



*CITY of* PERTH

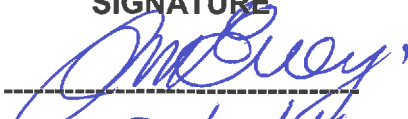
## MINUTES

# PLANNING COMMITTEE

10 MAY 2016

THESE MINUTES ARE HEREBY CERTIFIED AS  
CONFIRMED

PRESIDING MEMBER'S  
SIGNATURE

  
DATE: 31/5/16

# 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 **Tuesday, 10 May 2016**.

## **MEMBERS IN ATTENDANCE**

Cr McEvoy - Presiding Member  
Cr Adamos  
Cr Yong

## **OFFICERS**

Mr Mileham - Chief Executive Officer  
Ms Barrenger - Acting Director Planning and Development  
Ms Smith - Manager Development Approvals  
Mr Ridgwell - Manager Governance (departed the meeting at 6.07pm)  
Mr Farley - Manager Strategic Planning  
Mr Lee - Manager Environment and Public Health  
Mr Smith - City Architect  
Ms Best - Governance and Risk Officer

## **GUESTS AND DEPUTATIONS**

Mr Anthorp  
Mr Hollingworth - Rowe Group  
Ms Clarke - Rowe Group  
Mr De Vecchis - Rowe Group

## **OBSERVERS**

Cr Harley (departed the meeting at 6.03pm)

## **PL60/16 DECLARATION OF OPENING**

**5.31pm** The Presiding Member declared the meeting open.

## **PL61/16 APOLOGIES AND MEMBERS ON LEAVE OF ABSENCE**

Nil

**PL62/16 QUESTION TIME FOR THE PUBLIC**

The Chief Executive Officer advised that the following questions had been received from Ms Ann Apthorp of 72 King St, Perth WA 6000 in relation to Item PL68/16 - 158-160 (Lot 11) Murray Street Mall, Perth (TRIM ref 75523/16).

<b>Question</b>	<p>It has come to my attention today, the 9th May, 2016, that the West Australian, on this day, has published information and a photograph of proposed modification to the building on the corner of Barrack and Murray St. This is to be approved/disapproved at a Planning Committee Meeting at 5.30pm on Tues 10th May. It states that it is recommended to be approved.</p> <ol style="list-style-type: none"> <li>1. We, as owners of the building adjacent to this building have received no notice at all. I find that this is just incredible. Please supply a reason for this total lack of notification.</li> <li>2. I have attended meetings held by the City of Perth regarding property modifications. I have printouts of the requirement that have been set by the Council. These printouts state that it is a requirement that there are to be no vertical additions that are not stepped back from the street. This requirement is in black and white. It is a City of Perth rule which everyone must abide to whether one likes it or not.</li> </ol> <p>The photograph, obtained via the newspaper, and not from The Council, shows that on both the Murray St and the Barrack St side, this 'wall' is extended directly vertical from the outer wall for a further 4 meters. This is in direct conflict with your rules and therefore cannot and should not be approved.</p> <p>I require an explanation as to why the West Australian has even printed that it has been recommended for approval. Where did they get this information from? Presumably the Council has not recommended the approval and it can only be a 'wish' by the current owner of the building that approval be granted.</p> <p>There can and should be no possibility that approval be granted. To do so, would be to directly contravene your guidelines and rules.</p> <p>I am a property owner of several buildings within the City. I have received no notice nor have I been provided with any indication from the Council that there have been any changes that have taken place with respect to the City of Perth planning requirements relating to vertical walls. Could you please confirm that no changes to the regulations have been made?</p> <ol style="list-style-type: none"> <li>3. One of the buildings that we own, is at the other end of Murray St, on the corner of King and Murray St. This building is in a location which is a mirror image of the building which has applied for planning permission for the vertical walls.</li> </ol>
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	<p>If the rules have been changed or not adhered to by the Council, I would like you to confirm that I can add a vertical wall on both street sides of our property, that is, in King St and Murray St and that they can be used for advertising or for extending the building 4 meters or higher. It seems absurd that you can have one rule for one person and totally different rules for another when the properties are similar in most respects.</p> <p>Both King St and Barrack St have many heritage buildings within them. Our building, Fleet House is similar to the one that is currently applying for planning position, in that it is not more than 100 years old and is not heritage listed or indeed suitable for listing.</p> <p>I am not in Australia at the moment and it is decidedly difficult to find out about meetings where the results can seriously affect us. Because of the lack of information or notice from the City of Perth, I have to have people scour newspapers and the internet to find out what the City of Perth is up to. I am at a loss to see how it is acting 'reasonably' to have an article appear in the local newspaper stating that planning permission is 'recommended' when there has been no notice of building approval to building owners in the immediate proximity and those changes:</p> <ul style="list-style-type: none"> <li>a, affect the pecuniary and monetary interests of owners in the immediate proximity and</li> <li>b. those changes are in direct contravention of existing City of Perth rules and regulations.</li> </ul> <p>Further it is appalling, that we should find out that the meeting for approval/disapproval is to take place within 24 hours of the article appearing in the newspaper. I await your comments in relation to the above matters.</p>
<b>Response</b>	<p><b>Question 1 – Notification</b></p> <p>There was no requirement to notify the neighbouring property owners of the reconsideration of revised plans by Council (as discussed on handover), however after speaking with the adjacent owner (Jean-Paul) on the phone yesterday I emailed him through the deputation request form so that he could make a presentation at the meeting.</p> <p><b>Question 2 – Building Height</b></p> <p>The City's Building Heights and Setback Policy was last amended in March 2015. There have been no further changes to this policy or to the Street Building Height and Setback Plan of the City Planning Scheme No. 2. A maximum street building height of 14 metres is permitted in this location. The revised plans result in a building height of 11.9 metres</p>

	<p>along the Murray Street Mall and Barrack Street frontage, therefore there is no variation being sought.</p> <p><b>Question 3 – Extension and signage proposal on Murray Street building</b></p> <p>The City would be guided by the City's Building Heights and Setback Policy, the Heritage Policy and the Signs Policy in terms of considering an application for an extension to the building and 'new technology' sign. There are different policy requirements in different locations of the City to ensure an appropriate level of amenity is maintained, with each application assessed on its individual merit. The City's administration is willing and encourages pre-application meetings to discuss any proposals before they are lodged as formal development applications with the City.</p> <p>This will provide the opportunity to outline any policy requirements for the site and the suitability of any extensions to the building and a digital sign in this location. It is noted that the City has been in negotiations with the applicant to reorient the sign towards Murray Street Mall, rather than the Barrack Street Heritage Area, with the sign screened from the northern approach by a nib wall. Under the City's Signs Policy 4.6 'new technology sign's' are not supported in Heritage Areas. The City's administration has recommended the application for approval however it will ultimately be up to the Council to determine the application.</p>
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## PL63/16      CONFIRMATION OF MINUTES

*Moved by Cr Yong, seconded by Cr Adamos*

*That the minutes of the meeting of the Planning Committee held on 19 April 2016 be confirmed as a true and correct record.*

*The motion was put and carried*

The votes were recorded as follows:

**For:**        Crs McEvoy, Adamos and Yong

**Against:** Nil

**PL64/16      CORRESPONDENCE**

The Chief Executive Officer advised that correspondence were received from the following people and provided to Elected Members for consideration:

Mr Carter in relation to **Item PL69/16** – 189 St Georges Tce, has requested that the Planning Committee defer consideration of this Item to allow the applicant to be able to present on the item. (TRIM 74741/16).

Mr Buxton in relation to **Item PL70/16** – 4 Walker Avenue. Mr Buxton was unable to attend the Committee meeting but has provided an objection to the proposed application. (TRIM 74749/16 & 74756/16).

**PL65/16      DISCLOSURE OF MEMBERS' INTERESTS**

Nil

**PL66/16      MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil

**PL67/16      55-59 (LOTS 1-3) GODERICH STREET, EAST PERTH – REQUEST FOR APPROVAL AS A DONOR SITE FOR TRANSFER OF PLOT RATIO****BACKGROUND:**

SUBURB/LOCATION:	55-59 (Lots 1-3) Goderich Street, East Perth
FILE REFERENCE:	TPR-2016/5086
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	28 April 2016
MAP / SCHEDULE:	Schedule 1 – Location plan for 55-59 Goderich Street, East Perth
3D MODEL PRESENTATION:	N/A
LANDOWNER:	N L P Titman, C P Maher, R A M Stapley-Oh and K Garman
APPLICANT:	C P Maher
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Goderich (P14) (City Planning Scheme Use Area) Residential – R160
APPROXIMATE COST:	N/A

**SITE HISTORY:**

The subject site has an area of 526m<sup>2</sup> and contains three attached strata titled single storey brick and zincalume dwellings. All three dwellings are currently used for residential purposes. The dwellings have been refurbished over time however they retain clear evidence of the original layouts and a considerable amount of original detailing remains insitu.

The three dwellings are listed on the City Planning Scheme No. 2 (CPS2) Places of Cultural Heritage Significance.

**DETAILS:**

Approval is sought to register 1,129m<sup>2</sup> of unused plot ratio from the subject site to the City's Register of Transfer Plot Ratio. Under CPS2, the subject site has a plot ratio of 3.0:1 or 1,578m<sup>2</sup> plot ratio floor area. The existing dwellings on the site have an existing plot ratio 0.61:1 or 324m<sup>2</sup> plot ratio area.

**LEGISLATION / POLICY:****Legislation****Section:**

City Planning Scheme No. 2

Clause 34 Transfer of Plot Ratio

*'(1) The Council may, on request, approve a place as a donor site for the transfer of transferable plot ratio, if the place –*

*(a) is recorded in the register of places of cultural heritage significance or located within a conservation area;*

*(b) cannot be development to the maximum plot specified in the plot ratio plan without adversely affecting the cultural heritage significance of:*

*(i) the place or its locality; or*

*(ii) any conservation area within which the place is located;*

*(c) is not reserved or located in a reserve shown on the Scheme map and referred to in clause 12(1) (a) or (b); and*

*(d) is subject to a conservation plan if the place is of cultural heritage significance.*

*(2) The Council may approved or refuse a request made under clause 34(1). Where it grants approval, the Council –*

*(a) shall determine the amount of transferable plot ratio on a donor site taking into account the need to retain an amount of unused plot ratio for future development, or adaptation of the place; and*

*(b) shall impose conditions which must be satisfied prior to a place being recorded as a donor site in*



*the register of transfer of plot ratio. These conditions shall include*

- (i) the preparation of a heritage agreement, at the landowner's cost to be signed by the landowner and the City and, where the place is listed on the Register of Heritage Places under the Heritage of Western Australia Act 1990, the Heritage Council of Western Australia; and*
  - (ii) if considered necessary by the Council for the conservation of the place, the completion of any urgent works specified in the conservation plan for the place.*
- (3) Approval of a place as a donor site shall lapse if all conditions of the Council's approval are not fulfilled before the expiration of 12 months, or such further period as the Council may determine, from the date of which the Council resolved to grant the approval.*
- (4) On fulfilment of all the conditions of the Council's approval, the place shall be recorded as a donor site in the register of transfer of plot ratio in accordance with clause 35.'*

**Policy**

Policy No and Name:

4.5.2 Transfer Plot Ratio Policy

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

**COMMENTS:****Transfer of Plot Ratio**

The subject site has 1,254m<sup>2</sup> or 79% of remaining plot ratio floor area available. It is proposed to transfer 1,129m<sup>2</sup> of the unused plot ratio floor area from the subject site to the City's Register of Transfer of Plot Ratio. A total of 125m<sup>2</sup> plot ratio floor area, equivalent to 10% of unused plot ratio floor area will remain on the site that can be utilised for future adaptation and/or development of the site. The proposed minimum 10% remaining unused plot ratio is consistent with the CPS2 Transfer of Plot Ratio Policy (4.5.2). Details submitted with the application outline an agreement between

the respective owners in relation to the individual or collective use of the remaining available plot ratio floor area for new development purposes.

The Conservation Management Plan submitted in support of the application identifies the available land on the subject site as almost fully developed. The opportunity for new development over time is therefore largely restricted to redevelopment of the rear wings (which have been extensively modified/rebuilt over time and have been assessed as having little/no heritage significance). As such, theoretically the only way to add additional floor space to achieve the maximum plot ratio of the site would be to demolish the existing buildings or add additional floors above the existing structures, which would not be structurally viable. Both of these scenarios would adversely affect the cultural heritage significance of the existing buildings.

In accordance with clause 34(2)b(i) of CPS2, given that there is no existing heritage agreement in place with respect to the subject site, any approval shall be subject to the preparation of a heritage agreement at the landowner's cost to be signed by the landowner(s) and the City.

Section 9.1.1 of the associated Conservation Management Plan identifies 'urgent works' with require attention within 12 months. The urgent works identified are:

*'Inspect the chimneys to determine if there is any evidence of structural inadequacy, with particular reference to fretting brickwork. If any structural inadequacy is observed at close inspection, seek professional advice as appropriate and undertake conservation works as a matter of priority.'*

It is recommended that the above works be required to be undertaken and satisfied as a condition of any approval and prior to being registered as a donor site.

Given the limited additional development potential for the site, it is considered that the proposed transfer of plot ratio is consistent with the requirements of the City's Transfer of Plot Ratio Policy (4.5.2) and can be supported subject to relevant conditions as outlined above.

## **Conclusion**

The proposed transfer of 1,129m<sup>2</sup> of plot ratio floor area from 55-59 Goderich Street, East Perth is supported in accordance with clause 34 of CPS2. The subject site can therefore be entered on the City's Register of Transfer of Plot Ratio for use in whole or part in proposed developments on future recipient sites subject to separate applications for approval.

*Moved by Cr Adamos, seconded by Cr Yong*

*That Council:*

- 1. in accordance with Clause 34 of the City Planning Scheme No. 2, approves the request for approval as a donor site for the transfer of 1,129m<sup>2</sup> of transferable plot ratio from 55-59 (Lots 1-3) Goderich Street, East Perth to the City's Register of Transfer of Plot Ratio in accordance with the application for 'Transfer Plot Ratio – Donor Site Approval' dated 22 March 2016 and associated Conservation Management Plan dated March 2016 subject to:**
  - 1.1 a Heritage Agreement for the subject site being prepared, at the landowner's cost, and signed by the landowner(s) and the City with the finalised agreement being submitted to the City prior to the subject site being registered as a donor site in the Register of Transfer of Plot Ratio; and**
  - 1.2 the urgent works as identified within Section 9.1.1 of the Conservation Management Plan being undertaken to the City's satisfaction;**
- 2. advise the landowner/applicant that Council's approval of the place as a donor site shall lapse if all conditions of the approval are not fulfilled before the expiration of 12 months from the approval date.**

*The motion was put and carried*

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

**DEPUTATION:**

**Agenda Item 2, PL68/16 – 158-160 (Lot 11) Murray Street Mall, Perth – Proposed Building Additions and 'New Technology' Roof Sign Displaying Third Party Advertising Content – Revised Plans (Reconsideration Under S.31 of the State Administrative Tribunal Act 2004)**

**5.45pm**

Mr Anthorp commenced the deputation and provided an objection to the proposed application.

**5.49pm**

The deputation concluded.

**DEPUTATION:** **Agenda Item 2, PL68/16 – 158-160 (Lot 11) Murray Street Mall, Perth – Proposed Building Additions and ‘New Technology’ Roof Sign Displaying Third Party Advertising Content – Revised Plans (Reconsideration Under S.31 of the State Administrative Tribunal Act 2004)**

**5.50pm** Mr Hollingworth commenced the deputation and as the planning consultant for the proposed application provided an overview of the application and sought approval of the Planning Committee.

**5.57pm** The deputation concluded.

**6.03pm** Cr Harley departed the meeting and did not return.

**PL68/16 158-160 (LOT 11) MURRAY STREET MALL, PERTH – PROPOSED BUILDING ADDITIONS AND ‘NEW TECHNOLOGY’ ROOF SIGN DISPLAYING THIRD PARTY ADVERTISING CONTENT – REVISED PLANS (RECONSIDERATION UNDER S.31 OF THE STATE ADMINISTRATIVE TRIBUNAL ACT 2004)**

**BACKGROUND:**

SUBURB/LOCATION: 158-160 (Lot 11) Murray Street Mall, Perth  
FILE REFERENCE: 2015/5204  
REPORTING UNIT: Development Approvals  
RESPONSIBLE DIRECTORATE: Planning and Development  
DATE: 19 April 2016  
MAP / SCHEDULE: Schedule 2 – Map and coloured perspectives for 158-160 Murray Street Mall, Perth  
3D MODEL  
PRESENTATION: A 3D Model for this application will not be available at the Committee meeting.

LANDOWNER: Wilsons Holdings Pty Ltd  
APPLICANT: Rowe Group  
ZONING: (MRS Zone) Central City Area  
(City Planning Scheme Precinct) Citiplace (P5)  
(City Planning Scheme Use Area) City Centre  
APPROXIMATE COST: \$500,000

**SITE HISTORY:**

The subject site is located on the north-west corner of Murray Street and Barrack Street, Perth. The site is currently occupied by a two storey building occupied by retail uses and a gymnasium.

The site contains a non-heritage building located within the Barrack Street Heritage Area, which was designated by the Council on **5 August 2009**.

At its meeting held on **13 October 2015**, Council refused an application for a proposed 'new technology' above roof sign with third party advertising content at the subject site, based on the following reasons:

"1. *the proposed sign does not comply with City Planning Scheme No. 2 Policy 4.7 – Signs given that:*

*1.1 above roof signs are not permitted anywhere within the city;*

*1.2 the sign is not designed as an integral part of the building, and will be excessive in scale and inconsistent with the style of the building on which it will be located;*

*1.3 'new technology' signs are generally not permitted within heritage areas while the sign is proposed to be located within the Barrack Street Conservation Area;*

*1.4 the sign will detrimentally impact on local amenity and the Barrack Street Conservation Area, given its prominence within the streetscape; and*

*1.5 the third party advertising content of the sign would be detrimental to the visual quality and amenity of the Barrack Street Conservation Area."*

On 11 November 2015 the applicant lodged an Application for Review of the refusal decision with the State Administrative Tribunal.

On 19 January 2016 a Mediation was held between the City and applicant at the State Administrative Tribunal (SAT) where it was agreed that a revised design and heritage impact statement would be submitted to address the reasons for refusal of the original application.

A number of meetings between the applicant and the City's officers followed up to the point where it was considered that the modified proposal has attempted to address the concerns raised in the initial application and could be reconsidered by the Council.

Pursuant to Section 31 (1) of the *State Administrative Tribunal Act 2004*, the City has been invited by the State Administrative Tribunal to assess the revised plans and reconsider its decision on or before the 20 May 2016.

**DETAILS:**

The applicant has submitted a revised design and additional information in response to the reasons for refusal outlined in the original development application for the purpose of reconsideration of the proposal under section 31 of the *State Administrative Tribunal Act 2004*. This includes modifications to the design of the building including the upper level extension of the glazed façade along Barrack Street and Murray Street Mall to create the appearance of an additional storey as well as screening the roof plant behind.

The digital screen and associated border has also been revised in terms of its design and scale with a height of 3.5 metres (previously 4.2 metres) and length of 12.6 metres (previously 15 metres), predominately facing onto Murray Street Mall with a shorter section to wrap around the south east corner of the site with Barrack Street. The portion wrapping around the south eastern corner will be setback 2 metres from Barrack Street compared to the original proposal which had a nil setback to Barrack Street.

**LEGISLATION / POLICY:****Legislation**

*State Administrative Tribunal Act 2004*  
*Planning and Development Act 2005*  
*Planning and Development (Local Planning Scheme) Regulations 2015 – Deemed Provisions for Local Planning Schemes*  
*Heritage of Western Australia Act 1990*  
City Planning Scheme No. 2

**Policy**

Policy No and Name: 4.6 Signs  
4.10 Heritage  
20.8 Street Trees – Planting, Pruning and Removal

**COMPLIANCE WITH PLANNING SCHEME:****Development Requirements**

The subject site is located within the City Centre Use Area of the Citiplace Precinct (P5) under the City Planning Scheme No. 2 (CPS2). The Precinct will be enhanced as the retail focus of the State providing a range of retail and related services more extensive than elsewhere in the metropolitan region. Building facades will incorporate interesting architectural elements thereby contributing to a lively, colourful and stimulating environment. The Statement of Intent for the Citiplace Precinct does not specify any development provisions for signage.

The site also falls within the Barrack Street Heritage Area declared under Clause 9 of the Deemed Provisions. While the building on the site is identified as a non-heritage building within the Heritage Area, it is recognised that new works to the building have the capacity to negatively impact on the cultural heritage significance of the Heritage Area if not managed appropriately. The buildings adjacent to and opposite the site are identified as Heritage Places within the Heritage Area under CPS2, with the

exception of the former Greater Union Cinemas building at 133-141 Murray Street. The revised proposal should therefore, be considered in relation to the City's Heritage Policy 4.10 and Clause 11 of the City's Sign Policy 4.6 (Signs on Heritage Buildings and Places).

The CPS2 Signs Policy (4.6) sets out the requirements for the erection and management of signs on or adjacent to buildings within the city, providing guidelines for their acceptable design and location.

Under the Signs Policy the revised sign proposal falls within the following definitions:

*"Roof Sign" means a sign fixed to the top of the fascia or wall of a building or a machinery or plant room, and designed as an integral part of the design of the building. A roof sign also includes a sign fixed to or painted upon the roof of a building.*

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

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

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

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

The Council, pursuant to Clause 67 of the Deemed Provisions, is to have regard to any local planning policy for the Scheme area; the effect of the proposal on the cultural heritage significance of the area in which the development is located; the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality; and the amenity of the locality including the character of the locality.

Variations to the Signs Policy can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of CPS2 and provided the Council is satisfied that:

- “47(3)(c)(i) if approval were to be granted, the development would be consistent with:*
- (A) the orderly and proper planning of the locality;*
  - (B) the conservation of the amenities of the locality; and*
  - (C) the statement of intent set out in the relevant precinct plan; and*
- (ii) the non-compliance would not have any undue adverse effect on:*
- (A) the occupiers or users of the development;*
  - (B) the property in, or the inhabitants of, the locality; or*
  - (C) the likely future development of the locality.”*

**COMMENTS:****Reconsideration of the Proposed Sign**

Section 31(1) of the *State Administrative Tribunal Act 2004* enables SAT to invite the original decision maker to reconsider the decision that is the subject of review proceedings before SAT.

SAT can invite the original decision-maker to reconsider the decision at any time prior to SAT's final decision. The SAT may invite a Section 31 reconsideration where the applicant has provided additional information or clarification since the original decision or where the applicant has amended the application which is the subject of the decision.

SAT expects the original decision-maker to treat SAT's invitation to reconsider a decision seriously and conscientiously. Upon being invited by SAT to reconsider the decision under section 31, the original decision-maker may:

- Affirm the decision.
- Vary the decision.
- Set aside the decision and substitute a new decision.

**Public Consultation**

The original application was advertised to the adjacent landowners from 4 to 21 September 2015. These included the owners of the properties at 86 to 120 and 95-117 Barrack Street and 166-170 Murray Street Mall, Perth. Two submissions were received objecting to the proposed roof sign.

As the revised design has reduced the scale of the sign and addressed the issues raised as part of the original application, it was not considered necessary to re-advertise to the adjacent landowners.

**Development Standards**Heritage

As the property is located in the Barrack Street Heritage Area, any signage and external alterations must take into consideration the requirements of the City's



Heritage Policy 4.10 and Clause 11 of the City's Signs Policy 4.6 (Signs on Heritage Buildings and Places).

Under the Signs Policy 4.6, signs located in areas of special significance should generally be discreet and should complement the building or area and be externally illuminated.

Whilst new technology signs do not comply with the requirements of Clause 11 of the Signs Policy, the revised plans have sought to reduce the impact of the roof sign on the Heritage Area. This has been achieved by orienting the sign primarily towards the Murray Street Mall retail area and by setting the sign back 2 metres from the Barrack Street frontage. The installation of a nib wall also screens any views of the sign from the adjacent heritage building and from the northern end of the Heritage Area. While it was considered desirable to move the sign further towards the western end of this Murray Street Mall façade, away from Barrack Street, it was noted that the existing trees within the Mall would obstruct the view of the sign if it was positioned any further westward. The position of the sign is considered to be a reasonable compromise, however, the applicant should be advised that as the tree canopies continue to grow, in accordance with the Council's Policy No: 20.8 'Street Trees - Planting, Pruning and Removal' any request for the pruning of these trees in order to provide or restore views to the advertising sign will only be approved where such pruning will not detrimentally affect the aesthetic quality, landscape value, health or structure of the trees. It is therefore considered that the revised proposal is an improvement on the previous design in terms of its impact on the Heritage Area and has addressed the Council's previous concerns in regard to this issue.

With respect to the extension of the upper level facade, this should also be considered in relation to the impact on the Heritage Area. Under the City's Heritage Policy 4.10, any new development in a Heritage Area should be of a similar scale, proportions, setbacks and height to the heritage buildings in the locality. The new additions should also be of a contemporary design and not a direct copy of existing significant buildings. The additions should respect the existing heritage buildings and respond to their articulation and detail in areas such as dominant parapet lines, roof line, window confirmation, door openings and awnings.

The revised façade extension is of the same height as the adjacent three storey heritage buildings and is therefore respectful in terms of its scale. The addition is also of a contemporary design and does not seek to mimic the style of the adjacent heritage buildings. There is however limited detail provided in terms of the relationship of the revised façade extension to the façade of the adjacent heritage building (beneath the screen which may be removed in the near future). The additions to the building have been designed as a subtle and seamless extension of the existing façade in order that the proposed sign is integrated into the overall design of the building. As the new development in this instance is only a minor addition to an existing building, to design the upper floor level to respond to the articulation and detail of the adjacent heritage building including, where possible, parapet lines and window configurations could, in this instance, be inappropriate. Further information, including the detailed design of the upper level extension in the context of the adjacent heritage building and an update to the heritage impact statement which responds to this requirement, may be requested as a condition of

any approval in this regard. On balance however, it is considered that the façade extension is of a contemporary style which better relates to the existing building and to the adjacent heritage buildings in terms of its scale and can be supported.

As a condition of any approval, a requirement should be imposed to ensure the adjacent heritage building in Barrack Street is protected during the construction phase.

### Roof Signs

Clause 9.1 Signs Policy 4.6 prohibits “above roof signs” being approved anywhere within the City of Perth. Following further discussions with the applicant as part of the mediation process, revised plans have been prepared amending the proposal to a ‘roof sign’ which can be considered by the City for approval under Clause 9.8 of the City’s Signs Policy 4.6. An assessment of the proposal against the requirements for ‘roof signs’ is outlined below:

- (a) *A roof sign must not project above the uppermost part of the building to which it is attached.*

The revised application proposes the extension of the glazing line along Barrack Street and the Murray Street Mall and the addition of a new plant room, creating the appearance of an additional storey as well as screening the roof plant behind. The upward extension of the glazing line has allowed the sign to be an integrated element of the building design. The sign has also been reduced in height to ensure it does not project above the height of the proposed building extension.

- (b) *A roof sign may be illuminated, and its contents may move, but it cannot contain flashing lights.*

The applicant has advised that the proposed sign will be illuminated in accordance with Australian Standard AS4284-1997 – Control of the Obtrusive Effects of Outdoor Lighting. The applicant has also confirmed that the sign will not contain flashing lights or moving images.

- (c) *High level illuminated roof signs are encouraged facing the Swan River on buildings with Precinct P13 (Adelaide) and Precinct P6 (St Georges)*

This criterion is not applicable as the subject site is located within the Citiplace Precinct (P5).

- (d) *Roof signs should only be permitted where it can be demonstrated that having regard to the character of the area in which they are to be situated they would not adversely affect its amenities or those of other areas.*

The revised proposal is considered to be an improvement in terms of the sign’s integration into the design of the building and its visual quality when viewed from the street.

The applicant has submitted a Lighting Impact Assessment demonstrating that the digital sign will comply with the relevant legislative requirements and will not adversely impact on the amenity of the surrounding properties. Notwithstanding the above, any approval should include a condition to ensure luminance levels comply with the relevant Australian Standard AS4284-1997 – Control of Obtrusive Effects of Outdoor Lighting.

The applicant has also submitted a heritage impact statement to address the impact of the sign within the Barrack Street Heritage Area. The findings of the heritage impact statement support the revised design including the extensions to the building facade and the digital screen. The proposed signage and façade extensions are considered to be respectful to the scale to the adjoining heritage buildings, providing a continuum of the traditional three storey height along the west side of Barrack Street. The location of the digital sign and façade upgrade is considered acceptable given its prominent corner location and the contemporary building style.

In addition the revised plans orient the sign towards the Murray Street Mall retail area, away from the Heritage Area, so that it is not a prominent obtrusive element within the Barrack Street streetscape. The revised design is therefore considered to have a more acceptable impact upon the Heritage Area and the character of the locality.

Based on the above it is considered that the revised design has regard to the character of the area and will not adversely affect its amenities or those of other areas.

- (e) *A roof sign must be compatible with the building upon which it is attached in terms of its size and design.*

The revised design which proposes an extension of the glazing line to create a third storey level, a reduction in the overall size of the sign to be flush with the height extended glazing line and a re-orientation of the sign towards Murray Street Mall is considered to meet the City's requirements in terms of compatibility with the scale and design of the building upon which it is attached.

- (f) *Roof signs are not permitted on heritage buildings.*

The subject site contains a contemporary building which does not have any identified heritage significance under the State Register of Heritage Places or the City's Heritage List. The site is however located within the Barrack Street Heritage Area and is adjacent to a heritage building. It is noted that the orientation of the sign has been amended so that it achieves its main viewing angles from Murray Street Mall and the southern approach along Barrack Street. Furthermore the sign is now set back 2 metres from the Barrack Street frontage and partly screened by a nib wall, limiting the detrimental visual impact on the Barrack Street Heritage Area. The applicant's heritage impact statement supports the revised proposal noting the site's prominent corner location and the contemporary style of the building on which the sign will be located which is clearly differentiated from the heritage properties in the general locality along Barrack Street.

'New Technology' Signs

- (a) *The content of an Animated or 'New Technology' Signs must also receive the approval of Council.*

The revised application for a new technology sign is referred back to the Council for a decision.

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

The subject site is located within the Citiplace Precinct 5.

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

All signs, including new technology signs, should be compatible with the style, scale and character of the surrounding streetscape. The application site is not a listed heritage place however, it is included as a non-heritage building within the Barrack Street Heritage Area. The revised proposal seeks to improve the design, quality and scale of the sign to better integrate into the design of the building and the streetscape. The applicant's heritage impact statement supports the revised façade extension and digital screen noting it is respectful in scale to the adjoining heritage buildings along the western side of Barrack Street which are also of three storey height. The reduced scale and position of the sign along with its location on a contemporary building on a corner site at the entrance to Murray Street Mall is considered to be compatible with the streetscape, noting a digital screen is located at the south west entrance of the Murray Street Mall.

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

As discussed, the revised application proposes the upward extension of the glazing line along Barrack Street and Murray Street Mall, creating the appearance of an additional floor level. The upward extension of the glazing line together with a reduction in the height of the sign to be consistent with the second floor level addition has resulted in the sign being integrated into the design of the building and now complies in this regard. Any approval can be conditioned to ensure the sign is appropriately framed with all wiring, ducting being concealed from view of the street and the surrounding properties.

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

The revised design includes the reorientation of the sign towards Murray Street Mall, with a small corner element facing towards the southern approach along Barrack Street. The Traffic Engineering Report submitted with the original application reviewed the quantifiable issues relating to traffic safety. The findings of the report indicated that the sign would only be visible to drivers approaching the sign from Murray Street and at the intersection of Murray and Barrack Street with other locations only having the peripheral vision of motorists. It is noted that the revised design has removed the screen fronting directly onto Barrack Street with only a small element wrapping around the corner of Murray Street Mall and Barrack Street (set back 2 metres from Barrack Street). Based on the above it is considered that the reorientation of the sign towards Murray Street Mall will reduce the visibility of the sign to motorists and will therefore be an improvement in terms of road safety. The applicant has also confirmed that the sign will not display any moving or flashing images.

Notwithstanding the above, any approval should be conditioned to ensure the sign complies with the requirements of Main Roads Australia to prevent driver distraction and potential hazards to road safety. This includes restrictions to the display of static images only with prescribed dwell times and transition times between advertisements; maximum luminance levels; and restrictions to the type, size and legibility of symbols, graphics and text displayed to avoid any confusion with traffic signs or traffic signals.

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

The applicant has confirmed that the sign will not contain any moving, flashing or pulsating images or lights. The proposed sign will be visible to motorists approaching from the south along Barrack Street and directly adjacent at the intersection with Murray Street to the east. The applicant's Traffic Engineering Report did not consider that the original design of the sign would result in any negative impact to road safety in the area with the revised design of the sign likely to have less of an impact. Notwithstanding the above, any approval should be conditioned to comply with the requirements of Main Roads Australia to prevent any hazard or nuisance to stationary or passing motorists, as outlined above and in the recommended conditions of approval.

### Third Party Advertising

Under the City's Signs Policy 6.6, Clause 9.11, third party or general advertising will only be permitted where, having regard to the character in which the sign is to be situated, the Council is satisfied that the visual quality, amenity and safety of the area will be enhanced, or at the very least, not diminished.

It is considered that the revised proposal has addressed the City's concerns with respect to the quality of the sign and its integration into the design building and the local area. The revised proposal is therefore not considered to diminish the visual quality, amenity or safety of the area and should be supported.

## Conclusion

The revised application is considered to satisfactorily address the requirements of the City's Signs Policy 4.6 in relation to roof signs, new technology signs and third party advertising content. The sign is considered to be of an acceptable design and quality and with the alterations to the building façade will appear as an integrated element of the building. The applicant has satisfactorily demonstrated that the proposed sign will not have any undue adverse impacts in terms of traffic safety or luminance levels and can comply with the relevant legislation.

Although large new technology digital screens are generally not supported in Heritage Areas, the revised proposal is considered to be an improvement from the previous design in terms of its impact on the Heritage Area. The revised design is respectful in scale to the adjacent heritage properties, the sign has been reoriented to predominately face onto the Murray Street Mall with a nib wall restricting views from the north, and will appear as a contemporary element on a prominent corner location. It is therefore recommended that the Council set aside its previous refusal decision for an "above roof sign" and substitute a new conditional approval decision for the revised "roof sign" in accordance with S.31 (1) of the *State Administrative Tribunal Act 2004* and the revised application be approved subject to conditions.

***Moved by Cr Yong, seconded by Cr McEvoy***

***That, in accordance with section 31(1) of the State Administrative Tribunal Act 2004, the Council sets aside its decision for refusal for a proposed 'new technology' above roof sign with third party advertising content at 158-160 (Lot 11) Murray Street Mall, Perth dated 16 October 2015 and substitutes a new decision for approval as follows:***

***That:***

- 1. in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application for proposed building additions and a 'new technology' roof sign to display third party advertising content at 158-160 (Lot 11) Murray Street Mall, Perth as shown on the revised plans received on 20 April 2016 subject to:***
  - 1.1 final details of the design, external materials and finishes for the building additions, including details of how the additions relate to the height and original façade details of the adjacent heritage building at 111-113 (Lots 51 and 101) Barrack Street, being submitted by the applicant and being approved by the City prior to applying for a building permit;***

***(Cont'd)***

- 1.2 *the sign being appropriately framed with all wiring and ducting being concealed from view of the street and surrounding properties with final details of these elements being submitted to the City for approval prior to the sign being installed;*
- 1.3 *a comprehensive advertising strategy for the sign detailing the control of content, illumination levels, management and maintenance of the sign being submitted to the City for approval prior to the sign being installed;*
- 1.4 *the advertisements being restricted to static displays that contain only single, 'self-contained' messages that have a dwell duration of not less than 45 seconds, with the duration of transition between the full display of one message and the full display of the next message not exceeding 0.1 seconds. Transitional effects such as fly-in, fade-out and scrolling shall not be permitted;*
- 1.5 *the sign content is to exclude symbols, graphics or text that could be mistaken for an instruction to road users and pedestrians or any colours, shapes or lighting that could be mistaken for a traffic sign or traffic control signal, or a format normally used for traffic control or warning, incident or traffic management, or road safety or driver information messages, except where required by a public authority;*
- 1.6 *the letter size and legibility of text generally conforming to the guidelines set out in Austroads' Guide to Traffic Management Part 10 – Traffic Control and Communication Devices with advertising content excluding website and social media addresses or text messaging instructions;*
- 1.7 *the sign being in accordance with the relevant requirements of the Australian Standards: Control of the Obtrusive Effects of Outdoor Lighting (AZ4282-1997) with details of the proposed maximum luminance levels of the sign being submitted to the City for approval prior to the sign being installed;*
- 1.8 *the sign having a default setting that will display an entirely black screen when no content or unauthorised content is being displayed or a malfunction occurs;*

(Cont'd)

- 1.9** *the owner exempting the City from any liability resulting from claims due to road user or pedestrian distraction caused by the sign, with the applicant/owner accepting all responsibility for any such claims;*
- 1.10** *a construction management plan for the development being submitted and approved by the City prior to applying for the relevant building permit, detailing how it is proposed to manage:*
- a. delivery of materials and equipment to the site, noting access restrictions to Murray Street Mall;*
  - b. storage of materials and equipment;*
  - c. the protection of the adjacent heritage building at 111-113 (Lots 51 and 101) Barrack Street, Perth;*
  - d. the protection of street trees including those within the Murray Street Mall;*
  - e. safe pedestrian movement along the adjacent footpaths in Barrack Street and the Murray Street Mall;*
  - f. other matters likely to impact on the Murray Street Mall and surrounding properties;*
- 1.11** *this approval being valid for a period of 10 years with the sign being removed at the expiry of the 10 year period and the building façade made good to the City's satisfaction unless further development approval for the sign is obtained before that time.*
- 2.** *the applicant be advised that in accordance with the Council's Policy No: 20.8 'Street Trees - Planting, Pruning and Removal', any request for the pruning of trees maintained by the City within the Murray Street Mall or Barrack Street in order to provide or restore views to the advertising sign will only be approved where such pruning will not detrimentally affect the aesthetic quality, landscape value, health or structure of the tree(s).*

***The motion was put and carried***

**The votes were recorded as follows:**

**For:** Crs McEvoy, Adamos and Yong

**Against:** Nil

**6.07pm** The Manager Governance departed the meeting and did not return.



**PL69/16      189 (LOT 4) ST GEORGES TERRACE, PERTH –  
INSTALLATION OF LED DIGITAL SCREEN (“NEW  
TECHNOLOGY SIGN”) TO DISPLAY THIRD PARTY  
ADVERTISING**

**BACKGROUND:**

SUBURB/LOCATION:	189 (Lot 4) St Georges Terrace, Perth
FILE REFERENCE:	2016/5055
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	City Planning and Development
DATE:	2 May 2016
MAP / SCHEDULE:	Schedule 3 – Map for 189 St Georges Terrace
3D MODEL PRESENTATION:	N/A
LANDOWNER:	189 St Georges Terrace - Therese Nga Hoang Brand 191 St Georges Terrace – Australian City Properties Pty Ltd
APPLICANT:	Pinnacle Planning
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) St Georges Precinct 6 (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	\$500,000

**SITE HISTORY:**

The subject site is located on the southern side of St Georges Terrace near the intersection with Mill Street. The adjacent Parmelia House building at 191 St Georges Terrace is setback from the front boundary, allowing for views of the western side wall of the building at 189 St Georges Terrace from the western end of St Georges Terrace.

**DETAILS:**

Approval is sought to install an LED digital screen on the upper floor levels of the western elevation of the building at 189 St Georges Terrace to display third party advertising content. The proposed screen will measure 10 metres in height by seven metres in width and one metre in depth. The applicant is seeking an initial approval period of five years to provide certainty to the client whilst allowing the City to review the ongoing appropriateness and standard of the sign in this location.

**LEGISLATION / POLICY:**

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

**Policy**  
Policy No and Name:        4.6 Signs Policy  
Precinct Plan No.6 – St Georges

**COMPLIANCE WITH PLANNING SCHEME:****Development Requirements**

The subject site is located in the City Centre Use Area of the St Georges Precinct 6 (P6). The Statement of Intent for the St Georges Precinct is to function as the State's principal Centre for business, finance, commerce and administration. Buildings and signs will be of a high standard of design and presentation, in keeping with the prestigious character of the Precinct.

The Statement of Intent for the St Georges Precinct 6 does not contain any specific development standards for signage within the precinct however refers to the development standards of the City Planning Scheme No. 2 (CPS2) Policy Manual including the City's Signs Policy 4.6. Under the Signs Policy it is recognised that within the City there are several important streets and areas that have distinctive streetscapes within which the design of signs and the types of sign permissible are particularly important. The St Georges Terrace special area that corresponds to Precinct 6 is one such area. The Policy specifies that signage within this area should principally identify major tenants, building names and street numbers, and should be in keeping with the prestigious office environment. Illumination should be subtle. Illuminated roof signs are appropriate on St George's Terrace and these may be static, moving, but not flashing.

The proposed digital sign will fall within the following definitions of the Signs Policy 4.6:

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

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

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

- *for any activity or event not occurring on the site on which the advertisement is located.”*

The proposal's compliance with the Signs Policy is detailed in the proceeding comments section of this report. The applicant is seeking the Council's discretion to support variations to the Signs Policy. Variations to the Signs Policy can only be granted by an absolute majority decision of Council, in accordance with Clause 47 of CPS2 and provided 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.”*

It is noted that the City is currently conducting a review of the City's Signs Policy 4.6 with a draft revised policy due to be presented at the **28 June 2016** Council meeting for the purpose of endorsing public consultation for the revisions.

### **Policy 4.6 – Signs**

In accordance with the City's Signs Policy, proposed signs that require planning approval will be assessed based on the following performance criteria:

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

The City's Signs Policy 4.5 requires all new signs to make a positive contribution to its setting. Signs that block important views, are detrimental to their neighbour's amenity or are out of character with the streetscape, ultimately reduce the quality of the street as a whole. Under section 9.2 (b) of the Signs Policy, new technology signs are only permitted within the 'City Centre' Scheme Use Area of Precinct 5 (Citiplace), and the 'City Centre' Scheme Use Area of Precinct 1 (Northbridge) where retail and entertainment uses predominate. These signs must be compatible with the streetscape within which it is located. The most appropriate locations for new technology signs are outlined under section 9.2 (e) and include public plazas where their contents can be viewed by passing pedestrians and not by passing motorists.

The subject site is located in the St Georges Precinct which is not a designated area for the display new technology signs. The St Georges Precinct has undergone change in recent times, including upgrades to the public realm and a range of complementary food and beverage uses approved at the ground floor level of buildings to assist in activating the street and improving pedestrian amenity. The character of the St Georges Precinct however, remains primarily a prestigious business and administrative centre. All new signage located in the St Georges Precinct should be in keeping with the prestigious business character of the precinct. It is considered that the proposed new technology sign with third party advertising

content would be inconsistent with the design and types of signage generally permitted in the locality. Signage on buildings on St Georges Terrace should identify major tenants within the building, building names and use subtle forms of illumination. It is considered for these reasons, along with the general advertising content of the proposed sign, that there would be a detrimental impact to the St Georges Terrace streetscape and the prestigious corporate character of the St Georges Precinct.

The location of the sign will be mainly oriented towards passing motorists driving east along St Georges Terrace. The orientation of the sign towards primarily motorists is not in keeping with clause 9.2 (e) of the Signs Policy 4.6 in terms of its location. New technology signs should be oriented towards public places including public plazas where pedestrians gather.

#### *Variety and Interest*

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

The applicant has not provided any details of how the sign content would be managed but has agreed to the submission and approval of a signage strategy which could be required as a condition of any approval. It could be considered that if the proposed third party advertising was appropriately controlled to display primarily content of a corporate business nature as well as community events relevant to the city that it could add variety and interest to the area. However, general advertising also adds to the proliferation of large signs and to visual clutter in the city and for this reason third party and new technology signs have generally been discouraged in the City's most prestigious commercial street.

#### *Community Expectations*

In recent times it has become apparent that community expectations regarding certain signage, particularly 'new technology' and animated signs, has shifted. The City's Signs Policy 4.6 is currently under review to address these changes in community expectations as well as various aspects of the policy which are now considered to be outdated. Notwithstanding, the proliferation of general advertising along St Georges Terrace is not considered to be a desirable outcome in terms of the presentation of the street as the corporate focus of the city and it is considered that there are more appropriate locations for this type of signage, as allowed under the Signs Policy, including facing onto public spaces where pedestrians gather such as pedestrian malls, piazzas, public plazas and in the entertainment districts.

#### *Safety*

The City's Signs Policy 4.6 requires that signs be located and designed so as not to cause a hazardous distraction to motorists, pedestrians or other road users. The proposed sign is intended to attract the attention of passing motorists as well as pedestrians and will potentially be a distraction and therefore could be a safety

hazard. The applicant however has indicated that only static images will be displayed with no cinematic advert displays. The applicant is also agreeable to a condition imposed on any approval issued to ensure compliance with the dwell and transition times for variable sign content recommended by the Main Roads Western Australia for a street of this nature to address safety for motorists. This can be required as a condition should the application be considered for approval.

#### *Design, Construction and Maintenance*

The location of the sign at the upper floor levels will prevent any issues in terms of vandalism. The applicant has confirmed that the LED screen is comprised of a series of panels or tiles which are easy to maintain and replace should there be any damage. A management and maintenance plan for the sign could be required as a condition should the application be considered for approval.

All new technology signs must be designed as an integral part of a building or structure. The proposed sign will project approximately one metre from the side elevation of 189 St Georges Terrace, encroaching over the property boundary of the adjacent Parmelia House. The proposed sign will therefore appear as an add-on structure, with a substantial projection from the western elevation and not designed as an integral part of the building. It is therefore considered that the proposed sign will detrimentally impact the visual quality and amenity of the locality and the streetscape.

#### *Third Party or General Advertising*

Under the City's Signs Policy 4.6 third party or general advertising will only be permitted where, having regard to the character of the area in which the sign is to be situated, the Council is satisfied that the visual quality, amenity and safety of the area will be enhanced, or at the very least, not diminished. It is considered that the proposed third party sign will not be in keeping with the prestigious business character of the St Georges Precinct, particularly noting that sign content is difficult to control beyond the standards set by outdoor advertising bodies, and will detrimentally impact on the visual quality and amenity of the area.

### **Conclusion**

The proposed LED digital screen ('new technology') with third party advertising content is considered to be inappropriately located. The City's Signs Policy does not permit new technology signs anywhere within the St Georges Precinct. New technology signs should be strategically positioned where they can be viewed in public places where pedestrians congregate rather than oriented towards passing motorists. Furthermore it is considered that the proposed LED screen and third party content of the sign will be detrimental to the prestigious business character of the St Georges Precinct and the visual amenity and quality of the locality.

Although the Council has previously varied the policy requirements to approved similar advertising signs at 267 and 81 St Georges Terrace, the sign at 267 St Georges Terrace faces the freeway and is not visible from St Georges Terrace, while the other proposed sign at 81 St Georges Terrace was to face the public forecourt

area of Allendale Square where it could be viewed primarily by pedestrians, was integrated with the design of the building and was not visible other than for the a short section of St Georges Terrace, east of the site. It is noted that this sign has not been installed.

The proposed sign has not been designed as an integral part of the building and will appear as an add-on structure, detrimentally impacting on the character and appearance of the streetscape. As the proposed sign does not meet the above criteria for 'new technology' signs or third party content under the City's Signs Policy 4.6 it is recommended that the application be refused.

### OFFICER RECOMMENDATION

That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council REFUSES the application for the proposed LED digital screen ('new technology sign') to display third party advertising content at 189 (Lot 4) St Georges Terrace, Perth as indicated on the Metropolitan Region Scheme Form One dated 4 January 2016 and as shown on the plans received on the 8 March 2016 as the proposed sign does not comply with City Planning Scheme No. 2 Policy 4.6 – Signs given that:

1. 'new technology' signs are not permitted within the 'City Centre' Scheme Use Area of Precinct 5 (Citiplace) and the 'City Centre' Scheme Use Area of Precinct 1 (Northbridge);
2. the third party advertising content of the sign will be detrimental to the prestigious business character of the St Georges Precinct and the visual quality and amenity of the locality;
3. the sign is not designed as an integral part of the building and will detrimentally impact on local amenity and the streetscape;
4. the new technology sign is inappropriately located as it is primarily oriented towards passing motorists rather than facing onto a public space where its contents can be viewed by gathered or passing pedestrians;
5. noting parts 2 to 4 above, the visual quality, amenity and safety of the area will be diminished by the third party advertising sign, which is contrary to the orderly and proper planning of the Precinct.

The Planning Committee agreed to defer the item as follows:

*Moved by Cr Adamos, seconded by Cr Yong*

*That the Planning Committee defer consideration of the report titled “189 (Lot 4) St Georges Terrace, Perth – Installation Of Led Digital Screen (“New Technology Sign”) to Display Third Party Advertising”, in acknowledgment to the correspondence received from Mr Carter to enable the applicant to come and present on this item.*

*The motion was put and carried*

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

**DEPUTATION:** **Agenda Item 4, PL70/16 – 4 (Lot 70) Walker Avenue, West Perth – Rear Addition to the Eighth Floor Level of an approved Hotel Development Containing 126 Hotel Rooms and Eleven Car Parking Bays – Transfer of Plot Ratio**

**6.10pm** Ms Clarke commenced the deputation and provided an overview in support of the proposed development application.

**6.13pm** The deputation concluded.

**PL70/16 4 (LOT 70) WALKER AVENUE, WEST PERTH – REAR ADDITION TO THE EIGHTH FLOOR LEVEL OF AN APPROVED HOTEL DEVELOPMENT CONTAINING 126 HOTEL ROOMS AND ELEVEN CAR PARKING BAYS – TRANSFER OF PLOT RATIO**

**BACKGROUND:**

SUBURB/LOCATION:	4 (Lot 70) Walker Avenue, West Perth
FILE REFERENCE:	2016/5021
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	10 May 2016
MAP / SCHEDULE:	Schedule 4 – Map and colour perspective for 4 Walker Avenue, West Perth Schedule 5 – Transfer of Plot Ratio

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

LANDOWNER: Recipient Site: 4 Walker Avenue Investments  
Donor Site: Kella Nominees Pty Ltd  
APPLICANT: Rowe Group  
ZONING: (MRS Zone) Urban Zone  
(City Planning Scheme Precinct) West Perth  
Precinct 10 (P10)  
(City Planning Scheme Use Area)  
Office/Residential  
APPROXIMATE COST: \$900,000

### **SITE HISTORY:**

The subject site is located on the eastern side of Walker Avenue with a total site area of 706m<sup>2</sup>.

At its meeting held on 5 February 2015 the City of Perth's Local Development Assessment Panel approved the demolition of the existing single storey house and the construction of a nine level hotel development containing 120 hotel rooms and nine car parking bays.

On 27 May 2016 the City issued a permit to demolish the existing single storey dwelling and on 4 February 2016 the City issued a building permit to construct the nine level hotel development. The single storey dwelling has since been demolished and the hotel building is currently under construction.

### **DETAILS:**

Approval is sought for a rear addition to the eighth floor level of the approved development. This will result in an additional half a floor level (completing the eighth floor level as a full floor identical to floors one to seven) incorporating 6 hotel rooms or 126 rooms in total.

In order to accommodate the new addition, the application proposes a transfer of plot ratio of 69m<sup>2</sup> from the former Old East Perth Primary School at 76 (Lot 5) Wittenoom Street, East Perth which is listed on the State Register of Heritage Places and on the City's Register of Places of Cultural Heritage Significance and on the Register of Transfer of Plot Ratio as a donor site. There are no other changes proposed as part of the application.



**LEGISLATION / POLICY:****Legislation**

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

**Policy**

Policy No and Name: 4.1 City Development Design Guidelines  
4.4 Building Heights and Setbacks  
4.5 Plot Ratio  
4.5.1 Transfer Plot Ratio

**COMPLIANCE WITH PLANNING SCHEME:****Land Use**

The subject site is located in the Office/Residential Use Area of the West Perth Precinct 10 of City Planning Scheme No. 2 (CPS2). The West Perth Precinct will be developed as one of several residential quarters, accommodating a range of housing types along with support facilities, as well as providing a secondary business area adjacent to the city centre. It is envisaged that the West Perth Precinct will continue to develop as a living and working environment set in spacious landscaped surrounds, reflecting the original concept for this area of a garden office and residential district. The amenity, character and general environmental quality of the West Perth Precinct should be maintained and enhanced.

A hotel use falls within the 'Special Residential' use group which is a preferred ('P') use in the Office/Residential use area of the West Perth Precinct under CPS2. The proposed addition to the eighth floor level will contain hotel rooms and therefore is consistent with the statement of intent for the area.

**Development Requirements**

Buildings shall be set in landscaped surrounds to create an open spacious character quite distinct from the continuous built edge of the primary office district in the city centre. Buildings shall be well set back from boundaries and evoke a sense of prestige which should be further enhanced by permanent, in-ground landscaping. The protection and enhancement of the amenity of existing and future residential development in and around the Precinct is important. Ensuring the compatibility of commercial and residential uses is therefore necessary and building design will avoid conflict between the two uses.

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

Development Standard	Proposed	Required / Permitted
<b>Maximum Plot Ratio:</b>	<b>2.1:1 (1,481m<sup>2</sup>) inclusive of a transfer of 69m<sup>2</sup> (6.5%) plot ratio floor</b>	Base Plot Ratio 2.0:1 (1,412m <sup>2</sup> )  Maximum 20% transfer of

Development Standard	Proposed area	Required / Permitted
		plot ratio providing a total plot ratio of 2.4:1 (1,695m <sup>2</sup> )
<b>Building Height:</b>	28 metres	29 metres (maximum)
<b>Setbacks:</b>		
Side (South)		
- Eighth floor level	<b>Nil – 0.8 metres</b>	4 metres (minimum)
Side (North)		
- Eighth floor level	<b>3 metres</b>	4 metres (minimum)
Rear (West)		
- Eighth floor level	<b>1 metre</b>	3 metres (minimum)

Variations to the setback provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of CPS2 and provided the Council is satisfied that:

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

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

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

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

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

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

**COMMENTS:****Consultation**

Given the proposed variations to the CPS2 development standards the application was advertised to the owners of the surrounding properties for a period of 21 days, closing on 11 April 2016. These included the owners at 1, 8 and 10 Walker Avenue, 1, 3 and 5 Ventnor Avenue and 44, 46-50 and 52 Kings Park Road. Two submissions were received including an objection from the owner of the heritage listed dwelling directly adjacent at 8 Walker Avenue and the owners at 1, 3 and 5 Ventnor Avenue. The submissions raised the following:

- the proposed rear addition will further increase the bulk of the building which is already excessive for a relatively small block;
- the reflection of heat from the building to the adjacent property at 8 Walker Avenue;
- the proposed top floor addition which extends further eastward will result in a further reduction in terms of air flow and ambient light and an increased shadow to the rear garden of 8 Walker Street, detrimentally impacting on the heritage plants;
- the design and location of the access ramp on the property boundary line and its impact in terms of a loss of privacy and vehicle fumes being expelled into the outdoor living area and kitchen at 8 Walker Street;
- a request to have a screening device up the vehicle ramp wall to a height of 1.6 metres to restrict viewing to the property at 8 Walker Street; and
- objection to any obstructions of the rear laneway which is the sole access to parking at the rear of 1, 3 and 5 Ventnor Avenue.

These concerns will be discussed in further detail in the proceeding sections of this report. With respect to the obstruction of the rear laneway, it is noted that this is related to the construction management plan for the original development approval and is not a relevant planning issue that needs to be addressed in terms of the proposed eighth floor level rear addition. It is noted that the owner's concerns regarding any obstruction to the laneway as part of the construction phase and other concerns have been forwarded to the applicant.

**Design Advisory Committee**

At its meeting held on 31 March 2016, the Design Advisory Committee (DAC), considered the design of the proposed rear addition to the eighth floor level of the approved hotel development and advised that it:

- "1. supports the additions subject to all plant, including air conditioner condensers, being integrated into the design of the roof and being screened from view; and*

2. *considers that the setback variations to the eighth floor additions will have no significant impact on the adjoining heritage property or on the amenity of the locality."*

It is considered that point one of the DAC's recommendation, in relation to the screening of all plant including air conditioner condensers, can be adequately addressed by a condition of approval.

### **Transfer of Plot Ratio**

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

In this instance the applicant is seeking to transfer 69m<sup>2</sup> of plot ratio floor area from an approved donor site at 76 Wittenoom Street, East Perth which will equate to a total of 6.5% additional plot ratio for the development. The transfer is considered a minor addition of plot ratio floor area with no undue adverse amenity impacts affecting the locality or the cultural heritage significance of the adjacent property at 8 Walker Street. This was confirmed by the City's Design Advisory Committee where it was considered that the setback variations to the eighth floor level will not result in any significant impact on the adjoining heritage property or the amenity of the locality. The proposed transfer of plot ratio floor area is therefore considered to warrant approval in accordance with Clause 34 of CPS2 and the Transfer Plot Ratio Policy.

### **Building Height and Setbacks**

The proposed rear addition will fall within the maximum height limit at the site of 29 metres. The rear addition will however result in further encroachments into the side and rear setback requirements at the eighth floor level. Under the City's Building Heights and Setback Policy 4.4 a minimum setback of 4 metres is required to the northern and southern side boundaries and a 3 metre setback to the rear (eastern) boundary.

The rear addition will have a setback of 3 metres to the north (adjacent to 8 Walker Avenue), nil to 1.26 metres to the south (adjacent to a laneway) and 1 metre to the rear (adjacent to the rear laneway). The same setback variations were approved by the City of Perth Local Development Assessment Panel for the second to seventh floor levels and part eighth floor level of the original development on the basis that the existing right-of-ways to the south and east will provide visual relief in terms of building separation and adequate access to natural light. Privacy and the prevention of overlooking to the neighbouring property to the north would also be achievable with a 3 metre setback with screening to the windows up to a height of 1.5 metres along the northern elevation as applied to the lower levels of the development. The screening to the windows of the eighth floor level addition should be required as a condition of any approval.

With respect to the neighbours concern regarding overshadowing to the property at 8 Walker Street, it is noted that there will be no overshadowing impact to this property as it is located to the north of the application site. The overshadowing plans also show an almost identical overshadowing pattern to the south, when comparing the substantive development approval with the new rear addition. With respect to the other concerns raised it is considered that the additional half a floor level will have a negligible additional impact in terms of the overall building bulk, air flow and access to ambient light for the property to the north.

Based on the above it is considered that the proposed rear addition will achieve the principles of the Building Heights and Setbacks Policy 4.4 in terms of maintaining open views to the sky and a reasonable level of natural light access, ventilation and privacy and therefore can be supported in accordance with clause 47 of CPS2. The setback variations were also supported by the City's Design Advisory Committee and considered to have no significant impacts to the adjoining property to the north or to local amenity.

### **Vehicle Access Ramp**

With respect to the concerns raised by the owner of the adjacent property regarding the vehicle access ramp design and screening, this was approved by the City of Perth Local Development Assessment Panel as part of the original application and is therefore not relevant to the current application. However the applicant has confirmed that a 1.35 metre wall will be provided to the vehicle access ramp that has been cleared as a condition of the original development approval. The height of the wall to the vehicle access ramp is considered to satisfactorily address the neighbouring property owners concerns in terms of preventing overlooking and views to the cars utilising the access ramp. A sight line plan demonstrating that there will be no adverse impact in terms of overlooking to the neighbouring property at Number 8 Walker Street, is included as an attachment to this report. The applicant also advises that the client is prepared to install a brush timber fence in front of the car park ramp wall to match the height and type of the existing fence at the property.

### **Conclusion**

The proposed rear addition to the eighth floor level of a nine level hotel development is considered to meet the objectives and principles in terms of opening up views to the sky, natural light access, ventilation and privacy of the City's Building Heights and Setback Policy 4.4 and should be supported in accordance with clause 47 of CPS2. The proposed transfer of plot ratio from the heritage property at 76 Wittenoom Street, East Perth is considered to be minor in nature and will not result in any detrimental impacts to local amenity or the adjacent heritage property and should therefore be supported in accordance with clause 34 of CPS2 and the Transfer of Plot Ratio Policy. With respect the screening and integration of the mechanical plant on the roof deck and the prevention of overlooking to the adjoining property at Number 8 Walker Avenue, these matters can be satisfactorily addressed as conditions of any approval.

*Moved by Cr Adamos, seconded by Cr Yong*

**Scheme No. 2 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application for the proposed rear addition to the eighth floor level of an approved hotel development containing 126 hotel rooms and eleven car parking bays at 4 (Lot 70) Walker Street, West Perth and transfer of 69m<sup>2</sup> of plot ratio floor space from 76 (Lot 5) Wittenoom Street, East Perth as detailed on the Metropolitan Region Scheme Form One dated 12 January 2016, and as shown on the plans received on 4 March 2016 subject to:**

- 1. the proposed development being restricted to a maximum plot ratio of 2.1:1 (1,481m<sup>2</sup> plot ratio floor area) including 6.5% transferable plot ratio (being 69m<sup>2</sup> of plot ratio floor area) that is currently recorded ('banked') in the Transfer of Plot Ratio Register of City Planning Scheme No. 2 transferred from 76 (Lot 5) Wittenoom Street, East Perth;**
- 2. the owner submitting evidence and final confirmation to the City that the transaction in respect of transfer of plot ratio has been finalised between the owners of 76 (Lot 5) Wittenoom Street, East Perth and 4 (Lot 70) Walker Avenue, West Perth, prior to applying for the relevant building permit;**
- 3. all mechanical plant, including air conditioner condensers, being integrated into the design of the roof of the hotel development and being screened from view of the street and adjacent developments with details being submitted to the City for approval prior to applying for a building permit; and**
- 4. the windows on the northern elevation of the rear addition being appropriately designed and treated to avoid any undue adverse amenity impacts (privacy and overlooking) on the adjacent property at 8 Walker Avenue, West Perth with details being submitted to the City for approval prior to applying for a building permit.**

**The motion was put and carried**

**The votes were recorded as follows:**

**For: Crs McEvoy, Adamos and Yong**

**Against: Nil**

**PL71/16 CITY OF PERTH SUBMISSION ON PERTH AND PEEL GREEN GROWTH PLAN FOR 3.5 MILLION****BACKGROUND:**

FILE REFERENCE: 54948/16  
REPORTING UNIT: Environment and Public Health  
RESPONSIBLE DIRECTORATE: Planning and Development  
DATE: 26 April 2016  
MAP / SCHEDULE: Schedule 6 – City Of Perth Submission On The Draft  
'Perth And Peel Green Growth Plan For 3.5 Million'

**LEGISLATION / STRATEGIC PLAN / POLICY:**

**Legislation** Section 1.3 of the *Local Government Act 1995*

**Integrated Planning and Reporting Framework Implications** **Strategic Community Plan**  
Council Four Year Priorities: Healthy and Active in Perth  
S16 – Increase accessibility to green networks in the city

**Policy**

Policy No and Name: 8.0 – Environment Policy

**DETAILS:**

The Department of the Premier and Cabinet is seeking public comment on the suite of documents, which can be located via the following link:

<https://www.dpc.wa.gov.au/Consultation/StrategicAssessment/Pages/Draft-Green-Growth-Plan-documents.aspx>

These documents are collectively known as the draft *Perth and Peel Green Growth Plan for 3.5 million* (Green Growth Plan). The Green Growth Plan centres on findings from the draft *Strategic Assessment of Perth Peel Region* (SAPPR).

The draft Green Growth Plan delivers two critical outcomes. First is to secure upfront Commonwealth environmental approvals and streamlining State environmental approvals for development (based on the findings of SAPPR). Second is to secure unprecedented protection of habitats, rivers, wildlife and wetlands through a comprehensive plan to protect regional environmental values.

The draft Green Growth Plan is complementary to the draft sub-regional planning frameworks outlined in the *Perth and Peel @ 3.5 million*. On this occasion, there are no implications for the City's strategic planning and approval processes.

Due to the lack of greenfield development in the city, the implications of the draft Green Growth Plan are minimal. The draft Green Growth Plan contains a suite of documents including nine action plans, a State Impact Assessment Report and a Commonwealth Impact Assessment Report. The draft submission outlines four concerns with regard to three of these documents (Schedule 6). The draft

submission highlights gaps in funding and delivery for actions which relate to the management of the Swan River, constructed wetlands, transport infrastructure and sites of matters of national environmental significance (MNES)

**FINANCIAL IMPLICATIONS:**

There are no financial implications in this decision.

**COMMENTS:**

The concerns outlined in the submission are a result of collective discussion within the organisation. The submission highlights the potential impacts the draft Green Growth Plan may have on the Swan River, constructed wetlands within the city, transport infrastructure within the central city, and matters of national environmental significance.

**Swan River**

The draft Green Growth Plan under *Draft Action Plan H – Conservation Program* introduces a package to improve the water quality of the Swan-Canning Estuary. The package aims to reduce nutrient inflows into the system by improving agricultural practices in the upper catchments. Addressing water quality through the reduction of nutrient inflows will directly benefit the City by improving the water quality in the lower catchment.

The primary concern is the package lacks funding and delivery mechanisms are undetermined. There is no expectation for the City to be involved in delivering this package as it is intended to improve agricultural practice. Nonetheless, the lack of clarity in implementation could result in a loss of potential benefits for the city.

**Wetlands**

The draft Green Growth Plan under *Draft Action Plan H – Conservation Program* mentions a new wetland buffer policy to be implemented through the land use planning process. The details surrounding the development and implementation of a new wetland buffer policy is vague. The generalisation of wetland types provides insufficient detail resulting in uncertain implications for constructed wetlands (prominent in the city). The submission recommends the plan outline the potential implications of a new wetland buffer policy in regards to constructed wetlands

**Transport**

There is a lack of connection between the proposed transport infrastructure outlined in *Draft Action Plan C – Infrastructure* of the draft Green Growth Plan and the Perth and Peel@3.5million. The submission recommends a review of the proposed transport infrastructure package to ensure its alignment with spatial distribution outlined in the Perth and Peel @ 3.5million document. Additionally, the submission notes insufficient detail of the proposed transport infrastructure and the potential impact on people's transport behaviour and mode choices.



**Matters of National Environmental Significance**

*Draft Action Plan F - Matters of National Environmental Significance (MNES) of the draft Green Growth Plan does not outline the implications for local governments if managed sites qualify as a MNES in the future.*

On 29 April 2016, the Department of Parks and Wildlife confirmed the presence of temperate coastal saltmarsh occurring on the southern half of Heirisson Island. Temperate coastal saltmarsh is a threatened ecological community (TEC) and a MNES. The Department will register the site as a TEC and a MNES for their records and provide official registration in due course. Officers from the Department and the City will liaise throughout the process of registration. A timeframe for this process is unconfirmed and the Department will have no official position on the status of the TEC prior registration.

As the site qualifies as a MNES, the State may issue a management order to the City regarding the long-term management of the ecological community. Funding for local governments on the provision of a management order is undetermined in the draft Green Growth Plan. The submission recommends the draft Plan identify all funding arrangements available for local conservation.

There are implications following the registration of the temperate coastal saltmarsh and the future development of the island. Design and planning decisions will need to take into account the protection of the ecological community, with due regard to the *Conservation Advice* [TRIM 70043/16] prepared under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* (s266B).

***Moved by Cr Adamos, seconded by Cr Yong***

***That Council approves the draft submission be sent to the Department of the Premier and Cabinet in response to the Strategic Assessment of the Perth and Peel Region (SAPPR) and Perth and Peel Green Growth Plan for 3.5 Million, as detailed in Schedule 6.***

***The motion was put and carried***

**The votes were recorded as follows:**

**For: Crs McEvoy, Adamos and Yong**

**Against: Nil**

**PL72/16      MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**Nil**

**PL73/16      GENERAL BUSINESS****Responses to General Business from a Previous Meeting**

Nil

**New General Business**

Nil

**PL74/16      ITEMS FOR CONSIDERATION AT A FUTURE MEETING****Outstanding Items:**

Nil

**PL75/16      CLOSE OF MEETING**

**6.29pm**      There being no further business the Presiding Member declared the meeting closed.

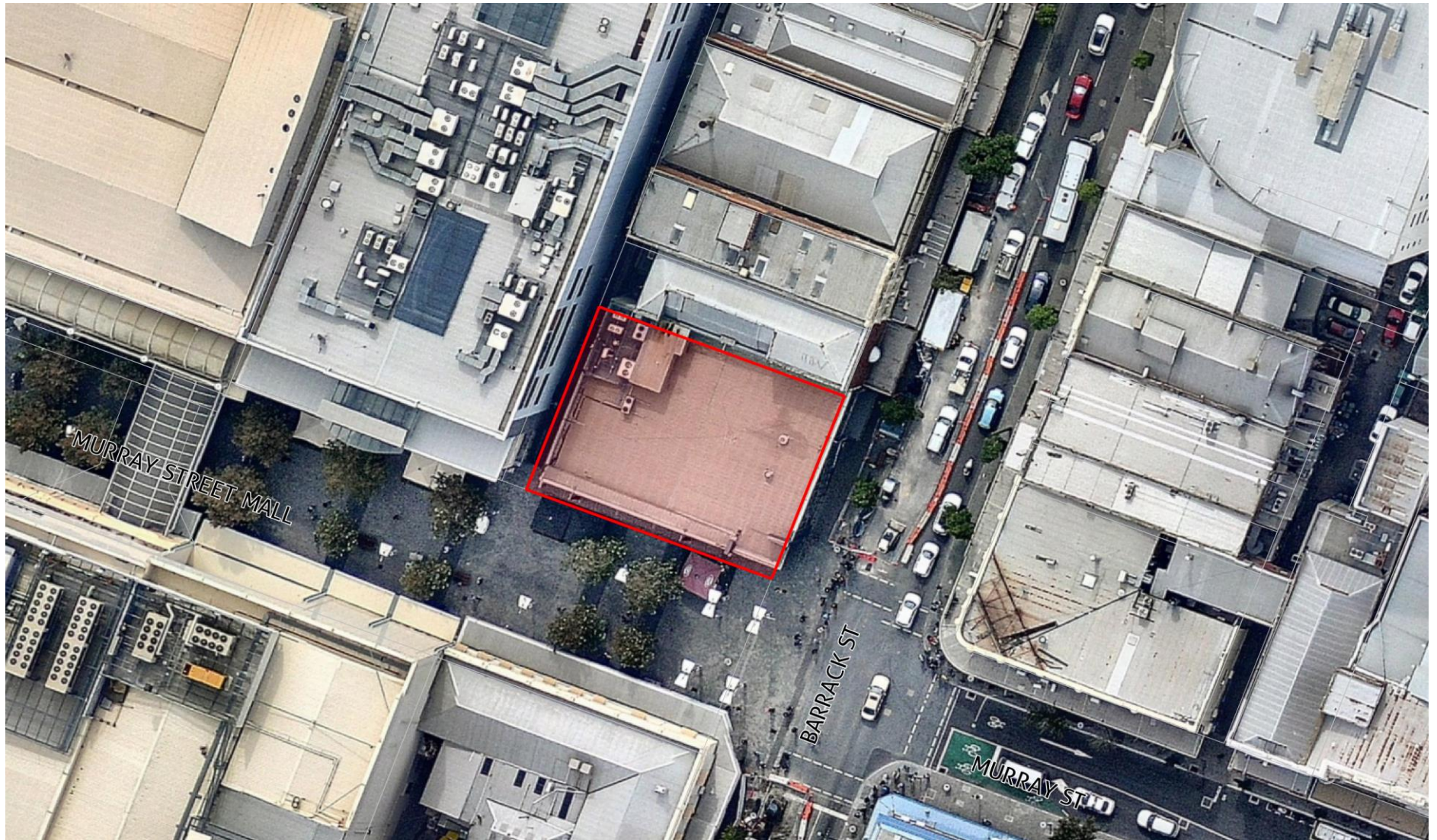
**SCHEDULES  
FOR THE MINUTES OF THE  
PLANNING COMMITTEE  
MEETING HELD ON  
10 MAY 2016**





**2016/5095 – 55-59 (LOTS 1-3) GODERICH STREET, EAST PERTH**





**15/5204; 158-160 (LOT 11) MURRAY STREET, PERTH**





**15/5204 – 158-160 (LOTS 11) MURRAY STREET, PERTH (REFUSED PROPOSAL)**



**15/5204 – 158-160 (LOTS 11) MURRAY STREET, PERTH (REVISED PROPOSAL)**





**2016/5055 - 189 (LOT 4) ST GEORGES TERRACE, PERTH**





**2016/5021; 4 (LOT 70) WALKER AVENUE, WEST PERTH**





**2016/5021; 4 (LOT 70) WALKER AVENUE, WEST PERTH**

## Schedule of Transfer of Plot Ratio

Donor Site: 76 (Lot 5) Wittenoom Street, East Perth

Transfer reference	Date of entry to register	Transferred Plot Ratio Floor Area	Site Address	Transfer Reference	Transferred Floor Area
TPR 1	12/07/2005	3054m <sup>2</sup>	Fmr East Perth Primary School, 76 Wittenoom Street, East Perth	TPR 001.1	500m <sup>2</sup>
				TPR 001.2	600m <sup>2</sup>
				TPR 001.3	260m <sup>2</sup> *
				TPR 001.4	480m <sup>2</sup>
				TPR 001.5	60m <sup>2</sup>
				TPR 001.6	333m <sup>2</sup> *
				TPR 001.7	491m <sup>2</sup>
				TPR 001.8	145m <sup>2</sup>
Unallocated Floor Area					185m <sup>2</sup>

### Recipient Sites

Transfer reference	Date of entry to register	Recipient Address	Transferred Floor Area
TPR 1.9	Proposed	4 (Lot 70) Walker Avenue, West Perth	69m <sup>2</sup>

**Note \* - Subject to final approval and registration**

Source: City of Perth Website, Register of Transferred Plot Ratio, Amended October 2015

## **CITY OF PERTH SUBMISSION ON THE DRAFT 'PERTH AND PEEL GREEN GROWTH PLAN FOR 3.5 MILLION'**

The City welcomes the long-term strategic responses to environmental issues outlined in the draft *Perth and Peel Green Growth Plan for 3.5 million* (Green Growth Plan). The City also acknowledges the findings from the draft *Strategic Assessment of Perth Peel Region* (SAPPR) supporting the Green Growth Plan. The City supports streamlining State and Federal environmental approvals involving urban development. Additionally, the intent to improve protection and management of high value environmental assets such as the Swan River Estuary is welcomed. However, there are concerns with the delivery of environmental commitments from the State Government when mechanisms and funding arrangements are unidentified.

### **Draft Action Plan H – Conservation Program**

#### **Swan River**

The Swan River is a highly valued asset to the city. The River provides economic, social, and environmental benefits to the city and to improve its water quality is welcomed. Introducing a substantial package of measures to reduce nutrient inflows into Swan-Canning estuary will help to achieve this. Delivering nutrient intervention and avoidance initiatives have been effective though expensive in some circumstances. It is unclear how the package will be implemented effectively without any identified funding. The lack of clarity in implementation could result in a loss of potential benefits for the city.

Addressing water quality through the reduction of nutrient inflows in the upper catchment is critical to improve the health of the system. The City supports this approach outlined in the plan given the impacts of poor water quality are evident in the lower catchment. There is no expectation for the City to be involved in delivering this package as it is intended to improve agricultural practice.

#### **Wetlands**

Most wetlands within the city are constructed and ecologically valuable given they support nationally and internationally significant species. On page 15, the Plan mentions a new wetland buffer policy to be implemented through the land use planning process. It is not clear how this policy will impact constructed wetlands as details on implementation are vague and generalise wetland typologies. The City recommends the plan outline the potential implications of a new wetland buffer policy in regards to constructed wetlands.

### **Draft Action Plan C - Infrastructure**

There is a lack of connection between the proposed transport infrastructure package promoted in this plan and the urban form (spatial distribution of people and jobs) promoted in the State Government's draft Perth and Peel @ 3.5m document. There is no information about the potential impact of the proposed transport infrastructure

on people's transport behaviour and mode choices (i.e. induced demand, congestion relief, mode shift, etc.). The City recommends the proposed transport infrastructure package be reviewed to align with spatial distribution of people and jobs as in the State Government's draft Perth and Peel @ 3.5m document.

### **Draft Action Plan F - Matters of National Environmental Significance**

The Plan outlines actions necessary to manage current sites described as matters of environmental national significance (MNES). However, there is no consideration for unconfirmed MNES sites or areas supporting the unknown distribution of MNES habitat. An example is the potential presence of temperate salt marsh habitat (identified as MNES) on Heirisson Island. Currently the habitat is undescribed and is managed by the City of Perth. The City is cooperating with Department of Parks and Wildlife to verify the habitat and confirm its MNES status.

This Plan does not outline the implications for local governments if sites qualify as a MNES in the future. If a site is described as an MNES, the process is for a management order be provided to the respective local government authority from the State Government. If the State issues a management order to the City regarding the temperate salt marsh habitat, it is uncertain how funding will be available for local conservation as it is yet to be determined in the draft Green Growth Plan.

### **Additional Minor Comments**

- There is a general lack of information regarding transport infrastructure within the central city. The alignment of the East Wanneroo line north of the City of Perth is not defined and there is a gap in the proposed railway on Figure 6 (central sub region).
- Controls on vegetation clearing, water quality and use, storm water, dust, noise, emissions, public access are administered independently across agencies and local governments. Local governments are not identified as an implementation mechanism despite having delegated authority to manage a number of these controls (e.g. noise). The City recommends for local government being identified as an implementation mechanism for the controls it currently administers.
- The delivery mechanism to implement future management arrangements for areas intended to provide conservation value within urban areas have yet to be determined. It specifically states consultation with local government will happen. However, the document does not state which agency will lead this.
- Commitment 31 in Action Plan G aims to account for irrigation needs of public open space particularly in expansion and urban infill areas through the planning process. Local governments primarily manage public open space and it is unclear how this commitment will impact the operations of the City.

- The first paragraph on page 43 of the Draft State Strategic Impact Assessment Report does not recognise Perth as the economic centre within the sub-region. The City recommends the first paragraph identifies Perth as the main economic centre within the sub-region alongside with Stirling, Melville, Cannington and Bayswater.