has regard to the State Government's policy in making planning decisions to avoid a situation whereby the City grants planning approval for tenant parking bays which the DoT are unable to licence.

In view of these matters it is recommended that:

- CPS2 Planning Policy 5.3 – Perth Parking Policy (that is, the duplication of the PPP) be rescinded.
- CPS2 Planning Policy 5.1 – Parking (which relates to both residential and non-residential parking) be amended to:
 - refer to the State Government's Perth Parking Policy (as amended) for the assessment of 'tenant' and 'public' parking facilities within the PPMA and incorporate some of its key principles and objectives
 - remove unnecessary duplication of provisions which are already set out in the State Government's Perth Parking Policy (as amended);
 - clarify the application of the policy;
 - accommodate the proposed separate amendments to the policy relating to the Normalised Redevelopment Area; and
 - generally simplify the provisions.

The proposed amendments are outlined in detail in Schedule 17.

- CPS2 Planning Policy 5.4 – Bicycle Parking and End of Journey Facilities be renumbered to Policy 5.3.

It should be noted that the definition of the 'Perth Parking Policy' provided in Schedule 4 of the CPS2 will also require updating as part of a future omnibus CPS2 amendment.

The above actions will:

- reduce the need for duplication of the State Government's policy within the CPS2 planning policy and remove the associated potential for any errors or inconsistencies;
- reduce the need for the City to make changes to the CPS2 Planning Policy manual every time changes are made to the PPP which will enable better use of the City's resources (staff and budget);
- avoid any false expectations of the community that the Council is able to address any issues arising out of public advertising of the changes to the City's planning policy manual; and
- still enable the City to determine the parking requirements for 'tenant' and 'public' parking based on the latest version of the State Government's policy to guide its planning decisions with respect to car parking within the city.

Moved by Cr Harley, seconded by Cr McEvoy

That Council:

- 1. notes that the State Government's revised Perth Parking Policy has been approved by the Minister for Transport and was published in the Government Gazette on 18 November 2014;***
- 2. in accordance with Clause 56(3) of the City of Perth City Planning Scheme No. 2, approves the amendments to the Planning Policy 5.1 – Parking and the rescinding of the Planning Policy 5.3 – Perth Parking Policy, as well as the renumbering of Planning Policy 5.4 – Bicycle Parking and End of Journey Facilities as detailed in this report and Schedule 17:***
 - 2.1 for advertising for two consecutive weeks in an appropriate newspaper;***
 - 2.2 for notification to relevant persons; and***

(Cont'd)

2.3 to be forwarded to the Western Australian Planning Commission;

3. provides a period of 21 days for written submissions to be lodged with the City.

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

PL15/15 FORMAL COMMENT ON THE METROPOLITAN REDEVELOPMENT AUTHORITY'S DRAFT REVISED PERTH CITY LINK DESIGN GUIDELINES

BACKGROUND:

FILE REFERENCE:	P1029786#05
REPORTING OFFICER:	Siobhan Linehan, Acting Principal Strategic Town Planner
RESPONSIBLE DIRECTOR:	Martin Mileham, Director City Planning and Development
DATE:	5 January 2015
MAP / SCHEDULE:	Schedule 18 – Other matters Schedule 19 – Proposed Site Specific modifications Schedule 20 – Site Plan Schedule 21 – Circulation Schedule 22 – Solar Access Schedule 23 – Proposed Built Form (southern elevation) Schedule 24 – Proposed Built Form (northern elevation) Schedule 25 – View Corridors

The 13.5 hectare project area which is bounded by the Mitchell Freeway, Roe Street, Wellington Street and the Horseshoe Bridge has long been a physical, social and psychological divide in the centre of the city, separating Northbridge from the CBD. The Perth City Link (PCL) project is intended to address poor integrated transport and planning decisions of the past, reconnecting the CBD and Northbridge for the first time in 100 years (refer to Schedule 20).

The Link Masterplan adopted by the East Perth Redevelopment Authority (EPRA) in June 2008, provides the overarching strategic planning framework to guide the future development of the PCL project area.

The PCL project area is divided into three precincts as defined under the Metropolitan Redevelopment Authority's (MRA) Central Perth Redevelopment Scheme (1 August 2012) including:

- Precinct 33 – The Perth Arena/Milligan Street Precinct;
- Precinct 34 – King Lake Street Precinct; and
- Precinct 35 – Horseshoe Bridge Plaza Precinct.

The Perth City Link Design Guidelines 2009 were adopted by the former EPRA under its Redevelopment Scheme. It is a statutory document and outlines the vision and guiding planning principles for the future development of the precinct.

Previous Council Resolutions

At its meeting held on **3 April 2007**, Council expressed support for the Northbridge Link draft Master Plan, requesting that various issues be considered in the finalisation of the Master Plan.

At its meetings held on **11 March 2008** and **3 June 2008**, Council resolved to adopt The Link Implementation Deed.

On 26 June 2008, the State Government, through the collaboration between the former EPRA, the Public Transport Authority (PTA) and the City of Perth, launched the Master Plan for the Perth Link Project.

At its meeting held on **15 July 2008**, Council considered a draft scheme amendment for The Link, raising no objections but did provide some interim comments on design guidelines for The Link requiring that the guidelines should, wherever possible, align with the planning policies and standards of the City of Perth.

At its meeting held on **27 January 2009**, Council considered The Link Design Guidelines and advised the former EPRA of its continued support for The Link project. The Council also raised a number of issues.

The Perth City Link Design Guidelines were adopted by the former EPRA in 2009.

Revised amendments to the Perth City Link Design Guidelines – March 2010

The MRA provided the City with an opportunity to comment on its proposed revised amendments to the Perth City Link Design Guidelines in March 2010. The City's technical officers raised a number of concerns which are summarised below:

- the level of prescription of the 'Acceptable Development Criteria' with respect to the built form outcome and concern that this has the potential to constrain design thought and innovation;

- a need for a detailed traffic impact assessment for the project area;
- the feasibility of the extent of development proposed within the project area. Stage 1 of the City's Built Form and Plot Ratio Study indicated that there is likely to be an oversupply of office floorspace within the city over the next 20 years if all planned projects come on line;
- the general grain of development within the project area;
- public end of trip facilities being provided within the public open space within the project area;
- concerns about the overshadowing and wind impacts of the proposed increase in building (tower) heights from 25 to 30 storeys on Lots 9 and 10 fronting Wellington Street. The City is also concerned about the proposed increase in building (tower) height from 16 to 20 storeys on Lot 10 fronting Roe Street; and
- concerns about the functionality and safety of the terraced garden component and adjoining spaces of the Horseshoe Bridge Plaza given the proposed level difference.

The MRA adopted the revised amendments to the Perth City Link Design Guidelines on 20 September 2010.

It is considered that the majority of these issues are still outstanding but acknowledge that the draft revised Guidelines 2014 do require the modulation of facades into no greater than 30 metre sections between different design elements, which should assist to address the concern pertaining to the general grain of development within the project area.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>Metropolitan Redevelopment Authority Act 2011</i> <i>Metropolitan Redevelopment Authority's Central Perth Redevelopment Scheme</i>
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Integrated Planning and Reporting Framework Implications	Corporate Business Plan Council Four Year Priorities: Major Strategic Investments S1 Ensure that major developments effectively integrate into the city with minimal disruption and risk. 1.1 Coordination of interface with major projects and new precincts currently under construction including logistics planning.
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Policy No and Name	MRA's The Link Master Plan - June 2008 MRA's Perth City Link Design Guidelines 2009 MRA's Draft revised Perth City Link Design Guidelines (November 2014)
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DETAILS:

The draft revised Perth City Link Design Guidelines dated November 2014 (draft revised Guidelines 2014) are intended to replace the existing Guidelines 2009.

The MRA has referred the draft revised Guidelines 2014 to the City for comment as part of a community consultation period, commencing on 24 December 2014 and concluding on 11 February 2015.

The draft revised Guidelines 2014 sets out the vision and outlines the requirements for the PCL project area with respect to the public realm, building design, access and servicing, as well as site specific guidelines.

The draft revised Guidelines 2014 describe the key vision for the PCL project area as outlined below:

“The vision of the development is to link the city centre and Northbridge with a multi-functional, vibrant and active urban environment that embraces the city’s lifestyle and character, and distinctly reflects Perth’s 21st century aspirations”.

The draft revised Guidelines 2014 incorporate the following key amendments:

- Changes to site-specific requirements to facilitate development generally in accordance with the Leighton/Mirvac conceptual designs and project yields for development of the government-owned lots within the project area (excluding Lots 2, 3A and 11) (refer to Schedule 19);
- Maximum plot ratio provisions have been removed from the site specific guidelines, with built form controlled through podium and tower heights and setbacks;
- Reallocation of minimum residential dwellings, hotel rooms and serviced apartments required to be delivered across specific sites in order to retain minimum residential targets across the project area in accordance with the current Guidelines 2009;
- Revisions to the public realm including:
 - Removal of Queens Square to consolidate and enhance areas of public realm including the delivery of an uncovered ‘City Walk’;
 - Realignment of City Walk to respond to the proposed MAX Light Rail connection through the project area and create a clear east-west pedestrian connection through the site;
 - Inclusion of principal shared path connections, cycle paths and pedestrian linkages;
 - Revised setbacks to Wellington Street and Roe Street to maintain consistent building alignment and facilitate road widening; and
 - Changes to the road network such as the integration of ‘Little Roe Street’, reducing the need for crossovers along Roe Street.

- Revisions to facilitate State Government development projects including Yagan Square, PTA pedestrian 'portals' to the Perth Underground Bus Station; and the proposed MAX Light Rail;
- Modifying site specific guidelines for approved development in accordance with development approvals, including the Perth Arena, PTA underground rail and bus structures, and Leighton Properties 'Kings Square' In-Principle Development Approval;
- Reference to loading and structural requirements to reflect development constraints associated with development over and adjacent to the underground PTA rail and bus structures;
- Revisions to the preferred and contemplated land uses at ground floor and upper floor levels;
- Green Building requirements have been modified from some sites requiring only a minimum Tier 1 (4 – Star Green Star) rating to all sites requiring a minimum Tier 2 (5-Star Green Star) rating;
- Removing the requirement for parking bays to be provided at 50% of the maximum permitted under Perth Parking Policy and including the potential to consider precinct-wide parking arrangements; and
- Standardising the format of the draft revised Guidelines 2014 in accordance with the Elizabeth Quay and Draft Waterbank Precinct Design Guidelines.

The MRA provided Officers with an opportunity to discuss the proposed revisions to the current Guidelines 2009 in September 2014. Some of the City's technical comments have been addressed, for instance:

- requiring the submission of 3D digital modelling for development applications;
- increasing the land uses permitted for Lot 9B (North) to potentially accommodate a small bar, artist studio, events space and performance venue in addition to a potential supermarket and Lot 10 (North and South) permitting residential use as well as offices;
- requiring the previous sites which had only to achieve a Tier 1 rating to now achieve a minimum 5 Green Star rating; and
- providing additional criteria to reduce the wind impact on the public realm.

A number of matters are outstanding as discussed further in the report.

FINANCIAL IMPLICATIONS:

This report focuses on the urban planning issues arising from the proposed development at the PCL project area. The financial implications of the proposed

place making activities and the proposed vesting of the public open space and other infrastructure/facilities with the City as future assets, are not covered by this report. The whole of life cycle cost estimates for infrastructure and facilities proposed to be vested with the City from the MRA redevelopment areas will continue to be refined as information is provided by the MRA.

COMMENTS:

The review of the current Guidelines 2009 has arisen partly to accommodate recent development approvals. This highlights an issue that the City has previously raised that better planning outcomes and greater flexibility would be achieved with a more performance based approach based on sound planning principles.

Notwithstanding, this review provides the City with the opportunity to provide further comments on the proposed development of the PCL project area as outlined below:

1. Built Form and Setbacks

1.1 Podiums

The City's Urban Design Framework (UDF) requires new buildings to respond sympathetically to the prevailing rhythm of the street and to respect the traditional scale of the urban grain.

The draft revised Guidelines 2014 also requires that developments exhibit a 'fine grain' and human scale character at podium and street level to ensure a quality street edge, the preservation of view corridors, and to reduce building bulk and scale. Podium elements are also to be broken into a maximum of 30 metre modules to provide interest and articulation. This will be particularly important for Lots 6, 7 and 10 with street frontages greater than 50 metres.

The draft revised Guidelines 2014 should require that any proposed podiums with towers above should have regard for the City of Perth City Planning Scheme No.2 (CPS2) – Policy 4.5 Building Height & Setbacks to ensure a level of consistency with the rest of the city. For example, development on the northern side of Roe Street (opposite the project area) is required under the CPS2 to have a street building height (podium) of 21 metres (approximately 5 to 6 storeys) with any towers above setback 5 metres from the street alignment. Whereas development on the southern side of Roe Street under the draft revised Design Guidelines 2014 range from potentially 8 storeys to 20 storeys on the street frontage. It is noted that the 20 storey development on Lots 9A and B (north) only requires architectural expression of a podium to 4 storeys rather than the provision of a physical podium. Under the current Guidelines 2009 Lots 9 and 10 addressing Roe Street require a 3 storey podium with the tower above setback a minimum of 10 metres.

Similarly, development on the southern side of Wellington Street (opposite the project area) is required under the CPS2 to have a street building height (podium) ranging between 14 to 21 metres (3 to 6 storeys) with any towers above setback 5 metres

from the street alignment. However, development on the northern side of Wellington Street under the draft revised Guidelines 2014 generally ranges from 16 storeys to 30 storey at the street frontage. Nil setbacks to Wellington Street are permitted, with the podium element (4 storeys) again to be expressed only through architectural treatment. It is noted that the current Guidelines 2009 require the provision of physical podiums.

As such, it is recommended that the overall building massing and scale of the buildings addressing Roe and Wellington Streets be reviewed to reduce their impact at the pedestrian level and also on places of cultural heritage significance situated along the southern side on Wellington Street and on the corner of Roe and William Street.

It is also recommended that the provision outlined in the current Guidelines 2009 requiring podium developments to consider north facing terracing and significant view corridors and to minimise overshadowing of the public realm be reinstated.

Any future development should accord with the principles outlined in the City of Perth's CPS2 – Planning Policy 4.5 Building Height & Setbacks which state that the street building height (podium) of development should:

- i) *generally be of low scale;*
- ii) *generally be consistent with other street building heights within the street;*
- iii) *generally relate to the role of the street in the city's hierarchy of streets as outlined in the City's Urban Design Framework;*
- iv) *maximise sunlight penetration into street, public spaces and buildings, and provide for moderate to high levels of sunlight penetration into key pedestrian areas and public spaces in the middle of the day (10am-2pm) from August through to April; and*
- v) *respect the street building heights of places of cultural heritage significance within the street.*

1.2 Podium expression

As outlined above, the draft revised Guidelines 2014 refer to the term 'architectural expression' of a podium, which permits towers to come to the ground and the podium element to be expressed through architectural treatment.

It is considered that the architectural expression of a podium will not achieve the desired built form outcome of assisting to break up the massing of a building, it will not open up views to the sky, create a sense of human scale to the streetscape, nor reduce the standing vortex (wind factor) or maximise sunlight penetration into streets, public places and buildings.

As such, it is recommended that actual physical podiums are provided as per the current Guidelines 2009 and having regard to the CPS2 – Planning Policy 4.5 Building Height & Setbacks. On occasions, towers without a podium may be considered appropriate at street corners in recognition that these may benefit from special design emphasis and if specific design criteria are achieved.

1.3 Solar access

The draft revised Guidelines 2014 incorporates a new provision requiring minimum levels of solar access into the public realm on 1 September as shown in Schedule 5. These are supported however, it is recommended that a model be provided to demonstrate that the proposed built form and setbacks are able to achieve the required level of solar access outlined for the Milligan Bridge Plaza, Wellington Gardens and Kings Square. It is essential that any solar access modelling also consider the impact from properties on the northern side of Roe Street situated outside of the project area. In addition it is recommended that solar access objectives be provided for Wellington Street as it is earmarked to become a key pedestrian street.

It is recommended that the proposed public access way (PAW) between Lots 6 and 7 on Roe Street be widened and the towers above the podium levels be set back from the PAW in order to assist in achieving the proposed minimum solar access for Wellington Gardens and to reduce the overall building bulk along Roe Street frontage.

Consideration should also be given to the proposed built form to the north and south of "City Walk" to ensure that pedestrians using "City Walk" have visibility of the sky and access to natural light.

1.4 Separation between towers

Under the draft revised Guidelines 2014 the minimum distance between two towers is proposed to be reduced from 25 metres to 20 metres. This is supported.

The draft revised Guidelines 2014 also specify that Lots 9A and 9B (South) may accommodate a tower on each lot with setbacks of nil as well as 6 metres being permitted.

A nil setback between the two towers is not supported. It is recommended that the provisions of the CPS2 – Planning Policy 4.5 Building Height & Setbacks be considered whereby the minimum distance required between two towers should be dependent on the land use (Residential or Commercial) and whether there are any major openings to ensure adequate protection of amenity, access to light and ventilation and minimise the perceived visual building bulk from the street. Generally a range between 6 to 16 metres of separation between towers is required but sites in the remainder of the city are generally smaller.

It is noted that the CPS2 policy also states that the side and rear setback standards may be required to be increased for tower development above podiums which have a significantly wide elevation (>50 metres) in order to satisfy the objectives of the policy.

1.5 Additional building height

The proposed additional tower height of an extra two to four storeys across some of the lots within the project area as outlined in Schedule 2 should only be considered if it can be demonstrated that there will no adverse impact on any key pedestrian areas or public open space (refer to Schedules 23 and 24).

Additionally, the draft revised Guidelines 2014 specifies that building design should respond to the building's role in the wider cityscape and provide a transition from the CBD to the Northbridge streetscape. This requirement is also reinforced in the City's UDF which indicates the gradual reduction of building height from the city core down to Northbridge. The proposed additional building height may be contrary to this objective.

Any tower development over 65 metres from the ground floor should be setback a minimum of 10 metres from the street frontage as per the City's CPS2 – Planning Policy 4.5 Building Height & Setbacks. Side and rear setbacks should also be doubled.

It is considered that stipulating a minimum building height for towers above podium level as proposed under the draft revised Guidelines 2014 is not warranted.

1.6 Street frontages – PTA sub station

Lot 9B (North) is proposed to accommodate a PTA sub-station compound on the northern edge of the lot along Roe Street. It is recommended that the proposed sub-station be required to be integrated into the building and situated so that it is not visible to the street, in order to maintain attractive and active street frontages.

1.7 Key Views and Access

Building designs should take into consideration views from adjacent existing or potential heritage streets (including King and Queen).

The new access road opposite Queen Street should align with Queen Street to reflect the existing urban grain of the city and enable clear sight lines from the CBD to Northbridge. This may be achieved either through subdivision design or building setbacks on Lot 9B (South) (refer to Schedule 25).

Additionally, under the draft revised Guidelines 2014 the proposed role of the extension of Queen Street is to primarily cater for loading and service facilities. This is not supported as the street is recognised as an important link from the CBD to Northbridge (China Town) and requires a greater level of activation.

2. Land Use

2.1 Location of Residential Development

The draft revised Guidelines 2014 state that residential uses may be considered on Lot 3B and Lot 4 subject to measures being incorporated into the development demonstrating that noise and vibration issues associated with the PTA, rail and bus operations, the Perth Arena, the Mitchell Freeway and the Northbridge Entertainment precinct have been appropriately attenuated. In this regard the development should comply with the MRA's Sound Attenuation Policy, Environmental Protection (Noise) Regulations 1997, and other requirements in consultation with PTA and Department of Environment and Regulation (DER).

The City's technical officers consider that compliance with the MRA's Sound Attenuation Policy will not achieve appropriate attenuation for residential uses in this location as the performance standards specified do not go far enough to address/minimise noise intrusion associated with the noise sources highlighted above.

Additionally, the MRA's Central Perth Redevelopment Scheme states that Precinct 33 on the western boundary of PCL project, *"will be developed with a focus on entertainment, hotel accommodation and major public transport and pedestrian linkages"*. Whilst it is acknowledged that 'Residential' Use is a contemplated 'C' Use under the MRA's Central Perth Redevelopment Scheme, it is recommended that permanent Residential not be supported for Lots 3B and 4. Any residential development should only be for transient use such as hotels and serviced apartments. Additionally, under the current Guidelines 2009, 'Residential' Use is not identified for these sites.

It is recommended that reference to the '5A Residential' Use being a 'Contemplated Use' within the Design Intent should be deleted from the draft revised Guidelines 2014. No other contemplated uses under the MRA's Central Perth Redevelopment Scheme are listed

These matters have been raised during workshops held by the MRA on the draft revised Guidelines 2014 in September 2014, and also in correspondence to the MRA on the stage 3 subdivision for the PCL project area in November 2014.

Note the City of Perth should be consulted should any residential developments be proposed on these lots.

2.2 Land Use & Development Yields

It is recommended that a table be incorporated within the draft revised Guidelines 2014 outlining the minimum and maximum development yields for land uses for the PCL project area as has been provided for in the MRA's draft revised Waterbank Precinct Design Guidelines 2014. This table should also incorporate minimum public open space and community/cultural provisions for each of the three Scheme Precinct

Areas. It is also recommended that hotels and serviced apartments are excluded from the minimum residential dwellings requirements.

Further emphasis should be placed on providing 'Residential' Use as a 'Preferred Use in appropriate locations in order to accord with the State's planning strategy (Directions 2031 and Beyond) and also allow for changes in land use over time. This approach will help to make the city more active and vibrant, as well as to promote an 18 hour economy. As such it is recommended that 'Residential' use also be permitted on the upper floor levels of Lot 204 (KS1), Lot 203 (KS2), Lot 103 (KS3) and Lot 202 (KS4), as provided under the current Guidelines 2009.

3. Community Infrastructure Plan

The draft revised Guidelines 2014 also states that a Community Needs Assessment may be required to identify facilities to serve the needs of residents, workers and visitors to the precinct. Community facilities also provide the potential for additional and more diverse employment and opportunities to create a sense of local ownership, all of which help meet State and local government liveability objectives. As such, the encouragement of space for future community uses / facilities on Lot 10, and also as part of the Yagan Square development is supported.

The draft revised Guidelines 2014 state that a publicly accessible toilet facility is encouraged to be developed within the building(s) adjacent to Kings Square. This provision is supported given the central location of Kings Square, situated between the Perth Arena and Yagan Square.

Further discussion is required however, on how the community facilities provisions will be applied, as well as on the needs, design and the associated governance and land tenure issues.

Consideration should be given to offering floor space incentives to encourage the delivery of community facilities, similar to those under the City's CPS2. As a guide, the City's CPS2 – Planning Policy 4.6.1 – Bonus Plot ratio enables the Council to consider additional floorspace for development to encourage the provision of public facilities within private development in areas where there is an identified or demonstrated need in order to strengthen and enhance the physical and social environment of the city. Facilities that are considered include public toilets, public change rooms, public end of journey facilities, public cultural facilities, public pre-school or child care facilities and associated space.

Reconsideration should therefore be given to supporting the proposed additional floor area on the majority of the lots throughout the PCL project area 'as of right'. Any additional building height however, must not compromise the amenity of key pedestrian areas, public open space, or places of cultural heritage significance.

4. Place Making

The draft revised Guidelines 2014 state that the MRA is committed to Place-Making – *"a powerful framework for urban regeneration that considers triple bottom line*

sustainability for on-going investment attraction, as well as diversity, heritage and culture". In order to appreciate how the project vision for the precinct will be delivered it is recommended that a place management strategy be prepared and submitted to the City of Perth for its consideration. The proposed role and responsibilities of the key stakeholders within the PCL project area should be outlined as well as other ownership, management, operation and maintenance matters.

For example, Kings Square is proposed to be activated day and night, and flanked by late night retail, cafes/restaurants and bars to support this. The MRA anticipate that the space may accommodate fashion shows or food and wine festivals.

It is unclear what if any role the MRA is expecting of the City in terms of place management or activation. Should the City be required to have a role in this, it is likely to need an increase in funding and resources to do so. Additionally, it may be difficult for the City to justify activation of new spaces when there are existing spaces within the city that have no special activation treatment.

5. Traffic and Parking Issues

5.1 Road Design

A new provision should be incorporated into the draft revised Guidelines 2014 requiring a geometric road design and layout as well as traffic modelling to be provided to demonstrate the adequacy of the proposed road network shown in Schedule 4 of the Guidelines. The modelling should also demonstrate that the proposed internal road layout and design can accommodate heavy service vehicles (including turning circles). It should be noted that a minimum carriageway width of 6.4 metres is required for any proposed internal roads.

5.2 Road Safety

A new provision should be incorporated into the draft revised Guidelines 2014 requiring an independent Road Safety Audit to be undertaken in accordance with Austroads – 'Guide to Road Safety Part 6: Road Safety Audit by a MRWA accredited Senior Road Safety Auditor and submitted to the City of Perth for approval, with any proposed road design within future subdivisions at both the concept stage as well as at the detailed design stage.

6. Basement Parking

Both the current Guidelines 2009 and the draft revised Guidelines 2014 indicate basement parking will be provided within a number of sites and extend underneath the road reserve or pedestrian mall. Where this occurs, a minimum depth of 1.5 metres (or as otherwise agreed with the City of Perth) is to be provided between the subterranean lot and the road reserve.

The City would need to be fully indemnified by the leasee's of any subterranean lots for any liability which may arise out of the City's approval, construction, use or

maintenance of the road reserve or pedestrian malls. This should be covered by a legal agreement and addressed at the subdivision stage.

It is recommended that the MRA be advised however, that a clearance of greater than 1.5 metres may be required between the top of any basement level and the subsurface road level in order to:

- accommodate services, drainage infrastructure, tree planting; and
- provide for a minimum load bearing capacity for service vehicles.

Other matters to be considered include:

- the need for the City to be consulted in regard to the term of any leases for the subterranean lots and what would occur on expiry of the lease periods;
- any infrastructure which may be handed over to the City as a future asset should be designed to ensure that the proposed clearance is adequate;
- the need to minimise disruption to adjoining landowners, businesses, road and pedestrian mall users during construction of the subterranean lots;

The timing of construction of the subterranean lots will need to be agreed with the City to minimise disruption and costs.

It is noted that KS3 has recently been approved with a basement level which extends under the proposed pedestrian mall.

7. Public Open Space – Reduction

Further consideration is required of the proposed reduced amount of public open space throughout primarily the western portion of the PCL project area as outlined below:

	Current PCL Design Guidelines 2009	Proposed PCL Design Guidelines 2014
Lot 5 (Channel 7 site) - Wellington Gardens	minimum area of 1600m ² or 10% of the ground level lot, whichever is the greater for public open space	No minimum area provided
Lot 6	25% of the lot area or a minimum of 1150m ² of open space	No reference provided
Lot 7	20% of lot area or a minimum of 1000 m ² .	No reference provided
Queen's Square	2,100m ² required under the Link Master Plan	Deleted to accommodate 'City Walk'

The reduction of public open space is contrary to the City's Policy 5.2 - Protection and Enhancement of Open Space which seeks to maintain and enhance the City's existing public open space, as an important element of the city. The retention of

public open space is important as the city continues to grow in resident, worker and visitor population.

It is acknowledged that the subdivision plan for the PCL project area which incorporates the private landholding of the Kings Square site (Premier Capital Developments Pty Ltd aka: Channel 7), including Wellington Gardens (1,312m²) was approved by the WAPC in December 2011.

As such it is recommended that the open space area provisions outlined in the current Guidelines 2009 for the PCL project area be reinstated where possible.

8. Environmental Issues

8.1 Acid Sulphate Soils (ASS)

The PCL project area is affected by ASS. The Department of Environment Regulation (DER) has advised that activities that have the potential to disturb ASS, either directly, or by affecting the elevation of the water table, need to be managed appropriately to avoid environmental harm. An Acid Sulfate Soil Management Plan (ASSMP) should be prepared and implemented to effectively manage potential impacts of such activities. It is important that the City is consulted in preparation of this as an owner of the future assets.

The MRA's environmental consultant has advised that a remediation plan has recently been submitted to DER for comment.

The City is also seeking confirmation from the developers for works already commenced of compliance with the Australian Standard for in ground structures in acid sulphate zones.

8.2 Maximum Tree Canopy

it is recommended that a new provision be incorporated into the draft revised Guidelines 2014 requiring 25 per cent tree canopy at 5 year maturity for the precinct. A minimum tree root zone of 5m³ is also required.

8.3 Green Star Community Rating

The MRA has advised that the Leighton's Mirvac consortium, who are responsible for developing a portion of the PCL project area intend to pursue a Green Star Community Rating. This presents an opportunity to identify resource efficiency measures across the site, including precinct energy generation solutions to be implemented that support the City's strategic approach to making the City Energy Resilient.

It is noted that the Officers would welcome the opportunity to discuss this further with the MRA and the Leighton Mirvac consortium.

It is also acknowledged that the draft revised Guidelines 2014 require all buildings to achieve a minimum 5 star green building rating which is supported.

9. Development, Ownership and Management of Public Infrastructure

The Council, at its meeting held on the 24 June 2014, agreed to enter into a Memorandum of Understanding (MoU) with the MRA to continue to improve the cooperation between the City and the MRA in the delivery of the Redevelopment Projects in the city.

The MoU is intended to be supported by the Site Specific Agreements as well as Agreements for Public Asset Design, Approval, Development and Handover for each Project Area.

The Officers are liaising with the MRA to determine who will own and be responsible for the management of a range of public infrastructure proposed within the PCL project area. The MRA will need to demonstrate to the City the benefit to the public of any proposed facility or infrastructure that it requests the City to take over, as well as the ongoing life cycle cost implication. It is essential that these benefits should outweigh any ongoing financial burden.

These matters, any associated risks, and the staging of the development will be addressed as part of the site specific agreements to be undertaken between the City and the MRA. A future report to Council will be prepared once further details are received.

10. Previously Identified Issues

A number of specific design matters relating to Wellington Gardens, Kings Square and the Yagan Square development, as well as the latest subdivision application have already been raised by the City with the MRA in correspondence in 2014. These should also be taken into consideration by the MRA in reviewing the draft revised Guidelines 2014.

CONCLUSION:

The sheer scale of the PCL project area at 13.5 hectares will have a very large impact on the character of a sizable area of the city. As such, it is important that the built form issues outlined above are addressed in order to ensure that the PCL project area will form part of the urban and social fabric of the city, and not be a separate entity.

The draft revised Guidelines 2014 will be able to provide guidance to the majority of the PCL project area with the exception of those lots contained within the Kings Square site where development is well underway.

Moved by Cr McEvoy, seconded by Cr Harley

That Council advises the Metropolitan Redevelopment Authority that it:

1. supports the draft revised Perth City Link Design Guidelines dated November 2014, subject to the following key issues being resolved prior to the finalisation of the Design Guidelines, as detailed in this report and in the attached Schedule 18:

1.1 a 3D digital modelling exercise should be provided in order to demonstrate the impact of the proposed built form on public open space, key pedestrian areas, adjacent precincts and places of cultural heritage significance, noting that:

a. solar access modelling should be provided to demonstrate that the proposed built form and setbacks are able to achieve the required level of solar access outlined for Milligan Bridge Plaza, Wellington Gardens and Kings Square. Additionally, that solar access objectives also be provided for Wellington Street as it is ear marked as a key pedestrian street;

b. it is recommended that the proposed public access way (PAW) between Lots 6 and 7 on Roe Street be widened and the towers above the podium levels be set back from the PAW in order to assist in achieving the proposed minimum solar access for Wellington Gardens and reducing the overall building bulk along the Roe Street frontage;

1.2 the proposed built form should accord with the principles outlined in the City of Perth's City Planning Scheme No.2 – Policy 4.5 Building Height & Setbacks and the City of Perth's Urban Design Framework, noting that:

a. any proposed podiums should be consistent with the rest of the city, and have regard to surrounding streetscapes including places of cultural heritage significance.

b. it is considered that the proposed architectural expression at podium level will not assist to break up the massing of buildings or create an inviting streetscape for pedestrians, and as such, is not supported;

(Cont'd)

- c. any tower development over 65 metres from the ground level should be set back an additional 10 metres from the street frontage;*
 - d. the proposed minimum building height for towers above podium level is not considered to be warranted;*
 - e. any proposed additional building height should only be considered if it can be demonstrated that there will be no adverse impact on any key pedestrian areas or public open space;*
 - f. the proposed nil setback between the two towers on Lots 9A and B (South) is not supported;*
 - g. the proposed PTA sub-station compound situated on the northern edge of the Lot 9B (North) along Roe Street needs to be integrated into the building and situated such that it is not visible from the street;*
- 1.3** *building designs should take into consideration views and building design from adjacent heritage streets;*
- 1.4** *the new road opposite Queen Street should align with Queen Street to reflect the existing urban grain of the city and enable clear sight lines from the CBD to Northbridge noting that:*
 - a. the proposed role of the extension of Queen Street, primarily catering for loading and service facilities, is not supported as it is an important link from the CBD to Northbridge (China Town) and requires a greater level of activation;*
- 1.5** *it is recommended that the reference to 'Residential' Use (Category 5A) being a 'Contemplated' Use be deleted from the Design Intent for Lots 3B and 4. The City has concerns that any permanent residential development on these lots will not achieve appropriate noise attenuation standards;*
- 1.6** *further emphasis should be placed on providing 'Residential' Use as a 'Preferred' Use in appropriate locations in order to accord with the State's planning strategy (Directions 2031 and Beyond) and also allow for changes in use over time;*

(Cont'd)

- 1.7 consideration should be given to allowing the proposed additional floor area as an incentive for the provision of community facilities, rather than ‘as of right’;**
- 1.8 a place management strategy should be prepared and submitted to the City of Perth for its consideration outlining how the project vision will be delivered. The proposed role and responsibilities of the key stakeholders within the Perth City Link project area will need to be outlined as well as other ownership, operation, maintenance and associated cost matters noting that:**
- a. the proposed community facilities are supported, however a Community Needs Assessment report should be prepared in consultation with the City to deliver specific community needs. Further discussion is also required on how the community facilities provisions (including the provision for a publicly accessible toilet facility in building(s) adjacent to Kings Square) will be applied, as well as on the design and associated governance and land tenure issues;**
- 1.9 a new provision should be incorporated into the draft revised Guidelines 2014 requiring traffic modelling and a geometric road design and layout assessment to be undertaken by the MRA/developer of the new roads in order to address the issues outlined within this report. It should be noted that a minimum carriageway width of 6.4 metres is required for any proposed roads;**
- 1.10 a new provision should be incorporated into the draft revised Guidelines 2014 requiring an independent Road Safety Audit to be undertaken in accordance with Austroads – ‘Guide to Road Safety Part 6: Road Safety Audit by a Main Roads Western Australia accredited Senior Road Safety Auditor and submitted to the City of Perth for approval, with any proposed road design within future subdivisions at both the concept stage as well as at the detailed design stage;**
- 1.11 a clearance of greater than 1.5 metres may be required between the top of any basement level and the subsurface road level in order to accommodate services, drainage infrastructure, tree planting as well as a minimum load bearing capacity for service vehicles;**

(Cont’d)

- 1.12** *the overall loss of public open space, particularly within the western portion of the PCL project area is not supported. It is recommended that the current open space provisions be reinstated (where possible) in order to enhance the amenity for future residents, workers and visitors;*
- 1.13** *a new provision should be incorporated into the draft revised Guidelines 2014 requiring all development to be carried out in accordance with an approved Acid Sulfate Soil Management Plan (ASSMP). A copy of the plan should be forwarded to the City of Perth upon approval of the Department of Environment Regulation. Additionally, the Metropolitan Redevelopment Authority should provide confirmation to the City of compliance with the Australian Standard for in ground structures in acid sulphate zones;*
- 1.14** *a new provision should be incorporated into the draft revised Guidelines 2014 requiring 25 per cent tree canopy at five year maturity within the public realm. It should be noted that a minimum tree root zone of 5m3 is required;*
- 1.15** *a new provision should be incorporated into the draft revised Guidelines 2014 requiring the design and development of the public realm to be undertaken with reference to the City of Perth standards and in consultation with the City of Perth;*
- 2.** *recommends that regard should be given to the specific design issues raised by the City in correspondence to the Metropolitan Redevelopment Authority in 2014 associated with Wellington Gardens, Kings Square, Little Roe Street and Yagan Square, including the latest subdivision application;*
- 3.** *seeks the opportunity to discuss with the Metropolitan Redevelopment Authority and Leighton Mirvac Consortium their aspirations for a Green Star Community Rating for the Perth City Link project area.*

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

PL16/15 CITY OF PERTH SUBMISSION – PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2014

BACKGROUND:

FILE REFERENCE: P1023743
REPORTING OFFICER: Peter Simpson, Senior Strategic Town Planner
RESPONSIBLE DIRECTOR: Martin Mileham, Director City Planning and Development
DATE: 14 January 2015
MAP / SCHEDULE: Schedule 26 – City of Perth Submission on the *Planning and Development (Local Planning Scheme) Regulations 2014*

In September 2013 the Department of Planning (DoP) released the Planning Reform Phase Two Discussion Paper, the Review of the *Planning and Development Act 2005* and the Review of the Development Assessment Panels (DAPs). The Phase two reform agenda includes:

- A review of the Metropolitan Region Scheme (MRS);
- Improving the Amendment Process for Regional Planning Schemes;
- Concurrent Amendments of region planning schemes and local planning schemes;
- Improving the local planning scheme review process;
- Improving the local planning scheme amendment process;
- Streamlining the structure plan process;
- Developing a track-based development assessment model;
- Private certification of development applications;
- Standardised delegations of local government development decisions;
- Introducing an electronic application and tracking system;
- Considering design and development;
- Reviewing the role of the Western Australian Planning Commission (WAPC);
- Improving the function of the Infrastructure Coordinating Committee;
- Funding of region planning schemes and initiatives.

At its meeting held on **10 December 2013**, Council resolved to authorise the Chief Executive Officer to finalise the City's submissions to the DoP regarding these documents.

The submission with respect to the Planning Reform Phase Two Discussion Paper provided qualified support for all of the planning reforms with the exception of the proposals for sub regional structure plans to amend region planning schemes, private certification of development applications, standardised delegation of local government development decisions and local government planning accreditation.

Of relevance to the consideration of the *Planning and Development (Local Planning Scheme Regulations) 2014* (the Regulations), the following comments were made.

Key Issue/Proposal	City of Perth Response
<p>As part of Model Scheme Text review, regulations providing a set of standard provisions that will apply automatically to all local government schemes, including standard processes for development applications, structure plans and development contribution plans.</p>	<p>Supported</p> <ul style="list-style-type: none"> • Support standard provisions which are generic and administrative in nature. • Provide flexibility to prepare regional and local provisions to suit specific circumstances. • Further consultation is needed with Local Government in this regard.
<p>As part of Model Scheme Text review, there will be a review of what proposals may be exempt from requiring planning approval, such as removing the need for compliant single houses to obtain planning approval.</p>	<p>Supported</p> <ul style="list-style-type: none"> • City recognises the potential for specific developments to be exempt from planning approval but would like more specific details on what classes would be exempt to provide further comment. • A clear and prescriptive code would be essential if development applications are to become exempt from planning approval or be self-assessable to provide certainty for all parties. There are limitations to codification of development as it has the potential to discourage innovative and local variations, and may result in mediocre outcomes. Any codes need to provide scope for design to respond to the local context. Different approaches are likely to be required in different areas. • In the City, single dwellings currently require planning approval under the City Planning Scheme No. 2 (CPS2) however the City receives few such applications with 96% of dwellings in the city being medium to high density. Due to site constraints (small lot sizes and topography) and the built-up urban environment of the city, complex design solutions are often required to address amenity issues and ensure all developments make a positive contribution to the streetscape. The Residential Design Codes

Key Issue/Proposal	City of Perth Response
	<p>are not considered to adequately address the finer issues affecting inner city living, such as noise attenuation, good design layout, amenity and architectural features.</p> <ul style="list-style-type: none"> • Clause 37 of the CPS2 exempts certain types of development from needing to gain planning approval. Minor development listed in Schedule 8 of the CPS2 is exempt, subject to the prerequisites and standards identified in the Schedule being met. • Early developer consultation with planning authorities is considered to be more important than codifying development in terms of ensuring reasonable processing timeframes and quality outcomes.
<p>As part of the Model Scheme Text review, improving administrative provisions, definitions, language and the general user friendliness of schemes.</p>	<p>Supported</p>
<p>As part of the Model Scheme Text review, regulations clearly setting out the steps required in the scheme preparation and scheme amendment process, including steps and timeframes to be undertaken by the Department of Planning/WAPC.</p>	<p>Supported</p> <ul style="list-style-type: none"> • Strongly support the introduction of timeframes for the Department of Planning/Western Australian Planning Committee and steps in the Scheme amendment process. • The Administration's experience is that significant delays occur in the processing of scheme amendments once referred to the WAPC rather than the environmental review process. Time limits on the WAPC should be introduced to authorise advertising or provide recommendations to the Minister for final approval of a local planning scheme and scheme amendment.
<ul style="list-style-type: none"> • The number and content of local strategies required as part of a scheme review are to be streamlined. • Major local planning scheme reviews are proposed to be 	<p>Supported</p> <ul style="list-style-type: none"> • The streamlining of the number and content of local planning strategies is supported however further detailed consultation is required as the paper lacks any detail beyond this statement. The WAPC's Local Planning

Key Issue/Proposal	City of Perth Response
undertaken every ten years and minor reviews every five years or less.	<p>Manual (March 2010) which provides guidance on the preparation of local planning strategies should also be reviewed to reflect this.</p> <ul style="list-style-type: none"> The proposal that a major review of town planning schemes be undertaken every ten years and minor reviews every five years or less is realistic, appropriate and supported.
In addition to the proposals detailed under key issue number three – Local planning schemes (3.1 – Amendment process for local planning schemes) in the Review of the Planning and Development Act 2005 table, a minor local planning scheme amendment process is included which provides for a shorter, less complicated process. This is proposed for occasional use such as correcting minor oversights.	<p>Supported</p> <ul style="list-style-type: none"> Refer to key issue number three – Local planning schemes in the Review (3.1 – Amendment process for local planning schemes) of the Planning and Development Act 2005 table. The introduction of a minor local planning scheme amendment process is supported in principle subject to parameters for such amendments and timeframes being defined. The City's experience is that omnibus amendments or amendments to minor town planning schemes may be appropriate to undergo such a minor amendment process.
<p>Content of structure plans to be guided by a revised MST</p> <p>Local government to prepare and assess then refer to WAPC as determination as the WAPC should be single point of determination for strategic structure plans (sub-regional and district).</p>	<p>Supported</p> <ul style="list-style-type: none"> Support new general provisions and guidelines although CoP rarely/never involved in structure planning. The single point of determination for statutory structure plans (eg. local and activity centres) subject to compliance with sub-regional and district structure plans should be Local Government. WAPC being the single point of determination for statutory structure plans is contradictory to '4.2 Role of the WAPC' which highlighted importance of the WAPC having a more strategic focus.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation

Planning and Development Act 2005
Town Planning Regulations 1967
Heritage of Western Australia Act 1990
Metropolitan Region Scheme

Environmental Protection Act 1986
Land Administration Act 1997
State Administrative Tribunal Act 2004
Swan and Canning Rivers Management Act 2006
Strata Titles Act 1985

**Integrated Planning
and Reporting
Framework
Implications**

Corporate Business Plan

Council Four Year Priorities: Capable and responsive organisation
S18 Strengthen capacity of the organisation

DETAILS:

The DoP has released the following documents for public comment:

- 'Planning makes it happen: Phase two discussion paper – *Planning and Development (Local Planning Schemes) Regulations 2014*’, and
- *Planning and Development (Local Planning Schemes) Regulations 2014*.

The draft Regulations address the improvement of the local planning scheme review process, the improvement of the local planning scheme amendment process, streamlining structure planning and developing a track based development assessment model under the Phase Two reform agenda. The draft Regulations are intended to replace the *Town Planning Regulations 1967* (the existing Regulations).

The Regulations are set out in three sections, being:

- Local Planning Scheme Regulations (Parts 1 to 9):

The Regulations set out how local planning schemes are prepared, amended and reviewed.

- The Model Provisions for Local Planning Schemes (Schedule 1 of the Regulations):

These operate in the same way as the current model scheme text provisions and will apply when a local government next updates its scheme. There is also the ability for a local government to vary the model provisions where such a variation can be justified (section 257A(3) of the Planning Act).

- The Deemed Provisions for Local Planning Schemes (Schedule 2 of the Regulations):

These are a new type of provisions and will automatically apply on gazettal of the Regulations (expected 1 July 2015). If there is inconsistency between a local planning scheme and a deemed provision, the deemed provision prevails. Deemed provisions cannot be varied, however, supplementary provisions can be included where consistent with the Regulations.

The key changes to the Regulations include:

Local Planning Scheme Regulations

The Local Planning Scheme Regulations are divided into nine parts, being;

- Part 1 – Preliminary
- Part 2 – Requirements for local planning scheme
- Part 3 – Local planning strategies
- Part 4 – Preparation or adoption of local planning scheme
- Part 5 – Amending local planning scheme
- Part 6 – Review and consolidation of local planning schemes
- Part 7 – Development contribution plans
- Part 8 – Miscellaneous
- Part 9 – Repeal and transitional provisions

Parts 1, 2 and 3 are generally the same as the existing Regulations however, Part 3 enables a local planning strategy and the local planning scheme to be prepared concurrently, where at the moment they are separate processes.

Part 4 includes changes to the preparation and adoption of a local planning scheme. The current process for the initiation of a new scheme requires consent from the Minister before advertising the local government's resolution to initiate a new scheme. The draft Regulations do not require the initiation to be approved by either the WAPC or the Minister.

A resolution to adopt a scheme still requires referral to the WAPC as per the existing arrangements, however, does not require the Minister's consent. The advertising of a new scheme is generally the same, however, the advertising timeframe has been reduced from three to two months.

The consideration of any submissions to a new scheme is generally the same, however, the timeframe to forward the documents to the WAPC after the Council has resolved to either adopt, adopt with modification or refuse to adopt the new scheme has been reduced from 28 days to 21 days.

If the Minister requires changes to the scheme, which are considered significant and require re-advertising, the provisions are generally the same, however, a specified timeframe of 28 days for the advertising is provided. Currently the timeframe is at the discretion of the Minister.

Part 5 includes changes to the scheme amendment process. The current regulations only have one amendment process. The new Regulations have three amendment processes being either basic, standard or complex amendments. It will be at the discretion of the local government to determine the type of amendment, however, the Regulations provide guidance around this.

The basic amendment process is for amendments which correct administration errors and to amend a scheme to be consistent with the model provisions, other Acts and

the region scheme (where the amendment will have minimal effect on the scheme or landowners). The process requires a resolution to prepare or adopt a basic amendment. The amendment is then forwarded to the WAPC for consideration and then to the Minister for approval. A basic amendment does not require advertising for public comment.

The standard amendment process is for amendments to a zone or reserve that is consistent with the zone or reserve objectives, an amendment consistent with a local planning strategy, an amendment consistent with a structure plan or local development plan, an amendment consistent with a region scheme (where not a basic amendment), an amendment which has minimal impact on land that is not the subject of the amendment and an amendment that does not have any significant environmental, economic and governance impacts. The process for a standard amendment is a resolution to prepare an amendment, advertising for not less than 21 days and then forwarding to the WAPC for consideration and then to the Minister for approval.

Complex amendments are all other amendments that do not meet the criteria for basic or standard amendments. The complex scheme amendment process is generally the same as the current scheme amendment process.

Part 6 includes changes to the review and consolidation of a local planning scheme. The *Planning and Development Act 2005* currently requires schemes to be consolidated to include all gazetted scheme amendments every five years, unless the local government resolves to prepare a new scheme. The draft Regulations only require a review of the scheme to be carried out every five years. The WAPC is currently amending the consolidation provisions of the Act to provide consistency with the Regulations.

The scheme review must be completed within six months of the five year period. The review makes a recommendation whether the scheme is satisfactory in its existing form, should be amended, is due to be consolidated or should be repealed and a new scheme prepared. The review also makes a recommendation whether a new local planning strategy should be prepared or a review of the existing local planning strategy should be undertaken.

Therefore the main change is that rather than requiring a consolidated or new scheme every five years, the draft Regulations only requires a review every 5 years which may result in no changes to the scheme or only minor changes rather than a full consolidation or a new scheme being prepared.

A scheme that is more than five years old at the time of gazettal of the Regulations is taken to be five years old and therefore will require a review immediately upon gazettal of the Regulations. The provisions also restrict, unless approved by the WAPC, amendments to a scheme that is more than five years old.

Part 7 introduces the provisions for Development Contribution Plans which reflects the requirements under State Planning Policy 3.6 – Development Contributions for Infrastructure.

Part 8 includes miscellaneous provisions relating to recovering expenses for environmental reviews, compensation and transitional arrangements for the continuation of applications and planning instruments from an old to a new scheme.

Part 9 includes the repeal and transitional provisions which provides the repeal of the *Town Planning Regulations 1967* and the continuation of planning instruments that have been adopted or are currently being prepared (ie new schemes or scheme amendments).

Model Provisions for Local Planning Schemes

Model Provisions are scheme provisions that are to be included in local planning schemes when preparing a new local planning scheme. The existing Regulations contain the Model Scheme Text which has been reviewed and divided in the draft Regulations into the model provisions and the deemed provisions.

There is the ability for a local government to vary from the model provisions where such a variation can be justified (section 257A(3) of the Planning Act).

The amendments from the existing Model Scheme Text include:

- Provision for the ability to identify additional uses for local reserves;
- Inclusion of the 'I' incidental land use, which is a use incidental, ancillary or subordinate to the predominate use;
- Provision for a non-conforming use register;
- Provision for restrictive covenants to be extinguished or modified with the approval of the WAPC;
- Clarification of the variations to site and development standards and requirements, largely by excluding the provisions relating to the Residential Design Codes (as the variations exist in the R-Codes);
- Expansion on the Special Control Area provisions, however, does not change the intent;
- Provision of changes to the standard list of definitions; and
- Provision of a standard list of reserves, zones and scheme map colours.

Deemed Provisions for Local Planning Schemes

Deemed provisions are scheme provisions which become law upon the gazettal of the Regulations and there is no ability to vary these.

The Officers have been provided with conflicting advice from the DoP as to whether the deemed provisions are intended to be included in the CPS2 through a scheme amendment or whether they are intended to sit separately to the CPS2. In any case, the deemed provisions are not included in CPS2 at the time of gazettal of the Regulations. The City and an applicant will be required to refer to both the Regulations and the CPS2 to determine the appropriate scheme provisions. In the event of any inconsistency, the deemed provisions will prevail.

The deemed provisions are generally administrative in nature, however, include definitions and exemptions from the requirement to obtain development approval.

The deemed provisions include:

- Definitions, most of which are administrative, however, they do include a height definition;
- The process for the preparation of local planning policies;
- Standard heritage provisions which includes a general discretion clause;
- The process for the preparation of structure plans which includes the WAPC as the only determining authority (currently both the local government and the WAPC determine structure plans).
- Exemptions from the requirement for development approval, which include;
 - Development of a region reserve under the MRS;
 - Development that is in accordance with a local development plan;
 - Internal works, excluding heritage places;
 - Single house, ancillary accommodation, outbuildings external fixtures etc where it complies with the deemed to comply provisions of the Residential Design Codes (R-codes);
 - Demolition, excluding heritage places;
 - A home office;
 - Temporary works or use which exists for less than 48 hours;
 - Temporary election signage;
 - Other signage as defined by the scheme ; and
 - Any other development specified in writing by the local government.
- Provisions to amend or revoke a development approval, which are the same as the Development Assessment Panel provisions. The provisions enable amendments and extensions of the timeframe within two years, as well as conditions to be reconsidered and minor changes to plans after the two years.
- Administrative provisions including:
 - Part 7 – Applications for development approval;
 - Part 8 – Procedure for dealing with applications for development approval;
 - Part 9 – Bush fire risk management;
 - Part 10 – Implementation of development contribution plans;
 - Part 11 – Enforcement and administration; and
 - Part 12 – Forms referred to in this scheme.

Submissions on the draft Regulations are due 30 January 2015, however, the City has been granted an extension until after the Council meeting on 3 February 2015. Submissions will be considered and given due regard by the Minister before finalising the Regulations for gazettal. The DoP expects gazettal to occur around 1 July 2015.

FINANCIAL IMPLICATIONS:

The City's costs to date relate to officer time considering the proposals contained in the discussion paper and the Regulations.

There will be costs associated with undertaking a scheme review and updating CPS2 and associated planning policies to remove any inconsistency with the deemed provisions.

There is likely to be cost savings in the future given the changes to the scheme review process and the scheme amendment process.

COMMENTS:

It is clear that the proposed regulations are aimed at streamlining the review and preparation of new town planning schemes, as well as scheme amendments, and providing consistency across local planning schemes through the model and deemed provisions, which is supported.

Comment is made below on the provisions of the draft Regulations which are considered to be of significance to the City. Detailed comments on the specific clauses of the Regulations are included in Schedule 26.

Local Planning Scheme Regulations

The City in its submission on the Phase Two planning reform supported the changes to the scheme review, scheme preparation and scheme amendment process, however, strongly supported the introduction of timeframes for the WAPC as part of the process. The Regulations do not include any timeframes for the WAPC.

The City's experience is that significant delays occur in the processing of local planning schemes and scheme amendments once referred to the WAPC. Information collated by the City indicates that it takes on average 6 – 7 months once a scheme amendment has been finally adopted by the Council for the amendment to be considered by the WAPC, approved by the Minister and gazetted.

As the draft Regulations impose timeframes on local governments, the WAPC should also be subject to appropriate timeframes. The inclusion of timeframes for the WAPC should relate to all of the planning processes being local planning strategies, scheme reviews, local planning schemes and scheme amendments. It is considered that a period of three months be provided for the main processes and two months for the more minor processes. If the timeframes are not imposed then the objective to streamline the planning process will not be equitable and the improvements limited.

The removal of the requirement for the WAPC to be notified of the initiation of a new local planning scheme and the reduced advertising timeframe (three months to two months) is supported.

The introduction of the three scheme amendment processes is a very positive outcome as it will streamline the planning process.

In general, the five year review of a local planning scheme is also a positive outcome as it will reduce the requirements with respect to scheme reviews and only require new schemes to be prepared if existing schemes are not achieving the desired outcomes. The City's Officers do, however, have concerns with respect to the need for the CPS2 to be reviewed within 6 months following gazettal of the Regulations (ie by the end of 2015). The achievability of this is questioned given the likely need for amendments to also be made to local planning schemes to include the deemed provisions. These amendments and scheme reviews may also be required for those parts of adjoining local governments that are likely to form part of the future City of Perth.

WALGA has advised that approximately 115 schemes throughout the State will be more than five years old at the gazettal of the Regulations and therefore require review. The scheme review requirement will have significant resourcing issues for both local governments and the WAPC. Therefore it is considered that a transitional period should be included where local governments are required to complete the first review, if the scheme is more than 5 years old, within 18 months of the gazettal of the Regulations.

The Regulations state that a local government must not, without the approval of the WAPC, take any steps to amend a local planning scheme if a period of 5 years has elapsed since the last review. This includes where schemes are five years old at the time of gazettal of the Regulations. This would prevent any scheme amendments (unless approved by the WAPC) being initiated until the review of the CPS2 has been completed. As the WAPC is not subject to timeframes to consider a scheme review and that there may be more than 115 scheme reviews within the first 6 months of gazettal of the Regulations, the City may not be able to initiate an amendment for a considerable period of time. This would include scheme amendments to create Special Control Areas to respond to complex development sites. Local planning schemes need to be responsive to community needs and limiting the ability to undertake scheme amendments is not considered appropriate.

Model Provisions for Local Planning Schemes

The City in its submission on the Phase Two planning reform supported the review of the model provisions subject to the provisions being generic and administrative as well as flexible to provide provisions which suit specific circumstances.

The majority of the model provisions are supported as they are generally consistent with CPS2. There are some differences between the model provisions and CPS2 including additional uses for local reserves, zoning interpretation, variations to site and development standards and general definitions, however, these can be addressed through minor variations to the model provisions when the City next undertakes a new scheme. Detailed comments on the specific clauses of the model provisions are included in Schedule 26.

Deemed Provisions for Local Planning Schemes

The deemed provisions will replace any similar provisions in the CPS2 and the City's minor Town Planning Schemes (8 in total). There are a number of issues that need to be addressed so that the provisions do not create confusion for both the City and applicants.

Firstly, it is not clear as DoP has provided conflicting advice, whether the deemed provisions can be included in the CPS2 through a scheme amendment (basic amendment). It is considered that the provisions should be able to be included in CPS2 to avoid the need to refer to multiple documents.

Secondly, and assuming the deemed provisions can be included in the CPS2, there will be a period of time where there will be inconsistencies between the CPS2 and the Regulations.

Thirdly, it is not clear whether other provisions within the CPS2 which are consistent with the deemed provisions but not covered in the deemed provisions continue to have effect. For example the heritage provisions in the CPS2 are replaced by the deemed provisions, however, the City has additional heritage provisions relating to heritage agreements and the transfer of plot ratio. Advice provided by the DoP suggests that the provisions can remain, however, it is not clear which provisions can remain and who makes that decision. It is considered that provisions not included in the deemed provisions should remain as part of the CPS2 and this can be addressed as part of the amendment to include the deemed provisions in the CPS2.

In order to address the issues identified above, it is recommended that the deemed provisions should only come into operation 12 months after gazettal of the Regulations. This will enable a basic amendment to be undertaken to incorporate the deemed provisions into the CPS2, to resolve which other provisions can remain in the CPS2, to reduce confusion referring to multiple documents and to improve the user friendliness of the planning system.

Building height definition

The deemed provisions include a list of definitions. The majority of the definitions are administrative and define terms such as amenity, local government and so forth. There are, however, a couple of definitions that will impact the City as detailed in Schedule 26. The most significant definition is in relation to building height. The deemed provision defines building height as:

- “(a) If the building is used for residential purposes, has the same meaning given in the R-Codes; or*
- (b) If the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above;”*

In simple terms, the definition in the deemed provisions means that the height of a building follows the slope of the land. The definition in the CPS2, however, specifies that height is to be measured at the footpath level in front of the site (ie does not follow the slope of the land) and provides for minor variations above the height for lift plant or architectural features. The difference in the height definition does not impact flat sites but does become an issue on sites that slope such as in West Perth, Mount Street and Bellevue Terrace as it will result in a different built form outcome to that which currently exists. It is not considered that the deemed provision definition would result in any improved built form or amenity outcome over the CPS2 definition. The definition of height if included in the deemed provisions would require a review of all heights within the CPS2 and all policies to ensure a consistent building height/built form outcome.

For the reasons identified above, the definition of height in the deemed provisions is not supported. It is considered that the height definition should instead be included in the model provisions which would then enable variations to be considered, such as the definition contained in the CPS2.

Variations to local planning scheme provisions for heritage purposes

The regulations include standardised heritage provisions which may have significant impacts on the City.

The deemed heritage provisions include a general variation clause which enables any site or development requirement to be varied to facilitate the conservation of a heritage place or to preserve heritage values in a heritage area. Generally this is a positive provision as it provides flexibility however, there is no limitation to the variation.

The bonus plot ratio provisions in the CPS2 include plot ratio bonuses for residential land uses (up to 20%), special residential land uses (up to 20% or 40%), public facilities and/or heritage (up to 20%) to a maximum of 20% or 50%, depending on the area within the city. The general variation clause would mean discretion to approve plot ratio to encourage the conservation of heritage places in excess of the 20% heritage plot ratio bonus and in excess of the 20% and 50% overall plot ratio bonus. This would undermine the bonus plot ratio provisions within the CPS2 for non-heritage facilities and would also undermine the maximum plot ratio permitted on any one site.

Therefore the general variation provision for heritage places is not supported. The options to address this could include locating the general variation provision in the model provisions or exempting the City of Perth from the deemed provisions.

Requirement for Development Approval

The deemed provisions include the 'Requirement for Development Approval'. The provisions are not dissimilar to the CPS2 provisions, however, the deemed provisions refer to the need for development approval for works on, or use of, land that is zoned or reserved under the scheme. The intent is supported, however, the CPS2 uses

Scheme Use Areas rather than zones and therefore this may result in a legal interpretation that is not consistent with the CPS2 and may mean that approval is not required for development in the Scheme Use Areas (which are large parts of the city) under the CPS2. To address the issue, the terms 'zones and reserves' should be deleted and replaced with 'scheme area'.

Development for which development approval not required

The deemed provisions include a number of exemptions from the requirement to obtain development approval. The main concerns are with respect to the following exemptions.

- *"Development in accordance with a Local Development Plan."* Local Development Plans are similar to the City's Special Control Areas, however, generally contain greater detail relating to building envelopes and the like. It is considered that the exemption should be deleted for the following reasons:
 - The review of the Strata Titles Act is seeking to include provisions whereby a Community Development Plan (prepared as part of a strata plan) has the same effect as an approved Local Development Plan. Community Development Plans would, however, be approved by the WAPC and not the City. Therefore the City would not be responsible for any form of approval of development under a Local Development Plan.
 - Local Development Plans, while containing built form provisions, cannot satisfactorily address all of the detailed building design considerations and therefore exempting any development would not achieve the design aspirations of the City. The City's Administration and Design Advisory Committee would not be able to review developments for design quality if they were exempt.
 - The Local Development Plan could include heritage places under either the State Register or CPS2 register and should not be exempt.
- *"The erection of extension of a single house, ancillary accommodation, outbuilding, external fixture, patio, pergola, veranda or swimming pool on a lot if the development satisfies the deemed-to-comply requirements of the R-Codes."* This exemption is not supported for the following reasons:
 - Whilst the exemption ensures compliance with the R-codes, it lacks reference to the need to comply with CPS2, precincts plans and any local planning policy. The City has limited residential areas which are subject to the R-codes and therefore the other scheme provisions and local planning policies will need to be taken into account;
 - The exemption lacks reference to which zones the development would be exempt from. For example a single house exemption in a residential zone is understandable, however, a single house in a commercial zone should not be exempt;
 - The provisions exempt single houses even if they are an 'X' 'not permitted' land use. This is contrary to orderly and proper planning;

- The provisions lack reference to where a single house is not exempt such as under the Swan River Trust Management Area and Clause 32 areas under the MRS such as Parliament House. These areas are subject to separate legislation and therefore would not be exempt;
 - The exemptions include external fixtures, patios etc, however, the exemption does not specifically state that these are in relation to a single dwelling and therefore may be exempt from other developments. This is not supported as the City has prerequisites which must be met in order for this type of development to be exempt;
 - The other concern is the administration of the exemption. If the local government is required to assess the plans to determine whether a single house is exempt, then the whole purpose for the exemption, in terms of streamlining the process is flawed.
- *Demolition unless a heritage place or a place located within a heritage area.*
This exemption is not supported for the following reasons:
- The CPS2 currently has provisions which require a redevelopment application to be submitted and approved prior to demolition and landscaping of the site if the redevelopment does not occur within 6 months of demolition. A general exemption would mean that the city has no knowledge of what type of development is proposed for the site and no ability to require the site to be landscaped. As seen historically in the city, a development site left vacant (such as the former Emu Brewery and Westralia Square sites) can have significant impacts on the amenity of the city.
 - The demolition exemption does not include the type or size of demolition and therefore the demolition of a large building could occur without development approval.
 - The City has listed about one-third of the places on its heritage database in the CPS2 heritage register. The heritage database lists those places in the city that may have heritage significance, however, have not been assessed and therefore not included in the CPS2 register. The City's Officers are currently undertaking a review of the heritage database. The exemption would mean that those places on the heritage database which are not registered in the CPS2 could be demolished even though they may have heritage significance. Furthermore it would appear that places being considered for inclusion or assessment by the State Heritage Office would also not be protected from demolition.
- *Temporary works or use which exists for less than 48 hours.*

The intent of this condition is supported as it would enable short term temporary uses to be established, such as pop up shops. It is considered, however, that the clause needs to be expanded to define what constitutes temporary (that is, how many times a year could the use occur?) and to identify that the use needs to be a 'permitted' or 'discretionary' land use in the particular zone or Scheme Use Area. It is not considered appropriate to enable a not permitted land use to establish even for a temporary period.

The City is unique in terms of its built form and the operation of the CPS2. The city has the highest density of built form within Western Australia and complex design solutions are generally required to address site constraints, adjoining development, amenity as well as ensuring that developments make a positive contribution to the city and the streetscape.

The operation of the CPS2 is also different to all other local planning schemes as CPS2 uses Scheme Use Areas, has sophisticated heritage provisions and incorporates transfer and bonus plot ratio provisions to encourage the market delivery of public amenities and strategic priorities. The CPS2 does not have any structure planning areas, local development plans or development contribution plans which form a significant portion of the deemed provisions.

The State Government has already recognised the unique nature of the city through the creation of a specific DAP as well as the drafting of the Capital City Act.

The DoP will need to give consideration to how the deemed provisions will be applied to the city. Given the above, it is considered that the City and its local planning schemes (the CPS2 and all minor town planning schemes) should be exempt from the deemed provisions and that the deemed provisions should instead be included as model provisions. This would enable the City to include the relevant administrative requirements of the deemed provisions in the next local planning scheme without impacting on the existing CPS2 provisions. It would also mean that the DoP would not need to exempt the City from particular clauses of the deemed provisions which would be difficult to interpret and confusing for both the City and applicants.

Conclusion

The proposed *Planning and Development (Local Planning Schemes) Regulations 2014* will provide improved processes for scheme reviews, local planning schemes and scheme amendments. The Regulations (Parts 1 to 9) are supported subject to appropriate timeframes being included for the WAPC, the first scheme review being 18 months following gazettal of the Regulations and the provisions limiting amendments of schemes greater than 5 years old being deleted.

The model provisions are supported as they are generally administrative in nature and minor variations to the provisions can be considered when considering a new local planning scheme.

The deemed provisions will have an impact on the future built form of the city and the existing operation of the CPS2 and therefore the City should be exempt from the deemed provisions. Should the deemed provisions apply to the City, then the issues of the building height definition, variations to local planning scheme provisions for heritage purposes, the requirement for development approval and development for which development approval is not required will need to be resolved prior to the gazettal of the Regulations.

Moved by Cr McEvoy, seconded by Cr Harley

That Council advises the Department of Planning with respect to the draft Planning and Development (Local Planning Schemes) Regulations 2014 that it:

- 1. supports Parts 1 to 9 subject to the following issues being resolved prior to the gazettal of the Regulations, as well as those identified in Schedule 26:*
 - 1.1 the inclusion of timeframes within the Regulations for the Western Australian Planning Commission to consider local planning schemes, local planning strategies, scheme amendments and local planning scheme reviews;*
 - 1.2 that local governments, where a scheme is more than five years old at the date of gazettal of the Regulations, be provided 18 months to undertake the first scheme review with reviews thereafter being completed every five years;*
 - 1.3 the deletion of Clause 61(3) which prevents a local government amending a local planning scheme that is more than five years old;*
- 2. supports the Schedule 1 – Model Provisions for Local Planning Schemes subject to the issues identified in Schedule 26 being resolved prior to the gazettal of the Regulations;*
- 3. requests that the City of Perth be exempt from the Deemed Provisions for Local Planning Schemes, with the deemed provisions being model provisions, given the unique nature of the city and the operation of City Planning Scheme No. 2;*
- 4. recommends that, should the Department of Planning not support part 3 above, recommends that the Schedule 2 – Deemed Provisions for Local Planning Schemes be amended to address the following issues prior to the gazettal of the Regulations, as well as those identified in Schedule 26:*
 - 4.1 that the deemed provisions come into operation 12 months after the gazettal of the Regulations to enable the deemed provisions to be included within City Planning Scheme No. 2 via a basic amendment;*

(Cont'd)

- 4.2** *that the definition of building height in Clause 1 of the deemed provisions be deleted and included in the model provisions;*
- 4.3** *that the City of Perth be excluded from Clause 10 Variations to local planning scheme provisions for heritage purposes;*
- 4.4** *that Clause 35 Requirement for development approval be amended to delete reference to 'land that is zoned or reserved under this scheme' and replaced with 'land that is located with the Scheme Area';*
- 4.5** *that the following exemptions from the requirement to obtain development approval under Clause 36 Development for which development approval not required be removed:*
 - a.** *development that is in accordance with a local development plan;*
 - b.** *the erection or extension of a single dwelling, ancillary dwelling, outbuilding, external fixture, patio, pergola, veranda or swimming pool;*
 - c.** *the demolition of any building or structure;*
- 4.** *supports the opportunity to discuss the issues with the Department of Planning prior to the Regulations being finalised and gazetted.*

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

Meeting Note: The Manager Sustainable City Development tabled an amended Schedule 26 (TRIM reference 14155/15) for the Planning Committee and Council's consideration.

PL17/15 CITY OF PERTH SUBMISSION – STRATA TITLES ACT REFORM

BACKGROUND:

FILE REFERENCE: P1013007-2
REPORTING OFFICER: Freya Symons, Strategic Town Planner
RESPONSIBLE DIRECTOR: Martin Mileham, Director City Planning and Development
DATE: 19 January 2014
MAP / SCHEDULE: N/A

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation *Strata Titles Act 1985*

Integrated Planning and Reporting Framework Implications **Corporate Business Plan**
Council Four Year Priorities: Perth as a Capital City
S6 Maintain a strong profile and reputation for Perth as a city that is attractive for investment.

Organisational Development Plan:
G13 Stakeholder Relations

Strategic Community Plan
Council Four Year Priorities: Community Outcome
Perth as a capital city
The City is recognised internationally as a city on the move and for its liveability talented people, and centres of excellence and business opportunities.

The *Strata Titles Act 1985* (the Act) sets out how land and buildings can be subdivided to provide for multiple owners holding individual titles, and co-owning any common property, within an overall strata scheme. The Act also provides for the establishment of a strata company for the management of the scheme and rights and obligations of the owners of the individual lots within the scheme. The plan, titles, strata company and owner's rights and obligations together comprise a 'strata scheme'.

DETAILS:

The State Government has set strata reform as a key priority and tasked Landgate to deliver these reforms in 2015. Landgate has recently released the Strata Titles Act reform consultation paper for public comment up until 13 February 2015. The proposed key changes include:

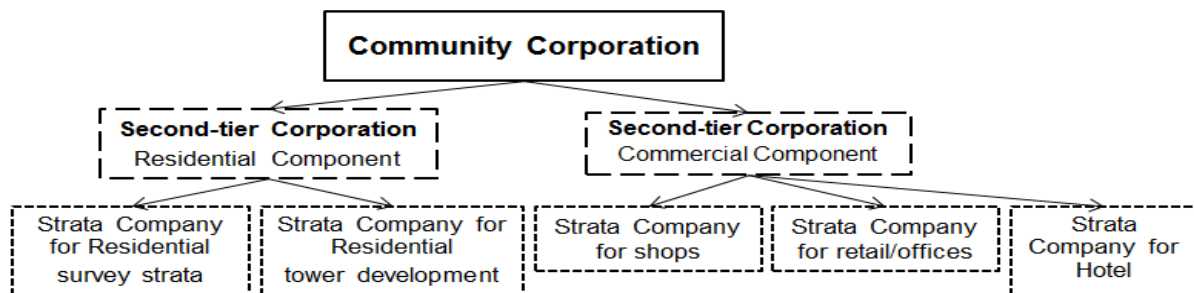
- Introducing new forms of strata title schemes, including community title and leasehold strata;
- Facilitating a more efficient management structure for mixed use developments and introducing greater flexibility to support staged strata developments;
- Improving the quality and accuracy of information provided to buyers of strata titled property;
- Improving the management and process to resolve strata title disputes; and
- Introducing new and simplifying existing mechanisms which can be used in the termination of a strata scheme (including allowing a majority vote to terminate schemes which are older than 15 years and include more than 10 lots).

Further details on these proposals are provided below.

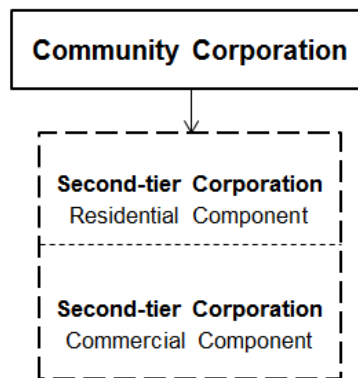
Community Title Schemes (CTS)

A CTS contains more than one strata (relates to building) and or survey-strata (relates to land) scheme within an integrated development, with an overarching management body known as a Community Corporation. A CTS creates two or more community lots which are then further subdivided using a subsidiary strata scheme. A CTS may also create community property which can be used by all subsidiary schemes.

Set out below is an example of a three tier CTS. This structure shows a community lot being divided to create two secondary community lots, in this example for the residential and commercial components. The third tier is created when the secondary community lot is subdivided by a strata plan or survey-strata plan. This structure is considered appropriate for developments containing 500 lots and/or mixed uses.



A two tier CTS may also be developed. This structure can occur within the one building as shown in the example below, where there is a strata scheme for the residential component and one for the commercial component, operating under the Community Corporation.



A CTS is initiated when a Community Plan (showing subdivision layout) is registered with Landgate, accompanied by a Community Development Statement (CDS) and a Community Management Statement (CMS) which are detailed later in this report.

In a layered building scheme, as shown above, an approval from the Western Australian Planning Commission (WAPC) or its delegate to subdivide a community lot into two schemes will only be given once there is an approved CDS, the building has been constructed and a Certificate of Occupancy from Local Government has been issued. Subsequent to the WAPC approval, Landgate will register the strata plan.

The option to amalgamate different management levels or subsidiary schemes has been provided in order to simplify management processes if it is found there are too many.

Community Development Statement (CDS)

The CDS sets out the detailed land use and development controls, developer covenants, sequencing of the development and the facilities that will be provided. It forms the basis for ongoing decision-making concerning applications for subdivision and development approval.

The CDS is approved by the WAPC and subsequently registered with Landgate and made available to the public. Upon WAPC approval, the CDS becomes binding for a period of four years, and once registered with Landgate becomes binding in perpetuity. Changes to the CDS may be approved by the WAPC or Registrar of Titles but major changes will first require unanimous approval from owners.

Community Management Statement (CMS)

The CMS contains the rules and by-laws governing the day-to-day management of the scheme, including the use of any common property, building security and access.

Community Corporations

The function of Community Corporations will be similar to that of strata companies with the members of the Community Corporation being the owners of the community lots within the plan. For example, a strata company would be represented at

meetings of any higher scheme by the chairman of the Council of Owners of the subsidiary scheme.

Communal Property

Communal property may be created at a community level (i.e. community property - everyone can use it) or at a strata level (that is, common property that is only for use by people within the strata scheme). Where there is community property this will be owned jointly by the owners of the community lots. Where a community lot has been subdivided by a strata plan, owners of strata lots will co-own a share of any common property in the strata scheme and a share of any community property. The owner of a lot in one strata scheme at a tertiary level is not permitted to use any common property that may exist in another strata scheme at a tertiary level.

Local Government Rates and Unit Entitlement

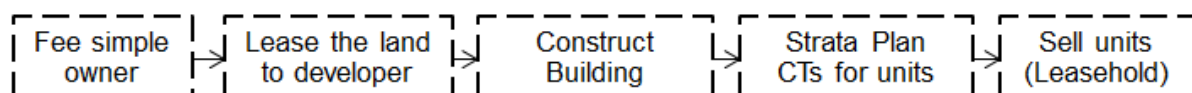
Community developments are being developed on the east coast of Australia that include extensive community property such as access roads, open space and recreational facilities. In such instances, it is proposed that local governments apply a rating differential to reduce rates for owners of property in the CTS as they are paying for the maintenance of community property.

It is also proposed to allow for the restructuring of unit entitlements (value of a lot as a percentage of the value of the whole scheme) due to the possibility of community lots being subdivided in stages. The potential restructuring of unit entitlements is aimed at providing a more appropriate and equitable basis at the completion of all stages although the concern is that this adds uncertainty for owners and financiers. It has been suggested that the Valuer General or a private valuer could undertake this restructuring.

Leasehold strata

Leasehold strata provides landowners with the ability to enter into a long-term lease agreement with a developer who is authorised to create a leasehold strata scheme over their leasehold interest in the land. Leasehold tenure provides for the exclusive holding of land or a building (or part of a building) by a lessee for a fixed or periodic term up to a maximum of 99 years.

For example, a developer may construct a building on leasehold land, register a strata plan, and sell the leasehold titled apartments, divesting themselves of any management responsibility. This provides a good option for private landowners who may wish to retain the long term ownership of their land but in the meantime can permit a developer to construct a building and to sell leasehold interests, without being actively involved. The proposed process would operate in the following sequence:



It has been suggested that leasehold strata may encourage development of additional land and potentially facilitate more affordable housing. State agencies may be able to use this to develop Crown land around existing infrastructure, such as above rail stations.

Vendor disclosure

Changes are proposed to the content, format and timing of vendor disclosure for strata properties. This is the information which the seller of a property needs to provide to a potential buyer, so that the buyer knows what they are buying.

Management of Strata Schemes

Several changes are also proposed relating to the management of strata schemes. These include a Code of Conduct for Strata Managers and standards on how they hold funds on behalf of a strata company. The potential to introduce a registration scheme for Strata Managers is also being investigated.

Dispute resolution

Currently, strata disputes are heard in four different forums (State Administrative Tribunal (SAT) and three different courts) which generates confusion for parties about which forum they can resolve their dispute in. Furthermore dealing with strata disputes through the courts is time consuming, expensive and inefficient. It is proposed that the jurisdiction of the SAT be broadened to effectively make it the sole forum for strata disputes. This is intended to streamline the dispute resolution process.

Termination of Strata Schemes

Strata schemes in practice have a finite life determined by the age of the building, its capacity for refurbishment and the owners' capacity to pay for that refurbishment. Currently, only a unanimous resolution by all owners or an order from the District Court can terminate a scheme. There is also no guidance on what factors the District Court should consider when dealing with an application and the process is costly. The cost and uncertainty of outcome means the Court option is rarely used.

It is proposed that strata schemes with less than ten lots or strata schemes with more than ten lots that are under 15 years old, may be terminated by the unanimous resolution of all owners or an order of SAT. Strata schemes with more than ten lots which are over 15 years old, may be terminated by a majority resolution of owners or an order of SAT, with the majority resolution required being based on a sliding scale dependent on the age of the scheme. These percentages are as follows:

- 95% for a scheme aged 15 or more years but less than 20 years;
- 90% for a scheme aged 20 or more years but less than 30 years; or
- 80% for a scheme aged 30 or more years.

It is proposed to provide standard principles to guide SAT on factors to take into account when considering whether to order the termination of a scheme. This should result in greater transparency and certainty in decision making. These principles are proposed to ensure there is equity for owners, objections are considered and the adverse consequences of terminating or not terminating the scheme are taken into account.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

COMMENTS:

Community Title Schemes

CTS may provide a more effective management system for larger developments which have multiple land uses by enabling several strata schemes to operate under an umbrella Community Corporation. This tenure type will also simplify the ownership, maintenance and use of common facilities and has potential cost savings as owners will only be paying for maintenance of common property which they have ownership of.

A CTS on a precinct scale may also provide the opportunity for the use of localised production and delivery of services such as a trigeneration energy plant, owned and managed by the Community Corporation.

A CTS may however make it more difficult to upgrade/retrofit a building as it ages. Conflicts may arise when strata schemes have different priorities and one strata scheme may refuse to be a part of an overall building upgrade which the other scheme regards as necessary.

Community Development Statements (CDS)

CDS are proposed to be kept by Landgate, with local governments being required to retrieve any relevant CDS to undertake a development or subdivision application assessment and ensure the proposed development or subdivision aligns. The placement of development controls in two separate locations is not supported as it will reduce their accessibility. The appropriate location for local development controls is within the City Planning Scheme, not tied to the title of the land.

CDS have been likened to Local Development Plans which, under the proposed *Planning and Development Regulations (Local Planning Schemes) 2014* are approved by the local government although CDS are proposed to be approved by the WAPC. This inconsistency needs to be rectified with local governments being the approval body for both. If it is considered necessary for the WAPC to approve the CDS then referrals to the relevant local government must occur and the timeframe for determination should be set out. It is also uncertain whether the WAPC has the resources available to efficiently process CDS.

Development Approval Exemption and Design Outcomes

The proposed Planning and Development Regulations also allow for development in accordance with a Local Development Plan to be exempt from development approval. This is not supported as a LDP, or in this case a CDS, cannot adequately address the detailed design considerations required within a city environment. If a large scale development with multiple towers is proposed, it is unlikely that the level of detailed design and attention to the architectural merit of each building and interface with the public realm would be afforded appropriate consideration.

Exemption from development approval will also eliminate the assessment of development proposals by the City's Officers, Design Advisory Committee, Planning Committee and Council which add considerable expertise. These assessments are guided by the CPS2 which provides guidance for decision making through performance based standards which may be varied (except plot ratio) to achieve the best possible design outcome. Part of this process is negotiation between the City's Officers and developers which enables the City to influence development and encourage design excellence. The exemption will limit the ability for this iterative development of the design to occur.

CDS areas may also include places listed under the State or the City Planning Scheme No. 2 (CPS2) heritage registers. The interaction of these places and new development needs to be appropriately considered.

Reduction in Flexibility and Design Outcomes

CDS will provide greater certainty for owners buying into a scheme, as once approved by the WAPC they are binding for four years, and once registered with Landgate are binding in perpetuity. The binding nature of the CDS however eliminates the ability to allow modifications to the use, scale and design of buildings which are sometimes crucial due to changing market demands, external influences and the evolution of the design as engineering and materials costings are worked through.

Although it is stated that "minor variations" to the CDS may be approved by the WAPC and Registrar of Titles without unanimous agreement from all existing owners, in the City's experience there are often multiple major variations or completely new development concepts proposed on a site prior to the design being finalised and constructed. Binding a proposed development in the initial stage is a risk for the developer if they are unable to secure tenants or buyers and are therefore unable to complete a development.

Local Government Rates and Unit Entitlements

The proposal for owners of lots within large scale CTS incorporating extensive community property such as roads and open space to receive reduced Local Government rates is not supported. The discussion paper suggests that the only service Local Government would be providing in such an instance would be waste. This is a very limited view of the services that Local Governments provide. It

assumes owners within such a CTS will not be utilising the local library, community facilities, or enjoying City run events.

It is also possible that CTS, particularly in higher density multiple unit developments, may demand a higher level of particular City services than other developments. For example, they may generate an increased number of noise complaints which are then managed by the City.

The strata levies that owners of CTS lots will be paying are for the upkeep of their own private property within the scheme they have chosen to buy into. These levies should be considered completely separate to Local Government rates as they are in effect a fee for the maintenance of private facilities and amenities.

The City calculates rates using differentials, a rating in the dollar based on land use, as an equitable way of charging for the services different land uses are provided with. The rating in the dollar is applied to the Gross Rental Value (GRV) of the property which is determined by Landgate. If the costs involved in CTS outweighs the benefits then this should be factored into Landgate's GRV valuations.

The restructuring of unit entitlements could cause significant uncertainty and potential conflict for property owners although it is recognised that in some cases, it will be necessary. Any restructuring of unit entitlements should be carried out by the Valuer-General and not private valuers.

Leasehold Strata Schemes

The advantages of the proposed leasehold strata title tenure include providing long term leases for developments, such as apartments, as an alternative more affordable tenure is supported.

Management of Strata Schemes

The proposed changes relating to the management of strata schemes are supported as well as the potential to regulate strata managers through a licensing scheme.

Dispute resolution

The recommendation that the jurisdiction of the SAT be broadened to make the SAT the one stop shop for strata disputes is supported as it will provide greater clarity and a more efficient process.

The City often deals with matters that have been through the SAT resolution process although are not being enforced by the managing strata company. The reform needs to provide the power and the resources to the SAT to enforce its decisions so that Local Governments are not requested to do so.

For example, the City has experienced situations where a private building surveyor issues a Building Compliance Certificate (BCC) certifying that a building has been completed in line with plans and conditions of approval and that the proper execution

and safety of works has occurred. Subsequent to the BCC being issued, the City issues an Occupancy Permit Strata and Landgate is able to register the Strata Plan. At this stage the building is assumed to be complete and ready for habitation.

There have been cases in the City however, where owners of new strata lots try to occupy their dwellings but as works are still occurring, they are prevented from doing so. At this point, the owners have approached the City to seek assistance with resolving the issue.

This issue is thought to arise due to developers putting pressure on private building surveyors to issue the BCC prior to completion so they are able to sell off strata apartments and recoup their costs as early as possible. The Building Commission should tighten the relevant legislation to ensure that building surveyors are not able to issue a BCC until all works are complete.

Termination of Strata Schemes

The proposed reforms will make it easier to terminate strata schemes which will be beneficial in terms of unlocking some sites with older strata schemes which are appropriate for higher density development. Newer apartments however, will generally be at a higher cost and therefore the loss of older apartments will result in an overall reduction in the diversity and affordability of the city's housing stock.

The principle of allowing a majority vote on a sliding scale to terminate schemes which are older than fifteen years is supported.

Moved by Cr McEvoy, seconded by Cr Harley

That Council authorises the Chief Executive Officer to provide a submission to Landgate on the proposed Strata Titles Act Reform as detailed within in this report.

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

**PL18/15 PERTH LOCAL DEVELOPMENT ASSESSMENT PANEL
2015 – 2017 MEMBERSHIP NOMINATIONS**

BACKGROUND:

FILE REFERENCE: P1027201
REPORTING OFFICER: Yvonne Honmon, Governance Officer
RESPONSIBLE DIRECTOR: Robert Mianich, Director Corporate Services
DATE: 14 January 2015
MAP / SCHEDULE: N/A

In accordance with the *Planning and Development Act 2005*, Development Assessment Panels were established by the State Government during 2011 to be responsible for the assessment of development applications where the development has an estimated value above defined thresholds.

The *Planning and Development (Development Assessment Panels) Regulations 2011* require that a Local Development Assessment Panel (LDAP) is to be convened specifically to determine development applications for the district of the City of Perth.

The Perth LDAP determines:

- development applications where the estimated value of the development is more than \$15 million and;
- at the request of the applicant, development applications where the estimated value of the development is between \$10 – \$15 million.

The membership of a Development Assessment Panel is to consist of:

- Three persons appointed as specialist members (plus two specialist alternate members); and
- Two persons appointed as local government members (plus two local government alternate members).

The Minister for Planning is responsible for appointing the membership as well as appointing specialist members as the Presiding and Deputy Presiding Members.

The current Local Government members and alternate members appointed to the Perth LDAP were nominated by Council at its meeting held on **19 February 2013** and were appointed by the Minister for Planning, Culture and the Arts for a term expiring on 26 April 2015. They are:

Perth LDAP Local Government Members	Perth LDAP Local Government Alternate Members
<ul style="list-style-type: none">• Lord Mayor Scaffidi• Deputy Lord Mayor Cr Butler	<ul style="list-style-type: none">• Cr Limnios• Cr Adamos

Expressions of Interest for the LDAP Specialist Members were advertised by the Department of Planning in The West Australian newspaper on Saturday, 6 December 2014. The City has received a request from the Minister for Planning for Local Government member nominations to be submitted no later than 27 February 2015.

LDAP Governance and Sitting Fees

The Department of Planning is responsible for the administration of Development Assessment Panels (DAP) including convening meetings and the preparation of agenda and minutes.

The City is responsible for providing the Perth LDAP with a meeting venue and minute taking services (preparation of draft minutes). As a "Responsible Authority" the City is also required to prepare and submit to the Department of Planning reports on development applications, inclusive of recommendations for the Perth LDAP's consideration.

DAP meetings are conducted in accordance with the Development Assessment Panel Practice notes: DAP Standing Orders 2012. The meetings are held at Council House and are open to members of the public.

DAP members are also required to comply with the Development Assessment Panel Code of Conduct 2011.

DAP members are paid sitting fees and are entitled to reimbursement of travel expenses in accordance with Regulations, with the exception of DAP members who are either Federal, State or local government employees, active or retired judicial officers or employees of public institutions, although exceptions to this can be approved through the Minister and Cabinet.

It is mandatory for a person appointed as a DAP member to satisfactorily complete DAP member training provided by the Department of Planning before acting in the role. A local government representative who has previously completed this training is not required to attend further training.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	<i>Planning and Development Act 2005</i> <i>Planning and Development (Development Assessment Panels) Regulations 2011</i>
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DETAILS:

Nominations for Perth LDAP Membership 2015 – 2017

In accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, Council is required to provide nominations for the two positions of local government members and two positions of local government alternate members for the Perth LDAP for a two-year term commencing on 27 April 2015 and expiring 26 April 2017.

Nominations are required to be submitted to the Minister for Planning by no later than 27 February 2015.

If the local government fails to nominate a person for appointment within 40 days, the Minister may appoint a member who is an eligible voter for that local government district and is someone that the Minister considers *“has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district”*.

Local Government Elections October 2015

Local Government elections are scheduled to be held in October 2015. This may result in a change to the LDAP membership if any Elected Members, who are LDAP members, are not re-elected. In this case, the City will be required to provide new nominations to the Minister for determination.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

The Planning Committee agreed to amend the Officer Recommendation to include nominations as follows:

1. Lord Mayor Scaffidi and Deputy Lord Mayor Cr Butler as the City's local government members; and
2. Cr Limnios and Cr Adamos as the City's local government alternate members.

Moved by Cr McEvoy, seconded by Cr Harley

That Council nominates for consideration by the Minister for Planning for appointment to the Perth Local Development Assessment Panel for a term expiring 26 April 2017:

- 1. Lord Mayor Scaffidi and Deputy Lord Mayor Cr Butler as the City's local government members; and*
- 2. Cr Limnios and Cr Adamos as the City's local government alternate members.*

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

Reason: The Planning Committee agreed to nominate for consideration by the Minister for Planning the existing City of Perth Local Government members of the Perth Local Development Assessment Panel.

PL19/15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

PL20/15 GENERAL BUSINESS

Responses to General Business from a Previous Meeting

Nil

New General Business

- 1. Change to time for Planning Committee meeting scheduled for 17 February 2015**

The Director City Planning and Development advised the Planning Committee that, due to arrangements for an incoming delegation from Vasto, Italy, the Chief

Executive Officer has requested that the next Planning Committee, scheduled to be held on Tuesday, 17 February 2015, is to commence at 5.00pm. The Director City Planning and Development noted that, in accordance with the *Local Government (Administration) Regulations 1996*, local public notice will be advertised in the usual manner to inform members of the public.

PL21/15 ITEMS FOR CONSIDERATION AT A FUTURE MEETING

Outstanding Items:

- Proposed Design and Presentation Standards Policy (Raised 26/03/13, Updated 12/11/13 and 11/02/14).

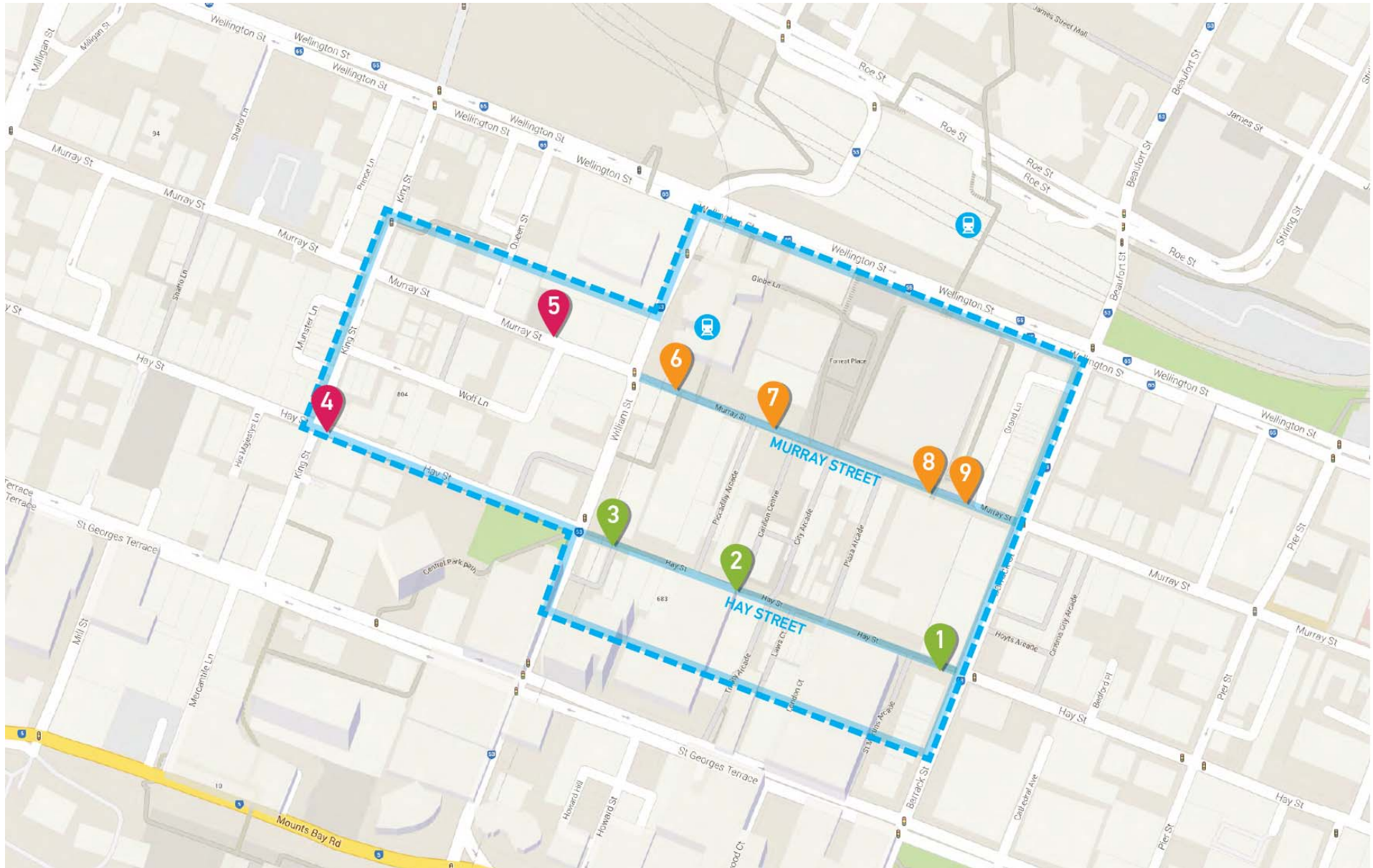
The Director City Planning and Development provided an update to the Planning Committee on this item and noted that it is anticipated that a report will be presented for consideration at the next round.

- Fire Service Requirements for Development Applications (Raised 06/05/14).

PL22/15 CLOSE OF MEETING

7.35pm There being no further business the Presiding Member declared the meeting closed.

**SCHEDULES
FOR THE MINUTES OF THE
PLANNING COMMITTEE
MEETING HELD ON
27 JANUARY 2015**



14/5404; HAY AND MURRAY STREET MALLS AND THE ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH

i:\cps\admin services\committees\5. planning\as150121 reports\1 sched - b - hay st and murray st mall (third party advertising) 14-5404.docx



14/5404; HAY AND MURRAY STREET MALLS AND THE ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH



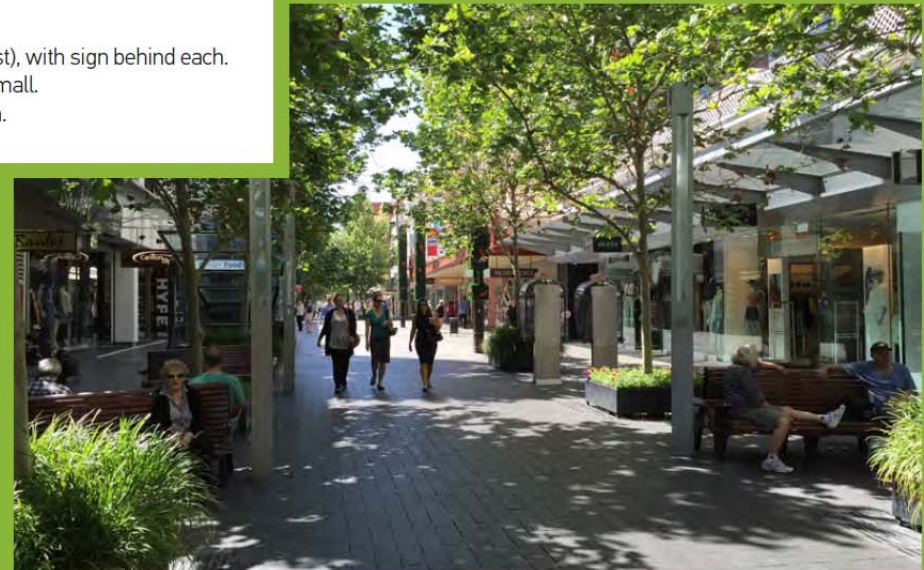
2 LOCATION 2

Location Description:

701 Hay St Mall (Outside Witchery Enex 100, opposite Carillon City) (South side of mall)

Proposed Signage:

2 payphones (1 east, 1 west), with sign behind each.
Westbound sign closer to mall.
Eastbound sign to footpath.





3 LOCATION 3

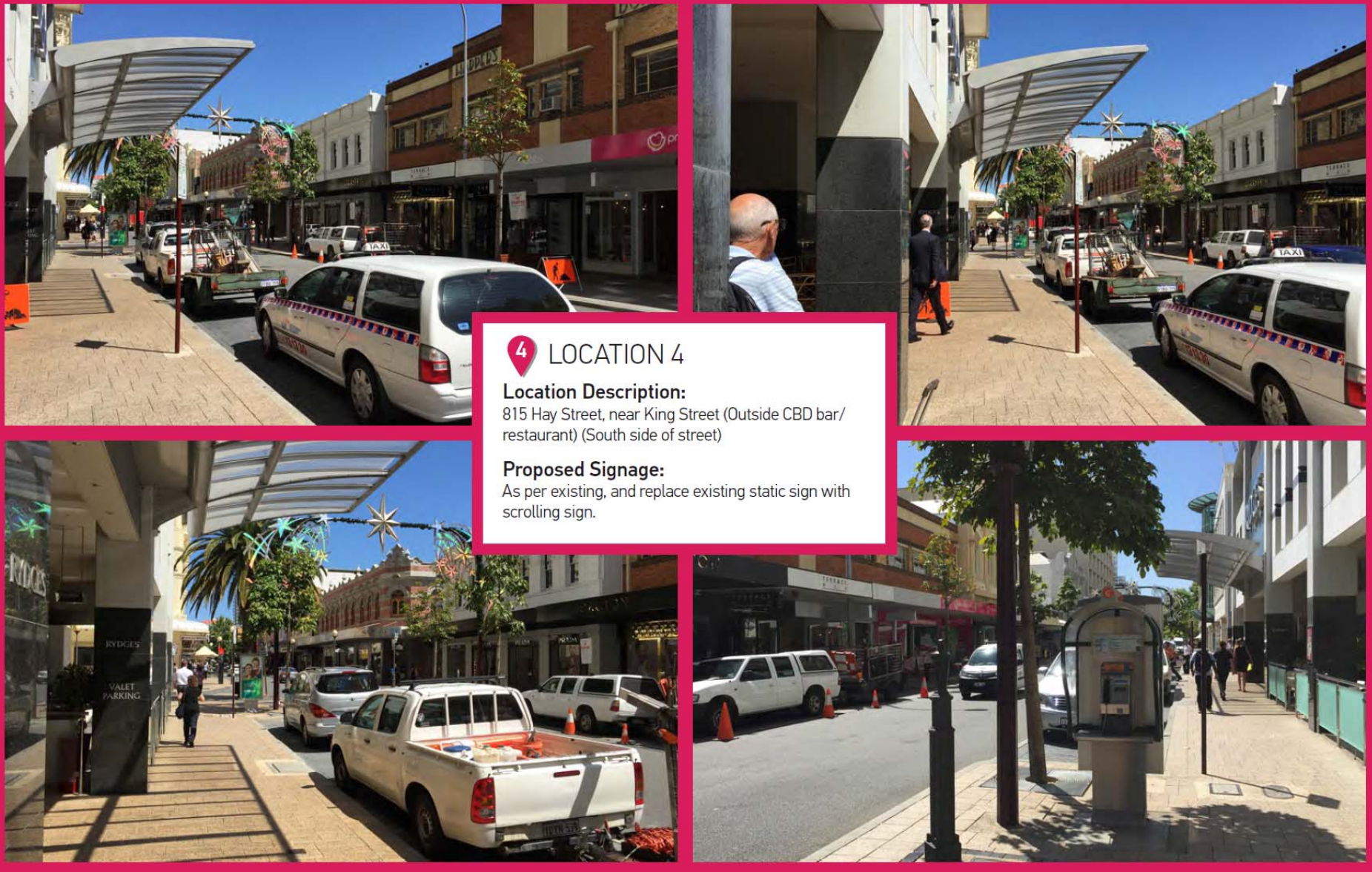
Location Description:

729 Hay Street Mall, near William Street (Outside Flight Centre, Opposite Solid Gold) (South side of mall)

Proposed Signage:

2 payphones (1 west, 1 east), with sign behind each.
Westbound sign closer to mall.
Eastbound sign to footpath.







5 LOCATION 5

Location Description:

300 Murray Street, near William Street (Outside Moon and Sixpence) (North side of street)

Proposed Signage:

As per existing, affix scrolling sign (to face west)





6 LOCATION 6

Location Description:

246 Murray Street Mall, near William Street (Outside Forever New, near Perth Underground) (North side of mall)

Proposed Signage:

2 payphones, facing east.

2 signs, facing west (oriented toward Perth Underground)





7 LOCATION 7

Location Description:

223 Murray Street Mall, near Forrest Place (Outside Zara)
(South side of mall)

Proposed Signage:

2 payphones, facing west.
2 signs, facing east





8 LOCATION 8

Location Description:

183 Murray Street Mall (Outside David Jones, western side) (South side of mall)

Proposed Signage:

2 payphones (1 west, 1 east), with sign behind each.
Westbound sign closer to footpath.
Eastbound sign to mall.





9 LOCATION 9

Location Description:

177 Murray Street Mall (Outside David Jones, eastern)
(South side of mall)

Proposed Signage:

2 payphones (1 west, 1 east), with sign behind each.
Westbound sign closer to footpath.
Eastbound sign to mall.



5

LOCATION 5

Location Description:

300 Murray Street, near William Street (Outside Moon and Sixpence) (North side of street)

Proposed Signage:

As per existing, affix scrolling sign (to face west)



**14/5404; HAY AND MURRAY STREET MALLS AND THE ROAD RESERVE IN FRONT OF 815 HAY STREET
AND 300 MURRAY STREET, PERTH
(ATTACHMENT 4)**

7 LOCATION 7

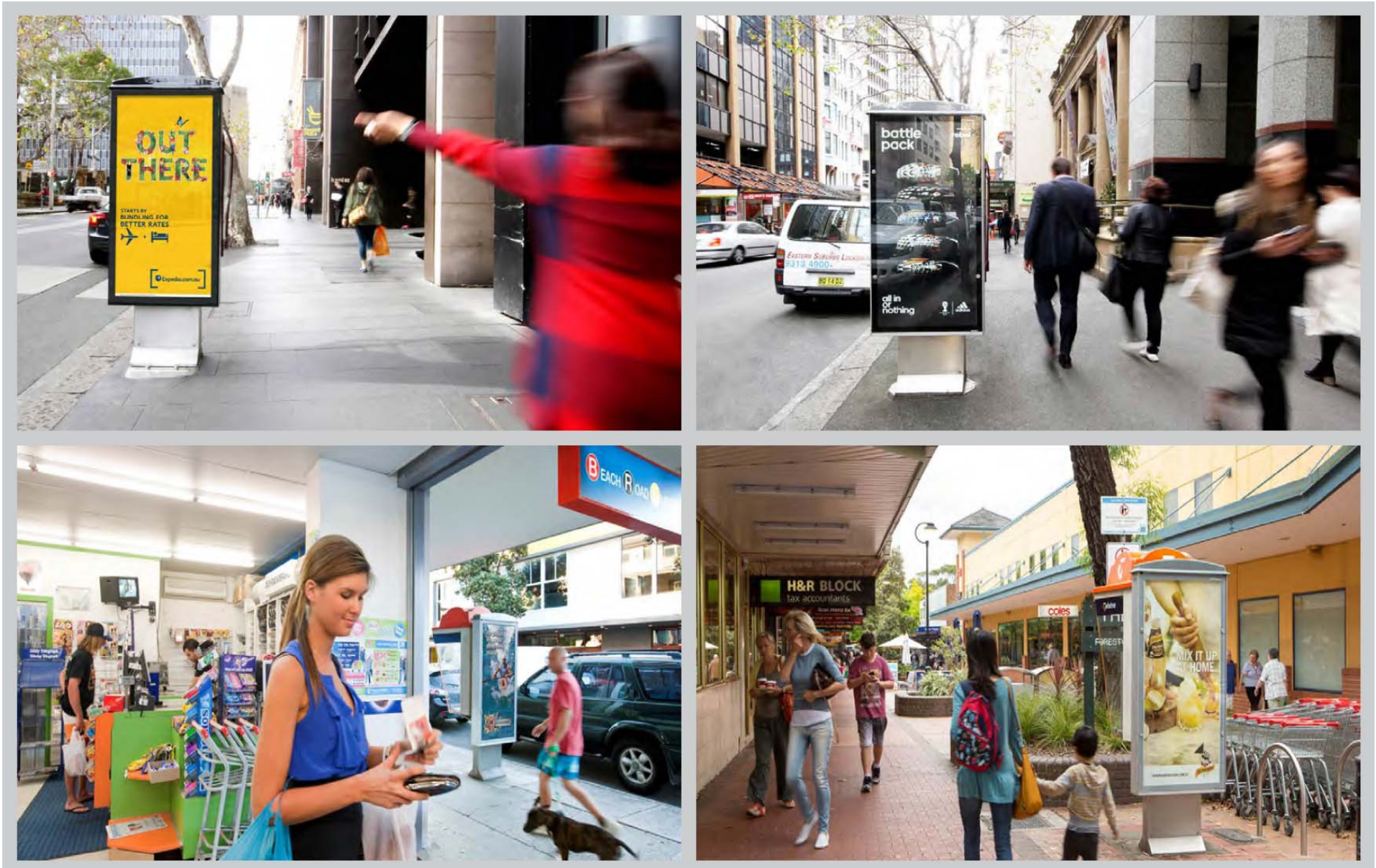
Location Description:

223 Murray Street Mall, near Forrest Place (Outside Zara)
(South side of mall)

Proposed Signage:

2 payphones, facing west.
2 signs, facing east





14/5404; HAY AND MURRAY STREET MALLS AND THE ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH

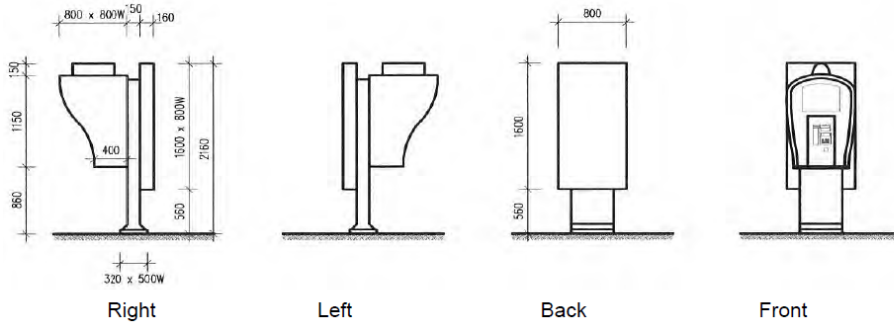
Example of Existing Asset



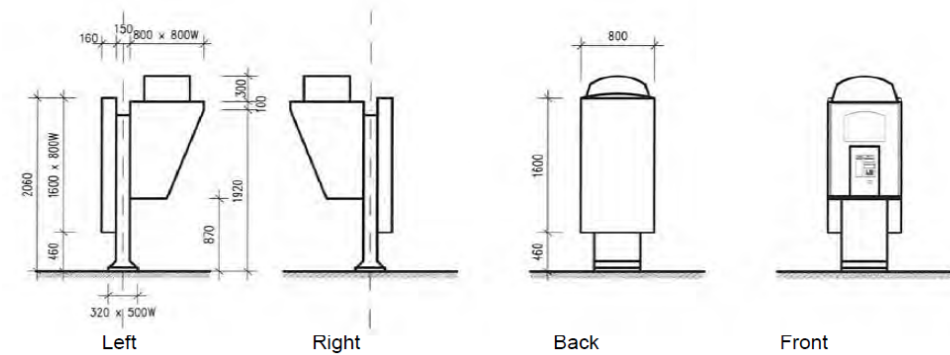
Example of Existing Asset



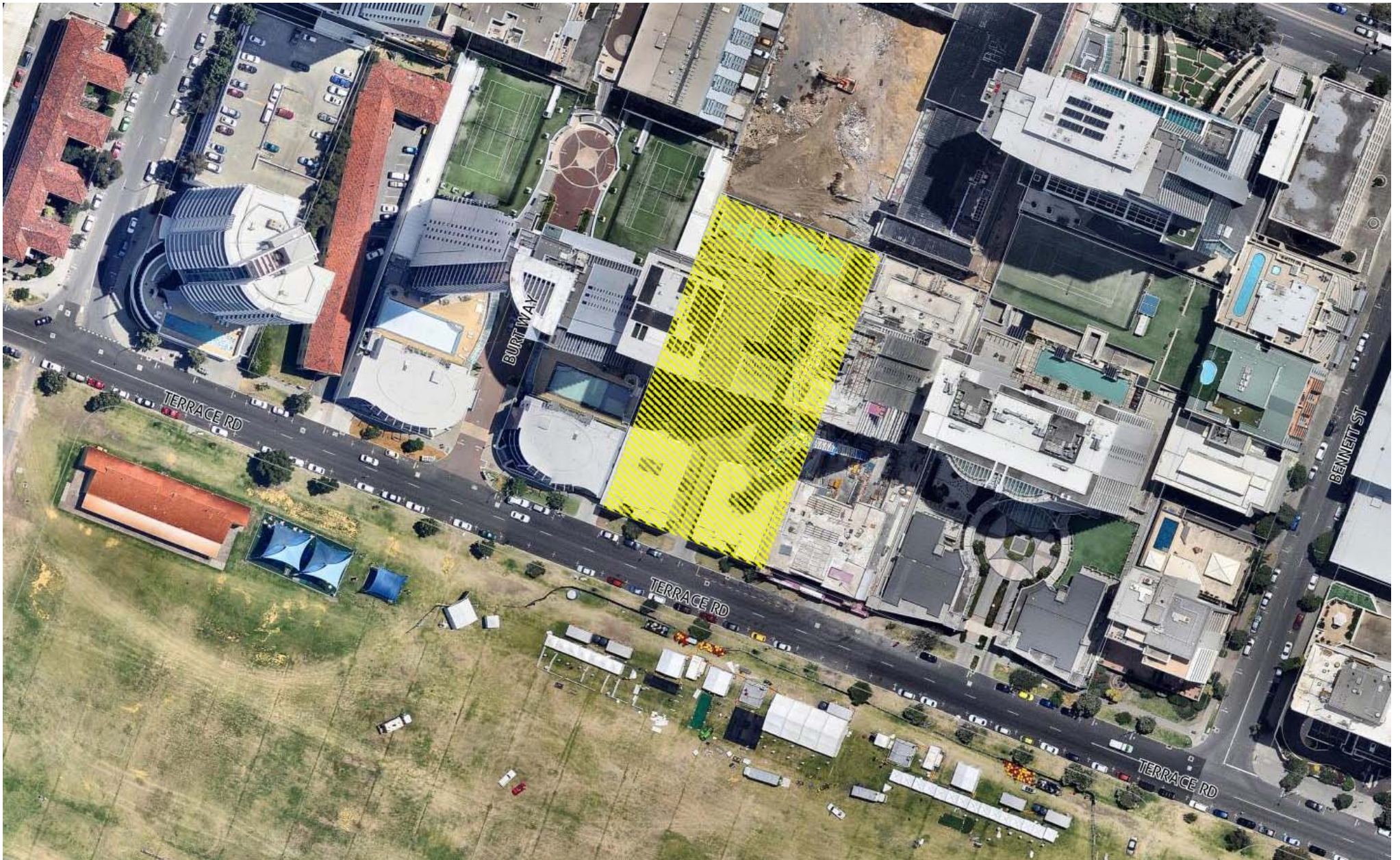
Elevations of existing site



Elevations of existing site



14/5404; HAY AND MURRAY STREET MALLS AND THE ROAD RESERVE IN FRONT OF 815 HAY STREET AND 300 MURRAY STREET, PERTH



2014/5395; 8/90 TERRACE ROAD, EAST PERTH



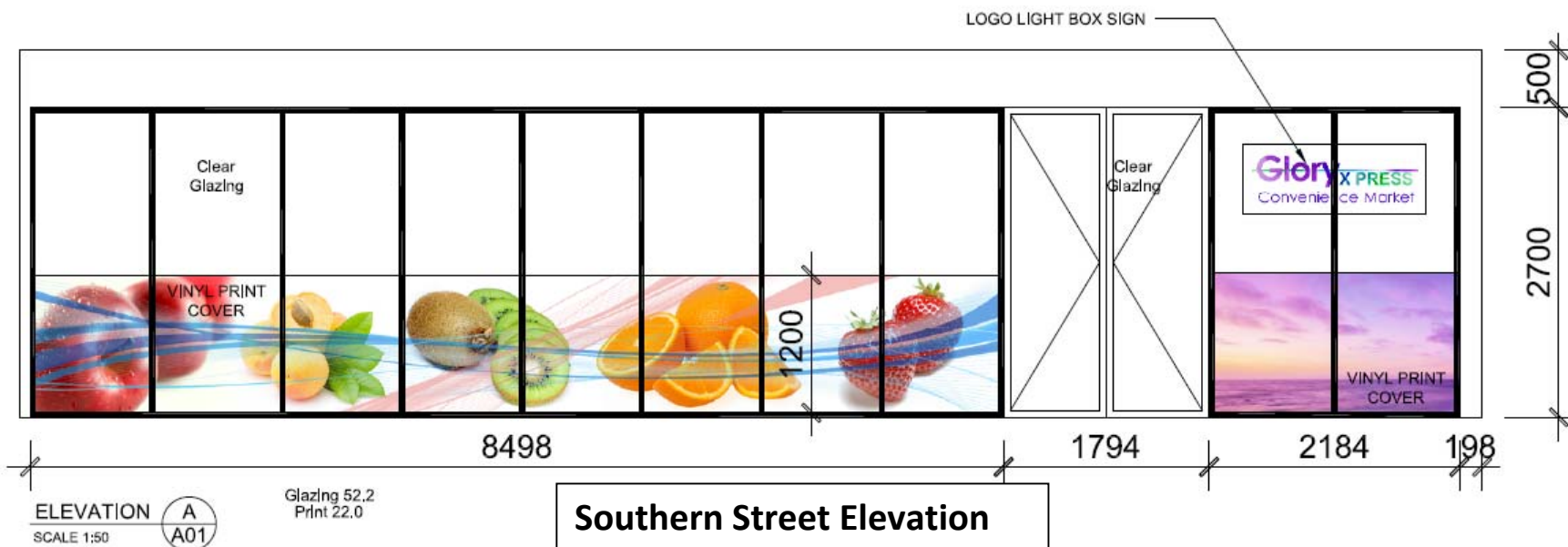
PERSPECTIVE 1 – 90 TERRACE ROAD, EAST PERTH – 2014/5395



PERSPECTIVE 2 – 90 TERRACE ROAD, EAST PERTH – 2014/5395



PERSPECTIVE 3 – 90 TERRACE ROAD, EAST PERTH – 2014/5395



2014/5395; 8/90 TERRACE ROAD, EAST PERTH – PROPOSED SIGNAGE

SCHEDULE 8

Summary of Issues and Applicant's Responses – Advertising for 90 Terrace Road

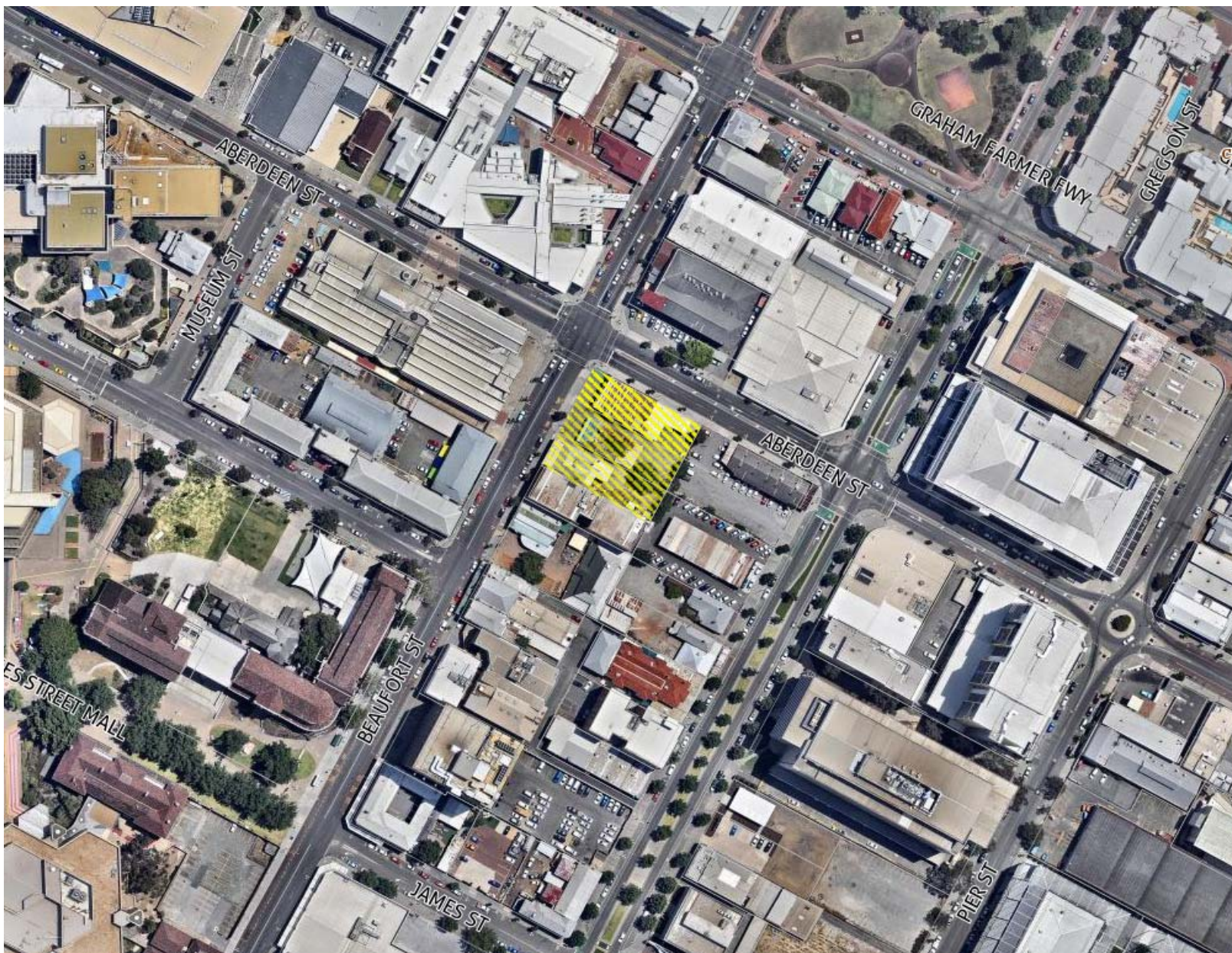
Issue	Applicant Response
Access, Traffic and Parking Issues	
There is no allocated area for delivery of produce. It is unlikely that most deliveries can and will occur at the rear of the property based on the size and limited access of the area indicated	The point to be noted here is that the store is very small in size. The quantity of produce that will be sold and hence delivered is very minimal considering the size of the store. The delivery will be done in a small van and hence an allocated area for delivery of produce would not be required.
Delivery and customer vehicles are likely to be parked in the driveway, reducing access to the residential car parking area.	The likeliness of vehicles being parked in the driveway is little as everyone working on the premises and also the delivery guys will be notified about not parking in the driveway and to park only in the allocated area. The store management will also take full responsibility to ensure that there is no parking of the delivery or customer vehicles in the driveway and hence the access to the residential car parking area is not compromised in any way.
There is no provision at this stage for short term bays within the street to accommodate customer and delivery parking. Current parking restrictions relate to past residential uses and may now need to respond to this proposed change of use	The target consumers for the store will be the local residents who will be walking to the store. Short term parking if required will be catered by the current paid parking off the street.
Potential for customers to park on verges and damage reticulation and grass.-	Bold 'No parking' boards will be put up to discourage customers from parking on the verge.
Restricted visibility out of Adagio Apartments from bus bay and potential loading of trucks.	The above said visibility issue is an existing one and is not caused by any design proposals.
Customers will use the Adagio driveway to turn around, preventing legitimate access and posing safety risks.	As mentioned above, everyone concerned including the customers will be notified about not using the driveway. Also the store management will take full responsibility to ensure that the Adagio driveway will not be used by the customers of the store to turn around or park and hence the access or safety is not compromised in any way.

Issue	Applicant Response
<p>a) Line of sight from the Adagio property is already compromised when small vehicles are parked in the street parking bay closest to the driveway.</p> <p>b) On-street parking is already extremely busy along Terrace Road.</p>	No response provided.
On street parking cannot be used to satisfy the parking requirements of a commercial or residential development unless the Council is satisfied the parking demand can be met – therefore a traffic impact study should be conducted.	As mentioned above, the small size of the store caters mainly the residents in the vicinity of the store who will walk for their shopping needs. The visibility of the shop is also limited to the residents only. Hence, the existing on street parking will more than satisfy the parking demand of the store.
There is an absence of motorcycle parking at the site and poor layout of existing bays on street.	Since the target audience are people who will be walking to the store, motorcycle parking will not be used.
Illegal use of Adagio driveway will need to be monitored. Fines will need to be issued by the City of Perth. Unfair and onerous for residents to be placed into a position of having to monitor any unauthorised parking or be placed at risk from increased traffic when traffic issue could have been reasonably foreseen. -	As mentioned above, management of the store will take necessary precautions and also full responsibility to ensure that there is no illegal use of the Adagio driveway. Also, the use of the driveway will be monitored by the management so that there are no traffic issues. The management of the store is fully in support of the idea of fines for the erroneous.
Noise and Safety	
Deliveries occurring in the driveway may create noise issues with reversing vehicles and potential safety issues with pedestrians.	Delivery in the driveway will be unacceptable. Alternate arrangements will be made at the time of delivery to reduce the inconvenience caused due to delivery.
The second side entry to the shop may result in customers loitering, cause noise and disturbance	The second side entry to the shop will be open only for short hours during the day. The Front entry will still remain the main entry to the store.
Other nearby convenience stores attract undesirables and if the local shop goes ahead safety may be an issue.	Security cameras will be installed to monitor the movement of people in and around the store so that safety is not an issue.
No music or amplified noise of any kind should be permitted.	This is acceptable.
24 hour operation of the shop will attract noise and undesirable activity.	The shop will close at 9:00pm. Hence 24 hour operation of the store will be unnecessary.

Issue	Applicant Response
Waste Disposal	
Increase in litter left by customers will occur in and around the premises.	Rubbish bins will be provided in store for the customers to use. The area around the store will be cleaned by the management so that it is litter free.
Waste management must be appropriate to ensure no vermin infestations.	Covered bins will be provided in the cool area where the produce is disposed. This will be cleared once every day and proper waste management methods will be used to ensure there is no vermin infestation.
If four wheeled bins are to be used, where will they be located?	No response provided.
Signage	
<ul style="list-style-type: none"> a) Signage is visually overbearing and not in keeping with the surrounds. b) Signage needs to be of a high standard and designed by professionals. c) Signage will lower property values. 	The signage is being redesigned by professionals to account for the high end market the store caters to now.
Trading Hours	
<ul style="list-style-type: none"> a) Concern about late night and 24 hour trading disrupting the 'peaceful/quiet enjoyment' of the area. b) Trading hours to be restricted 7am-10pm. c) Closing time to be restricted to 9pm. <p>Adagio is a residential property and opening hours of 0600-2400 are not compatible with residential living.</p>	The store will close at 9:00 pm. Hence 24 hour operation of the store will be unnecessary.
General	
Property would be devalued by an IGA.	The store is no longer an IGA. It has been re-branded in order to cater to a high end market in accordance with the location of the store. The property would hence not be devalued.
Loss of privacy will occur from increased activity created by the shop.	The store aims to cater only to the existing residents. Hence there wouldn't be any more of a footfall than there is already thereby not resulting in any increased activity or loss of privacy.
Apartment owners were not advised that an IGA could operate from the premises	No response provided.

Issue	Applicant Response
– only commercial office or restaurant.	
Tenants of overseas investors are likely to be supportive because it is not their investment being affected	The investments would not be affected as the new upmarket branding which is in accordance with the location would not take away the value of the property but only increase it.
Proper application process was not followed and works commenced before approval was granted.	No response provided.
The proposal does not fit with the 'aesthetic disposition' of 90 Terrace Road as many of the properties are worth in excess of \$1,000,000.	The current proposal is very much in line with the 'aesthetic disposition' of 90 Terrace Road. Every care has been taken to ensure that the proposal complies with the design language used on the road and also ensure that the store creates an experience while shopping.
There are no other similar luxury apartment buildings on Terrace Rd that incorporate a 'local shop'.	No response provided.
A planning use that is more congruent with the current available parking should be considered.	No response provided.
Considering street category, frequency and location of public transport and pedestrian volume, Adelaide Terrace would be a more suitable location for a local shop.	No response provided.
The area is already well serviced by local shops for the purchase of convenience goods.	No response provided.
Using a prime river view location for an IGA shop is inappropriate	The shop is no longer an IGA. It is now an upmarket store. Prime river view for a shopping experience that is going to be provided by the proposed store would justify the river view location of the store.
The use of the premises as a local shop denies the opportunity for another use that would make better use of the view.	No response provided.
The proposed use is not in keeping with the residential area along Terrace Road.	The design of the store is in total compliance with the residential and commercial code.

Issue	Applicant Response
The advertising period was not long enough to prepare a cogent case for/against.	No response provided.
Ensuring compliance with restrictions/conditions of approval will require vigilant monitoring.	The management will be completely vigilant and will take full responsibility to ensure that the conditions of approval are met.
Structural	
Damage to the Adagio driveway is likely to result from unnecessary vehicle movements and deliveries.	The management will ensure that the Adagio driveway will not be misused/damaged due to vehicle movements and deliveries to the store. In the unlikely event, the store is covered with insurance to the tune of \$20,000,000.00 public liability and \$5,000,000.00 damages cover.
Based on the appearance of 'The Rise' convenience store in Adelaide Terrace, the pavements will need to be steam cleaned and patrons will sit on steps/walls to consume products leaving their scraps and detracting from the pristine appearance of the Adagio development.	No response provided.



14/5309; 108, 114 and 120 BEAUFORT STREET, PERTH



**14/5309; 108-120 BEAUFORT STREET, PERTH
(PHOTOS OF EXISTING BUILDINGS)**



**14/5309; 108-120 BEAUFORT STREET, PERTH
(PHOTOS OF EXISTING BUILDINGS)**



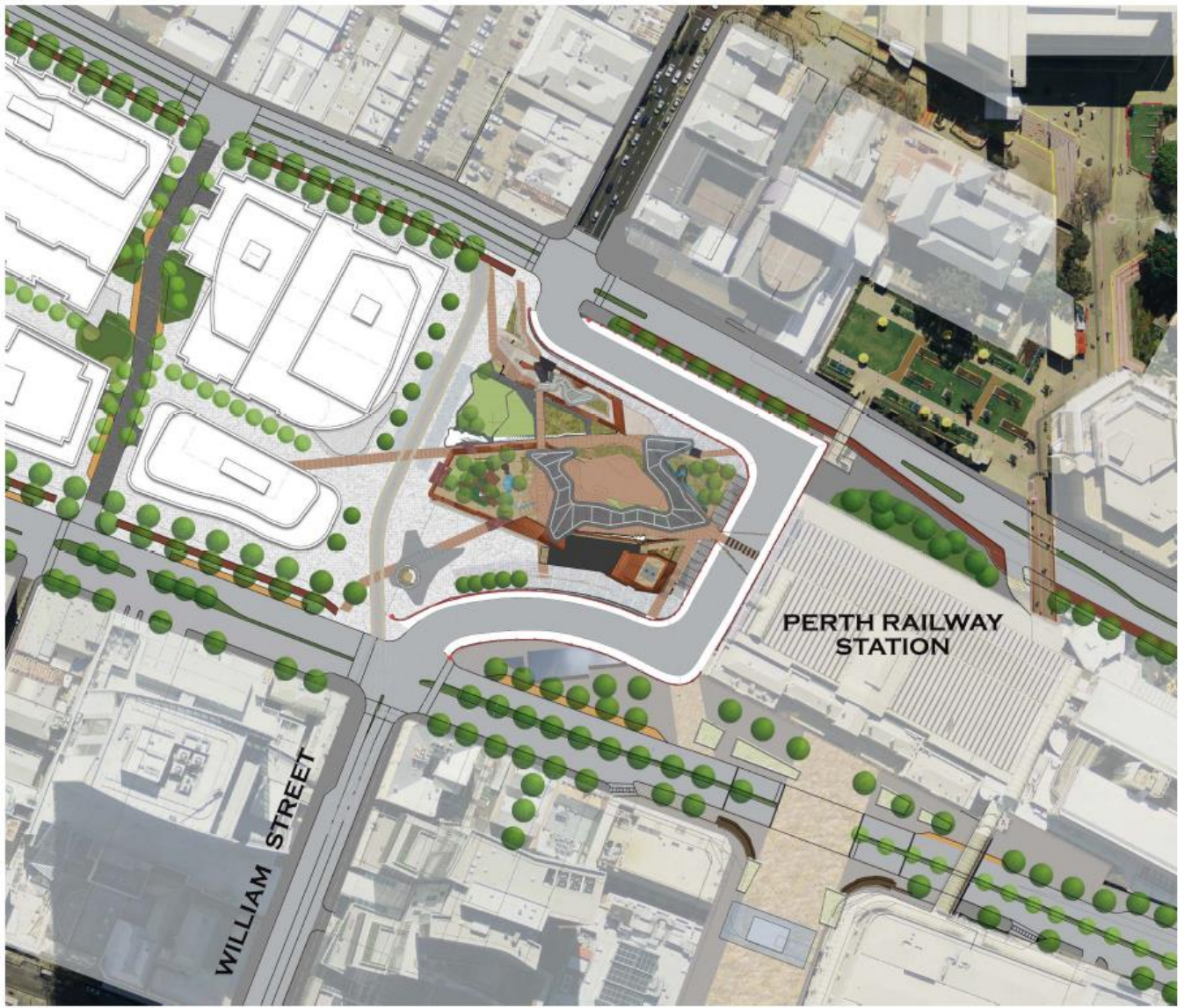
**14/5309; 108-120 BEAUFORT STREET, PERTH
(PHOTOS OF EXISTING BUILDINGS)**

Aerial view of Yagan Square



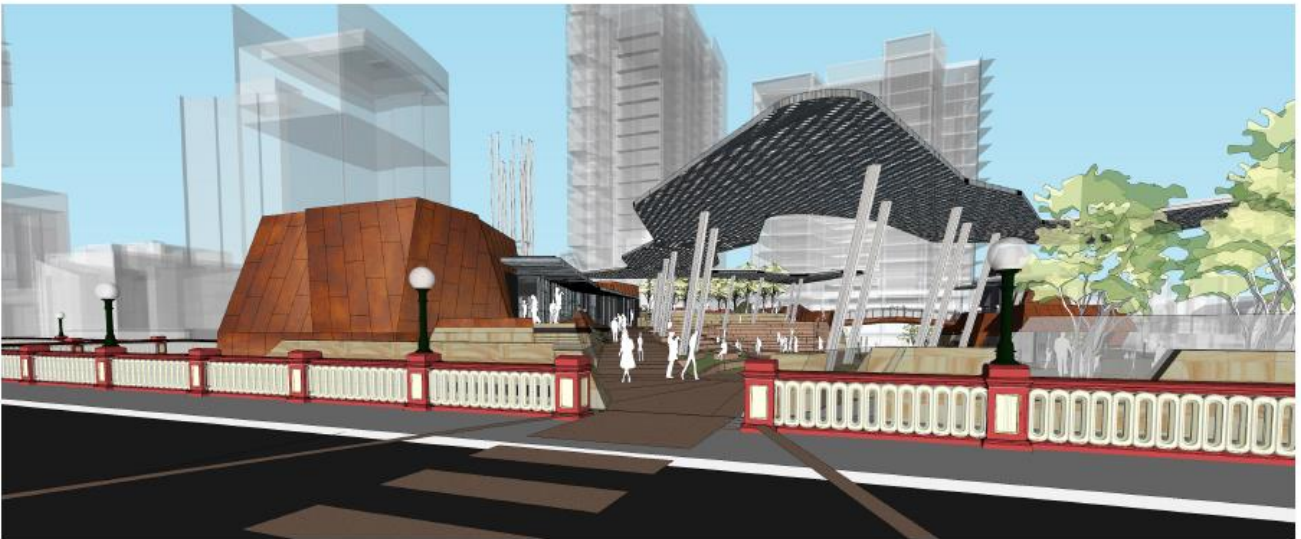
Aerial View

Yagan Square Precinct Plan – Perth City Link



Yagan Square Precinct Plan – Perth City Link

Horseshoe Bridge Link



Horseshoe Bridge Link

Railway Station Link South



Railway Station Link South

William Street Mall



William Street Mall

Market Plaza view from Station



Market Plaza - View from Station

The track



The "Track"

North Lane



North Lane

Yagan Square South East Aerial View – Perth City Link



Yagan Square South East Aerial View – Perth City Link

William Street Mall and the Terraces Steps



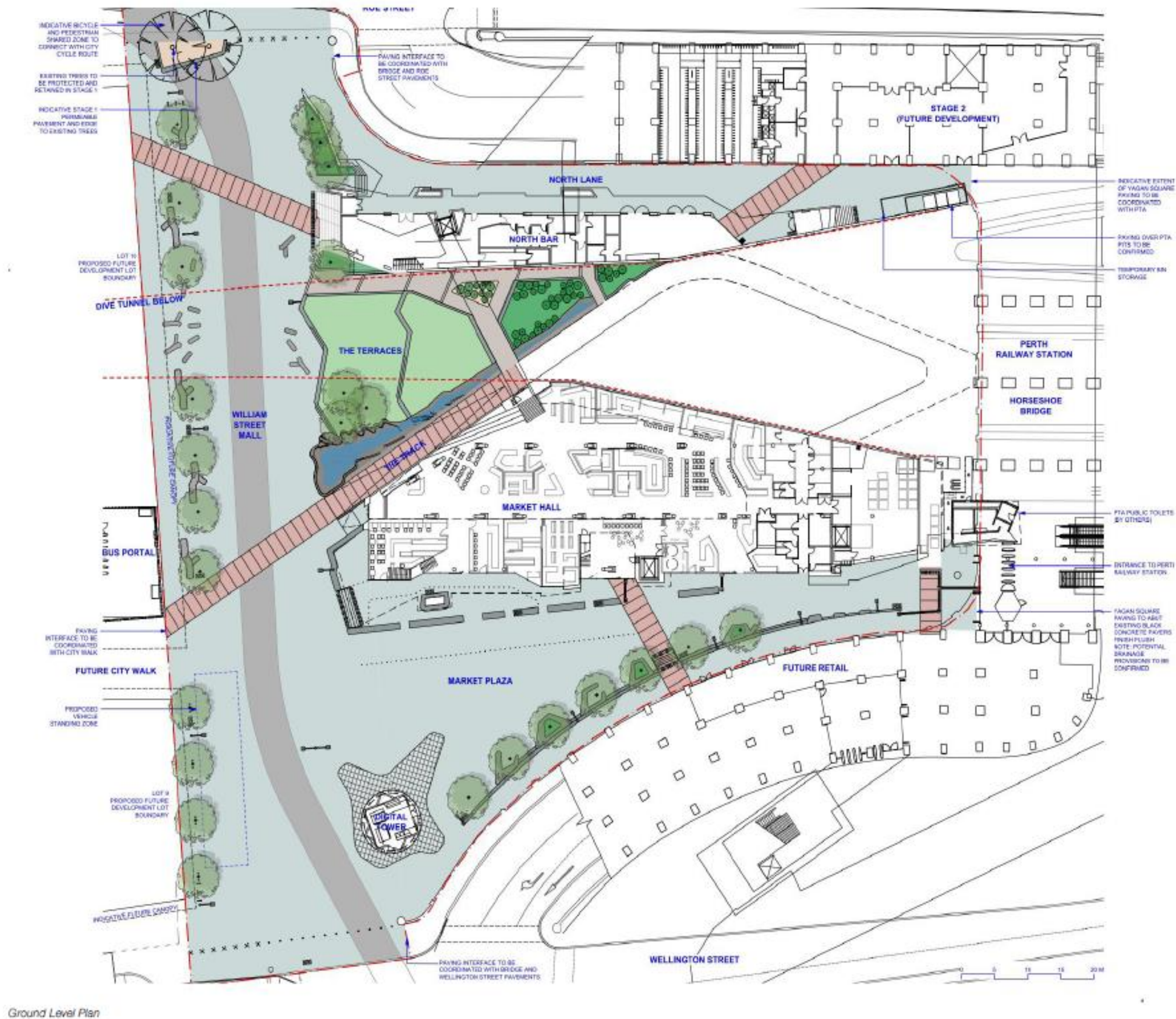
William Street Mall and the Terraces Steps

William Street Mall and the market plaza



William Street Mall and the Market Plaza

Public Realm – Ground Level Plan

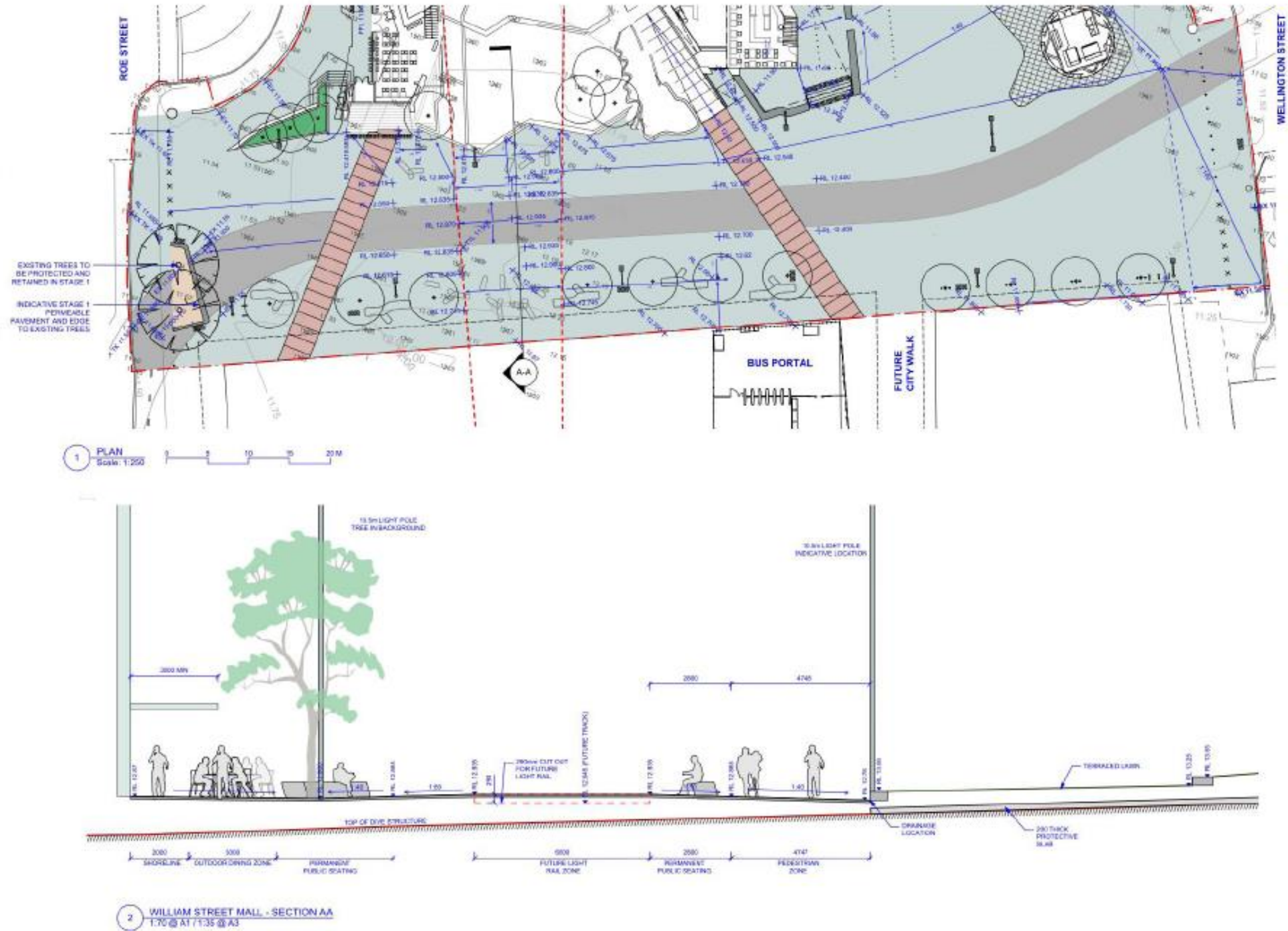


Public Realm – Upper Level Plan



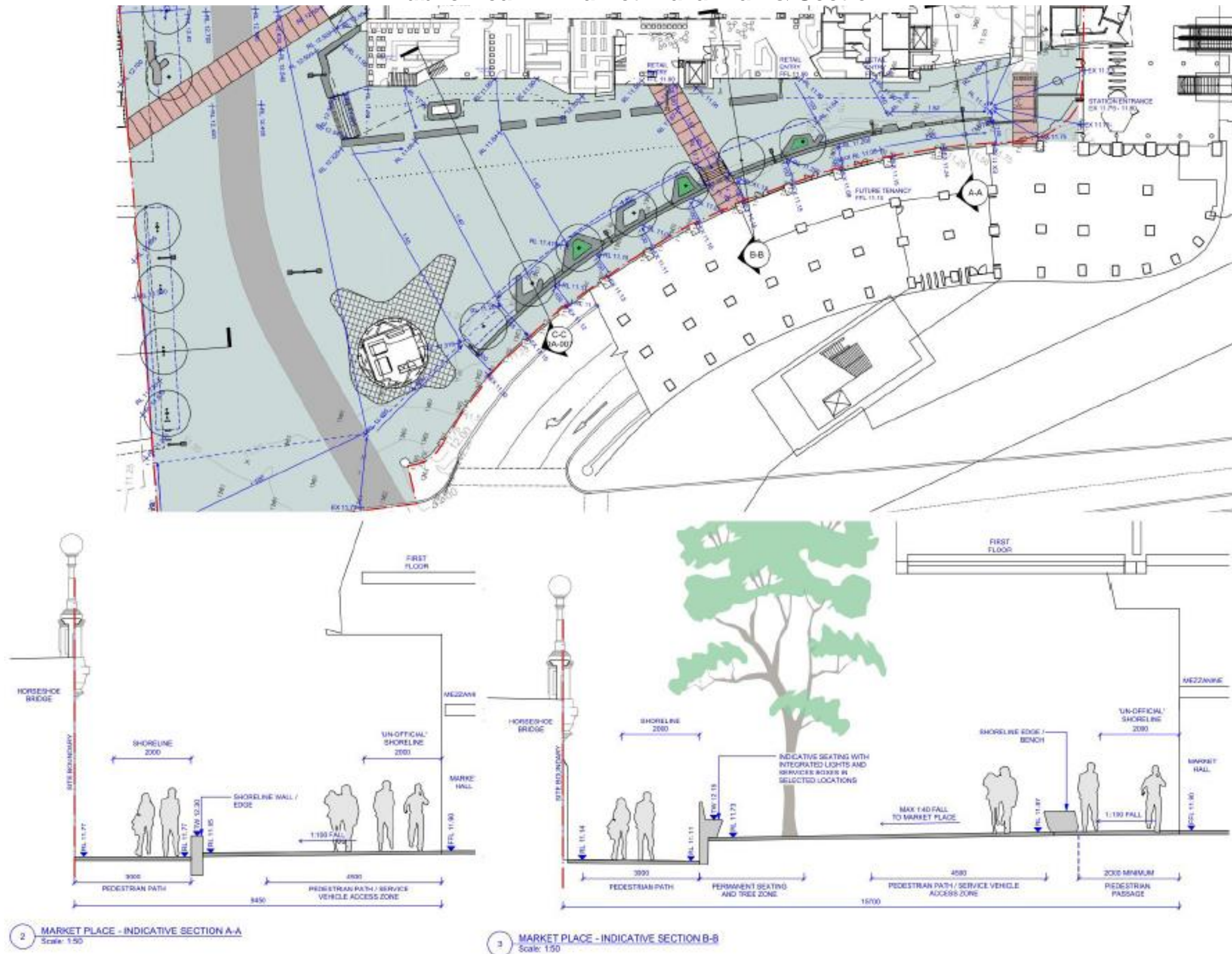
Upper Level Plan

Public Realm – William Street Mall Plan & Section



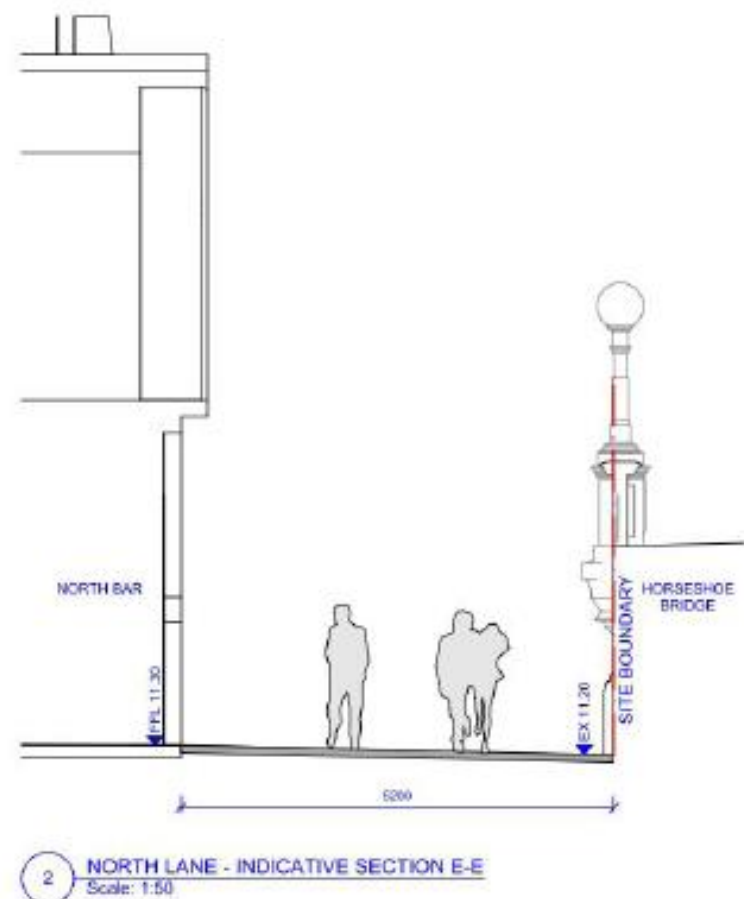
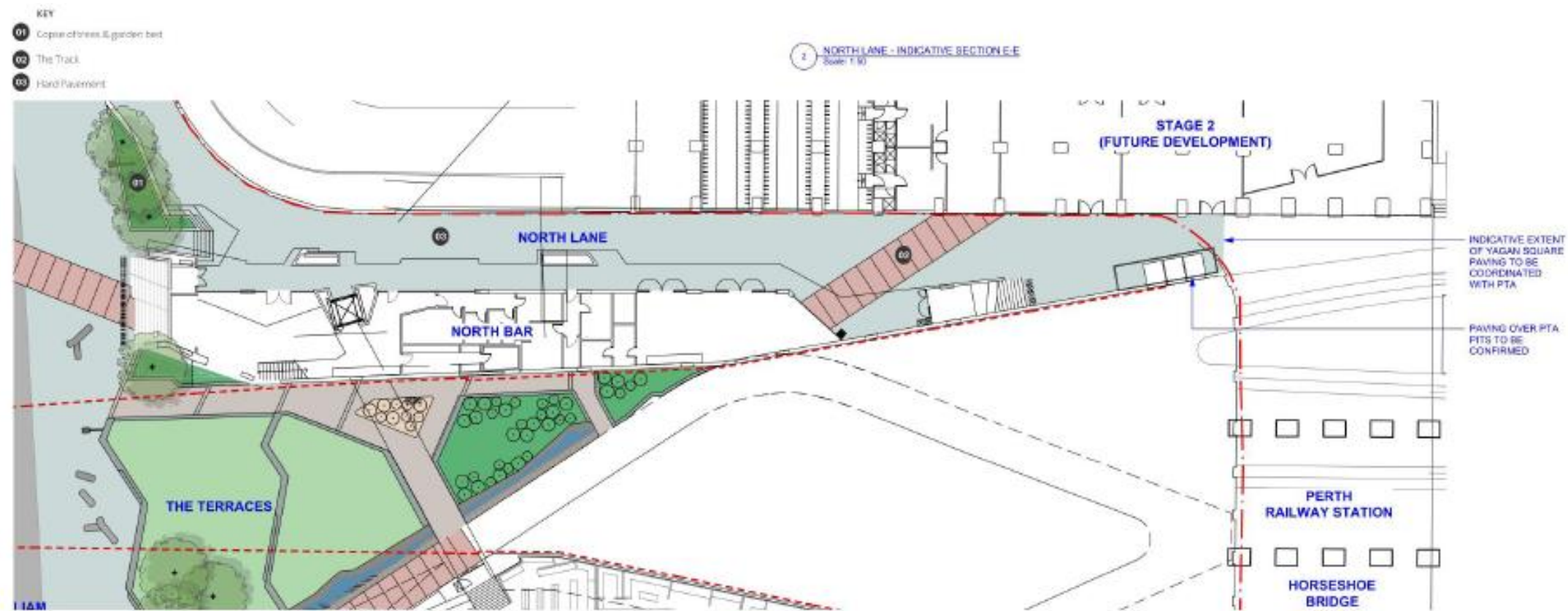
William Street Mall Plan & Section

Public Realm - Market Plaza Plan & Section



Market Plaza Plan & Section

Public Realm – North Lane Plan & Section



North Lane Plan & Section

Upper Landscape & Meeting Place – Yagan Square Canopy over the ‘Track’ and Meeting Place



Yagan Square Canopy over the 'Track' and Meeting Place

Upper Landscape & Meeting Place – Digital Tower and William Street Mall



Digital Tower and William Street Mall

Upper Landscape & Meeting Place – North east garden meeting place



North east garden to meeting place

Upper Landscape & Meeting Place views



Meeting Place - View from Bridge



Meeting Place View



Meeting Place Concept Diagram



Meeting Place Plan

Landscape view



Landscape Illustrative Schematic Design Plan

Landscape View



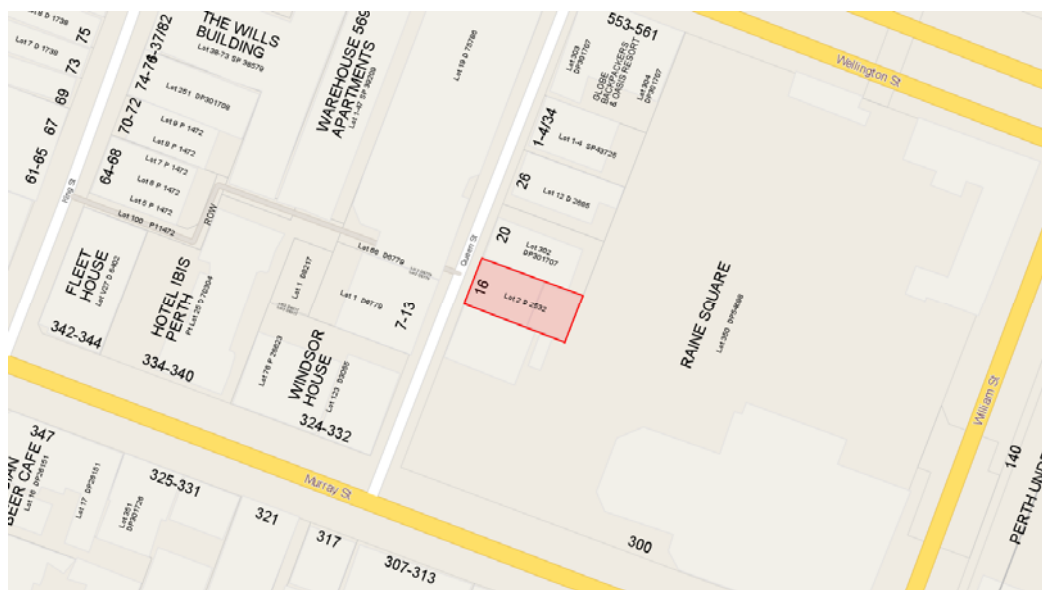
Meeting Place amphitheatre, shade canopy and stage

SCHEDULE 11



City of Perth - Heritage Place Report

16 Queen Street, Perth WA 6000



Names: Shop

Authority: City of Perth



State Heritage Office Register of Heritage Places

The place is not included on the State Register.

City of Perth Town Planning Scheme No.2 Register of Places of Heritage Places

The place is not included in the CPS2 Register individually or as part of a Conservation Area.

City of Perth Municipal Heritage Inventory

The place was included in the draft Municipal Heritage Inventory 2000 with Level 2 protection category with the following Management Category Description:

The draft MHI recommended the following:

The place be included in the Heritage Register attached to the City of Perth's Town Planning Scheme with Level 2 Protection. The place is considered to be of considerable significance. The conservation of the place contributes to the conservation of the heritage of the City. The place should be conserved in accordance with the principles outlined in The Australia ICOMOS for the conservation of places of cultural significance (the Burra Charter). Conservation of the place is encouraged; however adaptation of the place to accommodate the requirements of use etc is appropriate where this enables the place to be kept.

Conservation Plan

There is no Conservation Plan for the place.

Heritage Program Incentives (Rate Concession, Grants, Transfer Plot Ratio, Loan Subsidy)

The owner is currently not eligible for any incentives offered by the Heritage Program.

Heritage Agreement

There is no Heritage Agreement for the place.

Place Details

Construction Year :	1930
Date Source:	Draft MHI 2000 & Preliminary Queen Street Study 2001
Place Type Description:	Building
Original Use General:	Commercial (Flour Mill)



Original Use Specific:	Shop / Retail Store
Present Use General:	Art Gallery, Retail Shop and Bar
Walls 1 General:	Brick
Walls 1 Specific:	Rendered Brick
Architectural Style	Inter-War Chicagoesque
Physical Description	<p>The subject site is located at 16 Queen Street, Perth, and contains a two storey rendered brick building constructed c.1930 in the Inter-War Free Classical architectural style. The building is flanked either side by rendered two storey buildings of similar scale. The floor level of the building is set above the street level, and the main entrance has been modified with the insertion of an entry ramp. Highlight windows from the basement run along the base of the building.</p> <p>The balanced proportion of the façade makes use of classical references, including stylised piers, entablature and vestigial pediment above the parapet. Stucco moulded horizontal banding is also used, and this traces the contours of the façade created by the piers.</p> <p>The first floor elevation of the building appears uncharged from its original design and is symmetrical above the middle entablature, which marks the storey division of the building. The timber casement windows used in this section also appear original, and are set below fixed highlight windows.</p> <p>The parapet of the building is separated from the lower facade through a horizontal double line of stucco moulding, set forward from the plane of the main façade, and supported by block-line brackets. The parapet echoes the geometry of the first floor elevation, and uses rectangular perforations to break up the recessed planes.</p> <p>Due to the narrowness of Queen Street, the corrugated iron gambrel roof, which sits higher than the parapet of the street façade, cannot be seen from the Queen Street level. The original structure of the horizontal awning, which is set below the story division, is clad with non-original fabric which mars the overall impression of the structure.</p>
History	The 1920's in Perth was characterised by economic prosperity and expansion. There was



	considerable migration from Britain and Europe encouraged by government sponsored settlement schemes. In the city this was a period of consolidation. There was continued commercial development including the construction of arcades, hotels and commercial buildings. Although the depression of the early 1930's caused a decline in the building industry, by the late 1930's there was renewed activity including the construction of cinemas.
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Assessment of Significance against Register entry threshold criteria

In accordance with the State Heritage Office's Criteria for the Assessment of Local Heritage Places and Areas, a place will meet the threshold for entry into a local heritage inventory if it meets one or more of the following criteria:

<p>Aesthetic Value</p> <p>Criterion 1: Is it significant in exhibiting particular aesthetic characteristics.</p>	<p>The place is of aesthetic significance as a fine example of a two-storey rendered brick building in the Inter-War Chicagoesque architectural style.</p> <p>The place is of aesthetic significance as an example of a commercial building constructed during the interwar period.</p> <p>The building is of aesthetic significance for its design which reflects the optimistic and affluent period following World War One.</p> <p>The place is of aesthetic significance as part of a streetscape comprising eight commercial buildings dating from the early twentieth century.</p>
<p>Historic Value</p> <p>Criterion 2: It is significance in the evolution of pattern of the history of the local district.</p>	<p>The place is of historic significance because it reflects the expansion of commerce and trade in the city between the end of World War One and the beginning of the Great Depression.</p>
<p>Research Value</p> <p>Criterion 3A: It has demonstrable potential to yield information that will contribute to an understanding of the natural or cultural history of the local district</p>	<p>Further research is required</p>

Criterion 3B: It is significant in demonstrating a high degree of technical innovation or achievement.	Further research is required
Social Value Criterion 4: It is significant through association with a community of cultural group in the local district for social, cultural, educational or spiritual reasons	Further research required
Rarity Criterion 5: It demonstrates rare, uncommon or endangered aspects of the cultural heritage of the local district	The place is rare as part of a relatively intact streetscape of inner city commercial buildings from the early twentieth century.
Representativeness Criterion 6: It is significant in demonstrating the characteristics of a class of cultural places or environments in the local district.	The place is a representative example of a commercial building constructed in Perth following the end of World War One.
<i>Building Condition, Integrity and Authenticity</i>	

Condition (Good, Fair, Poor)	Good (externally)
Integrity (High, Medium, Low)	Medium – retains part original retail function.
Authenticity (High, Medium, Low)	Moderate
<i>Management Recommendation</i>	

An application for development should take account of the way in which the heritage significance of the place will be conserved. Where possible original or significant fabric should be kept. The City of Perth has the right to request that documentation outlining the way in which the place will be conserved be submitted prior to consideration of a development application for the place.

16 QUEEN STREET

**PROPOSED INCLUSION ON THE CITY PLANNING SCHEME NO. 2 REGISTER
OF PLACES OF CULTURAL HERITAGE SIGNIFICANCE (CPS2 HERITAGE
REGISTER)**

OWNERS RESPONSE



Office 26, 36 South Terrace, Fremantle WA 6160 PO Box 1328 Fremantle WA 6959
Phone (+61) 8 9430 8173

Background

The property at 16 Queen Street contains a two storey rendered brick building constructed c.1930 in the Inter-War Free Classical architectural style. The place forms part of a relatively intact streetscape along with other properties in Queen Street that are currently not heritage listed.

In response to a request by the owners of the property, the City of Perth (CoP) have undertaken a heritage assessment of the place to consider it for inclusion on the City Planning Scheme No. 2 Register of Places of Cultural Heritage Significance (CPS2 Heritage Register). The assessment concluded that the place is of potential cultural heritage significance to the City and is likely to meet the threshold for inclusion in the CPS2 Heritage Register and a recommendation has been made to Council to include it on the heritage inventory.

A letter dated 21 November 2014, was sent to the owner's representative confirming this action, inviting the owner to make comment on the proposed listing. This report provides a response on behalf of the owners of 16 Queen Street.

Heritage Assessment

The assessment undertaken by the CoP identified the building to be of cultural heritage significance for the following reasons:

Aesthetic Value

- The place is of aesthetic significance as a fine example of a two storey rendered brick building in the Inter-War Free Classical style of architecture.
- The place is of aesthetic significance as an example of a commercial building constructed during the inter war period.

Historic Value

- The place is of historic significance because it reflects the period of affluence and optimism following the end of World War One.

Representativeness

- The place is representative as an example of a commercial building constructed in Perth following the end of World War One.

Comment

Adaptive Re-Use

Prior to its conversion, the building was owned and operated by WA Hospital Supplies for a period of 45 years of its 60 year history (which warrants further historical research to support the heritage assessment). The building became vacant when this business relocated to Balcatta. During this tenancy the building underwent some changes (notably the alteration of the shop front). However, much of the original fabric remained of the building including upper floor fenestration, floors, staircases, loading bays and gantries.

During the recent conversion of 16 Queen Street in 2010-11, the new owners of the property not only recognised the buildings heritage significance but also the potential

of the place to contribute to the revitalisation of Perth's social, cultural and hospitality scene. Thereby securing its ongoing cultural significance of the place to the people of the City of Perth.

The brief for the revitalisation of the building was to ensure an adaptive re-use that respected the historic and cultural significance of the place while providing clear views internally through the various levels. The requirement to provide a multi-faceted space with retail, café and gallery was adopted and developed to enhance the history and interpretation of the building.

This inner city regeneration project involved the removal of intrusive elements (mainly modern internal changes relating to the WA Hospital Supplies fit out) and retention of historic fabric to include a roof terrace, mezzanine level and introduction of compliant universal access supporting pedestrian flow from Queen Street and Raine Square thereby connecting people to this historic place.

The regeneration project highlighted features of the original architectural style coupled with modern elements such as frameless glass and open voids thereby successfully integrating modern elements into the historic building. Modern cubes containing toilets and bar area were inserted into the building, which are reversible and changes to floor level required for compliance are complementary yet identifiable from the original.

Original elements of the internal brickwork, pressed tin ceilings, timber floor boards, roof trusses, gantry crane, windows to the west, internal steel structure and loading bay doors to the rear were retained and enhanced through reveal and interpretation of the fabric.

Many of the principles of the ICOMOS Burra Charter were employed in the adaptive re-use, leading to the project's recognition in the Australian Institute of Architects, Julius Elischer Awards in 2011.

Cultural Connectivity

The regeneration project has not only created an inviting and vibrant, publically accessible space within an historic building but also houses an art gallery used regularly for exhibitions of local and international artists thereby continuing its cultural connectivity. A notable exhibition took place in 2011, celebrating the opening of the venue, displaying works by the WA artist Matt Doust. Matt moved to Los Angeles in 2012 to develop his art career and rapidly achieved acclaim and respect in the international art world including being an Archibald Prize finalist. Matt sadly recently passed away making his connection with Queen Street even more poignant.

Photographs

Internal – Showing Retention of Historic Fabric



Former Loading Dock and Door



Retention of original stairs with change in floor level to accommodate universal access.



Cube inserted to provide bar space and facilities above
Photo Courtesy of Joel Barbitta De-max Photography



Original steel columns and beams exposed for effect, original pressed metal ceiling
in the retail space, original wall and gantry above
Photo Courtesy of Joel Barbitta De-max Photography

Owner's Response to Proposed Listing

Given the historical significance of the building and the attention given to the adaptive re-use to retain heritage values and continue the building's contribution to the cultural fabric of Perth City, the owners of the building are supportive of the inclusion of the place on the City's municipal heritage inventory. They also support the consideration of Queen Street as an historic precinct thereby recognising the contribution 16 Queen Street makes to the streetscape.

Although inclusion of the property on the City of Perth's Register of Places of Cultural Heritage Significance provides a certain level of protection and recognition, the owners are keen to prepare a conservation management strategy (following the guidelines of the State Heritage Office) that will guide future management of the place for the owner and occupiers to ensure heritage values are conserved and enhanced through appropriate maintenance, interpretation and informed changes and development.

The owners look forward to working with the City of Perth to facilitate the proposed heritage listing and continue the buildings conservation into the future.

SCHEDULE 13

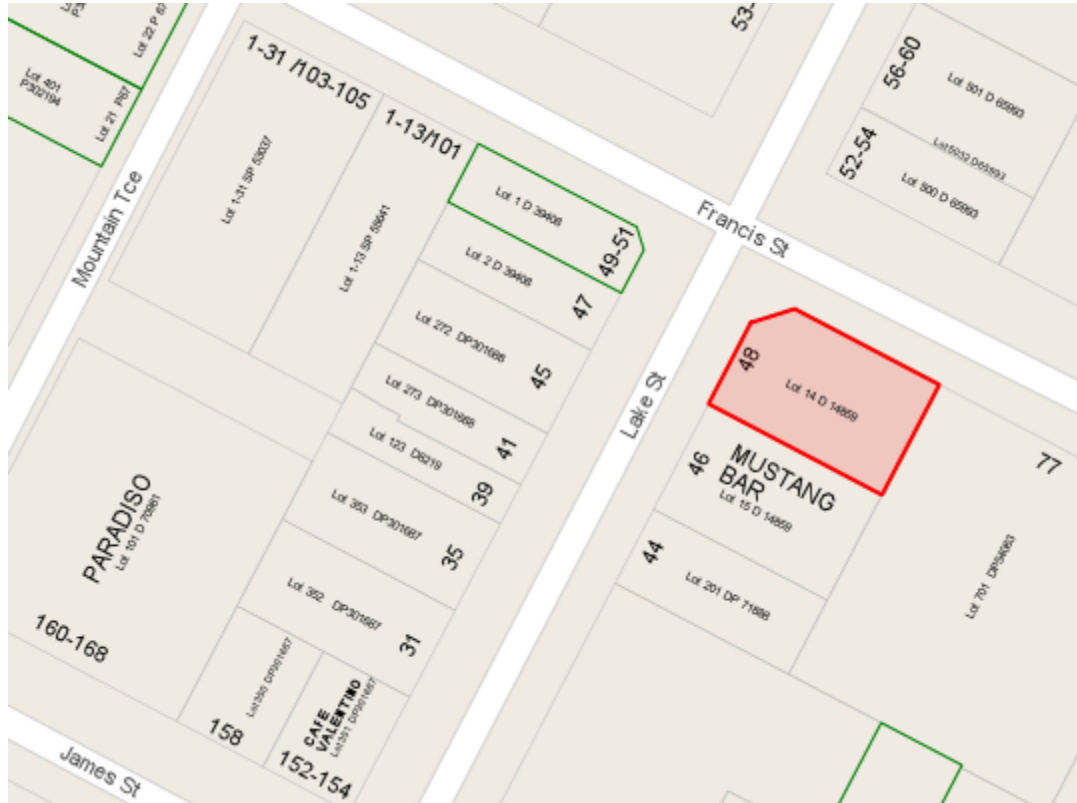


City of Perth - Heritage Report:

48 Lake Street
NORTHBRIDGE WA 6003

Description: Eleni House

Authority: City of Perth (City Centre)



HCWA:

HCWA Place #: [11463](#)
State HCWA Place #: [NA](#)

Precinct #: NA
Precinct Name:

Heritage Agreement:

Heritage Agreement: No
Status:
Listing Date:

Conservation Plan:

Conservation Plan: No

Heritage Grant Register:

Heritage Grant Register: No

Conservation Area:



Conservation Area: No
Type:

Heritage Assess (No Rates):

Transfer of Plot Ratio:

Transfer Plot Ratio:

Building Condition Report:

Building Condition Reports: Y

2008/2009 – Building Scores: 2009/2010 – Building Scores

Building 1: Average Building 1: Average

MHI 2000:

Place Number:	1367
Creation Date:	35870
HCWA Number:	11463
HCWA Region:	Metropolitan
Other Number 1:	176618
Other Number 2:	319400
Other Number Description 1:	Property Key
Other Number Description 2:	GIS
Place Name:	Eleni House 48 Lake Street
Street Number:	48
Street Name:	Lake Street
Suburb Town:	Northbridge
Postcode:	6003
Local Govt Authority:	Perth
Precinct:	0
Last Modified Date:	39066
Construction Year 1:	1915
Circa 1:	1
Circa 2:	0
Circa 3:	0
Construction Year LB1:	1913
Construction Year UB1:	1917
Circa Demolition:	0
Date Source:	Visual Assessment
Place Type Description:	Building(s) or Group
Original Use General:	Residential
Original Use Specific:	Two storey residence
Present Use General:	Commercial
Present Use Specific:	Office or Administration Bldg
Other Use General:	NULL
Walls 1 General:	Brick
Walls 1 Specific:	Painted Brick



Roof 1 General:	Metal
Roof 1 Specific:	Zincalume
Architectural Style 1 General:	Federation
Architectural Style 1 Specific:	Queen Anne
Historical Notes:	<p>In the early years of the Swan River colony the area to the north of Perth (now known as Northbridge) was low lying and swampy and was therefore settled more slowly than the better land closer to the river. It was also further from the river port and the main means of transport.</p> <p>Northbridge is an inner suburban area, named because it is just north of Perth across the railway bridge. It was approved as a suburb name in 1982.</p> <p>In 1854 some of the swampy land to the north of Perth was drained producing some fertile land for farming and later subdivision. The land was subdivided into allotments circa 1860. Land in the area was taken up by discharged soldiers, artisans and small landholders. The area at this period was characterised by small cottages and businesses.</p> <p>In 1881 the railway from Fremantle to Guildford was opened and became the main transport route. From that period commerce and trade tended to focus around this area with smaller commercial enterprises and manufacturing to the north. It was less fashionable to live north of the railway line, however the area was close to the city and during the 1890's and early 1900's was substantially redeveloped with further subdivision of lots and mixed residential and commercial development. A number of trade and community organisations had their origins in the area at this time.</p> <p>Over the years the population of the area changed as people relocated to suburban areas of the city. As a result Northbridge became the home for successive migrant communities. For example, communities including Greek, Italian, Chinese and more recently Vietnamese migrants have settled here as property remained relatively cheap and had the advantage of being close to the city. These communities have over the years given this area a distinctive character, generally recycling the existing buildings rather than redeveloping the area.</p> <p>(Extracted from M. Pitt Morrison and J. White in C.T. Stannage, A New History of Western Australia; U.W.A. 1981 and Michael Bosworth, Thematic Historical</p>



	framework, City of Perth Unpub. 1995).
Description Notes:	Two storey building, originally residential, with bottom storey partially below ground level. Hipped roof with tall chimney. Prominent projecting gable to street front with simple half-timbered effect. Asymmetrical facade with bay to one end. Verandah with timber posts and highly decorative cast-iron balustrade.
Condition Notes:	Good
Integrity Authenticity Notes:	Largely as originally constructed with detail intact.
Archaeological Description:	NULL
Statement of Significance:	<p>The place is of aesthetic significance as an example of a residential building dating from period around the turn of the century. The increasing affluence of the community following the gold boom is reflected in the increased use of decoration.</p> <p>The place is of aesthetic significance because it contributes to the visual quality of its location.</p> <p>The place is of historic significance because it reflects the way of life of the wealthier residents of Perth in the late nineteenth and early twentieth century.</p> <p>The significance of the place is increased because it remains substantially intact.</p> <p>The Place is a representative example of a residential property in Perth dating from the late nineteenth to early twentieth century. The place represents the changing character of the Perth community from the post gold rush settlement period to the period of settlement by various ethnic communities, to the present.</p>
Management Category:	Level 1 Protection
Management Category Descriptio:	<p>The place has been entered into the Heritage Register attached to the City of Perth's Town Planning Scheme with Level 1 Protection. The place is considered to be of exceptional significance. The conservation of the place is essential to the conservation of the heritage of the City.</p> <p>This place is recommended for entry into the State Register of Heritage Places.</p> <p>The place should be conserved in accordance with the principles outlined in The Australia ICOMOS for the conservation of places of cultural significance (the Burra Charter). A conservation plan should be prepared.</p>



	<p>If a conservation plan has been prepared, refer to recommendations of the plan in assessing any development application for the place.</p> <p>or</p> <p>If a conservation plan has not been prepared the City of Perth has the right to require the preparation of a conservation plan, in accordance with a specified brief, prior to granting any development approval for the place.</p>
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**DOCUMENTATION OF PLACES
FOR ENTRY IN THE
REGISTER OF HERITAGE PLACES**

1. **DATA BASE No.** 11463
2. **NAME** *Eleni House, Northbridge* (1897)
FORMER NAME (or OTHER NAMES)
3. **LOCATION** 48 Lake St, Northbridge
4. **DESCRIPTION OF PLACE INCLUDED IN THIS ENTRY**
Lot 14 Diagram 14859 being the whole of the land contained in Certificate of Title Volume 1123 Folio 324.
5. **LOCAL GOVERNMENT AREA** City of Perth
6. **OWNER**

Eleni Enterprises Pty Ltd
Con Gupanis
7. **HERITAGE LISTINGS**
 - Register of Heritage Places: -----
 - National Trust Classification: -----
 - Town Planning Scheme: -----
 - Municipal Inventory: -----
 - Register of the National Estate: -----
8. **ORDERS UNDER SECTION 38 OR 59 OF THE ACT**

9. **HERITAGE AGREEMENT**

10. **STATEMENT OF SIGNIFICANCE**
Eleni House, Northbridge (1897), a substantial two-storey granite, brick and corrugated iron Federation Queen Anne style former residence, has cultural heritage significance for the following reasons:
 - the place was built by and for William Atkins, one of Western Australia's most prolific builders;
 - the place is rare as a substantial residence known to have been constructed for a successful professional builder;
 - the place is rare as a granite residence, and particularly rare for its inner-city location;

the place is indicative of the dramatic development and influx of wealth to Perth and its immediate suburbs in the 1890s Gold Rush Period; and,
the place is a fine and excellent example of a substantial two-storey Federation Queen Anne style residence, and is a notable landmark.

The garage and carport to the rear of the building are not considered to be of heritage significance.

11. ASSESSMENT OF CULTURAL HERITAGE SIGNIFICANCE

The criteria adopted by the Heritage Council in November 1996 have been used to determine the cultural heritage significance of the place.

PRINCIPAL AUSTRALIAN HISTORIC THEME(S)

- 4.6 Remembering significant phases in the development settlements, towns and cities

HERITAGE COUNCIL OF WESTERN AUSTRALIA THEME(S)

- 107 Settlement
- 111 Depression and boom
- 605 Famous and infamous people

11.1 AESTHETIC VALUE*

Eleni House, Northbridge is a fine and excellent example of a substantial two-storey Federation Queen Anne style residence, and is a notable landmark. The basement storey is partially below ground level, resulting in the residence appearing less ostentatious than it actually is. (Criterion 1.1)

11.2. HISTORIC VALUE

Eleni House, Northbridge is indicative of the dramatic development and influx of wealth to Perth and its immediate suburbs in the 1890s Gold Rush Period. (Criterion 2.2)

Eleni House, Northbridge is important as the residence of the successful builder and contractor, William Atkins. Atkins was responsible for the construction of a number of Western Australia's most iconic buildings such as the *Perth Mint*, *PICA & Arts House [Perth Boys' School]*, *Perth Government Stores* and *Cue Public Buildings*. (Criterion 2.3)

Eleni House, Northbridge has some historic value as the offices of the prominent architectural firm Summerhayes and Associates during the 1970s. (Criterion 2.3)

11.3. SCIENTIFIC VALUE

Eleni House, Northbridge has the potential, through research and archaeological investigation, to provide further information about the original owner and builder, William Atkins. Sub-surface deposits beneath the floor coverings and floor boards may contain artefactual material relating to the use of the property as a residence. (Criterion 3.1)

Eleni House, Northbridge demonstrates William Atkins' skill and technical knowledge in building construction. The use of granite as the construction material for the entire ground floor enabled the lower floor of the former residence

* For consistency, all references to architectural style are taken from Apperly, R., Irving, R., Reynolds, P. *A Pictorial Guide to Identifying Australian Architecture. Styles and Terms from 1788 to the Present*, Angus and Robertson, North Ryde, 1989.

For consistency, all references to garden and landscape types and styles are taken from Ramsay, J. *Parks, Gardens and Special Trees: A Classification and Assessment Method for the Register of the National Estate*, Australian Government Publishing Service, Canberra, 1991, with additional reference to Richards, O. *Theoretical Framework for Designed Landscapes in WA*, unpublished report, 1997.

to be partially below ground level without affect from the swampy environs, while also taking advantage of the natural slope of the site. (Criterion 3.3)

11. 4. SOCIAL VALUE

12. DEGREE OF SIGNIFICANCE

12. 1. RARITY

Eleni House, Northbridge is rare as a substantial residence known to have been constructed for a successful professional builder. (Criterion 5.1)

Eleni House, Northbridge is rare as a granite residence, and particularly rare for its inner-city location. (Criterion 5.1)

12. 2 REPRESENTATIVENESS

Eleni House, Northbridge is a representative example of a two-storey Federation Queen Anne style residence constructed in Perth in the 1890s Gold Rush period. (Criterion 6.1)

Eleni House, Northbridge provides evidence of the original owner's achievements, and acts as a visual statement of William Atkins' wealth and success. It also acted as a showpiece of Atkins building firm, who operated from the premises for a period. (Criterion 6.2)

12. 3 CONDITION

Eleni House, Northbridge is currently well maintained and is in good condition.

12. 4 INTEGRITY

Eleni House, Northbridge is currently vacant, however it was most recently used as office accommodation. The internal fittings required for it to function as an office are easily reversible and therefore the integrity of the place is moderate.

12. 5 AUTHENTICITY

Eleni House, Northbridge has been adapted to suit modern domestic living and office use over time but has, none-the-less, retained much of its original architectural detailing (both internally and externally). Overall, the former house retains a moderate level of authenticity.

The grounds have a low level of authenticity as there is little evidence of any former landscaping and the plot size has been reduced.

13. SUPPORTING EVIDENCE

The documentation for this place is based on the heritage assessment completed by the State Heritage Office in September 2014.

Amendments and/or additions have been carried out by the State Heritage Office and the Register Committee.

13.1 DOCUMENTARY EVIDENCE

Eleni House, Northbridge is a substantial two-storey brick, stone and iron Federation Queen Anne former residence constructed in 1897 for William Atkins.

On 12 August 1829, little over a month after the establishment of the Swan River Colony, Captain James Stirling, Lieutenant-Governor of the new colony, selected and declared a site for the colony's seat of government, and capital, Perth.¹ The grid-style townsite was surveyed and laid out from August 1829, however was restricted in its layout due to the river to the south and east, Mt Eliza to the west and swamps and lagoons to the north.²

Little settlement occurred to the north of Perth townsite until the boom of the 1890s which, promoted by the dramatic increase in population, facilitated the development of the area now known as Northbridge. As well as boarding houses, hotels and churches, many fine homes were established in Northbridge during this period for some of the colony's most prestigious figures.³

One of these grand residential properties was constructed in 1897 on the corner of Lake and Francis Streets for William Atkins, a successful builder and contractor. This building is now known as *Eleni House, Northbridge*.

Atkins, originally from Tipperary, in Ireland, arrived in Western Australia in 1881. Records suggest that prior to his arrival, Atkins had spent some time in Tasmania, where he met and married his wife Emily Mary, and together they lived in Victoria and raised six (of an eventual eight) children.⁴

Immediately upon Atkins' arrival in Western Australia, he was appointed the Mill Manager of Jarrahdale Timber Mill, which suggests that the family's relocation was due to his appointment. In 1881, Atkins built the family residence at the mill site which today is known as *Mill Manager's Residence*.⁵ This place was entered in to the State Register in 1998.⁶

¹ Markey, D.C., 'Pioneer Perth' in Gentilli, J. (ed.), *Western Landscapes* (University of Western Australia Press, Nedlands: 1979), p. 346., Pitt Morison, Margaret, 'Settlement and Development: The Historical Context', in Pitt Morison, Margaret and White, John (eds.), *Western Towns and Buildings* (University of Western Australia Press, Nedlands: 1979), pp. 1-4.

² Pitt Morison, 'Settlement and Development, in Pitt Morison and White (eds.), *Western Towns and Buildings* (1979), p. 14.

³ Palassis Architects, *Northbridge Redevelopment Project Conservation Report* (Prepared for East Perth Redevelopment Authority: 2000), p. 9.

⁴ Erickson, R., *The Bicentennial Dictionary of Western Australians 1829-1914, Volume 1,A-C* (University of Western Australia Press: Nedlands, WA: 1987), p. 85., 'The Late Mr W Atkins', *The Daily News*, 6 December 1920, p. 5.

⁵ Kelsall Binet Architects, with Robin Chinnery, Historian, 'Mill Manager's Residence, Jarrahdale, Conservation Plan', Jan 2005, and Erickson, *The Bicentennial Dictionary of Western Australians 1829-1914, Volume 1,A-C* (1987), p. 85.

⁶ The Heritage Council's permanent register documentation for P4615 *Mill Manager's Residence* (1999) notes the place was constructed in 1889, and does not mention Atkins, however additional research for the Conservation Plan cited above supports Atkins building the house in 1881.

In 1886, Atkins had returned to Perth and purchased a block of land on the corner of Francis and Lake Streets. The block was the site of his family home – *Eleni House, Northbridge* - but remained vacant for the next decade.

By 1887, fifty-one year old Atkins entered into a partnership with twenty year old Robert Oswald Law as building contractors. Together Atkins and Law were responsible for constructing a number of significant buildings and infrastructure projects in the State, including the Perth to Pinjarra Railway (completed 1893), *Cue Public Buildings* (1895), *Perth Boys' School* (1897), the *Perth Mint* (1899), *Perth Government Stores* (1911) *Fremantle Post Office* (1907), and the sewerage system in Perth and Fremantle.⁷ In the 1890s, Atkins and Law were responsible for building sawmills at Collie and Roleystone, and became well known throughout Australia for the construction of jetties and wharves.⁸

By 1897, Atkins and Law had become a successful business, and Atkins built a substantial family home, now known as *Eleni House, Northbridge* on the vacant block of Francis and Lake Streets.⁹

The house is a substantial two-storey Federation Queen Anne style residence, which features an iron roof of varied shape, a projecting bay with a gable, tall chimneys, painted brickwork, granite, and timber verandahs. The main living areas are located on an elevated ground floor, with the secondary rooms on the lower ground floor.

As a professional builder, Atkins' residence can be seen to demonstrate his skill and technical knowledge in building construction, while dually acting as a showpiece for the firm (who later operated from the premises). Northbridge was traditionally swamplands; however by using granite, which has appealing properties such as low water absorption, for the construction material of the entire ground floor, Atkins was able to build this floor partially below ground level, taking advantage of the natural slope of the site.

At the time of construction, Atkins' property was valued two to three time more expensively than any other property in the City of Perth's West Ward (Northbridge),¹⁰ indicating its size and grandeur in comparison to other properties being constructed in the area at the same time.

The offices of Atkins and Law operated from *Eleni House, Northbridge* for just a few years from 1899 to 1905.¹¹ By 1906, Atkins and Law had ceased operating from the property. This move was likely for a number of reasons, primarily that in 1905 Atkins and Law had diversified by opening up its own brickworks in Midland, but secondly because Atkins was nearing retirement (by 1906 Atkins was 70). It appears that the partnership of Atkins and Law came to end shortly after the opening of the brickworks. By 1907 Law was the sole owner of a second

⁷ Erickson, *The Bicentennial Dictionary of Western Australians 1829-1914, Volume 1,A-C* (1987), p. 85., HCWA, SRHP – Assessment Documentation, P2905 *Lexbourne House (fmr)* (2005), pp. 5, 6., 'King Atkins Dies At 69', *The Daily News*, 19 March 1949, p. 14.

⁸ Kelsall Binet Architects, with Robin Chinnery, Historian, 'Mill Manager's Residence, Jarrahdale, Conservation Plan', Jan 2005.

⁹ City of Perth, Rate Books 1891-1897 (excluding 1895).

¹⁰ City of Perth, Rate Books, 1897, 1900, 1905, 1915.

¹¹ Western Australian Post Office Directories, 1897-1900, 1905, 1910. Sourced from http://www.slwa.wa.gov.au/find/wa_resources/post_office_directories. Accessed on 1 August 2014.

brickworks in Cardup (near Byford), and it is likely that they parted ways at around this time.¹²

Atkins continued to reside at *Eleni House, Northbridge* until his death in 1920. His funeral was attended by public figures such as A Green, the Commonwealth Commissioner, E. Tindale (later the Commissioner of Main Roads) representing the Minister for Works and the Public Works Department, W. Fairweather, the President of the Master Builders' Association, as well as a number of notable architects and business owners. Such a strong representation of Western Australia's powerful and elite at his funeral indicates the influence and impact that Atkins had had on the State, particularly within the building profession, during his lifetime.¹³

After Atkins' death, until the late 1980s, the ownership of *Eleni House, Northbridge* changed multiple times. Its use changed from primarily residential to commercial, as it became offices and operated as a restaurant. Of note, during the 1970s, the property was used by the prominent architectural firm Summerhayes and Associates as their offices.

In 1988, *Eleni House, Northbridge* was purchased by Con Gupanis. Con named the property 'Eleni' after his wife.¹⁴

Con Gupanis arrived in Western Australia from Kastoria, Greece in 1931 aged 4 with his parents Alexander and Alexandra.¹⁵ The Gupanis' were one of many Greek families to migrate to Australia during the inter-war period, as Australia's relaxation of immigration restrictions and Greece's comparatively poor socio-economic position prompted many to travel in search of a better future.¹⁶

Although the highest concentration of Greek settlers in the 1930s was in the Northbridge area, particularly along Lake St where Con Gupanis would later purchase *Eleni House, Northbridge*,¹⁷ the Gupanis family initially lived and farmed in Wanneroo before moving to Perth in 1938 and establishing a general store in partnership with relatives. Con worked at the family store until 1968 when, after completing a degree in accounting, he began working as a professional accountant. In 1970 Gupanis took over the practice he was working for, which he subsequently renamed Con Gupanis and Associates. As well as being a member of the Certified Practising Accountants, the Institute of Chartered Secretaries and a registered auditor, Gupanis was a Justice of the Peace and a foundation

¹² HCWA, SRHP – Assessment Documentation, P2905 *Lexbourne House (fmr)* (2005), p. 6., Moore, Bryce, *From the ground up: Bristle, Whittakers, and Metro Brick in Western Australia* (University of Western Australia Press: Nedlands WA, 1987), pp.42, 43.

¹³ 'The Late Mr W Atkins', *The Daily News*, 6 December 1920, p. 5.

¹⁴ Certificate of Title Vol. 1123 Folio. 324. Transfer of property to Eleni Enterprises Pty Ltd on 8th April 1988 at 11.57 hrs. Email from L M Gupanis & Associated to Sian Ferraz, State Heritage Office, 9 September 2014.

¹⁵ 'Profile – Con Gupanis', in Greek Australian Professional and Businessmen's Association of Western Australia (Inc), *Greek Australian Professional and Businessmen's Association of Western Australia (Inc) Bulletin*, Vol. 8 No. 2 (February 1989), p. 5. 'Appendix II: Greek Arrivals to Western Australia 1829-1939', in Appleyard, R.T. and Yiannakis, John N., *Greek Pioneers in Western Australia* (University of Western Australia Press, Nedlands: 2002), p. 259.

¹⁶ Appleyard, and Yiannakis, *Greek Pioneers in Western Australia* (2002), pp. 101, 102, 104, 106.

¹⁷ Ibid., p. 197., 'Greek Residences along Lake Street, Perth in 1936', sourced from Western Australian Postal Directory 1935-36, in Appleyard and Yiannakis, *Greek Pioneers in Western Australia* (2002), p. 136.

member of the Greek Australian Professional Businessmen's Association of Western Australia.¹⁸

In 2014, the Gupanis family continues to own *Eleni House, Northbridge*.

At the time of assessment, in September 2014, *Eleni House, Northbridge* was untenanted, but had until recently been used as offices.

13.2 PHYSICAL EVIDENCE

Eleni House, Northbridge is a substantial two-storey Federation Queen Anne residence constructed in 1897. It has the main living areas located on an elevated ground floor, with the secondary rooms on the lower ground floor.

Siting

Eleni House, Northbridge is located at 48 Lake Street and occupies a corner lot between the east side of Lake Street and south side of Francis Street.

Eleni House, Northbridge, has a 1 metre set-back from the boundaries facing Lake and Francis Streets with a small amount of planting and steel fencing.

To the south and east, the former residence is closely bounded by large neighbouring buildings. Between *Eleni House, Northbridge* and the buildings to the east there is an area of paving with a steel and polycarbonate pergola that provides undercover parking for the site. Two brick single garages sit to the north-east corner of the site. Further paving continues around the south side of the building.

Exterior

Eleni House, Northbridge features an iron roof of varied shape, a projecting bay with a gable, tall chimneys, painted brickwork, granite, and timber verandahs, typical of a Federation Queen Anne residence. The roof is a medium pitch gable roof, clad with corrugated iron in long sheets.

Windows are primarily timber sash, the majority are double hung, with 2 or 4 panes of glazing in each with plain square or splayed reveals. The central bay window has two sashes within the window reveal with a decorative cast iron dividing column. All windows are painted and sills are rendered concrete.

Eleni House, Northbridge has an asymmetrical composition with a galvanised iron roof featuring a mixture of pitched and hipped sections. The eaves have a boarded soffit, gutters have an ogee profile and downpipes are round. The north elevation features two chimneys that are partially rendered and partially painted face brickwork. The chimneys have vertical rendered bands and a moulded rendered collar and capping. There is a third chimney to the south which is concealed from street level. The principal façade facing Lake Street features a half-timbered effect flying gable and bay. There is an upper ground floor verandah with a curved iron roof and turned timber posts on the front façade that continues partially round the south elevation. The upper balustrade is decorative cast iron and the timber floor is a recent replacement. There is no balustrade to

¹⁸ 'Profile – Con Gupanis', in Greek Australian Professional and Businessmen's Association of Western Australia (Inc), *Greek Australian Professional and Businessmen's Association of Western Australia (Inc) Bulletin*, Vol. 8 No. 2 (February 1989), p. 5. 'Appendix II: Greek Arrivals to Western Australia 1829-1939', in Appleyard and Yiannakis, *Greek Pioneers in Western Australia* (2002), p. 259.

the lower level. The verandah has had significant repairs carried out with modern timber beams and joists evident.

The lower ground level is tuck pointed granite with rendered sections, including rendered quoins to the windows. The upper ground level is painted stretcher bond brickwork with rendered quoins to the windows. Wall vents are decorative cast iron.

A flight of concrete steps flanked by a sweeping rounded stucco balustrade leads up from Lake Street from two square piers with moulded capitals to a similar set of piers on the verandah. The treads are covered with modern tiles. The stairs provide the main entrance to the house and lead up to a central and impressive 6-panel painted timber front door with stained glass fan and side lights and timber side panelling. There are three timber sash windows forming a bay to the north and 2 further timber sash windows to the south.

There are similarly decorative concrete steps leading from the paved pavement down to the lower ground floor which have been covered with modern paving. There is an electrical cupboard beneath the stairs, accessed from the lower verandah. Modern painted decorative steel fencing encloses the lower verandah.

There is paving to the perimeter of the building with the exception of some garden beds to the elevation facing Francis Street.

To the rear, the lower stonework and upper brickwork has been painted. Access to the ground floor level is through a central door, similar to that of the upper front door. However the stained glass has been replaced with plain yellow and frosted glass and there is a more contemporary door and flyscreen.

The south east corner of the building is constructed entirely of brickwork and appears to be a slightly later addition to the place. The verandah space to the east (rear) elevation has been enclosed with fibrous cement panels and steel windows and is supported with steel columns.

Interior – Upper Ground Floor

Typical original detailing to the main front rooms of the former house includes approximately 3.5m high ceilings with elaborate deep moulded/coved cornices, picture rail and frieze, hard plastered walls, timber floors (all concealed under modern coverings), timber fire place surrounds, moulded timber architraves with plain plinth blocks, four panel internal doors with moulded detailing, external French doors with similar moulded detailing, high moulded timber skirtings, decorative plaster wall vents and ceiling roses. Many rooms have modern fixed or suspended ceilings with contemporary light fittings.

In the secondary rooms there is more restrained detailing, such as simple skirtings and cornices.

Much of the original internal detailing remains intact, although many rooms have a modern mid-rail electrical conduit, modern suspended ceilings and a significant amount of surface mounted electrical wiring. It was not possible to confirm if original ceilings, possibly with mouldings, are above the suspended ceilings.

The main entrance to the building, from the west, accessed by an entrance hall/reception that measures approximately 2.3 x 4.5m. This features timber panelled double doors with side panelling and stained glass side lights, replicating

the rhythm of the front entrance doors in the same room. However there is an arched fanlight at high level with plain glass. There are decorative columns and a dentil cornice that further elaborate the feature.

The entrance hall has doors to two large formal front rooms. The north room contains the large bay window and has a painted timber surround to the fireplace.

The hall continues along the full length of the building, and the decorative door/window combination is repeated at the far end, that leads into a sleepout. This features a single four panelled door similar to the entrance door with plain yellow glass to the side and fan lights.

There are two smaller rooms to the south of the hall, and a further three to the north, all accessed from the hall. There is evidence of a former chimney breast at high level in the centrally located southern room. The sleepout at the far eastern end of the building leads through to the addition in the south-west corner where there is a small kitchen and bathroom.

The timber staircase is located centrally, also accessed from main hall. The staircase appears to be original and has a moulded timber string and timber balustrade with turned balusters. The treads have been covered with carpet and have modern metal safety nosings.

Interior – Lower Ground Floor

The layout of the lower ground floor is much the same as the upper level. The room proportions are similar in size with larger rooms towards the front of the building and smaller secondary rooms to the rear. The detailing is much the same as the upper floor, with approximately 4m high ceilings and more elaborate detailing towards the front of the house. The decorative door/window rhythm is repeated again at the rear end of the building, again with yellow and frosted plain glass.

Eleni House, Northbridge is currently in fair condition. Only one small area of low level damp was noted during the physical inspection, which is likely to be caused by a garden bed abutting the wall externally in this location.

There is evidence of low level damp however in the two outbuildings/garages in the north-east corner of the site and the outbuilding and pergola is generally in poor condition.

13.3 COMPARATIVE INFORMATION

Eleni House, Northbridge is a substantial two-storey Federation Queen Anne former residence constructed in 1897 for one of Western Australia's most successful and prolific builders, William Atkins.

William Atkins

Eleni House, Northbridge is important as the residence of William Atkins. Other places known to be associated with William Atkins include:

- P4615 *Mill Manager's Residence*, Jarrahdale – Constructed for and by Atkins (1881).
- P629 *Cue Public Buildings* – A group of five attached buildings including the Police Station, Police Station House, Magistrate's Court, Post Office and Post Office House, constructed by Atkins and Law (1895).

- P2028 *PICA & Arts House [Perth Boys' School]* – Constructed by Atkins and Law (1897).
- P4566 *One Mile Jetty and Tramway* – Constructed by Atkins and Law (1898).
- P2166 *Perth Mint* – Constructed by Atkins and Law (1899).
- P486 *Claremont Railway Station* – Atkins and Law constructed the western passenger overbridge (1900).
- P351 *Fremantle Post Office* – Constructed by Atkins and Law (1907).
- P19873 *Old Outpatients Building, Princess Margaret Hospital* – Constructed by Atkins and Law (1908-09). This place is included in the Heritage Council's Assessment Program.
- P2056 *Perth Government Stores* – Constructed by Atkins (1911).
- The first section of the Perth-Bunbury railway line – begun in 1891 by Atkins and Law
- Sawmills at Collie and Roleystone – 1809s by Atkins and Law

The above list of places suggests Atkins had had a successful career in the Western Australian building industry. As Atkins' permanent residence, built in 1897 at the pinnacle of his career, *Eleni House, Northbridge* can be seen to visually symbolise his success, as well as demonstrate his skill and technical knowledge in building construction.

Influential builders in Western Australia

As evident from Atkins' portfolio of work, and the impressive attendance at his funeral, he was an important and influential figure in the Western Australian building industry.

A search of Western Australia's Post Office Directories for the period when Atkins was practicing reveals a huge number of builders and contractors in the industry. In 1895, just over 100 builders and contractors were listed in the Post Office Directory. This number dramatically increased to just over 225 by 1900, and to over 540 by 1910.¹⁹ The increasing number indicates the highly competitive nature of Western Australia's building industry during this period. Despite this competition, Atkins was one of Western Australia's most successful and prolific builders.

Builders have traditionally been valued less in the assessment of cultural heritage significance than architects, engineer or designers who are seen to have had more responsibility for the overall design, layout and aesthetics of buildings and projects than the builder. For this reason, heritage assessments often discuss the architect to great length, while few even note the name and background of the builder engaged at the same project.

¹⁹ Western Australian Post Office Directories, 1895, 1900, 1910. Sourced from http://www.slwa.wa.gov.au/find/wa_resources/post_office_directories. Accessed on 8 September 2014.

To date, there has been no comprehensive study of important figures in Western Australia's building industry, and so it is difficult to accurately compare Atkins' career to other similar figures.

A search of the State Heritage Office database for builders who are associated with numerous building projects produces just a few relevant results. Some comparatively successful builders include:

- Robert Oswald Law (partner of William Atkins from 1887 to 1906) – As part of Atkins and Law, Law was responsible for the construction of Western Australian icons such as *Cue Public Buildings* (1895), *PICA & Arts House* [*Perth Boys' School* (1897), *Perth Mint* (1899), *Perth Government Stores* (1911)]. After their partnership was dissolved, Law became involved in the manufacturing industry and established a number of brickworks including *Armada Brickworks* (1901) and *Maylands Brickworks* (1927). Law's private residence was constructed in 1911 in West Perth and is entered in the State Register as *Lexbourne House*. The house is recognised for its architectural composition and its association with Law.
- Frederick Wilhelm Gustav Liebe – Prussian born Liebe was the builder of landmark buildings such as *His Majesty's Theatre* (1904), *Art Gallery of Western Australia* (1908), *Peninsula Hotel* (1906). Prior to his arrival in Western Australia, Liebe worked in Europe on projects including the Budapest Opera House and Bulgaria's Parliament House. Searches have been unable to locate Liebe's personal residence.
- Edward Vivien Harvey Keane – English born Keane was responsible for the construction of a number of railway projects including the Chidlow to York rail line, the York to Beverley, Spencer's Brook to Northam and the Midland Junction to Walkway, and *Geraldton to Walkaway Railway Precinct* (1886). He also constructed buildings including the *Fremantle Town Hall* (1997). Keane's private residence is still extant (although significantly altered) in Peppermint Grove, originally known as Cappoquon House at Keane's Point, the building now houses the Royal Freshwater Bay Yacht Club. This house is entered in the State Heritage Office database as P2278 Royal Freshwater Bay Yacht Club, and has never been reviewed by the Register Committee.
- Simon Bremner Alexander – Scottish Alexander was one of Western Australia's leading building contractors. He was responsible for buildings such as *P & O Building* (1903), *18 & 20 Howard Street* (1905), *Perth Court of Petty Sessions* (1905), *Fremantle Railway Station* (1907), *Perth Modern School* (1910), *Chief Secretary/Public Health Department (fmr)* (1912), and *Astor Theatre* (1914). Alexander's residence is still extant at 32 Queens Crescent in Mount Lawley. This property is entered in the State Heritage Office database as P9819 St Ritas Nursing Home, and has never been reviewed by the Register Committee.
- A T Brine (also A T Brine & Sons) – Brine was responsible for prominent buildings such as *WA Trustees Co & Royal Insurance Co Building* (1925), *Winthrop Hall* (1928), *State War Memorial* (1929), *First Church of Christ, Scientist, Perth* (1939), *Talbot Hobbs Memorial* (1940), *Port of Fremantle*

Passenger Terminal (1961), *Wandana Apartments Block* (1956). Searches have been unable to locate Brine's personal residence.

- Charles W Arnott – Arnott was the builder for projects including *Menzies Town Hall & Shire Offices* (1896), *Claremont Teachers College* (1902), *Perth General Post Office* (1914), *Burt Memorial Hall* (1918), *Margaret River Hotel* (1936), *Yanchep National Park Inn* (1940), *St John's Ambulance Buildings* (1940). Searches have been unable to locate Arnott's personal residence.
- William Fairweather – At one time the President of the Master Builders' Association, Fairweather was responsible for the construction of *Archbishops Palace* (1855), *Irwin Barracks* (1896), *Armadale Post Office* (1898), *Sacred Heart Catholic Group, Highgate* (1899), *Redemptorist Monastery and Church* (1903), *Woodman Point Munitions Magazines* (1941), *Shenton Park Hotel* (1907).

While some other important and influential builders have been identified, the above analysis is not exhaustive, and further research may produce additional comparable results.

Based on the information that has been found, Atkins was one of only a handful of builders in Western Australia to have been so prominent in the building industry.

Granite

Granite is a material often used for construction because of its appealing properties, such as its durability, extreme hardness, low rate of deterioration, and low water absorption.²⁰

A search of the State Heritage Office database for places constructed of granite reveals that the most common usage of the material is for memorials and monuments, such as *Anzac Park, Bunbury* (1924) and *Lieutenant General Sir J J Hobbs Memorial* (1940) in Perth.

The vast majority of granite places entered in the database are located outside of the Metropolitan area, suggesting that the use of granite in the Metropolitan area is not particularly common. Furthermore, the use of granite for the construction of houses appears to be unusual, with just 27 granite residences recorded throughout the State. Of those 27 residences, 12 are located in the Metropolitan region, six in Mundaring (where there is an abundance of granite) four in Belmont (which are all part of a housing precinct constructed for and by the 2nd 28th Battalion Association in 1949), one in Cottesloe (which was designed for and by the architect Raymond Jones), and *Eleni House, Northbridge*.

The above suggests that *Eleni House, Northbridge* is rare as a granite residence, and particularly rare for its inner-city location.

Federation Queen Anne style residences

Of the 62 Federation Queen Anne style residential buildings entered in the State Register of Heritage Places, sixteen are two-storey residences located in the Metropolitan region.

²⁰

US General Service Administration, 'Historic Preservation - Technical Procedures: Granite Characteristics, Uses and Problems', sourced from <http://www.gsa.gov/portal/content/111938> Accessed on 3 November 2014.

Of those sixteen, the largest concentration is within the City of Perth. These places, while at a similar inner-city location to *Eleni House, Northbridge*, are notably more elaborate and celebrated examples of the Federation Queen Anne style. These include:

- P2094 *St George's House*, Perth (1891)
- P4342 *Residence, 52 Mount Street*, West Perth (1892)
- P3235 *Hills' Residence*, East Perth (1895)
- P2236 *Meerilinga*, West Perth (1897)
- P2081 *1 Museum Street*, Northbridge (1897)
- P15783 *Tom Burke House*, Northbridge (1898)

The above suggests that *Eleni House, Northbridge* is not rare for its architectural style.

13.4 KEY REFERENCES

13.5 FURTHER RESEARCH

Further research may reveal other successful and prolific builders who worked in Western Australia.

Research and physical inspections have been unable to confirm whether there is a cellar beneath the basement storey of the former residence. A past owner has noted that there may be a cellar with a trapdoor leading from either the rear kitchen or adjacent office. If floor coverings are removed or replaced in the future, this may confirm the existence of the cellar.

SCHEDULE 15





Perth Parking Policy 2014

1. INTRODUCTION

This policy sets out the approach by the State Government, following consultation with the City of Perth and other responsible planning authorities to the development and management of parking facilities that fall within the Perth Parking Management Area (PPMA). The policy was first developed in 1999 as a joint initiative by the State Government and the City of Perth and it continues to form an integral component of the broader planning framework for the city.

This policy may be amended from time to time by the Minister for Transport following consultation with the Minister for Planning, the Minister for Environment and the City of Perth as required by the *Perth Parking Management Act 1999* (the Act) and with other responsible planning authorities where appropriate.

This policy recognises that vehicular access to, from and within central Perth is a critical element in ensuring its continued economic and social viability. It also continues to recognise the need to preserve and enhance the city's environment. The policy aims to address these needs by supporting the provision of a balanced transport network in order to manage congestion and provide for the efficient operation of the transport network to, from and within the city centre.

This policy provides guidance to the State Government in exercising the powers conferred upon it by the Act. It also provides guidance to responsible planning authorities, developers, owners and managers of parking in making and assessing applications for parking planning approvals and parking licences.

An important benefit of the policy is the framework it provides for assessing the likely impacts of proposed parking facilities in the broader context of transport and planning objectives for the city rather than assessing parking licence applications in isolation. This provides comprehensive and consistent criteria for dealing with applications for both redeveloped and new parking. This policy also provides a logical framework for evaluating community and transport benefits which proponents will need to demonstrate should they seek a tenant parking allowance above the maximum level established by the policy.

The revenue raised through the licensing of parking spaces via the powers in the Act will be spent as required by the Act within the PPMA to give effect to this policy. Matters to be funded by the revenue include the Central Area Transit (CAT) bus system and improvements to that system, improving public transport access, enhancing the pedestrian environment, supporting bicycle access and other initiatives which support a balanced transport system to, from and within the PPMA.

2. TERMS USED

2.1 In this policy, unless the contrary intention appears -

Act means the *Perth Parking Management Act 1999*;

CEO means the chief executive officer of the Department principally assisting the Minister administering the Act in its administration;

Development has the same meaning as it has in the *Planning and Development Act 2005* unless the site is within a redevelopment area, in which case it shall have the same meaning as it has in the *Metropolitan Redevelopment Authority Act 2011*;

Development application has the same meaning as it has in the *Planning and Development Act 2005* unless the site is within a redevelopment area, in which case it shall have the same meaning as it has in the *Metropolitan Redevelopment Authority Act 2011*;

Long-stay public parking means parking that is available to the public for use without the time and vehicle turnover requirements applied to short-stay public parking;

Lot has the same meaning as it has in the *Planning and Development Act 2005* and includes parcel;

Lot area means the area of the lot at ground level, excluding public open space and road reserves;

Parcel has the same meaning as it has in the *Strata Titles Act 1985*;

Planning Approval means approval, with or without conditions, granted by the relevant planning authority in respect of an application to begin or continue development

PPMA means the Perth Parking Management Area;

Public parking means parking that is available to members of the public whether or not upon payment of a fee or subject to other condition, but does not include parking that involves the use of a parking bay that is reserved for a specific individual or organisation;

Redevelopment means any demolition, erection, construction, alteration of or addition to any building, structure or parking facility other than;

- Cosmetic changes or refurbishments;
- Restorations, which do not involve demolition of walls, structures or parking facilities;
- Reconfiguration of parking bays;
- Air conditioning units, flag poles, pergolas, patios and shade sails which do not encroach on the existing parking layout, pools and spas, satellite dishes, signage, solar panels, TV antennae, water tanks and other similarly minor structures and equipment; and
- Alterations that affect only the interior of the building, structure or parking facility and do not increase its existing plot ratio floor area and/or change in the use of the building approved by the relevant planning authority in a way that is likely to result in an increase in peak period vehicle trips to or from the site.

Redevelopment area has the same meaning as it has in the *Metropolitan Redevelopment Authority Act 2011*

Short-stay public parking means parking available to the public where, in each day, at least 50% of vehicles stay less than four hours; and at least 90% stay less than six hours;

Site means the lot/s or other portion/s of land, the subject of;

- A subdivision application
- a development application; or
- an application under section 8 of the Act, a licence under section 9 of the Act or an application to the CEO under Clause 8.2;

as may be applicable.

Special Parking Control Area means that land and/or site in a redevelopment area declared a Special Parking Control Area by the CEO pursuant to clause 8.2.

Special Parking Control Sub Area means that land and/or site in a redevelopment area declared a Special Parking Control Sub-Area by the CEO pursuant to clause 8.2.

Special purpose bays means parking bays reserved exclusively for:

- the use of service and delivery vehicles, couriers, taxis, motorcycles, buses, coaches, vehicles used by people with disabilities; or
- any other specific use (except public parking and tenant parking);

for which the relevant planning authority has required parking be provided on the site.

Special Residential means premises providing short-term temporary or specialised residential accommodation including lodging house, hotel and serviced apartment;

Subdivision has the same meaning as it has in the *Planning and Development Act 2005*;

Tenant Parking means all parking available on a site for the use of tenants/occupants/owners of that site in support of their use of that site and their visitors; except;

- parking bays associated with private residential purposes; and
- special purpose bays.

Note - For the purposes of this definition a person leasing/occupying/owning only a car bay(s) on a site is not a tenant/occupant/owner of that site.

Vehicle crossover means that part of a driveway for use by vehicles between a site boundary and that part of a street used by vehicles.

2.2 Subject to Clause 2.1, words and expressions used in this policy shall have the same respective meanings as in the Act or any Regulations made under it.

3. TYPES OF PARKING THE POLICY APPLIES TO

The policy applies to all parking that occurs on land or in or on a building on land or in or on a building within the PPMA unless:

- the land or building is used solely for private residential purposes; or
- The vehicle is a prescribed vehicle or is parked in prescribed circumstances as per the *Perth Parking Management Regulations 1999*.

4. OBJECTIVES

The policy seeks to create a sustainable transport system via the management of parking in the following ways:

- Ensuring the continued economic and social vitality of central Perth;
- Improving accessibility to, from and within the central city, for all;
- Improving air quality and the physical environment of the central city;
- Limiting the growth of the emission of noxious gases and particulate matter;
- Reducing the impacts of vehicular traffic on urban form and amenity within central Perth;
- Encouraging the efficient use of existing parking facilities within central Perth;
- Providing a framework for the development of parking facilities within central Perth as part of a balanced movement system for the city;
- Ensuring that metropolitan wide movement and access is not compromised;
- Encouraging the location and design of off-street parking facilities so that they complement their surroundings and have minimal negative impact on the amenity of the surrounding area; and
- Encouraging the design and location of access points to off-street parking so that disruption to pedestrians and public transport is minimised.

5. PRINCIPLES

The policy will apply the following principles to parking in the PPMA:

- A range of parking facilities will be provided and managed having regard to the need to manage demand for private motor vehicle access to central Perth, the availability of public transport, the road capacity, traffic flow, land use and environmental conditions;
- In the heart of the city, pedestrians will have priority; surrounding the pedestrian heart, the emphasis will be on the provision of short term public parking. New long term public car parks must be located outside of the core central business district area and within the General Parking Zone (refer to clause 9.1);
- The maximum level of tenant parking will vary according to the category of street from which the parking facility is accessed and the nature of that access. The general principle is that the parking allowance is lower where access has greater detrimental impact on the movement of pedestrians and public transport;
- Parking facilities should complement their surroundings without causing undue disruption or loss of amenity to surrounding uses;
- Parking facilities for people with disabilities and for cyclists should be clearly designated and conveniently located;
- Subject to clause 12, tenant parking should only support the activity of the site on which it is located unless the responsible planning authority approves one or more of such parking bays being made available to tenants, occupants, owners, visitors or workers of other lots or sites;
- Sufficient service vehicle bays should be included on a site to minimise the impact on the pedestrian environment;
- Parking which is already licensed but does not conform to this policy will, unless varied under section 15 of the Act, continue to be licensed as per the existing licence conditions.
- If required under section 9(4) of the Act, parking must have appropriate planning approval.

6. AREA OF APPLICATION

This policy shall apply to the PPMA established by regulation under the Act.

7. PROVISIONS OF THE POLICY APPLICABLE TO APPLICATIONS FOR LICENCES AND VARIATIONS OF LICENCES

- 7.1 Subject to section 9(2) and (3) of the Act, when an application is made for a parking bay licence for a site, parking may be licensed in conformity with, and within the limits set by, the most recent planning approval for a redevelopment applicable to the site provided that such licence is consistent with the relevant provisions of the Perth Parking Policy (if any) in place at the time of that planning approval. .
- 7.2 Subject to planning approval, where a parking bay licence has been issued based on approval by the Minister under section 9(3) of the Act, the relevant provisions of the Perth Parking Policy (if applicable), in its application to that site, are modified to give effect to that approval on an application to vary that licence.
- 7.3 When an application is made to vary a parking bay licence, the CEO may vary it within the limits stated in Clause 7.1 for the issue of a licence (as affected by Clause 7.2).
- 7.4 In this clause;
- 7.4.1 Except where clause 8.2.12 otherwise provides, “relevant provisions of the Perth Parking Policy” means the relevant provisions of the Perth Parking Policy as to the

numbers and types of parking bays that can be licensed for sites as at the time of the planning approval in respect of that redevelopment.

7.4.2 If planning approval was granted subject to conditions that related to provision of parking or vehicular access to or from a site then such conditions (or if varied, such varied conditions) must have been met or waived by the relevant authority at the time of issue of the licence.

7.5 Dates of gazettal of the Perth Parking Policy developed in 1999 as amended by a subsequent version are set out in Addendum 1.

8. TENANT PARKING

8.1 Subject to clauses 7, 8.2 and 8.3, the maximum allowance of tenant parking on sites within the PPMA is subject to the limits set out in Table 1 below and the category of the street from which the proposed parking will be accessed as outlined in Figure 2. Any street not specifically identified on the Tenant Parking Street Hierarchy map (refer Figure 2) should be referred to the CEO for advice as to its category.

8.1.1 In Table 1:

At grade access is where there is one or more vehicle crossovers to/from parking on a lot and the access is not integrated access.

Integrated access means where:

- vehicle access to parking on a lot is off a Right of Way (ROW) which is used for vehicle access to/from more than one lot or building;
- vehicle access to parking on or in two or more lots or buildings utilises a shared vehicle crossover; or
- there are fewer vehicle crossovers to/from the lot or building than the lesser of the number of buildings or lots that have a minimum area of 250m² and/or the existing approved number of vehicle crossovers.

8.1.2 Table 1: Tenant parking allowances.

Street priority	Maximum allowance (bays per 10,000m ² of lot area)* ¹	
	At grade access	Integrated access
Category 1	80 or replacement of existing licensed tenant parking bays, whichever is less	120 or replacement of existing licensed tenant parking bays, whichever is less
Category 2	100	150
Category 3	150	200
Category 4	200	250

Notes:

*¹. Allowance of tenant parking bays will be rounded to the nearest whole number.

8.1.3 To support the principle that in the heart of the city pedestrians and public transport will have priority, it is the long term aim of this policy to reduce the number of parking bays which are accessed via higher priority streets (i.e., Category 1 and 2); and the number and impact of vehicle crossovers. When considering applications seeking to access parking from higher priority streets, account should be taken of:

- the need for pedestrian and public transport priority;
- current policy of the relevant planning authority regarding the use of such streets by particular modes;
- the overall number of bays accessed from each section of street;
- recent changes in numbers of parking spaces in the vicinity;
- whether there are alternatives for access; and
- the best outcome for pedestrian amenity and traffic impact.

8.2 Special Parking Control Areas on land declared to be Redevelopment Areas under the *Metropolitan Redevelopment Authority Act 2011*

Due to the length and limited application of the provisions relating to Special Parking Control Areas, this clause is set out in Addendum 2.

8.3 Additional tenant parking allowances upon redevelopment

The maximum allowance for tenant parking bays may be increased to the number provided for in the next category down in Table 1 (e.g. access from a Category 1 street assessed for a Category 2 allowance) when:

- the number of tenant parking bays being applied for is less than the number licensed on the site before redevelopment;
- the nature of use of the existing parking and its infrastructure is substantially unchanged;
- the redevelopment approval included approval for at least the number of tenant bays the subject of the application;
- provision is made for of end of trip facilities well above the normal minimum requirement of the relevant planning authority; improved pedestrian amenity and facilities; and/or other initiatives that will improve the efficiency of the local transport network, primarily at peak times; and
- a Transport Impact Assessment demonstrates that the proposed level of tenant parking facilities above the maximum allowance under this policy will have a negligible negative impact on pedestrian, public transport and traffic flows within the immediate area and on the primary approach routes to the site primarily at peak times.

9. PUBLIC PARKING

9.1 Location of public parking facilities

This policy establishes three parking zones for public parking (see Figure 1):

Pedestrian Priority Zone ("PPZ")

Within this zone:

- New short-stay public parking may be permitted provided it does not require access from streets within the PPZ; it complies with the provisions of this policy; and it receives approval from the relevant planning authority.
- Where redevelopment takes place which affects existing parking, access from streets within the PPZ shall be eliminated wherever possible.

- All vehicle access and parking must limit its impact on the movement of pedestrians and public transport.
- New long-stay public parking will not be permitted.

Short-Stay Parking Zone ("SPZ")

Within this zone:

- Public short-stay parking facilities may be permitted subject to compliance with the provisions of this policy and approval from the relevant planning authority.
- New long-stay public parking will not be permitted.

General Parking Zone ("GPZ")

Within this zone:

- Public long-stay and short-stay parking may be permitted subject to compliance with the provisions of this policy and approval from the relevant planning authority.

10. EVALUATION OF APPLICATIONS FOR PLANNING APPROVAL AND LICENCES FOR PUBLIC PARKING FACILITIES/BAYS

A guide to the information that is likely to be required to be provided with planning applications to provide public parking facilities and applications to license parking bays in them is set out below. The criteria listed should be considered as a guide in determining locations suitable for the granting of a planning approval and subsequent licence for public parking bays and are to be used as general policy guidelines and not to be interpreted or applied as prescriptive requirements.

10.1 Transport Impact Assessment

A Transport Impact Assessment is to be provided to the relevant planning authority with an application and approved in respect of new public parking bays where, in the opinion of the relevant planning authority or of the CEO, a new public parking facility, or alteration to an existing parking facility, is of a magnitude, location or type that is likely to result in a significant impact on traffic generation/movement and parking within the locality.

The Western Australian Planning Commission's Transport Assessment Guidelines provide further guidance on Transport Impact Assessments.

10.2 Criteria for assessment

In considering an application for planning approval and subsequent licensing for a public parking facility, consideration should be given to the following matters:

- a) The proposed parking facility is to offer parking in accordance with the parking zone it is located within. For example, long stay public parking should be located in the GPZ.
- b) The potential positive impact that the proposed public parking facility may have on the amenity of the local area, including:
 - (i) The creation of active (commercial) street frontage; and
 - (ii) Allowing for higher density or more active development of land, for example mixed use of land that was formerly surface level car-park.

- c) The proposed public parking facility is in an area with a relatively low level of public transport access.
- d) The level of impact the proposed public parking facility would have on local traffic flows.
- e) The level of impact that the operation of the proposed public parking facility would have on pedestrian movement in its vicinity including:
 - (i) Preference for vehicle access to the site on or in which the parking facility is located from Category 3 or 4 streets; and
 - (ii) Vehicle crossovers are rationalised.
- f) Any other relevant matters.

10.3 Additional criteria to assess long stay public parking facilities

In addition to the criteria in clause 10.2, long-stay public parking should also be assessed against the following additional or expanded criteria with more favourable consideration where:

- a) The proposed parking facility has little net impact on long stay parking supply including:
 - (i) The proposed parking is replacing existing long stay public parking in the vicinity;
 - (ii) The proposed parking is consolidating existing parking in the vicinity into one location; or
 - (iii) The new long stay public parking bays are replacing tenant parking bays.
- b) The new parking facility is being proposed in an area where there is a low provision of public parking.
- c) The site of the proposed car park is not located in the vicinity of high frequency public transport supply, for example there is not a train station within a 400 metre radius (measured from pedestrian entrance/exits).
- d) The parking facility is to service a customer group whose public transport options are limited, for example, due to disability.
- e) There is minimal impact of the parking facility on traffic flows within the area, including:
 - (i) The parking facility traffic will not create areas of congestion;
 - (ii) There will be limited increase of vehicles per hour during peak periods on each of the major approach roads, for example, an increase of less than 100 vehicles per hour during peak periods; and
 - (iii) Integrated access (as defined in clause 8.1.1) is provided or vehicle crossovers are off Category 3 or 4 streets.
- f) The parking facility intercepts commuter traffic at the PPMA fringe.
- g) Any other relevant matters, including:
 - (i) The proposed parking facility supports balanced transport outcomes such as catering for large numbers of bicycles or motorcycles, incentive programs for high occupancy vehicles or supports local developments that have, or will, reduce the supply of tenant parking.
 - (ii) The proposal supports development that will contribute to the economic or social vibrancy of the area.

11. SPECIAL PROVISIONS

11.1 Residential parking

Under this policy, private residential parking is considered to be parking that is used solely in conjunction with permanent residential uses. Special residential premises are not considered to be premises for private residential uses and are subject to this policy.

Tenant and public parking facilities may be considered for licensing as residential parking, subject to approval from the relevant planning authority. See Clause 11.5.

11.2 Events parking

Land, including parks and reserves, may be used intermittently for parking vehicles in association with special events where it has been demonstrated that there is a requirement.

Events parking may be provided to address unforeseeable events such as public transport disruption; or in circumstances where it is expected that an event will create a spike in access and parking demand that cannot be accommodated by car parks in the vicinity or by existing or temporarily increased public transport provision. Events' parking is only for the use of the event organiser, participants or patrons.

An application for events parking must receive approval from the relevant planning authority(s) and be consistent with the intent of this policy. Such bona fide event parking is otherwise exempt from the provisions of this policy.

11.3 Parking for people with disabilities

The percentage of ACROD bays required in a car park is specified by the Building Code of Australia (BCA). The BCA aligns with the Disability (Access to Premises – Buildings) Standards 2010 developed under the *Disability Discrimination Act 1992*.

11.4 Motorcycle parking

It is recommended that motorcycle parking for tenant use be provided, as a minimum, at a rate of 5% of the total tenant parking allowance provided by Table 1.

For new or redeveloped public parking facilities in the Pedestrian Priority, Short Stay and General Parking Zones, motor cycle parking provision is recommended to be at least 5% of all public bays.

Conversion of car bays to motorcycle bays will be supported.

11.5 Combined, reciprocal and extraordinary off-site tenant parking

More than one type of parking may be approved by the planning authority and subsequently licensed within a single parking facility. Where combined parking is proposed, the different types of parking must be clearly delineated and appropriately segregated. Details of how the different types of parking will be managed in compliance with this policy shall be submitted as part of any Parking Management Plan for the facility.

Reciprocal parking arrangements may also be approved by the planning authority and subsequently licensed within a parking facility where different uses (such as office and residential) will generate parking demand at different times and where it can be demonstrated that this will result in the efficient use of parking resources and will support the objectives of this policy. Reciprocal parking allows parking bays to be used for more than one type of parking over any given period.

Where tenant parking is included in the reciprocal parking arrangements, the tenant parking allowances set out in Table 1 in clause 8 apply and bays will be licensed as tenant parking. Other parking types will be assessed on the basis of the predominant parking use and licensed as such. All parking types must comply with the relevant provisions of this policy.

In extraordinary circumstances (e.g. heritage buildings with no or very limited on-site parking), non-residential parking may also be approved by the planning authority and subsequently licensed within a parking facility on a site for the use of tenants, occupants, owners, visitors or workers of other specified sites (referred to as “off-site tenant parking”) and the tenant parking allowances set out in Table 1 in clause 8 apply and bays will be licensed as tenant parking.

Planning approval and subsequent licence for a site which contains combined, reciprocal or off-site tenant parking arrangements will be required to have developed and maintained an up to date Parking Management Plan. Refer to clause 13 of this policy.

12. VACANT LAND AND BUILDINGS

12.1 Vacant land and buildings may not temporarily be used for parking unless:

- (a) There is a need to continue to provide parking for a building or buildings on another lot undergoing development (“the development lot”);
- (b) Development approvals have been issued for the development lot and for a temporary parking facility to continue to provide that parking; and
- (c) A parking bay licence for the temporary parking facility has been issued.

12.2 The licence for the temporary parking facility shall:

- (a) Permit parking in no more than the numbers and types of parking bays by which the licence for the development lot has been reduced during the development;
- (b) Be subject, as far as is practicable, to the same conditions, as the licence for the development lot;
- (c) Generally, be for a period corresponding to the completion of the development.

12.3 Upon termination of the planning approval or the licence for the temporary parking facility, the site on which it was located shall be secured to prevent any unauthorised parking and maintained in a clean and tidy condition from thereon. The site may be required to be upgraded to enhance the amenity of the locality to the satisfaction of the relevant planning authority.

12.4 The intent of this measure is to facilitate the on-going development and evolution of central Perth without negatively impacting on the transport network.

12.5 It will be necessary for the operator of the parking facility to have developed and maintained an up to date Parking Management Plan to the satisfaction of the relevant planning authority. Refer to clause 13 of this policy.

13. PARKING MANAGEMENT PLANS

Applications for new or redeveloped parking, or for a change of use of parking bays (for example, from tenant parking to public parking), will be required to be accompanied by a detailed Parking Management Plan (PMP).

The PMP should describe how the parking provided on the site will be managed to ensure compliance with this policy and may include, but not be limited to, the following matters:

- How will access to the parking be controlled?
- How will different types of parking on the site be managed and controlled?
- What pricing structures will be imposed on public parking to reflect short stay or long stay parking restrictions?
- What methods will be used to police and enforce compliance with the relevant planning approval and this policy?
- How will evidence be collected and reported to demonstrate compliance?
- What safety and security measures will be implemented to protect individuals and their property when using the parking?

It will be necessary for the operator of the parking facility to maintain and implement an up to date PMP that satisfies the relevant planning authority and the CEO.

Figure 1

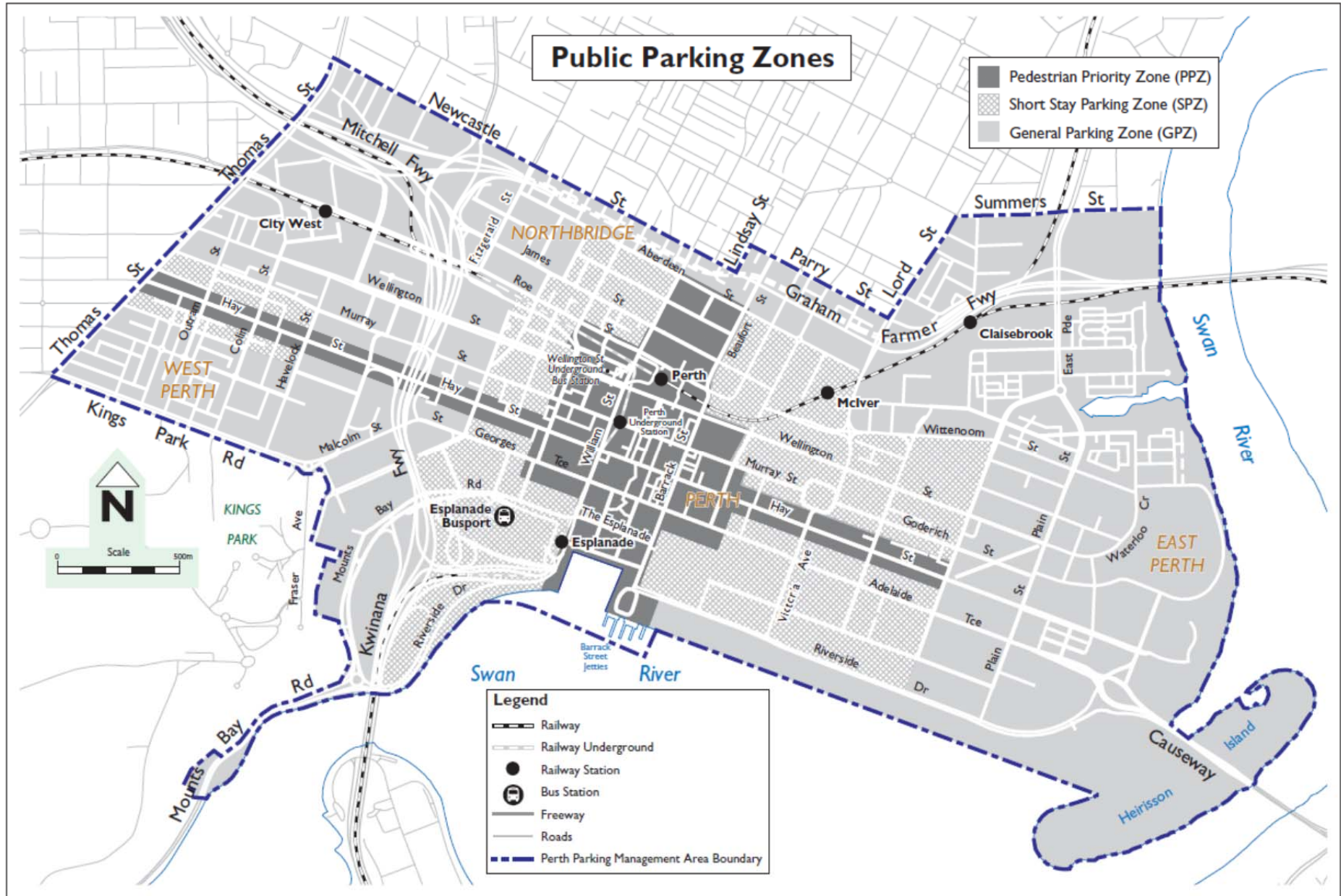
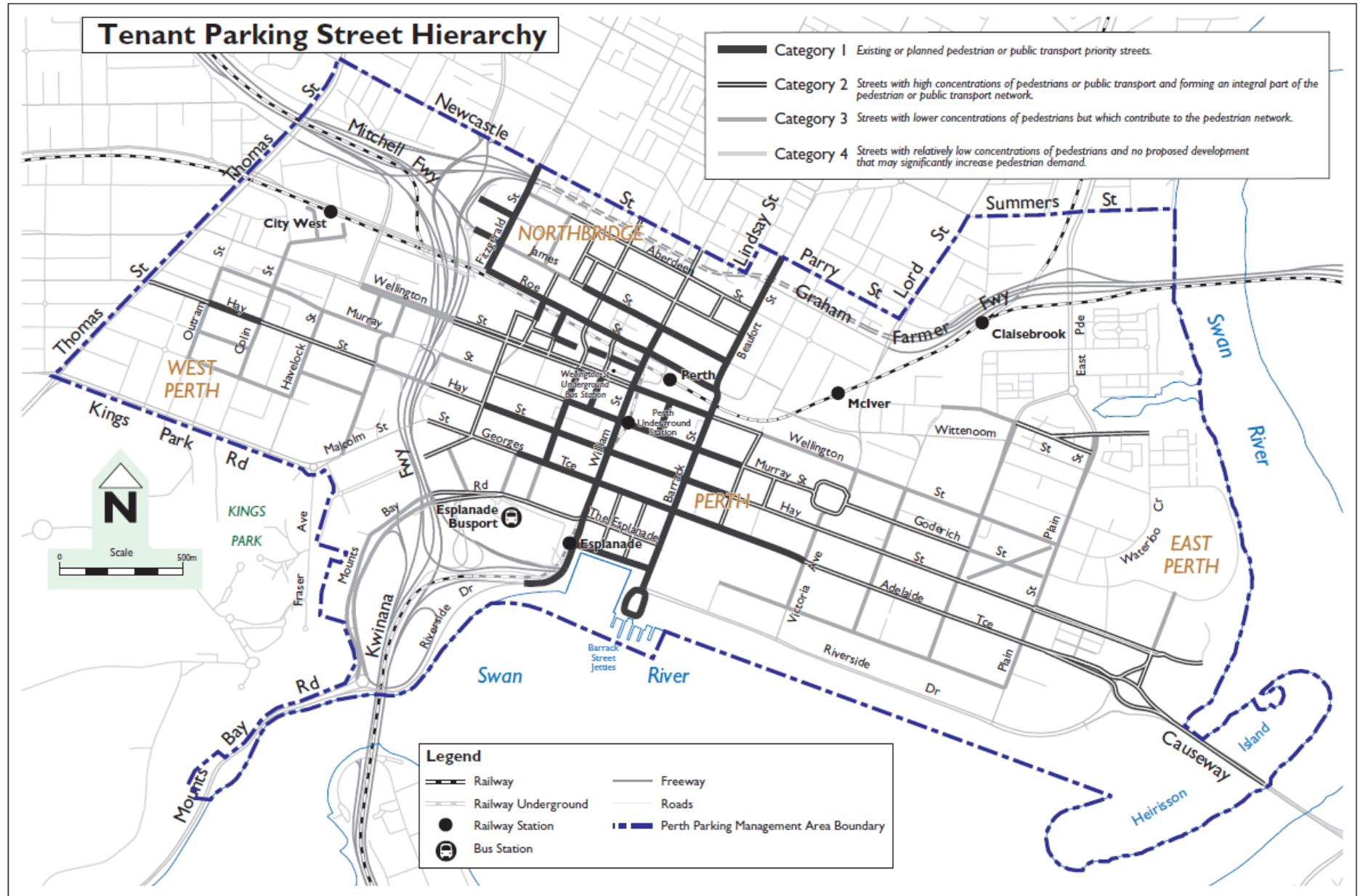


Figure 2



Addendum 1: Perth Parking Policy Gazettal Details

Perth Parking Policy gazetted on 16 July 1999

Perth Parking Policy 2012 gazetted on 9 October 2012

Addendum 2:

8.2 Special Parking Control Areas on Land Declared to be Redevelopment Areas under the *Metropolitan Redevelopment Authority Act 2011*

8.2.1 The owner of a site being or in a Redevelopment Area may apply to the CEO for a declaration that the site be a Special Parking Control Area ("SPCA") under this policy where:

- (a) the site is vacant land and/or a redevelopment site;
- (b) an in-principle development approval, approval of a Local Area Plan (or if Local Area Plans are renamed or replaced, then the renamed or replacement plans) or development approval (See Metropolitan Redevelopment Authority Central Perth Redevelopment Scheme Text Chapter 5) or other planning approval has been granted by the Metropolitan Redevelopment Authority or other relevant planning authority for redevelopment of vacant land and/or a redevelopment site has been made where the site is to be subdivided so as to include two or more development sites or lots or that two or more buildings are to be erected on the site ("primary redevelopment approval"); and
- (c) the street priority of all relevant streets or streets proposed for the site has been determined pursuant to clause 8.1.

8.2.2 The CEO, at the absolute discretion of the CEO, may declare that the site is a SPCA under this policy.

8.2.3 Either at the time of an application for a declaration that a site be a SPCA under this policy or at any later date, the owner of the site may apply to the CEO for a declaration that:

- (a) the SPCA be divided into two or more Special Parking Control Sub-Areas ("SPCSUs"), each containing one or more lots or proposed lots as set out on a proposed subdivision plan attached to the application;
- (b) the numbers specified in the application as the maximum allowances of tenant parking bays to be allocated to each SPCSU, if the SPCSU as redeveloped has At Grade Access or if the SPCSU as redeveloped has Integrated Access, depending on which is the case, be the maximum allowance of tenant parking bays for that SPCSU in lieu of the maximum allowance that would otherwise have been applicable to the SPCSU under the policy; and
- (c) if the primary redevelopment approval in place in respect of the site on the date of declaration by the CEO that the site is a SPCA contains an approval for lesser numbers of tenant parking bays for the site than provided in the policy in place at the date of the primary in-principle redevelopment approval in respect of the SPCA ("the base date") then the maximum allowances shall be such lesser numbers.

8.2.4 The owner of land the subject of a SPCSU ("the original SPCSU") may apply to the CEO for declarations that:

- (a) the original SPCSU be further divided so as to include two or more SPCSUs, each containing one or more lots or proposed lots as set out on a proposed subdivision plan attached to the application; and
- (b) the maximum allowances of tenant parking bays allocated to the original SPCSU be divided between the proposed SPCSUs as specified in the application.

8.2.5 Each application under clauses 8.2.3 and 8.2.4 shall be accompanied by a copy of all relevant planning approvals and a Parking Management Plan which demonstrates appropriate allocation and management of car parking within each SPCSU sought to be declared under those clauses.

8.2.6 In deciding whether to declare a SPCA and the allocation of maximum tenant parking allowances within a SPCA or a SPCSU, the CEO shall determine if, after taking into account any variations pursuant to clauses 8.2.13 and 8.2.14, there is likely to be equal or better transport and traffic outcomes if the application as submitted was granted or granted subject to amendment or conditions to be attached to the grant or both and in doing so shall take into account:

- (a) the impact that parking vehicles in accordance with the proposed licence would be likely to have on the following —
 - (i) the flow of pedestrians;
 - (ii) the flow of public transport; and
 - (iii) vehicle traffic flow and road network efficiency in the vicinity of the site;
- (b) the availability of public transport within a 400 metre radius of the site;
- (c) any infrastructure, services or programs to be provided by the development which promotes the use of alternative transport modes; and
- (d) any other relevant matters.

8.2.7 If the CEO notifies the applicant that the CEO will grant the application:

- (a) as submitted; or
- (b) subject to
 - (i) amendment;
 - (ii) conditions to be attached to that grant; or
 - (iii) amendment and conditions to be attached to that grant;

and the applicant wishes to proceed with the application on the terms notified by the CEO, then the applicant shall, subject to obtaining planning approval if that is necessary;

- (a) accept those terms in writing; and
- (b) provide to the CEO —
 - (i) the consent required under section 70A(2)(b) of the *Transfer of Land Act 1893* (“TLA”); or
 - (ii) a request for modification to the Registrar of Titles pursuant to section 70A(3) of the TLA;

as the case may be.

8.2.8 If the CEO declares the site a SPCA, that declaration shall take effect upon lodgement of a notification of that declaration under section 70A(2)(b) of the TLA with the Registrar of Titles.

8.2.9 If the CEO declares the site a SPCSU, upon lodgement of a notification under section 70A(2)(b) of the TLA or request for modification under section 70A(3) of the TLA with the Registrar of Titles, the maximum allowances that would have been available under this policy for such SPCSU shall be replaced by the maximum allowances in accordance with such notification or request for modification.

- 8.2.10 Subject to clause 8.2.11, where a notification has been lodged with the Registrar of Titles pursuant to this clause 8.2, “relevant provisions of the Perth Parking Policy” in clause 7.4.1 means “the relevant provisions of the Perth Parking Policy as to the numbers and types of parking bays that can be licensed for sites as at the base date in respect of that redevelopment” instead of “as at the time of the planning approval in respect of that redevelopment”.
- 8.2.11 Where a planning approval has been granted for redevelopment of a lot in the SPCA (“redevelopment approval”) after the approval period (see clause 8.2.12) and the policy has been amended since the base date to vary the maximum allowances of tenant parking bays that can be licensed consistent with the policy (excluding this clause 8.2), the following shall apply.
- The maximum allowances of tenant parking bays for that lot shall be the maximum allowances of tenant parking bays for that lot immediately before the expiry of the approval period varied in the ratio that the maximum allowances of tenant parking bays that could have been licensed for the SPCA consistent with the policy (if this clause 8.2 had not been applied to the SPCA) at the date of the redevelopment approval for that lot bears to the maximum allowances of tenant parking bays for the SPCA as at the base date.
- 8.2.12 In clause 8.2.11, “approval period” means the period provided in the primary redevelopment approval at the base date as the period for which that approval is valid (whether that primary redevelopment approval is superseded, partly superseded or otherwise amended by a subsequent primary redevelopment approval) unless the CEO prior to the expiry of the approval period, approves a later date to be the end of the approval period, in which case, it shall be that later date.
- 8.2.13 If the number of tenant parking bays allocated for any lot or SPCSU under clause 8.2.9, as varied by the operation of clause 8.2.11, if applicable, is more than permitted under any relevant planning approval, then the maximum allowances of tenant parking bays for such lot or SPCSU shall be reduced to the number of tenant parking bays permitted under such planning approval.
- 8.2.14 If the boundaries of lots differ from the boundaries of proposed lots set out in an application under clause 8.2.3 or 8.2.4 or from which they have been derived, then the boundaries of the SPCA, the relevant SPCSU and proposed lots (if relevant) shall be varied to the extent necessary to coincide with the boundaries of the relevant lots, in the relevant places and the maximum allowances of tenant parking applicable to any affected lot or SPCSU may, at the absolute discretion of the CEO be varied, as the CEO considers appropriate, to take account of such change.
- 8.2.15 If the owner of land applies to the CEO for a notification to be removed from a certificate of title or modified and the CEO agrees, then the CEO shall, at the request of the applicant, sign and deliver to the applicant a request prepared by the applicant to the Registrar of Titles under section 70A(3) of the TLA for such removal or modification.
- 8.2.16 Applicants under any sub clause of this clause 8.2 shall;
- (a) pay the prescribed fee (if any) to the CEO in respect of such applications to the CEO and for the preparation and/or lodgement of the relevant documents with the Registrar of Titles; and
 - (b) pay the prescribed fee payable to the Registrar of Titles in respect of the relevant documents.
- 8.2.17 In this sub-clause 8.2:
- (a) “owner of a site”, “owner of the site”, and “owner of land” include the owners (as defined in the Act) of the constituent lots and/or parcels in the site or land; and
 - (b) “parcel” has the same meaning as it has in the *Strata Titles Act 1985*.

8.2.18 These provisions shall continue to apply to the land or any part of it when removed from a redevelopment area and when a redevelopment scheme under the *Metropolitan Redevelopment Authority Act 2011* ceases to apply to the land or any part of it.

Please note that the proposed changes to the policy are highlighted
in red or the text has been struck out



City of Perth City Planning Scheme

Planning Policy Manual SECTION 5.1

Parking Policy



Version #	Decision Reference	Synopsis
1	26/06/2001	Adopted
2	13/12/2005	Amended
3	25/06/2013	Amended



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INTRODUCTION

This policy consolidates the City's parking requirements and outlines the City's approach to the provision of off-street parking facilities for non-residential and residential uses in the City of Perth.

The City's approach to the provision of parking is based on the need to maintain high environmental standards and to create a balanced and sustainable transport system. To achieve these ideals, this City's parking policy addresses not only the matter of parking supply, but also traffic movement, access to services, the appearance and safety of parking facilities and the impact of these facilities on pedestrians, cyclists and the surrounding environment.

The policy also refers to the State Government's 'Perth Parking Policy' (as amended) which was introduced by the State Government under the 'Perth Parking Management Act 1999'. It sets out the approach by the State Government, the City of Perth and other responsible planning authorities to the development and management of parking facilities that fall within the Perth Parking Management Area (PPMA). It provides a framework for assessing the likely impacts of proposed parking facilities in light of the broader transport and planning objectives for the city.

The principles and provisions outlined below are aimed at improving the safety and comfort of pedestrians, motorists and residents while keeping in mind the need for convenient access to services and facilities.

AIM

To provide a framework for the development and balanced supply of safe, well designed and convenient off-street parking facilities throughout the Scheme area to meet the needs of all city users and which accords in line with the State Government's 'Perth Parking Policy' (as amended).

POLICY AREA

This policy applies to all development within the Scheme area, with the exception of the East Perth Redevelopment Area (as shown in Figure 1).

INTERPRETATION AND USE

This policy has been produced to manage off street parking development in the City of Perth. Provisions for all developments in the city are provided in should be read in conjunction with the City of Perth City Planning Scheme No. 2 (CPS2) and its associated Precinct Plans and Planning Policies; this Policy sets out the additional considerations for off street parking and should be used in conjunction with other planning documents, in particular the Planning Policy 4.1: City Development Design Guidelines.

Specific provisions apply to residential and commercial developments, as follows:

- Parking for the 'Residential' Use Group in the Residential Scheme Use Area will be assessed in accordance with the Residential Design Codes and variations to the Residential Design Codes set out in the City Planning Scheme (as amended) and this policy.
- Parking rates for the 'Residential' Use Group in the Normalised Redevelopment Area and all Scheme Use Areas other than the Residential Scheme Use Area shall be as specified in this policy.



- **General requirements** for the location, design and management of all proposed parking facilities **are also provided.** ~~and contains general requirements for the location, design and management of all proposed parking facilities.~~
- The provision of parking for **Use Groups other than for the ‘Residential’ Use Group, including public car parking facilities,** within the Perth Parking Management Area **(as defined under the Perth Parking Management Act 1999)** will be assessed in accordance with the **State Government’s ‘Perth Parking Policy’ (as amended).** ~~which is implemented by this Policy and reproduced in Section 5.3 of this Policy.~~
- **The provision of parking for Use Groups other than for the ‘Residential’ Use Group outside of the Perth Parking Management Area shall be guided by this policy.**

OBJECTIVES

This policy aims to assist with the implementation of the State Government’s ‘Perth Parking Policy’ (as amended) and to guide off-street parking provision as well as the development and design of parking facilities within the Scheme area. The objectives of this policy are outlined below:-

- ~~To implement the Perth Parking Policy.~~
- **To contribute to the creation of a sustainable transport system through the efficient and effective management of off street facilities within the city.**
- To ensure that **off street** parking is provided for various services, facilities and developments at a rate that is appropriate for an inner city environment, and to efficiently manage parking supply and demand.
- To ensure that the environmental and amenity objectives of the Scheme, ~~as outlined in the Scheme text,~~ are not prejudiced.
- To achieve a balance of accessibility to, **from** and within the city for all users.
- To provide for the efficient and safe movement of pedestrians, cyclists, public transport and general traffic on city streets.
- To maintain a high standard of secure and attractive parking facilities that contribute positively to the aesthetic quality and ambience of the city’s streetscapes.
- To ensure the location and design of vehicle access to parking facilities is safe, convenient and efficient for all users **with particular regard for impacts on pedestrians, cyclists and public transport.**
- To ensure the design, location and management of parking facilities is safe and convenient for all users and to provide safe pedestrian access through parking facilities.
- ~~To provide guidance on the development and design of parking facilities.~~

PRINCIPLES

The following principles shall be applied to off street parking within the Scheme Area:

- Off-street parking for the ‘Residential’ ~~development~~ **Use Group** throughout the Scheme area and **for Use Groups other than the ‘Residential’ Use Group** outside the Perth Parking Management Area will be provided at a rate that adequately meets the demand generated by a particular use or activity.



- A range of parking facilities will be provided and managed having regard to the need to manage demand for private vehicle access to the city, the availability of public transport, traffic impacts, land use and parking use.
- In the Pedestrian Priority Zone (as defined by the State Government's 'Perth Parking Policy' (as amended)), pedestrians and public transport will have priority over vehicular traffic.
- Sufficient service vehicles bays should be included on site to minimise the impact on the pedestrian environment and on-street parking.
- The leasing of parking bays for parking vehicles not associated with the approved use of the site will generally not be supported.
- An over supply of parking for a particular use will not be supported as this discourages the use of public transport facilities and is contrary to the objective of efficient management of parking facilities.
- The amenity of areas surrounding parking facilities will be safeguarded. Parking facilities are to complement their surroundings and provide a convenient service, without causing undue disruption to surrounding uses. The development of facilities of the highest standard of design, layout and landscaping is expected.
- Parking facilities are to be located so they do not dominate the surroundings or intrude into residential areas, public spaces or landscaped features of the environment. Off-street parking facilities will generally be located and designed so they are an integral part of the development for the site. Disabled and cyclist parking facilities are to be visible and conveniently located.
- Efficient and safe vehicular access to residences, services and facilities will be balanced with the maintenance of a convenient and safe environment.
- Parking facilities are to be maintained to a high standard, in terms of lighting, paving, draining, landscaping and layout, ensuring that the use of these facilities does not visually detract from the locality or impede pedestrian movement and vehicle circulation. Every effort is to be made to reduce the apparent size and visual monotony of parking facilities and to conveniently locate these parking facilities in relation to the facilities they serve.
- The design, operation and location of parking facilities will aim to address personal and vehicular security matters, by providing clear and direct access through parking facilities and effective signs and lighting.

POLICY

7.1 Provision of Parking

Residential uses

Parking for the '**Residential**' Use Group should be provided in accordance with Figure 1.

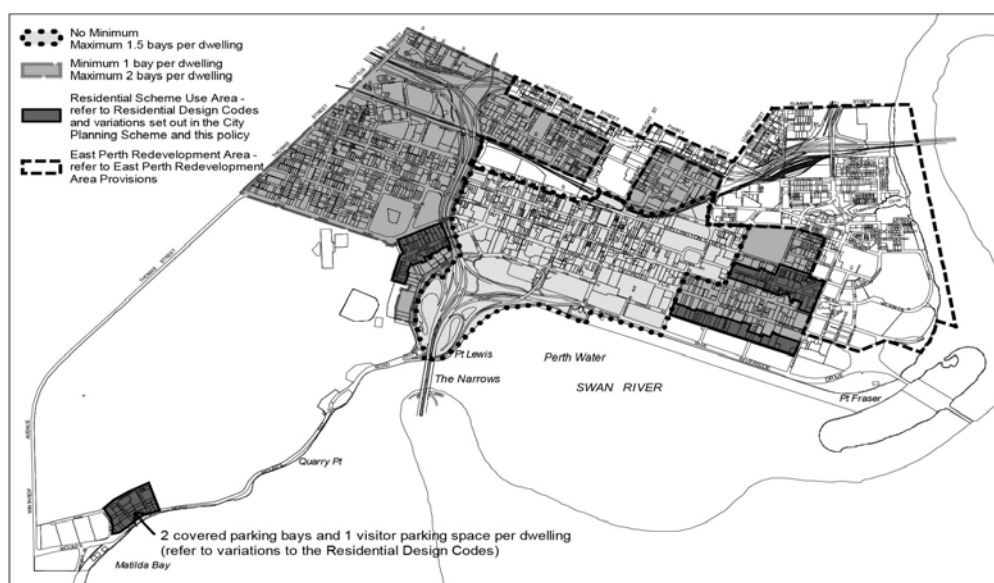


Figure 1: Parking Provision for Residential Development

- Visitor parking should be provided in residential developments where it can be expected that existing on-street facilities will not adequately provide for visitors to the development.
- The number, location and layout of parking facilities for the 'Residential' **Use Group** in the Residential Scheme Use Area will be assessed in accordance with the Residential Design Codes and the variations to the Residential Design Codes set out in the **City Planning Scheme (as amended)**^{CPS2}, together with the following provisions and exceptions:
 - Where visitor parking is provided it should be marked permanently as such and located so that it is easily accessible or its location is visible from the street entrance to the property.
 - Notwithstanding the requirements of the Residential Design Codes, the number of visitor parking spaces required for a development may be reduced where provision of those parking spaces is likely to be counter productive resulting in a poor design of the parking layout, or where public parking facilities are provided in close proximity.
 - Any performance criteria in the Residential Design Codes that allow for provision for off-site parking shall not apply. All parking for the 'Residential' **Use Group** is to be provided on the same lot as the development, unless a reciprocal or combined parking arrangement can be justified to the satisfaction of the Council.
 - Any performance criteria in the Residential Design Codes that allows for reduction of on-site parking requirements based on street parking availability shall not apply.
- ~~Off-street parking for the 'Residential' (but not a use in the Special Residential Use Group) in any Scheme use area other than the Residential Scheme use area should be provided in accordance with the rates in Figure 1.~~
- Where the number of parking spaces proposed for the 'Residential' **Use Group** is less than the minimum number required, the Council may approve the development if it can be demonstrated that nearby off-street parking facilities are available to cater for the parking requirements, or a portion of the parking requirements, of the use proposed and



that, if necessary, satisfactory agreements have been made to enable off-street parking facilities to be used for that purpose.

Special Residential uses

- Within the Perth Parking Management Area, the 'Special Residential' Use Group will be subject to the provisions of the **State Government's** 'Perth Parking Policy' (**as amended**).
- Elsewhere, the parking requirement for a use in the Special Residential Use Group will be 50% of the minimum and maximum rates for the relevant area as shown in Figure 1, unless otherwise justified by a parking management plan provided by the applicant to the satisfaction of the Council.
- All applications for Special Residential development will require a Traffic and Parking Impact Statement Report and detailed Access and Parking Management Plan.

These documents should:

- outline how access and parking for guests, staff and servicing is proposed to be managed to meet the long term operational needs of the use; and
- demonstrate that the proposed access and parking arrangements will not have a detrimental impact on the orderly and proper planning of the area.

Use Groups Other Than Residential ~~Non-residential uses~~

- Parking for **Use Groups other than the 'Residential' Use Group, including public parking facilities** ~~non-residential development~~ in the Perth Parking Management Area shall be provided in accordance with the **State Government's** 'Perth Parking Policy' (**as amended**). ~~As outlined above, for the purposes of this policy, the 'Perth Parking Policy' does apply to the Special Residential Use Group.~~
- ~~For the purpose of determining desirable and maximum car parking numbers specified by the Perth Parking Policy, the following terms apply:~~
 - ~~at grade access is where vehicles cross over the public footpath or road verge to/from the onsite parking.~~
 - ~~integrated access is where either:~~
 - ~~all vehicle access is off a Right of Way (ROW);~~
 - ~~all vehicle access to tenant parking on two or more lots utilise a shared entrance/exit arrangement; or~~
 - ~~in the proposed development there are less vehicle crossovers to the street than the number of lots (each a minimum of 250m²); and/or~~
 - ~~the previously approved existing number of vehicle crossovers being reduced as a result of the development.~~
- Outside the Perth Parking Management Area, parking for **Use Groups other than the 'Residential' Use Group** ~~non-residential development~~ should be provided to adequately cater for car parking demand generated by the proposed development as determined by the Council.



7.2 Specific purpose parking bays

The Council may require the provision of specific purpose parking bays in accordance with the **City of Perth's Planning Policy 5.2 - Loading and Unloading**, ~~the Servicing Policy~~.

7.3 Reciprocal and combined parking

- Reciprocal and combined parking are defined as follows:
 - Reciprocal parking - parking facilities serving separate uses or a mixed development, but not shared concurrently.
 - Combined parking - parking facilities shared concurrently by a mixed use development or separate developments on the one site.
- **Reciprocal and combined parking for Use Groups other than the 'Residential' Use Group should accord with the provisions of the State Government's 'Perth Parking Policy' (as amended).**

Reciprocal parking

- Reciprocal parking arrangements may be considered acceptable where the Council is convinced that demand for parking by the uses proposed will not coincide.
- Where reciprocal parking is proposed the Council must be satisfied that:
 - the parking facilities serving the proposed uses will be located on the one lot, or that parking arrangements are permanent (e.g. easement, amalgamation, restrictive covenant or any other formal arrangement the Council may require);
 - parking provision both in the immediate and long-term would satisfy the parking requirements of this policy;
 - the uses being served by the parking arrangements are compatible (i.e. no overlap demand for parking facilities); and
 - a proposed change of use will comply with the reciprocal parking arrangements, or will satisfy the parking requirement by other means before approval is granted.

Combined parking

- Parking for mixed use developments may be combined in one parking facility. Access should be available at all times for all users and the Council may require parking bays to be marked for a particular purpose to ensure that access is not restricted.
- Where a mixed use development is proposed, in particular a development with a residential component within the Perth Parking Management Area, the Council may require the submission of a parking management plan detailing how the separation of parking spaces for different uses will be managed to the Council's satisfaction.

7.4 Access

- Vehicular access points to parking facilities are to be located and designed so that:
 - entry/exit points minimise: traffic or pedestrian hazards, conflict with pedestrian/cyclist pathways, the impact on nearby residential uses, traffic congestion and interference with public transport facilities;
 - the number of entry/exit points is kept to a minimum. Where possible, new parking facilities and vehicular access points shall be linked to existing parking facilities; and



- access is obtained away from major traffic streets where possible, but not if this necessitates access from a residential street where undue disturbance to residential amenity would result. Where possible, access should be obtained from a laneway.

7.5 Traffic movement

- The Council will require traffic circulation and manoeuvring spaces within parking facilities to be designed so that:
 - adequate provision is made to enable all vehicles to enter and leave the land in a forward direction where the Council believes that the nature of a development, its relation to adjoining streets or the nature of those streets makes it necessary to do so, and an access point from parking bays to the street serves more than two spaces;
 - vehicles are able to queue, if necessary, within the parking area and not on the street;
 - parking facilities are not used as traffic thoroughfares to facilities that they do not serve; and
 - the primary movement areas for pedestrians, **cyclists** and motor vehicles to circulate within, enter and leave parking facilities should be separated from each other.

7.6 Safety

- The design and management of parking facilities should have regard to the Council's Safer Design Policy, in particular in respect to minimising opportunities for crime, and discouraging graffiti and vandalism.
- The Council will expect pedestrian, cyclist and motorist safety to be a priority in the design and operation of parking facilities, ensuring that:
 - pedestrian **and cycle** pathways through parking facilities are clearly defined, well lit and signposted, where required, with direct access to the street or facilities served;
 - traffic access to, and circulation within, parking facilities are separated, where practicable, from pedestrian and cyclist paths or pedestrian access points to or through parking facilities; and
 - driver sight lines are not obstructed by signs, fencing or any other obstacle.

7.7 Urban Design

- Parking facilities should be designed in accordance with **Planning** Policy 4.1 - City Development Design Guidelines.
- The location and layout of parking facilities for **the Residential Use Group** ~~residential development~~ in the Residential Scheme Use Area will be assessed in accordance with the Residential Design Codes and the variations to the Residential Design Codes set out in the City Planning Scheme (as amended) **CPS2**.
- Innovative approaches to the design of parking facilities for non-residential uses is expected in order to maintain amenity and encourage the use of parking facilities for community activities in addition to parking, such as weekend markets, fairs, sporting activities and other entertainment activities.
- Where multi-storey parking facilities are proposed they are to complement the surrounding built form, in terms of scale, height and character ~~(built form development standards as specified in the Precinct Plans will apply)~~.



- Private off-street parking is to generally be located at the rear of developments, and in some precincts beneath developments. Parking shall not be provided between the building and the street. All parking facilities must be paved and landscaped to a high standard, and in particular, surface (open-air) parking facilities fronting a street must be landscaped or treated in other suitable ways to maintain to a high visual standard of development.
- Where lighting is provided in parking facilities, the lights will not have a detrimental impact on adjoining residential uses and will not be reduced in effectiveness due to overgrown vegetation or poor placement.
- Large expanses of parking facilities are to be avoided. Parking facilities are to be detached, into smaller groups of bays, separated by landscaping or other uses or activities, especially where these areas front the street.
- Open deck car parks should incorporate interesting shade or roof structures to add visual interest when viewed from higher surrounding buildings.

7.8 Landscaping

- At-grade parking areas should be landscaped in accordance with the requirements of **Planning** Policy 4.1 – City Development Design Guidelines. The plant species and layout are to be approved by the Council.
- In **Residential Use Areas** any continuous row of parking or length of driveway shall be provided with planting areas, including shade trees, at the rate of one per six parking bays (as specified in the Residential Design Codes) or otherwise as required by the Council.
- The perimeter of all parking facilities shall be landscaped by a planting strip of at least 1.5 metres in width. In some circumstances a greater area of landscaping may be required, particularly where a parking area adjoins a residential property, an area of parkland or an open air recreation area.

7.9 Signs

Signs in parking facilities are to be for the purpose of providing information on parking operations and access. Signs must not obstruct pedestrian and **cyclist** thoroughfares or driver vision.

7.10 Impacts on adjoining or nearby development

- When considering the development of parking facilities the Council will take into consideration:
 - the location of parking bays and structures, lights and signs on the site and their affect on the amenities of adjoining development, including the potential affect if parking bays should later be roofed or covered; and
 - the extent to which parking bays are located within required building setback areas and the resulting visual impact on adjoining properties.
- Parking facilities must be designed and managed to minimise adverse impacts on any adjoining or nearby environment or land use with respect to noise, air quality and odour, lighting and vehicle headlights and other relevant impacts. For example:
 - Noise caused by vehicles, warning systems, gates, roller doors and other mechanical equipment should not have an adverse impact on adjoining or nearby residential properties.



- Ventilation ducts should be located to minimise the impacts of fumes on adjoining properties.
- Screening should be of a sufficient height to minimise light spill from large vehicles (such as four wheel drives) into adjoining residential properties.

7.11 Layout and dimensions

- The design of parking facilities should comply fully with the relevant Australian Standards and Austroads Guides to Traffic Engineering Practice.
- Entry and exit points and vehicle circulation patterns are to be clearly indicated.
- Tandem parking bays will generally only be accepted where two bays are provided for the use of the one residential dwelling or a single commercial business. Tandem parking may be accepted where a parking management plan includes a valet arrangement or similar to the satisfaction of the Council.
- Car stacking systems or other such systems may be supported subject to the submission of a parking management plan detailing the operation of the system to the satisfaction of the Council.
- The design of entrances and exits and the position of parking control equipment (in the case of public car parks) shall prevent on-street queuing of vehicles seeking entry to a parking facility and minimise disruption to pedestrians and traffic flows.
- Entry to and exit from off-street parking facilities shall be in a forward direction, excluding residential developments with individual access to each dwelling.
- Vehicle access ways shall be located to minimise the loss of, or adverse impact on, the function of on-street amenities and services, such as trees, street furniture and on-street parking.
- Only one vehicle access way will generally be permitted per site. Dimensions and locations of vehicle crossovers must comply with the City of Perth's Design and Construction Notes.
- Access ways are to be designed in accordance with AS 1742 and Austroads Guidelines to Engineering Practice.
- Joint use of vehicle access ways is to be considered for adjoining properties if this provides more efficient entry and exit arrangements.
- The Council will require the provision of parking bays marked exclusively for use by disabled drivers at the rate specified in the Building Code of Australia.
- The owner and occupier of parking facilities shall ensure that parking facilities are operated, laid out, constructed and maintained in accordance with the development approval for the site, and are clearly marked at all times to the satisfaction of the Council. Landscaping, in particular, is to be maintained to a high standard. This may include the marking of parking bays exclusively for residential dwellings, staff, visitors, service vehicles etc.



ADDITIONAL MATTERS

8.1 Occasional parking

The Council may support the use of land or buildings for occasional parking facilities in the case of special events or circumstances relating to a particular or regular use of a site. Council approval, however, will be required and special conditions of approval may apply.

8.2 Vacant land

The Council will not support the use of vacant land or buildings for parking purposes unless occasional parking, as outlined in the above provision, has been approved. . **The State Government's 'Perth Parking Policy' (as amended) should also be referred to in relation to the use of vacant land for parking for Use Groups other than the 'Residential' Use Group.**

8.3 Activities or uses within parking facilities

- Private parking facilities must not be used for any purpose or activity other than for parking vehicles, motorcycles and bicycles associated with the approved use for the site. The Council will not support the use of such parking facilities for activities which have not been approved for the site, or the use of parking facilities to carry out activities approved and intended to be conducted in buildings on the site.
- The leasing of parking bays for parking vehicles not associated with the approved use for the site will generally not be supported.
- Where a short stay public parking facility is proposed, the Council may require the submission of a parking management plan that discourages the use of parking spaces for commuter parking to the Council's satisfaction.
- The Council may consider permitting the use of parking facilities for weekend markets or other similar community activities or entertainment.
- **The State Government's 'Perth Parking Policy' (as amended) should also be referred to in relation to activities or uses within parking facilities for Use Groups other than the 'Residential' Use Group.**

8.4 On Street ~~Kerbside~~ parking

On street ~~Kerbside~~ parking cannot be used to satisfy the parking requirements of a ~~commercial or a residential~~ development unless the Council is satisfied that parking demand can be met. The Council may also consider the parking requirement to be satisfied by on street ~~kerbside~~ parking bays where the provision of off-street parking would be detrimental to the amenity of the area or incompatible with the character or built form of the area.

8.5 Traffic/environmental impact statement

A traffic/environmental impact statement may be required where proposed parking facilities are likely to have a significant impact on the surrounding street system and uses.



REFERENCE DOCUMENTS

- Australian Standard 1428 - Design for Access and Mobility.
- Australian Standard 1742 - Manual of Uniform Traffic Control Devices Part 11: Parking Controls.
- Australian Standard 2890.1 - Parking Facilities Part 1: Off-Street Car Parking.
- Guide to Traffic Engineering Practice Part 11: Parking.
- Guide to Traffic Engineering Practice Part 13: Pedestrians.
- City of Perth Safer Design Policy.
- City of Perth Design and Construction Notes.
- **State Government's 'Perth Parking Policy' (as amended)**
- **City of Perth City Planning Scheme No. 2 (as amended)**

SCHEDULE 18

Additional matters to be considered as part of the review of the draft revised PCL Design Guidelines 2014, as referred to in the report to Council's 3 February 2015 meeting.

1. Land Use - need to ensure that land use diagrams provided in the draft revised Guidelines 2004 correspond with the written Design Intent provisions. For example serviced apartments do not come under the 'Commercial' land use category under the MRA Central Perth Redevelopment Scheme.
2. Setbacks to Roe Street - recommend the ground floor level of all development along Roe Street to be setback a minimum of 1 metre from the Principal Shared Path (PSP) to ensure safety and visibility when entering/exiting onto Roe Street. Main Roads Western Australia standards require a minimum 500mm offset from the shared path. However, it is worth noting that the Roe Street shared path is one of the busier paths for commuter cyclists in the AM and PM peaks. A new north south cycling connection on Barrack Street as part of the two way conversion could potentially mean an increase in the amount of commuter cyclists favouring the Roe Street shared path route resulting in pedestrian and cyclists conflict.
3. Public Art – it is noted that in the Perth City Link Public Art Strategy, the Local Government Authority (where appropriate) is afforded a place in the assessment process (though cannot vote for internal reasons), but all of the criteria set out are MRA assessment criteria. Also, whilst ownership is discussed in the Strategy, and the land owner must give their permission for the work to go ahead, this does not translate explicitly to a requirement that the future owner is consulted and involved in the selection process or that the outcomes have to satisfy the future owner of the artworks.

As such it is recommended that two extra provisions be incorporated into the draft revised Guidelines 2014 stating that public art is *'to be developed in consultation with and to the satisfaction of the future owners of the public art (where known) who have long term responsibility for the management and conservation of the works'*. Additionally, *'where possible, future ownership of public art should be determined and agreed upon by all relevant parties prior to the commencement of the procurement process'*.

4. Public End of Trip Facilities - given its proximity to the shared path network the PCL project area could see a high uptake in the amount of people choosing to commute to the site via bicycle. Accordingly consideration should be given to the provision of a small to medium scale public end of trip facility that compliments the commercial building provision.
5. Sleeving of Parking – the draft revised Guidelines 2014 require the screening of car parking above ground level. However, it is noted that the existing Guidelines require the sleeving of ground floor and upper level parking structures with other uses, such as offices, shops and/or single aspect

residential. It is recommended that this should be incorporated into draft revised Guidelines.

6. Loading / Service Areas – all required loading and service bays are to be provided within individual development sites as per the draft Waterbank Precinct Design Guidelines 2014 and also should accord with the City's Planning Policy 5.2: Loading and Unloading.
7. Parking Management Plan – the draft revised Guidelines 2014 encourage shared use of parking bays between different uses on the same site and the provision of 'car pooling' bays to decrease the overall parking provision. It is recommended that a Parking Management Plan be required for any proposed shared use of parking bays between different land uses on the same site.
8. Parking Requirements – the current Guidelines 2009 requires parking for commercial development to be 50% of the maximum standards applicable under the State Governments Perth Parking Policy up to a maximum of 1 bay per 300m² of commercial floor space. This is a welcomed policy initiative, given the project areas proximity to the Perth Train Station and a future new bus station. It also accords with a key principle of the development to "*support the broader sustainable goals of efficient resource use, by providing the opportunity for people to live close to employment, their daily needs, social facilitates and leisure activities, ultimately reducing the need for private car use*". However the draft revised Guidelines 2014 has deleted reference to these provisions and requires commercial development to accord with the State Government's Perth Parking Policy. It is recommended that the current parking provisions be reinstated.
9. Solar access – consideration should be given to the incorporation of the City's requirements for solar access outlined in CPS2 - Planning Policy 4.5 Building Height & Setbacks, as the policy requires moderate to high levels of sunlight penetration into key pedestrian areas (such as 'City Walk') as well as public spaces in the middle of the day (10am-2pm) from August through to April. The policy also requires built form situated to the north of key pedestrian areas and public spaces to provide a maximum podium height of 14 metres and for towers above the podium level to be set back at a 45 degree angle height plane to maximum solar access to the south of the site.
10. Place making – the proposed role and responsibilities of the key stakeholders within the PCL project area will need to be outlined as well as other ownership, operating and maintenance matters in relation to the following:
 - i. public infrastructure asset management within the public realm,
 - ii. the provision of a public facilities within private development;
 - iii. the provision of public community facilities situated within a proposed mixed use building;
 - iv. temporary events taking place within the various spaces of the public realm;
 - v. community and economic development initiatives;

- vi. the opportunity to create a place making manager position; and
 - vii. associated costings, plus funding mechanisms.
11. Definition of 'Storey' - it is recommended that the draft revised Guidelines 2014 incorporate a definition for the term 'storey' with a maximum building height or else provide an overall maximum building height in metres.
 12. Street frontages – it is recommended that an additional criterion for air conditioning units be incorporated into the draft revised Guidelines 2014 stating that air conditioning units must be appropriately screened from the street, adjacent buildings or any other vantage points. Air Conditioning units should be appropriately designed into the building and should not discharge air across any balcony impeding its use.

Additionally, the draft revised Guidelines 2014 states that windows and glazed areas at ground level are to be clear - how will this provision be enforced in the future?

13. Plot Ratio –the City does not support the deletion of the plot ratio provisions from the draft revised Guidelines 2014. As part of the 'Growth Needs for the Future - Plot Ratio and Built Form Study' an assessment of the appropriateness of plot ratio as a development standard within CPS2 was undertaken. It was recognised that plot ratio is a useful tool when combined with other built form standards.

Plot ratio is easily understood, provides a clear and concise method of land valuation and assists in strategic planning to determine potential land use intensity. Most importantly it is a valuable tool to assist in achieving specific strategic objectives identified within the City's Urban Design Framework (UDF) and encouraging the provision of valuable public amenities and conservation of heritage places, together with priority land uses not being delivered by the market via bonus plot ratio and transfer of plot ratio incentives.

Additionally, there may be issues when MRA Major project areas are 'normalised' and transferred back to the City as there will be no consistent standards or incentives.

14. Sustainability
 - a) Green roofs – 'should' be considered instead of 'could' be considered. Additionally, if roof space cannot be used for green roofs, solar PVs or other renewable energy sources should be considered.
 - b) Tier 2 buildings - Green Star Performance ratings should also be considered on completion of the buildings.
 - c) Energy modelling –recommend requiring the submission of an energy plan that is developed in alliance with Western Power. Note Western Power has indicated that developers are not predicting energy use on site

correctly, which is impacting city-wide energy use predictions. This would accord with the City's 'Energy Resilience City' objectives/ program.

- d) The 'green' components of the draft revised Guidelines 2014 predominately relate to the commercial buildings. Consideration should also be given to energy/water efficiency in the public realm/retail/entertainment.
 - e) Energy generation - consideration should be given to:
 - i) requiring a proportion of clean energy generation on site, from Solar PV or wind power; and
 - ii) the inclusion of centralised plant that is designed for district cooling/heating or energy generation applications.
15. Development Yields – it is recommended that a table should be incorporated within the draft revised Guidelines 2014 outlining the minimum and maximum development yields for the various land uses for the PCL project area. This table should also incorporate minimum public open space and community/cultural provisions for each of the three precinct areas.
16. Heritage
- a) Development Application Process - consultation with the State Heritage Office and City of Perth should be included in the pre DA Submission stage (and any other appropriate stages as required) with regards to impact on heritage, given that Precinct 35 directly affects the State Registered Horse Shoe Bridge and Precinct 34 is directly adjacent the State Registered Royal Hotel - Wentworth Plaza/Raine Square/Royal Hotel complex (corner William and Wellington), Westfamers Building (569 Wellington Street) and State Housing Commission and Railways Institute Building (605 Wellington Street).
 - b) Cityscape – recommend an additional development criterion stating that: *'built form within the PCL project area to respond appropriately to the established built environment, particularly heritage buildings'*.
 - c) Queens Street - note the Council will be considering the possible declaration of Queen Street as a Conservation Area in 2015/16.
17. Acoustics - recommend that the word '*amenity*' be removed and replaced with '*the health and well-being of occupants*'. The word '*amenity*' is defined as a *desirable or useful feature or facility of a building or place*. Therefore, the use of this term in the acoustics section of the building design section doesn't adequately highlight the significance of providing adequate acoustic attenuation for occupants. Particularly with regard to protection against sleep disturbance at night.

The objective also states protecting amenity of 'residents'. Does this section only refer to acoustics of residential buildings or does it extend to other buildings, ie businesses? If so, consideration should be given to expanding this section to highlight the importance of protection of existing businesses/uses from encroachment of incompatible sensitive uses.

The draft revised Guidelines 2014 require compliance with the MRA's Sound Attenuation Policy. The policy requires compliance with the Environmental Protection (Noise) Regulations 1997. This therefore puts the onus on existing uses to meet the Noise Regulations should a new development/noise sensitive use encroach. This may have implications for the City if it is required to manage unresolvable long-term noise issues created as a result of unspecified performance standards acceptable to mixed use development.

Currently the design criteria/performance standards are incorporated in the MRA's Sound Attenuation Policy. Overall, at this stage there appears to be limited design standards for a City noise environment. With a city's noise environment, there is a likelihood of more short term noise events occurring throughout the night. It is these short term noise events that have the potential to create the greatest overall sleep disturbance for occupants. The policy doesn't appear to provide a performance standard for short term noise events. Consideration should be given to providing design criteria/performance standards which adopt a night time Max criteria (LAMax). Equally, there is no performance standard for addressing noise intrusion associated with low frequency noise from amplified music associated with entertainment noise. In addition the following matters have also been identified:

- a) Building over or adjacent to PTA infrastructure – recommend reference to the State Government's SPP 5.4 within the draft revised Guidelines 2014 with regard to noise and vibration.
 - b) Building Services – need to ensure the minimisation of potential noise impacts associated with access and building services are considered in the design process.
 - c) Acoustics (section 3.1.9) – recommend the incorporation of additional requirements including reference to the State Government regulations and the need for a memorial on title.
18. Proposed Public Access Way - further consideration is required of the treatment of the public access way situated between Lots 6 & 7 as it is an important link to Wellington Gardens and requires a greater level of activation and further CPTED considerations.
19. Proposed Courtyard & Proposed Home Offices - further clarification is required on the viability of any proposed home offices situated on the ground floor of Lot 7 and also how to ensure it will generate an active use. Further details are also required on the treatment for any proposed fencing of the private courtyard on the southern portion of the lot. At the very least there is a need to ensure provision for informal surveillance of Wellington Gardens.

20. Affordable Housing - reinstate the provision under the current Guidelines 2009 stating that '*affordable housing is required to be finished to a similar standard and quality level of detail as other housing within the development, and is not to be identifiable as affordable housing*'.
21. Community Infrastructure Plan - the draft Strategic Community Infrastructure Plan to 2031 for Central Perth Area (CIP) prepared by the MRA and the City of Perth, recommends a number of facilities be developed to cater for population growth and deliver on liveability. At the local scale, the CIP recommends a local community centre/space (230sqm GLA) for the Central Perth Precinct to provide community meeting space and not-for-profit office space. At the district scale, the CIP recommends a youth hub/space, education precinct and a multi-purpose community health hub, all of which may be appropriately located in central and accessible locations. The CIP provides broad recommendations and requires further precinct-level Community Needs Assessment to confirm location, size, services and owners/managers. A collaborative approach is required between the planning authorities (City of Perth, MRA), service providers and facility owners/managers.

Additionally, the City's Urban Design Framework (UDF) also seeks to enhance the liveability of the city through the provision of facilities for workers, visitor and residents. Facilities that are considered include public toilets, public change rooms, public end of journey facilities, public cultural facilities, public pre-school or child care facilities and associated space.

Any necessary facilities should be designed to maximum Crime Prevention Through Environmental Design (CPTED) principles, safety and minimise visual intrusion.

22. Private Open Space - the minimum requirements for balconies for studio/1 bedroom dwellings should be similar to those required by the MRA Waterbank precinct being 12m² (compared to the proposed 10m²) with a minimum dimension of 3 metres as opposed to the proposed 2.4 metres. Note: it is considered not appropriate to have balconies on Lot 4 due to the acoustic issues.
23. Public Realm - the City is mindful that the MRA seeks to create a destination through a high quality public realm and built environment. The commitment to high quality is supported, but the key is that the end result should not resemble a themed enclave within the city, but a seamless and logical 'stitching' together of the fabric of the city.
 - a) City of Perth standards - the design and development of the public domain should reference the City of Perth standards and be undertaken in consultation with the City of Perth.

In this regard the current Guidelines 2009 states that landscaping design for the public realm must be consistent with the City's Urban Design

Policies for the city centre, including the City of Perth 'Street Tree Framework'. This should be reinstated.

- b) Access - the design of the public open space will need to ensure that adequate provision is made for access of plant and equipment required to undertake operation and maintenance of the spaces, including trees, landscape elements and any other infrastructures.
- c) Wellington Gardens – refer to previous comments from City provided in 2014. Recommend requiring the provision of BBQ facilities.
- d) Additional infrastructure - will be required within selected public open spaces to enable events to occur, such as access to three phase power, water supply, lighting for evening events and storage facilities etc. This should be integrated into overall design of the spaces/s.
- e) Irrigation
 - i) Drip irrigation shall be used only for the establishment period of vegetation. It shall not be used on an ongoing basis;
 - ii) Below ground pop up irrigation system shall be used for all landscape areas where there will be an ongoing watering requirements;
 - iii) Irrigation design to allow a gross application rate of 40mm over the entire area in a maximum watering period of 5 hours; and
 - iv) Control systems should provide remote control via a smart phone or similar device.
- f) Winter Shading - landscape design, turf, plant and soil selection is to be based on the impact of winter shading caused by buildings and other structures.
- g) Tree Root Invasion - a new provision should be incorporated into the draft revised Guidelines 2014 concerning the requirement for minimising the penetration of tree roots into various service infrastructure and the foundations/basements of buildings.

24. Strategies - the following strategies are recommended for the public realm:

- a) An overarching Place Activation Strategy for the PCL project area. Place activation is a key component of designing and facilitating safe communities;
- b) A CPTED strategy and aligned CCTV strategy for the PCL project area; and
- c) A Way-Finding strategy – this strategy should align to the movement diagrams and should be a fundamental part of the CPTED design.

25. Additional Information - recommend that all technical reports mentioned throughout the draft revised Guidelines 2014 and in the Appendices be required

as part of any Development Application. Additional information should also be required as outlined below:

- a) Heritage – the following should be submitted,
 - i) an Interpretation Plan that addresses how the site history has been considered/acknowledged as part of the proposed development; and
 - ii) a Heritage Impact Statement that addresses how the proposed development impacts on adjacent heritage properties and how any potential impacts are mitigated, given the number of adjacent listed heritage properties.
- b) Asset Management – please refer to the City's new '*Disposal Policy*'. Note a '*Contributed Assets Policy*' is currently being prepared by the City and the City's '*Asset Handover Requirements Procedure*' has recently been revised.
- c) Please refer to previous advice on this matter relating to the indicative subdivision plan dated 7 January 2014 and also CPS2 Planning Policy 2.1 – Applications.

26. Minor Matters

- a) General editing and typographical errors.
- b) Review any inconsistencies throughout the document. For example the land use information provided in the cross sections does not accord with that outlined in the Building Envelope plans.
- c) Delete reference to Lot 6 and 7 in the Development Intent for Lot 9A (North).
- d) Site Specific Guidelines – recommend reinstating the diagrams provided for each lot as provided within the current Guidelines 2009 as they are more informative and provide some visual context.
- e) Require a Service and Delivery Access Plan.
- f) Precinct Map - recommend the map of the location of the three precinct areas within the PCL project areas be reinstated.

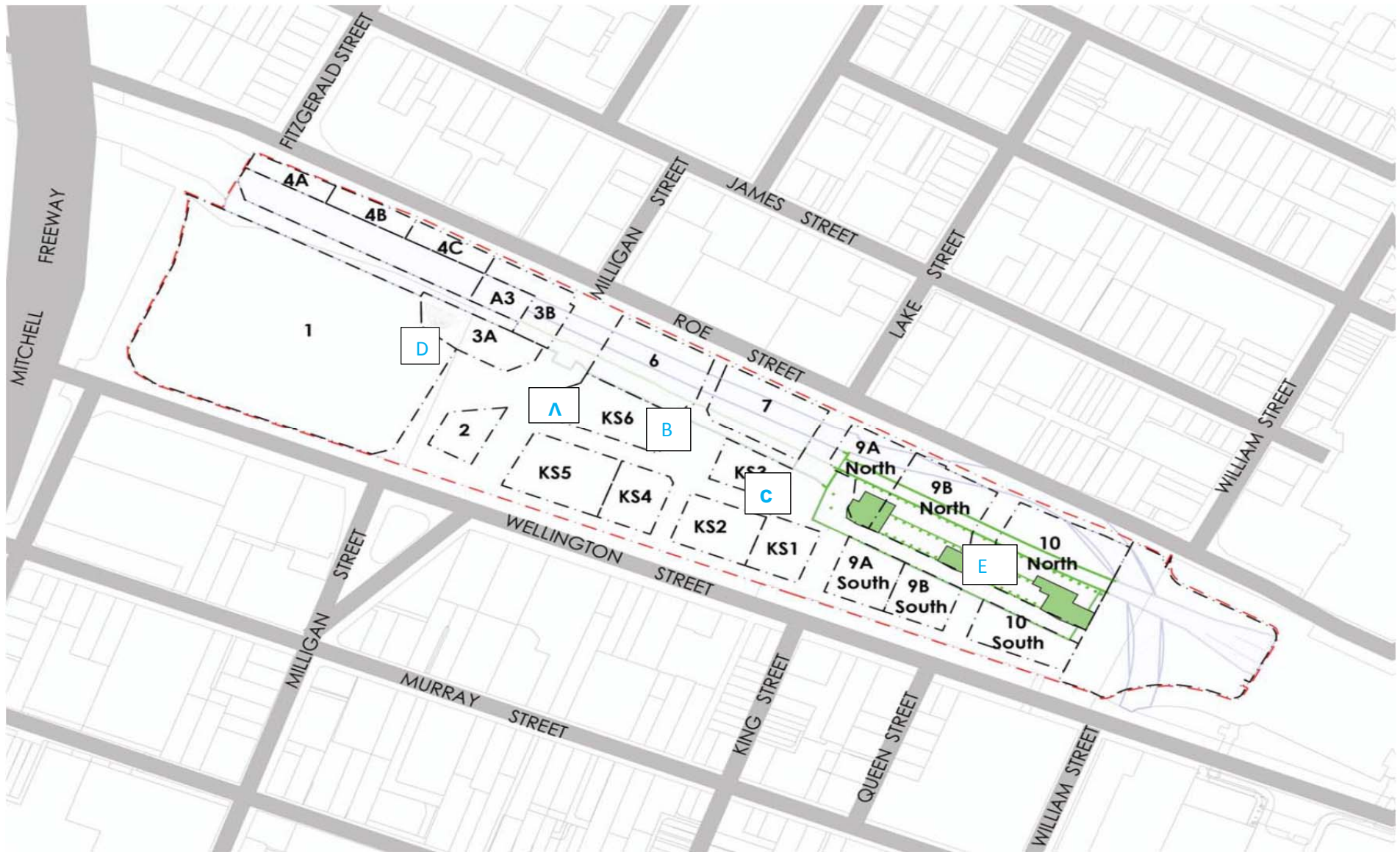
SCHEDULE 19

Key changes to the site specific requirements are outlined in the table below:

	Current Guidelines	Draft Amended Guidelines
Lot 3B	Max. 6 storeys Upper Floors - Offices	Max. 8 storeys Upper Floors – Offices/Hotel/Serviced Apartments (Preferred) and Residential (Contemplated - subject to noise and vibration issues being addressed)
Lot 4	Max. 6 storeys Upper Floors – Offices/Hotel	Max. 8 storeys Upper Floors – Offices/Serviced Apartments/Hotel (Preferred) and Residential (Contemplated - subject to noise and vibration issues being addressed)
Lot 6	Max. 9 storeys Max. 6 storey podium Min. Dwellings: 80	Max. 12 storeys Max. 4 storey podium / podium expression up to 16 metres Min. Dwellings: 110
Lot 7	Max. 9 storeys Max. 6 storey podium Nil tower setback to King Street (based on 4-6 storey development) Min. Dwellings: 65	Max. 12 storeys Max. 4 storey podium / podium expression up to 16 metres 3m tower setback to King Street (based on 12 storey development) Min. Dwellings: 110
Lot 9 (North)	Single tower Max. 16 storeys Roe Street – Max. 3 storey podium and 10m tower setback Queen Street – Max. 3 storey podium and 6-10m tower setback King Street – Max. 6 Storey Podium and 6m tower setback 'City Walk' – No podium Tier 1 with 2 ESD rating Min Dwellings: 400 (across Lot 9 North and Lot 9 South)	Two towers (Lot 9AN and Lot 9BN) Max. 20 storeys Roe Street – Expression of podium to 4 storeys up to 16m (nil setback) Queen Street - Max. 4 storey Podium up to 16m and 3m tower setback King Street – Max. 4 storey podium up to 16m and 6m tower setback 'City Walk' – Max. 4 storey podium up to 16m and 8m tower setback Tier 2 ESD rating Min Dwellings: 240 (across Lot 9 North)
Lot 9 (South)	Single tower Wellington Street – Max. 6 storey podium 'City Walk' – No podium King Street – Max. 6 storey podium and 6m tower setback Queen Street – Max. 6 storey podium and 6m tower setback Tier 1 and 2 ESD rating Min Dwellings: 400 (across Lot 9 North and 9 South)	Two towers (Lot 9AS and Lot 9BS) Wellington Street – Expression of podium 'City Walk' – Max. 4 storey podium up to 16m and min 4m tower setback King Street – Max. 4 storey podium up to 16m and 6m tower setback Queen Street – Max. 4 storey podium up to 16m and 6m tower setback Tier 2 ESD rating Min Dwellings: Nil

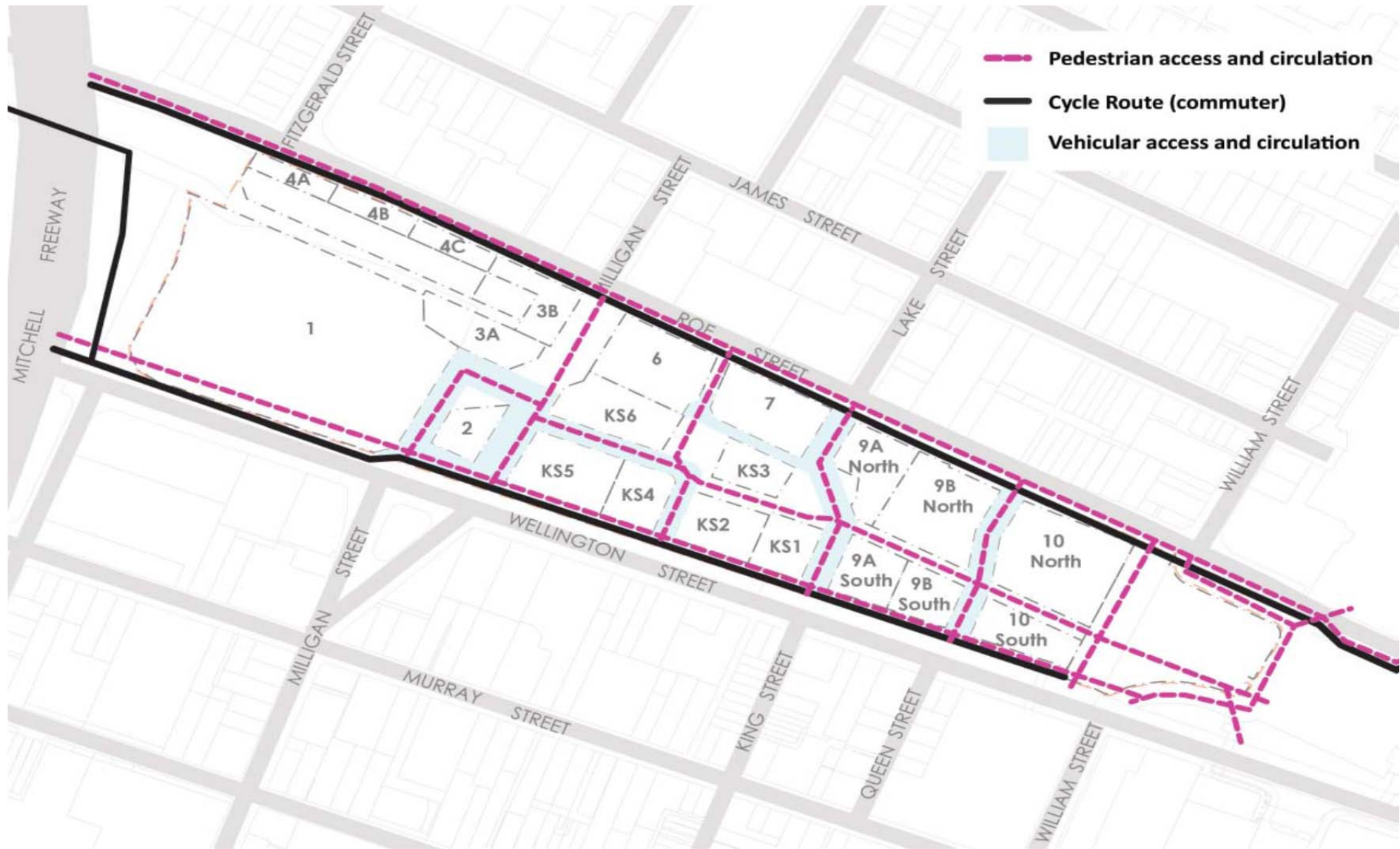
	Current Guidelines	Draft Amended Guidelines
Lot 10 (North)	<p>Single tower</p> <p>Max. 20 storeys</p> <p>Roe Street – Max. 3 storey podium and 10m tower setback</p> <p>Queen Street – Max. 3 storey podium and 6-10m tower setback</p> <p>Yagan Square – Max. 6 storey podium and 6m tower setback</p> <p>‘City Walk’ – No podium</p> <p>Min Dwellings: 28 across Lot 10</p>	<p>One or two towers</p> <p>Max. 22 storeys</p> <p>Roe Street – Expression of podium to 4 storeys (nil setback)</p> <p>Queen Street – Max. 4 storey podium up to 16m and 6m tower setback</p> <p>Yagan Square – Max. 4 storey podium up to 16m and 6m tower setback</p> <p>‘City Walk’ – Max. 4 storey podium up to 16m and 8m tower setback</p> <p>Min Dwellings: Nil</p> <p>Tower as % of podium: Max 60%</p>
Lot 10 (South)	<p>Wellington Street – Max. 6 storey podium</p> <p>Queen Street – Max. 6 storey podium and 6-10m tower setback</p> <p>Yagan Square – Max. 6 storey podium and 6m tower setback</p> <p>City Walk – No podium</p> <p>Min Dwellings: 28 (across Lot 10)</p>	<p>Wellington Street – Expression of podium</p> <p>Queen Street – Max. 4 storey podium up to 16m and 6m tower setback</p> <p>Yagan Square – Max. 4 storey podium up to 16m and 6m tower setback</p> <p>City Walk – Max 4 storey podium up to 16m and 4m tower setback</p> <p>Min Dwellings: Nil</p>

Site Plan



A- Wellington Gardens B - Kings Square C- 'City Walk' D – Milligan Street and Bridge Plaza E – Yagan Square

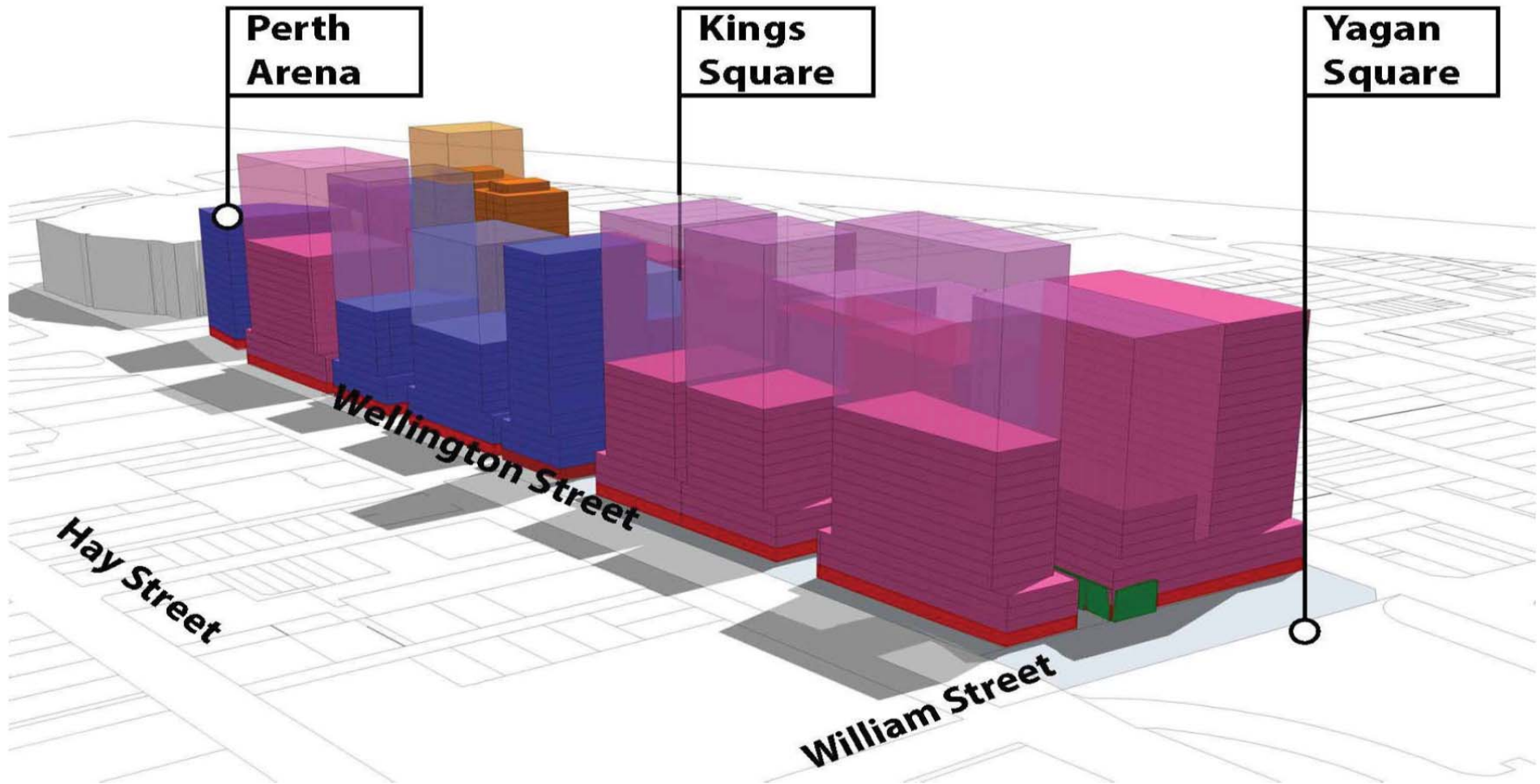
Circulation



Solar Access



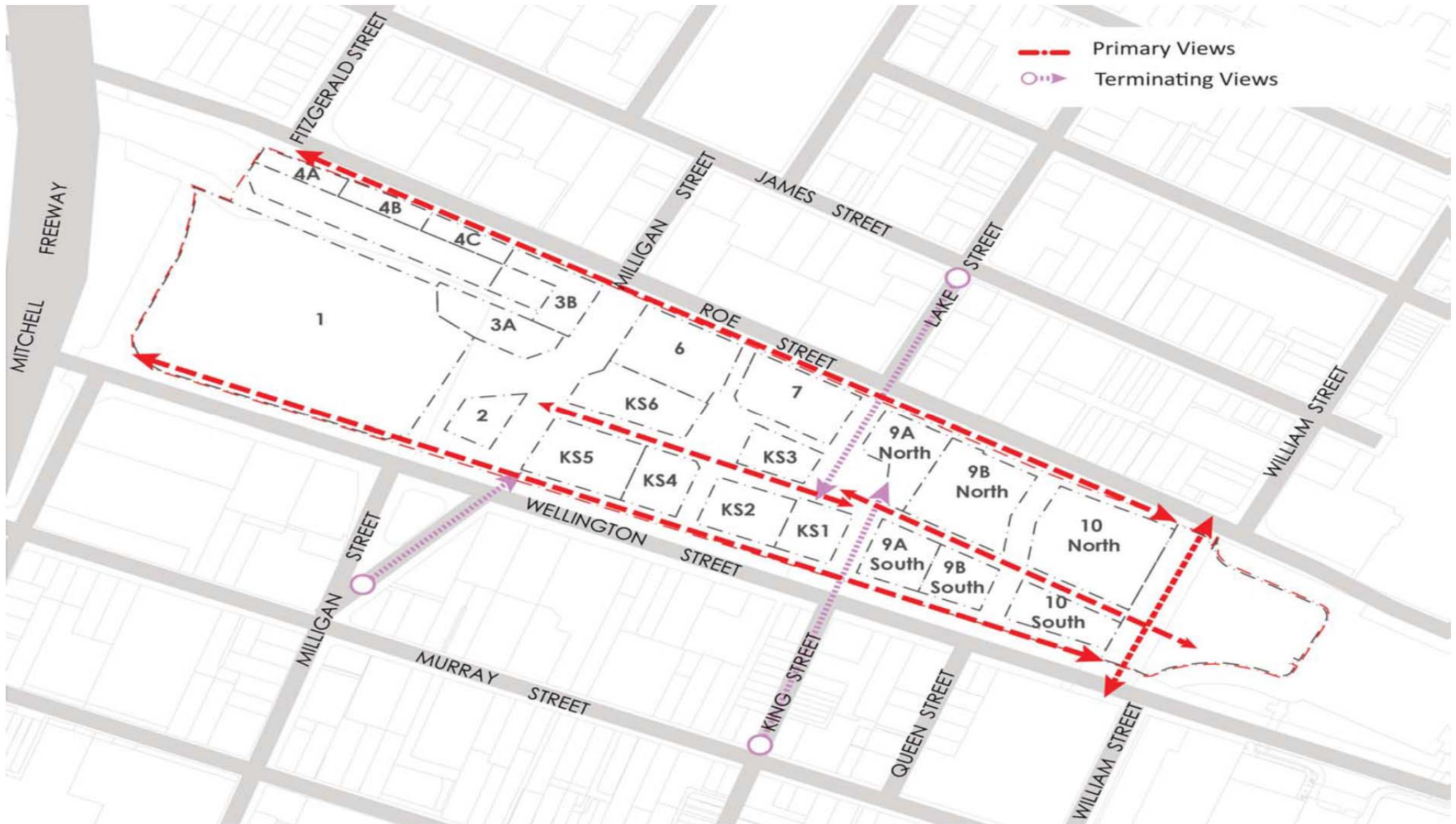
Proposed Built Form (southern elevation)



Proposed Built Form (northern elevation)



View Corridors



City of Perth Detailed Comments on the *Planning and Development (Local Planning Scheme) Regulations 2014*

Legend

Green – The City of Perth supports the clause

Orange – The City of Perth supports the clause, subject to amendments

Red – The City of Perth does not support the clause

Clause No.	Clause Summary	City of Perth Response
General		The City of Perth supports the provisions with respect to the requirements for local planning schemes, local planning strategies, the preparation and adoption of local planning schemes and amending local planning schemes, subject to the following comments.
1-2	Citation, Commencement	The City of Perth supports these clauses.
3	Terms used	The City of Perth supports this clause subject to the local planning scheme documents including local planning policies and precincts plans.
4-7	Authorised persons, Provisions of documents to the Commission, Scheme in respect to Crown land, Scheme by order of Minister.	The City of Perth supports these clauses.
8	Contents of local planning scheme.	The City of Perth supports this clause subject to the local planning scheme documents including local planning policies and precincts plans.
9(4)	Unless otherwise approved by the Commission, each map that comprises the scheme map must be prepared- (a) Using the legends referred to in schedule 1 clause 34 and 35; and (b) In a format that is suitable for electronic lodgement and publication.	The City of Perth supports the standardisation of zones, however, a City Centre zone should be included as a large portion of the City of Perth has a City Centre Scheme Use Area (equivalent to a zone) which reflects the importance of the central business district. A City Centre zone would also be consistent with the MRS and also reflect Primary Centres and Strategic Metropolitan Centres. In addition, the hatching from the legend should be removed as it is difficult to read and interpret.

10	Local planning scheme text.	The City of Perth supports this clause.
11	Requirement for local planning strategy for local planning scheme.	The City of Perth supports this clause, in particular the concurrent preparation of a local planning strategy and a local planning scheme.
12(2)	On receipt of a copy of a local planning strategy the Commission must assess the strategy for compliance with regulation 11(2).	The City of Perth supports this clause subject to the clause containing an appropriate timeframe that the Commission is required to consider the local planning strategy. A period of 3 months is considered an appropriate timeframe.
13(1)(a)	Publish a notice of the local planning strategy once a week for 2 consecutive weeks in a newspaper circulating in the area to which the strategy relates....	The City of Perth supports this clause, however, does not consider that the notice needs to be advertised for 2 consecutive weeks in a newspaper. The advertising requirements should be consistent throughout the regulations. For example Clause 22(2(a) only requires 1 notice in a newspaper for the advertising of a local planning scheme.
14	Consideration of submissions and advice.	The City of Perth supports this clause.
15	On receipt of a copy of a local planning strategy adopted by a local government the Commission may – (a) Endorse the strategy; or (b) Require the local government to modify the strategy in the manner specified by the Commission before the strategy is resubmitted to the Commission for endorsement; or (c) Refuse to endorse the strategy....	The City of Perth supports this clause subject to the clause containing an appropriate timeframe that the Commission is required to consider the local planning strategy. A period of 3 months is considered an appropriate timeframe.
16-17	Notice of endorsed local planning strategy, Amendment to local planning strategy.	The City of Perth supports these clauses.
18	Revocation of local planning strategy.	The City of Perth supports this clause subject to the notice only being published once in a newspaper as this is consistent with the other notification procedures in the Regulations.
19	Resolution to Prepare Scheme.	The City of Perth supports this clause and considers the removal of the Commission notification a positive outcome to streamline the planning process.
20(2)	A local Government must, on the provision of the published notice to a person or body referred to in	The City of Perth supports this clause subject to the clause being amended to include a timeframe that a person or body

	subregulation (1) (b) request the person or body to forward to the local government particulars of any matters that in the opinion of the person or body should be considered during the preparation of adoption of the scheme.	has to respond. A period of at least 21 days should be included to be consistent.
21(3)	The Commission must examine the documents submitted under subregulation (2) and advise the local government if the Commission considers that any modification to the documents is required before the local planning scheme is advertised for public inspection.	The City of Perth supports this clause subject to the clause containing an appropriate timeframe that the Commission is required to consider the local planning scheme. A period of 3 months is considered an appropriate timeframe.
22-23	Advertising of local planning scheme, Submissions on local planning scheme.	The City of Perth supports these clauses and considers the reduction of the advertising period from 3 months to 2 months a positive outcome to streamline the local planning scheme process.
24(2)(b)	Consideration of submissions.	The City of Perth does not support this clause as it is not considered appropriate to allow submissions to be made until the end of the consideration period, particularly where the consideration period is 6 months after the submission period of 2 months. Therefore this subclause should be deleted.
25	Incorporation of environmental conditions.	The City of Perth supports this clause.
26(1)	Within 21 days of passing a resolution under 24(3) the local government must provide the advertised local planning scheme documents to the Commission together with the following	The City of Perth supports this Clause subject to the timeframe being increased to 28 days. The reduction in the timeframe to 21 days will make it difficult to comply, given the time required to adopt Council minutes and to have the documents signed and collated. The reduced timeframe by 7 days will not achieve any significant time savings.
27	The Commission must (a) consider the documents provided to it under regulations 26(1); and (b) make any recommendations to the Minister in respect of the scheme that the Commission considers appropriate; and (c) submit the documents and the recommendation to the Minister in accordance with Section 87(1)	The City of Perth supports this clause subject to the clause containing an appropriate timeframe that the Commission is required to consider the local planning scheme. A period of 3 months is considered an appropriate timeframe.

	of the Act.	
28(7)	The Commission must, as soon as is reasonably practicable- (a) consider the documents provided to it under subregulation (5); and (b) make any recommendations to the Minister in respect of the submissions on the modification that the Commission considers appropriate; and (c) forward the documents and the recommendation to the Minister.	The City of Perth supports this clause subject to the clause containing an appropriate timeframe that the Commission is required to consider the local planning scheme. A period of 3 months is considered an appropriate timeframe.
29	Giving effect to Minister's decisions	The City of Perth supports this clause.
30-32	Endorsement of local planning scheme, Advertisement of approved local planning scheme, Deposit of local planning scheme,	The City of Perth supports these clauses.
33	Terms used – Basic Amendment	The City of Perth supports this clause, subject to the basic Amendment including 'where to amend a scheme to be consistent with the deemed provisions.'
34-36	Resolution on amendment to local planning scheme, resolution to proceed with complex amendment, Advertisement of complex amendment.	The City of Perth supports these clauses and considers the three amendment processes to be a very positive outcome to streamline the amendment process.
37	Landowner may be required to pay costs of publication.	The City of Perth supports this clause subject to the clause being expand to include both the notice and the advertising costs.
38	Submissions on complex amendment.	The City of Perth supports this clause, subject to the clause being consistent with Clause 23 in terms of the requirements. For example one refers to 'identifying a person' and one refers to 'be signed'. This clause needs to be consistent with Clause 23 as an electronic lodgement cannot be signed.
39(1)	Consideration period definition.	The City of Perth supports the intent of this clause, however, 42 days after end of the submission period or 21 days after EPA Act notice is not enough time to enable the submission to be considered and a report presented to the Council. It is suggested a period of 60 days and 42 days respectively be included.

39(2)	Consideration of submissions.	The City of Perth does not support this clause as it is not considered appropriate to allow submissions to be made until the end of the consideration period, particularly where the consideration period is 42 days after the submission period of 42 days. Therefore this subclause should be deleted as in theory it provides twice the submission periods.
40	Incorporation of Environmental Conditions	The City of Perth supports this clause.
41(1)	Complex amendment to be provided to the Commission	The City of Perth supports this Clause subject to the timeframe being increased to 28 days. The reduction in the timeframe to 21 days will make it difficult to comply, given the time required to adopt Council minutes and the documents to be signed and collated. The reduced timeframe by 7 days will not realistically achieve any significant time savings.
42	The Commission must (a) consider the documents provided to it under regulations 41(1); and (b) make any recommendations to the Minister in respect of the amendment that the Commission considers appropriate; and (c) submit the documents and the recommendation to the Minister in accordance with Section 87(1) of the Act.	The City of Perth supports this clause subject to the clause containing an appropriate timeframe that the Commission is required to consider the local planning scheme amendment. A period of 2 months is considered an appropriate timeframe.
43	A local government must comply with subregulations (5)- (a) Within a period of 42 days commencing on the expiry of the period for making submissions on the modification; or (b) Within a longer period approved by the Minister or an authorised person.	The City of Perth supports this clause, subject to the timeframe being increased to 60 days to enable the submission to be considered by the Council.
43(7)	The Commission must (a) consider the documents provided to it under subregulation (6); and (b) make any recommendations to the Minister in respect of the amendment that the Commission considers appropriate; and	The City of Perth supports this clause subject to the clause containing an appropriate timeframe that the Commission is required to consider the local planning scheme amendment. A period of 2 months is considered an appropriate timeframe.

	(c) forward the documents and the recommendation to the Minister.	
44	Advertisement of standard amendment.	The City of Perth supports this clause.
45	Landowner may be required to pay costs of publication.	The City of Perth supports this clause subject to the clause being expand to include both the notice and the advertising costs.
46	Submissions to standard amendments.	The City of Perth supports this clause, subject to the clause being consistent with Clause 23 in terms of the requirements. For example one refers to 'identifying a person' and one refers to 'be signed'. This clause needs to be consistent with Clause 23 as an electronic lodgement cannot be signed.
47(1)	Consideration period definition.	The City of Perth supports the intent of this clause, however, 21 days after end of the submission period or 14 days after EPA Act notice is not enough time to enable the submission to be considered and a report presented to the Council. It is suggested a period of 60 days and 42 days respectively be included.
47(2)	Consideration of submissions.	The City of Perth does not support this clause as it is not considered appropriate to allow submissions to be made until the end of the consideration period, particularly where the consideration period is 21 days after the submission period of 21 days. Therefore this subclause should be deleted as in theory it provides twice the submission period.
48	Incorporation of environmental conditions.	The City of Perth supports this clause.
49(1)	Within 21 days of passing a resolution to prepare or adopt a standard amendment to a local planning scheme under regulation 34 (1) the local government must.....	The City of Perth supports this Clause subject to the timeframe being increased to 28 days. The reduction in the timeframe to 21 days will make it difficult to comply given the time required to adopt Council minutes and for the documents to be signed and collated. The reduced timeframe by 7 days will not realistically achieve any significant time savings.
50	The Commission must (a) consider the documents provided to it under regulations 49(1); and (b) make any recommendations to the Minister in respect of the amendment that the Commission	The City of Perth supports this clause subject to the clause containing an appropriate timeframe that the Commission is required to consider the local planning scheme amendment. A period of 2 months is considered an appropriate timeframe.

	considers appropriate; and (c) submit the documents and the recommendation to the Minister in accordance with Section 87(1) of the Act	
51(6)	A local Government must comply with subregulation (5)- (a) Within a period of 21 days commencing on the expiry of the period for making submissions on the modification; or (b) Within a longer period approved by the Minister or an authorised person.	The City of Perth supports the intent of this clause, however, 21 days after end of the submission period is not enough time to enable the submission to be considered and a report presented to the Council. It is suggested a period of 60 days apply.
51(7)	The Commission must (a) consider the documents provided to it under subregulation 6; and (b) make any recommendations to the Minister in respect of the amendment that the Commission considers appropriate; and (c) forward the documents and the recommendation to the Minister.	The City of Perth supports this clause subject to the clause containing an appropriate timeframe that the Commission is required to consider the local planning scheme amendment. A period of 2 months is considered an appropriate timeframe.
52	Incorporation of environmental conditions.	The City of Perth supports this clause.
53	Basic amendment to be provided to the Commission.	The City of Perth supports this Clause subject to the timeframe being increased to 28 days. The 14 days will make it difficult to comply given the time required to adopt Council minutes and for the documents to be signed and collated.
54	The Commission must (a) consider the documents provided to it under regulation 53; and (b) make any recommendations to the Minister in respect of the amendment that the Commission considers appropriate; and (c) submit the documents and the recommendation to the Minister in accordance with Section 87(1) of the Act	The City of Perth supports this clause subject to the clause containing an appropriate timeframe that the Commission is required to consider the local planning scheme amendment. A period of 1 month is considered an appropriate timeframe.

55-58	Giving Effect to Minister's Decision, endorsement of amendment to local planning scheme, advertisement of approved amendment to local planning scheme, deposit of amendment to local planning scheme.	The City of Perth supports these clauses.
59(2)	For the purposes of subregulation (1), a local planning scheme that was approved more than 5 years before the commencement of this regulation is to be taken to have been approved by the Minister on the day that is 5 years before the day this regulation comes into operation.	<p>The City of supports the review of local planning scheme provisions, however, this clause will require every local government which has a scheme that is more than 5 years old to do a scheme review immediately. WALGA has advised that this would include 115 schemes.</p> <p>This clause also becomes an issue with respect to clause 60 and clause 61 as the review will need to be completed within 6 months of gazettal of the regulations.</p> <p>The current provision would mean that many local governments will require a scheme review immediately and issues of resourcing both within local government and the Commission would need to be resolved. In addition local governments will be undertaking basic scheme amendments to include the deemed provisions.</p> <p>Furthermore local government reform is likely to have a significant impact on whether local governments are able to achieve the timeframes imposed by this clause.</p> <p>It is considered that a more appropriate timeframe be implemented requiring the first scheme review within 18 months of the gazettal of the regulations and thereafter every 5 years.</p>
60	Report of review	The City of Perth supports this clause, subject to the comments above.
61(1)	Decision of Commission	The City of Perth supports this clause subject to the clause containing an appropriate timeframe that the Commission is required to consider the review report. A period of 3 months is considered an appropriate timeframe.

61(3)	The local government must not, without the approval of the Commission, take any steps to amend a local planning scheme if a period of 5 years has lapsed since.....	<p>This regulation may have significant impacts firstly in relation to Clause 59 in that all schemes older the 5 years at gazettal of the regulations will require a review and therefore no amendments can be considered, unless approved by the Commission.</p> <p>Secondly without an appropriate timeframe for the Commission to consider the review report, this clause limits the ability to amend a scheme even if the review has been completed by the local government, however, is delayed at the Commission.</p> <p>Local planning schemes also need to be responsive to community needs and limiting the ability to undertake scheme amendments would not be appropriate.</p>
Part 7	Development Contribution Plans	<p>The City of Perth supports this Part, however, this Part should not be included in the Regulations until the review and advertising of SPP 3.6 has been completed.</p> <p>The definition of infrastructure has the ability to limit other facilities which may be required over time and therefore a general clause should be included to state 'and any other facility approved by the Commission'.</p>
Part 8	Miscellaneous	The City of Perth supports this Part.
Part 9	Repeal and transitional provisions	The City of Perth supports these clauses which enable planning instruments prepared prior to the gazettal of the regulations to continue, however, the planning instruments should be expanded to include precinct plans and local planning policies.

Model Provisions for Local Planning Schemes

Clause(s)	Model Provision Summary	City of Perth Response
1-14	Citation, Commencement, Scheme revoked, Notes do not form part of Scheme, Responsibility for Scheme, Scheme area, Contents of Scheme, Purposes of Scheme, Aims of Scheme, Relationship to local laws, Relationship with other local planning schemes, Relationship with region planning schemes, Regional Reserves, Local reserves.	The City of Perth supports these clauses.
15	Additional uses for local reserves.	The City of Perth supports this clause as the inclusion of the additional uses for local reserves will enable appropriate uses to be identified.
16-17	Zones, Zoning table	The City of Perth has Scheme Use Areas rather than zones, however, supports the use of zones.
18	Interpreting Zoning Table 'P' Permitted 'I' Incidental 'D' Discretionary 'A' Discretionary advertising 'X' Prohibited	The City of Perth only has preferred, contemplated and prohibited land uses, however, the City of Perth supports the land use permissibility in the model provisions.
19-27	Additional uses, restricted uses, Special use zones, non-conforming uses, Changes to non-conforming use, Register of non-conforming use, R-Codes, Modification of R-Codes, Restrictive covenants.	The City of Perth supports these clauses.
28	Variations to site and development standards and requirements	The City of Perth supports this clause, however, a general variation clause will have impacts on the City's transfer of plot ratio and bonus plot ratio provisions and therefore a variation to the model provisions would be required at the time of updating CPS2. In addition subclause (2) needs to be reworded as not all residential development is subject to the R-codes. In the city,

		only residential development in a residential zone is subject to the R-codes.
29-30	Environmental conditions, Site and development standards	The City of Perth supports these clauses.
31	Special Control Areas	The City of Perth supports this clause as it is generally the same as CPS2. CPS2 also states that provisions of a SCA prevail over the Scheme, this is not included in the model provisions but could be a supplementary clause.
General Definitions		The City of Perth supports the general definitions subject to the following comments.
Floor area	Has the meaning given in the Building Code.	CPS2 defines floor area of a building as a basis for the interpretation of what is included and excluded in plot ratio. The City would need to seek a variation to this definition in the model provisions.
Plot Ratio	In relation to residential dwellings, has the meaning given in the R-Codes.	The CPS2 definition forms the basis for the assessment of plot ratio through floor area definition and includes both a residential and non-residential definition. The City would need to seek a variation to the model provisions for this definition.
Land Use Definitions		The City of Perth supports the land use definitions subject to the following comments.
Educational establishment	Educational establishment includes all types of educational establishments.	CPS2 has two definitions and two use groups. Education lower includes Child Care which is a separate definition under the model provisions and education upper. The City would need to seek a variation to this definition in the model provisions to reflect the two use classes.
Legends Used in Scheme (excludes MRS)		The City of Perth supports the standardisation of reserves and zones subject to the following comments.
Reserves	Reserves	<p>The City of Perth supports the proposed standardization of reserves and the current CPS2 reserves can be amended to reflect the reserve names.</p> <p>The City of Perth considers that hatching should not be used as it is difficult to read and interpret.</p>

Zones	Zones	<p>The City of Perth supports the standardisation of zones, however, a City Centre zone should be included – The majority of the City of Perth has a City Centre Scheme Use Area (equivalent to a zone) which reflects the importance of the central business district. A City Centre zone would also be consistent with the MRS zone and also reflect Primary Centres and Strategic Metropolitan Centres.</p> <p>As identified above, hatching should not be used as it is difficult to read and interpret.</p>
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Deemed Provisions for Local Planning Schemes

Clause	Clause summary	CPS2 Provisions	Deemed Provisions	City of Perth Response
General				<p>The City is unique in terms of its built form and the operation of CPS2. The city has the highest density of built form within Western Australia and complex design solutions are generally required to address site constraints, adjoining development, amenity as well as ensuring that developments make a positive contribution to the city and the streetscape. The operation of CPS2 is also different to all other local planning schemes as CPS2 uses Scheme Use Areas, has sophisticated heritage provisions and incorporates transfer and bonus plot ratio provisions to encourage innovation design outcomes.</p> <p>The City does not have any structure planning areas, local development plans or development contribution plans which form a significant portion of the deemed provisions.</p> <p>The State Government has already recognised the</p>

				<p>unique nature of the city through the creation of a specific DAP as well as the drafting of the Capital City Act.</p> <p>The DoP will need to give consideration to how the deemed provisions will be applied to the city. Given the above, it is considered that the City and its local planning schemes (CPS2 and all minor town planning schemes) should be exempt from the deemed provisions and that the deemed provisions should instead be included as model provisions. This would enable the City to include the relevant administrative requirements of the deemed provisions in the next local planning scheme without impacting on the existing operation of CPS2. It would also mean that the DoP would not need to exempt the City from particular clauses of the deemed provisions which would be difficult to interpret and confusing for both the City and applicants.</p> <p>There are a number of issues that need to be addressed if the City is not exempt from the deemed provisions so that the provisions do not create confusion for both the City and applicants.</p> <p>Firstly, it is not clear as DoP has provided conflicting advice, whether the deemed provisions can be included in CPS2 through a scheme amendment (basic amendment). It is considered that the provisions should be able to be included in CPS2 to avoid the need to refer to multiple documents.</p> <p>Secondly, and assuming the deemed provisions can be included in CPS2, there will be a period of time where there will be inconsistencies between CPS2 and the</p>
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				<p>Regulations.</p> <p>Thirdly, it is not clear whether other provisions within CPS2 which are consistent with the deemed provisions but not covered in the deemed provisions continue to have effect. For example the heritage provisions in CPS2 are replaced by the deemed provisions, however, the City has additional heritage provisions relating to heritage agreements and the transfer of plot ratio. Advice provided by the DoP suggests that the provisions can remain, however, it is not clear which provisions can remain and who makes that decision. It is considered that provisions not included in the deemed provisions should remain as part of CPS2 and this can be addressed as part of the amendment to include the deemed provisions in CPS2.</p> <p>In order to reduce the issues identified above, it is recommended that the deemed provisions should only come into operation 12 months after gazettal of the Regulations. This will enable a basic amendment to be undertaken to incorporate the deemed provisions into CPS2, to resolve which other provisions can remain in CPS2, to reduce confusion referring to multiple documents and to improve the user friendliness of the planning system.</p>
Definitions				The City of Perth supports the definitions subject to the following comments.
Building Height	Building Height	In relation to a building, means the distance measured from the level of the existing footpath to the highest part of the	Based on R-codes for residential purposes, based on natural ground level and finished roof height.	<p>The City of Perth does not support the inclusion of a building height definition in the deemed provisions for a number of reasons:</p> <ul style="list-style-type: none"> • The definition includes where a building is used for residential purposes. This would suggest any residential development whether in a commercial

		building excluding lifts, architectural elements.		<p>zone and whether as part of a mixed use development. The City considers that the part (a) definition should state residential purposes within a residential zone.</p> <ul style="list-style-type: none"> CPS2 provides a definition based on the height at the centre of the footpath as the point to determine the overall height, while the deemed provisions requires height to follow the natural ground level of the land. The change to the height definition will have a significant impact on the existing and future built form within the city particularly on sloping sites such as those within West Perth and Mount Street. The height definition would not be consistent with the current built form and will result in a different outcome. <p>The City does not support the inclusion of the definition in the deemed provisions and considers that it should be included in the model provisions which would enable variations so as not to impact existing built form outcomes.</p>
Owner	Owner	Excludes interest as a purchaser	Includes interest as a purchaser	The City of Perth while concerned that the inclusion of a purchaser under a contract can be an owner, as it is likely to result in more speculative development applications, supports the definition.
2	Reference to Local Planning strategy	No provision	Includes reference to Local Planning Strategy	The City of Perth supports the Clause, however, we note that it appears there is a typographical error in the fourth line in that local planning scheme should be local planning strategy.
3	Local Planning Policies	Includes provisions consistent with deemed provisions	Provisions consistent with CPS2	The City of Perth supports these clauses and notes that referral to the WAPC as part of the advertising process is only required where a policy is inconsistent with a WAPC SPP.

4	Procedure for making or amending local planning policy.			The City of Perth supports this clause, subject to the clause being consistent with Clause 23 of the Regulations and other clauses in terms of the advertising requirements.
5	Revocation of local planning policy.			The City of Perth supports this clause, subject to the clause being consistent with Clause 23 of the Regulations and other clauses in terms of the advertising requirements.
Part 3	Heritage			
General				<p>It is not clear whether the deemed provisions replace all of the CPS2 heritage provisions or whether existing clauses in CPS2 can remain. For example CPS2 includes a clause relating to heritage agreements, which is the tool used to ensure heritage places are conserved after the transfer of plot ratio. It is important to the City of Perth to maintain this clause.</p> <p>In order to reduce the issues identified above, it is recommended that the deemed provisions should only come into operation 12 months after gazettal of the Regulations. This will enable a basic amendment to be undertaken to incorporate the deemed provisions into CPS2, to resolve which other provisions can remain in CPS2, to reduce confusion referring to multiple documents and to improve the user friendliness of the planning system.</p>
Definitions	Heritage Area	Conservation Area	Heritage Area	The City of Perth supports this definition as it is a similar definition, although the City will need to amend the scheme and policies to be consistent.
<u>7(1)¹</u>	<u>Heritage List</u>	<u>Requires Council to record in a register, places</u>	<u>The _____ local government must establish and</u>	<u>The City of Perth generally supports this clause however believes it should be modified to also enable the list to include those places which are</u>

¹ Additional clause inserted. Amended schedule tabled at Planning Committee meeting held on 27 January 2015. Refer to TRIM 14499/15 for meeting minutes.

		<u>which have been declared or are being considered for declaration as places of cultural heritage significance, as well as those areas which have been declared as conservation areas.</u>	<u>maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of conservation.</u>	<u>being considered for declaration as places of cultural heritage significance as per CPS 2. This is also consistent with the approach taken with the State Heritage Register which progresses listings from an interim to a permanent registration.</u> <u>This would potentially enable the Council to continue to consider cultural heritage significance as part of Development Applications involving demolition and therefore assist in alleviating some of the concerns raised by the City with respect to exempting demolitions from requiring development approval (under cl 36(e) of the deemed provisions).</u>
7(2)	Heritage List	Declaration of places of cultural heritage significance	The heritage list must (a) set out a description of each place and the reason for its entry in the heritage list; and (b) be available, with the scheme documents, for public inspection....	The City of Perth supports this clause, however, seeks confirmation that the list only needs to contain the place, the address and the reason for listing ie social, historic aesthetic etc. The City has 300 properties with each having at least 3 pages of assessment documentation. This would be up to 900 pages which would be required to be included with the Scheme documents. It is considered that this clause should be reviewed to ensure that only a simplified list forms part of the scheme.
7(4)	Heritage List		The local government must not enter a place, or remove a place from, the heritage list or modify the entry of a place in	The City of Perth supports this clause, however, the clause should be amended so that advertising is not required to list a heritage place if the request for the listing has been made by the landowner who is also the occupier or where the landowner gets the occupiers consent. There is little point advertising to a landowner who requested the listing and where the occupiers

			the heritage list unless the local government	consent to the listing.
8(3)(b) & (c)	Designation of heritage areas	Declaration of a conservation area	<p>Publish a notice of the proposal designation once a week for 2 weeks.</p> <p>Provisions for a heritage area and requires a sign to be erected during the advertising of a heritage area.</p>	<p>The City of Perth supports this clause, subject to:</p> <ul style="list-style-type: none"> • The clause being consistent with Clause 23 of the Regulations and other clauses in terms of the advertising requirements. • Including a sign on site is not considered to achieve any consultation outcome and should be deleted from the clause. • Clause (b)(iii) appears to be duplicated in (c).
9	Heritage Assessment	No provision	Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a place listed on a heritage list.	The City of Perth supports this clause and suggests that after the words 'heritage assessment' insert 'and or a heritage impact assessment'. This is suggested as the heritage assessment does not specifically deal with the impact of the development on the place.
10	Variations to local planning scheme provisions for heritage purposes	Transfer and bonus plot ratio provisions	General variation provision	<p>The City of Perth does not support this provision in its current form as it relates to plot ratio. The City supports the clause as it relates to all other development standards.</p> <p>The City of Perth has provisions relating to bonus plot</p>

				<p>ratio for the development of a heritage site. These provisions are limited to a maximum bonus of 20% and are combined with other bonus provisions such as residential development (maximum 20%), special residential development (maximum 20%-40%) and public facilities (maximum 20%) which can be combined to a maximum of either 20% or up to 50% depending on the area of the city.</p> <p>The general variation provision would significantly undermine the bonus provisions and would have a significant impact on the operation of CPS2 as a variation could be granted above the maximum 20% heritage plot ratio bonus which would undermine both the heritage bonus and the other bonus facilities and also undermine the overall maximum plot ratio bonus (20% or 50%).</p> <p>It is considered that the City of Perth should be exempt from this deemed provision.</p>
11	Heritage conservation notice	No provision	Provides the ability for the Council to force an owner to properly maintain a heritage building.	The City of Perth supports this clause as it will provide the ability to ensure maintenance of a heritage place. The City suggests that a guideline be prepared to address what is considered 'properly maintained' and that in the properly maintained definition that (b) be amended from 'character' to 'cultural significance'.
Part 4 12-24	Structure Plans	No provisions within CPS.	New provisions largely administrative, however, the approval of a structure plan is by the WAPC and not the Local Government.	<p>The City of Perth does not have any structure planning areas and generally supports the clauses subject to:</p> <ul style="list-style-type: none"> • The timeframe under clause 15(2) being increased to 14 days; • The advertising identified in Clause 16 being consistent with the other advertising clauses; • Clause 18 (2) typo made versus make; • Identification under Clause 19 that the local government can recoup the costs from the applicant;

				<ul style="list-style-type: none"> • The determining authority being the local government rather than the WAPC in accordance with the City's previous submission. • The requirement to review a structure plan should be every five years, rather than 10 years, in line with the review of the local planning scheme.
Part 5 25 - 34	Local Development Plan	No provisions within CPS2	New provisions – largely administrative to enable a LDP to be considered on land.	<p>The City supports the introduction of Local Development Plans with the determining authority being the local government, subject to:</p> <ul style="list-style-type: none"> • Confirmation that planning application fees can be imposed for local development plans; • The advertising in Clause 28 being consistent with the other advertising clauses; • Clause 32 being deleted as it is covered by Clause 36; • The duration of a local development plan should be every five years, rather than 10 years, in line with the review of the local planning scheme. It is noted that under the Strata Titles reform, Community Development Plans, which is likened to a local development plan, has a validity of 4 years.
35	Requirement for Development Approval	<p>Refers to development.</p> <p>Includes provision to identify both use and development.</p>	<p>Refers to works and includes use in provision.</p> <p>Refers to works or use on land that is zoned or reserved.</p>	<p>The City of Perth supports the clause but not as it is currently worded. The clause is similar in terms of function to CPS2, however, a significant issue is that it refers to zones or reserves. CPS2 does not have zones but uses Scheme Use Areas. The current wording may mean that approval is not required for development on Scheme Use Areas (which includes large portions of the city), which would clearly have a significant impact.</p> <p>The wording should be amended to refer to the Scheme Area rather than zones and reserves.</p>
36	Development for which			

	development approval not required			
36(1)(a)	Development of a regional reserve under MRS	No provision	Exempt, however, noted that approval may be required under the Region Scheme.	The City of Perth supports this exemption.
36(1)(b)	In accordance with a Local development Plan	No provision	Exempt if in accordance with a Local Development Plan	<p>The City does not support this exemption as</p> <ul style="list-style-type: none"> • The review of the Strata Titles Act is seeking to include provisions whereby a Community Development Plan (prepared as part of a strata plan) has the same effect as an approved Local Development Plan. Community Development Plans would, however, be approved by the WAPC and not the City. Therefore the City would not be responsible for any form of approval of development under a Local Development Plan. • Local Development Plans, while containing built form provisions, cannot satisfactorily address all of the detailed building design considerations and therefore exempting any development would not achieve the design aspirations of the City. The City's Administration and Design Advisory Committee would not be able to review developments for design quality if they were exempt. • The Local Development Plan could include heritage places under either the State Register or CPS2 register and should not be exempt.
36(1)(c)	Internal building works	Currently in scheme as exemption but does not exempt heritage areas	Same exemption, however, includes Heritage areas	The City of Perth supports this exemption

36(1)(d)	Single house, ancillary, outbuilding, external fixture, patio, pergola, veranda, swimming pool.	Exempts pools, pergolas, patio etc but not dwellings.	Exempt if satisfies the deemed to comply provisions of R-codes unless falls under the heritage provisions.	<p>The City of Perth does not support this exemption, as:</p> <ul style="list-style-type: none"> • Whilst the exemption ensures compliance with the R-codes, it lacks reference to the need to comply with CPS2, precincts plans and any local planning policy. The City has limited residential areas which are subject to the R-codes and therefore the other scheme provisions and local planning policies will need to be taken into account; • The exemption lacks reference to which zones the development would be exempt from. For example a single house exemption in a residential zone is understandable, however, a single house in a commercial zone should not be exempt; • The provision exempts single houses even if they are an 'X' 'not permitted' land use. This is contrary to orderly and proper planning; • The provisions lack reference to where a single house is not exempt, such as the Swan River Trust Management Area and clause 32 areas under the MRS such as Parliament House, as these areas are subject to separate legislation and therefore would not be exempt; • The exemptions include external fixtures, patios etc, however, the exemption does not specifically state in relation to a single dwelling and therefore may be exempt from other developments. This is not supported as the City has prerequisites which must be met in order for this type of development to be exempt; • The other concern is the administration of the exemption. If the local government is required to assess the plans to determine whether a single house is exempt, then the whole purpose for the exemption, in terms of streamlining the process is
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				flawed.
36(1)(e)	Demolition	Requires approval Clause 48 requires DA approval of the redevelopment and landscaping if development not commenced within 6 months.	Exempts demolition unless heritage listed or in heritage area.	<p>The City of Perth does not support this exemption as</p> <ul style="list-style-type: none"> • The CPS2 currently has provisions which require a redevelopment application to be submitted and approved prior to demolition and landscaping of the site if the redevelopment does not occur within 6 months of demolition. A general exemption would mean that the city has no knowledge of what type of development is proposed for the site and no ability to require the site to be landscaped. As seen historically in the City, a development site left vacant (such as the former Emu Brewery and Westralia Square sites) can have significant impacts on the amenity of the city. • The demolition exemption does not include the type or size of demolition and therefore the demolition of a large building could occur without planning approval. • The City has listed about one-third of the places on its heritage database in its CPS2 heritage register. The heritage database lists those places in the city that may have heritage significance, however, have not been assessed and therefore not included in the CPS2 register. The City is currently undertaking a review of the heritage database. The exemption would mean that those places on the heritage database which are not registered in CPS2 could be demolished even though they may have heritage significance. Furthermore it would appear that places being considered for inclusion or assessment by the State Heritage Office would also not be protected from demolition.
36(1)(f)	Home office	Not included in CPS2	Defined as solely in dwelling, no	The City of Perth supports this exemption.

			customers, no signage and no external changes	
36(1)(g)	Temporary works or use which exists for less than 48 hours	Not exempted	Temporary works or uses exempt if used for less than 48 hours	The City of Perth supports this exemption, however, that the clause needs to be expanded to define what constitutes temporary (ie how many times a year could the use occur?) and to identify that the use needs to be a 'permitted' or 'discretionary' land use in the particular zone. It is not considered appropriate to enable a not permitted land use to establish even for a temporary period.
36(1)(h)	Temporary Election signage	Not exempt.	Excludes election signage.	The City of Perth supports this exemption.
36(1)(i)	Other signage	Has provisions for the exemption of some types of signage	Excludes other signage which the Council determines can be excluded.	The City of Perth supports this exemption, however, it needs to be clarified whether 'approved in writing' refers to the creation of a local planning policy.
36(1)(j)	Any other development specified in writing by the local government.	CPS includes other exemptions.	Can include other exemptions in accordance with the Local Government Approval.	The City of Perth supports this exemption, however, it needs to be clarified whether 'approved in writing' refers to the creation of a local planning policy.
37	Amending or revoking development approval	CPS provides for amendments within 28 days of approval and there is no ability to extend the DA approval timeframe.	Provides for the inclusion of the DAP provisions.	The City of Perth supports this clause as it will make the provisions consistent with the Development Assessment Panel Regulations.
Part 7 38- 42	Applications for Planning Approval	Administrative provisions dealing with the lodging of	The administrative provisions dealing with the lodging of	The City supports these clauses.

		applications.	applications.	
43	Retrospective Approval	Clause 38 provides ability to approve retrospective applications, however, does not authorise development before the date or prevent enforcement action being taken.	Includes ability for retrospective approval.	<p>The City of Perth supports this clause subject to the clause being further expanded so that the approval does not authorise development before the date on which the local government granted development approval and does not prevent action being taken by the local government for an unauthorised development before the date on which the local government granted development approval.</p> <p>The expanded condition is required otherwise the approval backdates authorisation of the use, which is not considered appropriate as the local government does not know what was occurring on the site prior to the approval.</p> <p>Generally unauthorised uses are identified through compliance which could include actions by the local government to address the unauthorised use. The provisions should enable the actions to be continued through to its conclusion which could include legal enforcement action.</p>
44	Consultation with other authorities	Determination of applications general provisions	Provides a clause to enable the local government to consult with other authorities.	The City of Perth supports this clause.
45	Matter to be considered by local government	CPS2 includes 11 provisions which the determining authority must take into consideration when considering an application.	The deemed provisions include 25 provisions.	The City of Perth supports this clause, however, does not support the number of matters required to be taken into consideration. In assessing a development application, a local government is required to take into account these provisions which would need to be assessed as part of a report to the local government. The 25 provisions would make the assessment of any applications long and convoluted and also an

				administration burden. This does not streamline the planning process. Subclauses (j) and (k) need to reference the cultural heritage significance of the heritage places and heritage areas.
46 -51	Determination of Applications, Form and date of determination, Duration of planning approval, Temporary planning approval, Scope of planning approval, Approval subject to later approval of details.	Similar administration provisions, however, no ability to approve and increase the 2 year approval timeframe.	Provides ability to grant approval for an application longer than two years	The City of Perth supports these clauses and the ability to approve an application for a period of longer than 2 years.
52	Time for deciding application for development approval	Deemed refusal includes 60 days and 90 days for advertising and heritage	60 and 90 days where applications advertised.	The City of Perth supports this clause subject to subclause 1(a) including a 90 day period where a development includes a heritage place. This is required as the assessment where a heritage place takes longer given the heritage assessment that needs to be undertaken.
53	Review of decisions	Appeals	Review of decisions	The City of Perth supports this clause.
Part 9	Bushfire Management	No provisions	Currently being prepared at the Planning and Development	The provisions do not include any detail as they are part of a separate process and therefore the City cannot provide comment.

			(Bushfire Risk Management) Regulations 2014.	
Part 10 54-59	Implementation of development contribution plans	DCP not included in CPS2	Administrative provisions.	<p>The City of Perth generally supports this Part, however, consideration should be given to the following.</p> <ul style="list-style-type: none"> • Clause 54(a) - should this include all MRS Reserves, not just roads? • Clause 54(d) - clause should include something to effect that "excluded areas should be fully justified and explained" • Clause 58(2)(b) – need to include use as part of this clause. In the City where there is a significant change of use from office to residential, the owners should contribute to demand/need for facilities. • Clause 59(5) - support clarification that local government has ability to collect a differential rate to pay for infrastructure.
Part 11 60-67	Enforcement and Administration	Administrative provisions in CPS2.	Administrative provisions.	The City of Perth supports this Part.
Part 12 68	Forms referred to in this scheme	Administrative provisions in CPS2.	Administrative provisions.	The City of Perth supports this Part.