



CITY of PERTH

Lord Mayor and Councillors,

NOTICE IS HEREBY GIVEN that the next meeting of the **Planning Committee** will be held in Committee Room 1, Ninth Floor, Council House, 27 St Georges Terrace, Perth on **Tuesday, 17 February 2015 at 5.00pm.**

Yours faithfully

**GARY STEVENSON PSM
CHIEF EXECUTIVE OFFICER**

12 February 2015

Committee Members:

Members:

Cr Butler (Presiding Member)
Cr Harley
Cr McEvoy

1st Deputy:

Cr Adamos

2nd Deputy:

Cr Davidson
OAM JP



Please convey apologies to Governance on 9461 3250 or email
governance@cityofperth.wa.gov.au

EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



CITY of PERTH

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

BUILDING ALARMS

Alert Alarm and Evacuation Alarm.

ALERT ALARM

beep beep beep

All Wardens to respond.

Other staff and visitors should remain where they are.



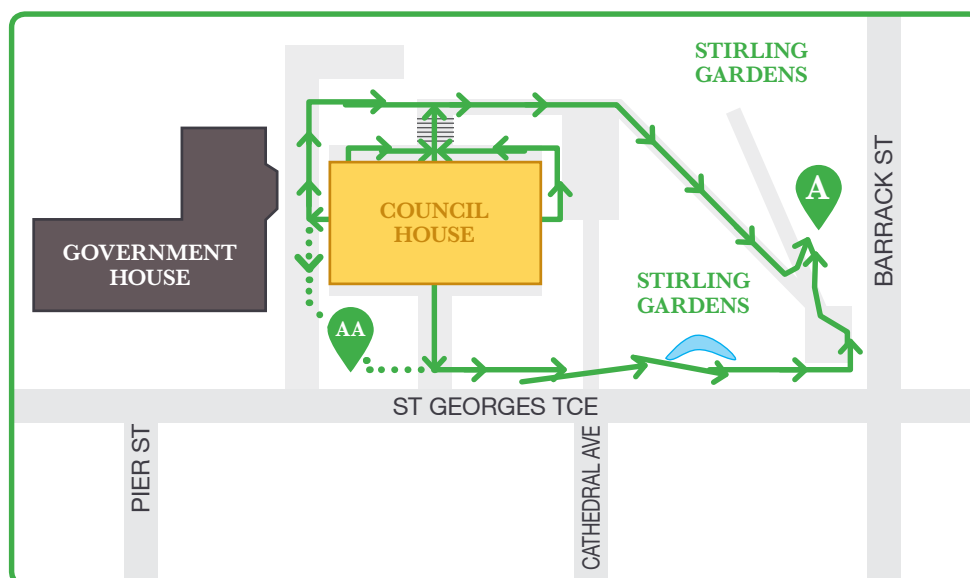
EVACUATION ALARM/PROCEDURES

whoop whoop whoop

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

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

EVACUATION ASSEMBLY AREA



Assembly Area

Alternate Assembly Area

PLANNING COMMITTEE

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

Members:	1st Deputy:	2nd Deputy:
Cr Butler (Presiding Member)	Cr Adamos	Cr Davidson OAM JP
Cr Harley		
Cr McEvoy		

Quorum: Two
Terms Expire: October 2015

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

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

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

This meeting is open to members of the public.

INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE MEETINGS

Question Time for the Public

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

Deputations

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

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

Disclaimer

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

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PLANNING COMMITTEE

17 FEBRUARY 2015

ORDER OF BUSINESS

- 1. Declaration of Opening**
- 2. Apologies and Members on Leave of Absence**
- 3. Question Time for the Public**
- 4. Confirmation of Minutes – 27 January 2015**
- 5. Correspondence**
- 6. Disclosure of Members' Interests**
- 7. Matters for which the Meeting may be Closed**
- 8. Reports**
- 9. Motions of which Previous Notice has been Given**
- 10. General Business**
 - 10.1. Responses to General Business from a Previous Meeting**
 - **Watertown Car Park Design**

At the Works and Urban Development Committee meeting held on 20 January 2015, Cr McEvoy requested that Officers investigate whether planning conditions in regards to the design of the Watertown Car Park have been incorporated appropriately into the car park. The Director City Planning and Development advised that he would investigate and advise Cr McEvoy.
 - 10.2. New General Business**

(Cont'd)

11. Items for Consideration at a Future Meeting

Outstanding Reports:

- Proposed Design and Presentation Standards Policy (Raised 26/03/13, and updated 12/11/13, 11/02/14, 27/01/15).
- Fire Service Requirements for Development Applications (Raised 06/05/14)

12. Closure

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ITEM NO: 1

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

RECOMMENDATION:

(APPROVAL)

That Council:

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

(Cont’d)

1.6 no shop fit-out, including shelving, storage or cabinets, being located within one metre of clear glazed shop windows;

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

BACKGROUND:

SUBURB/LOCATION:	Unit 8/90 (Lot 8 on SP 58159) Terrace Road, East Perth
FILE REFERENCE:	2014/5395
REPORTING OFFICER:	Kathy Lees, Senior Planning Officer
RESPONSIBLE DIRECTOR:	Martin Mileham, Director City Planning and Development
DATE:	16 January 2015
MAP / SCHEDULE:	Schedule 1 – Map and street view of Unit 8/90 Terrace Road, East Perth Schedule 2 – Proposed Signage Schedule 3 – Applicant's Response to Submissions Schedule 4 – Petition Opposing the Approval of the Application
LANDOWNER:	L and S Altintas
APPLICANT:	M Al Shanti of 3Moon Design
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Adelaide (P13) (City Planning Scheme Use Area) Residential R160
APPROXIMATE COST:	\$55,000

At the Council meeting held on 3 February 2015, a petition containing 205 signatures from Michelle Noble on behalf of residents, workers and visitors to the area in and around 8/90 (Lot 8 on SP 58159) Terrace Road, East Perth in relation to the planning application for the proposed use of a tenancy as 'Local Shop' and associated signage, was submitted for Council consideration. The petition raises objection to the application. The petition is attached as Schedule 4. In accordance with Clause 4.9(4) of the City of Perth Standing Orders the Council resolved at that meeting that the petition be referred to the Planning Committee. In recognition of the petition received, Council further resolved that the Item relating to the application should be referred back to the Planning Committee for further consideration.

This report is therefore presented for further consideration by the Planning Committee. Additional information addressing the matters raised in the petition has been provided by Officers at the end of this report.

At its meeting held on 27 January 2015, the Planning Committee agreed to amend the Officer Recommendation by including an additional part 1.5 as follows:

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

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

DETAILS:

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

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

The shop is intended to operate between 6.00am and midnight each day. It was originally proposed to be operated as part of the 'IGA' group, however the applicant has now advised that it will be run independently and not as part of any specific retail group and it will be named 'Glory Xpress Convenience Market'. It will provide convenience goods including some take away food such as pre-made sandwiches, pies and sausage rolls.

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

LEGISLATION / POLICY:

Legislation

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

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject property is located within the Residential Use Area of the Adelaide Precinct (P13) under City Planning Scheme No. 2 (CPS2). The Precinct is intended to be developed as a residential quarter accommodating a wide range of residential and visitor accommodation and employment opportunities serviced by activities which support these uses. The Terrace Road Residential Use Area is intended to remain an area for high density residential uses. Non-residential uses such as kiosks, coffee shops, restaurants and local shops are appropriate provided they are small scale, serve the residents and visitors and are part of a residential or special residential development.

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

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

Development Requirements

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

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

COMMENTS:

Consultation

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

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

The issues raised within the submissions are summarised as follows:

Traffic and Parking Issues

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

Noise and Safety

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

Waste Management

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

Signage

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

Trading Hours

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

General

- a) Increased activity created by the shop will result in a loss of privacy.
- b) Apartment owners were not advised that an IGA could operate from the premises, only a commercial office or restaurant.
- c) An IGA will lead to reduced properties values.
- d) Tenants of overseas investors are likely to be supportive because it is not their investment being affected.
- e) The proper application process was not followed and works commenced on site before approval was granted. Requests to stop work have been ignored.
- f) The proposal does not fit with the 'aesthetic disposition' of 90 Terrace Road as many of the properties are worth in excess of \$1,000,000.
- g) There are no other similar luxury apartment buildings on Terrace Road which incorporate a 'local shop'.
- h) The area is already well serviced by local shops, adequately providing for the needs of the area.
- i) Using a prime river view location for an IGA shop is inappropriate. The use of the premises as a local shop denies the opportunity for another use that would make better use of the view.
- j) The proposed use is not in keeping with the residential nature of Terrace Road.
- k) The advertising period was not long enough to prepare a cogent case for / against.
- l) Ensuring compliance with restrictions/conditions of approval will require vigilant monitoring.
- m) It is anticipated that the City will work with the Strata Company for the building to ensure the application complies with the Strata By-Laws.

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

Land Use and Amenity

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

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

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

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

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

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

Privacy concerns are difficult to support, as the tenancy fronts Terrace Road as required by the Terrace Road Design Policy and it was always intended to be used for commercial purposes. Similarly, security concerns and assumptions on the type of customers that will be attracted to the shop are difficult to validate as it could

equally be argued that additional activity generated by the proposed use could add to safety in the area, particularly in the evenings.

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

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

Parking and Deliveries

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

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

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

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

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

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

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

Waste Management

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

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

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

Signage

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

Submissions raised concern that the proposed signage was overbearing and not in keeping with the character of the area. While this is subjective, the applicant has since reduced the area of the window signs from 31m² to 20m² by removing the large scene proposed to be installed within the northern most window facing the driveway, replacing it with plain vinyl.

A balance achieving appropriate visual impact on the residential development to the rear whilst providing sufficient signage for the shop to be evident to potential customers is required.

Strata By-Laws

The Council of Owners has requested that the City work with them to ensure the shop complies with the Strata By-Laws. However, compliance with the By-Laws is a not a matter that the City would become involved in and this would need to be

pursued by the Council of Owners independently. The Strata By-Laws do not fall within the matters which can be considered when determining a development application under the CPS2.

Advertising Process

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

Compliance Issues

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

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

Conclusion

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

The applicant has responded to a number of the concerns raised and has modified the proposal accordingly.

ADDITIONAL INFORMATION:

A petition against the approval of the proposed local shop was tabled at the Council meeting held on **3 February 2015** (refer to Schedule 4). The petition contained a total of 205 signatures comprised of:

- 85 residents of the Adagio development at 90 Terrace Road, Perth;
- 39 residents of surrounding Terrace Road developments; and
- 81 people who live or work in the area or visit Langley Park for recreation.

The petition is based upon *"the adverse impact to the residents in and around the subject site and the detriment to the Terrace Road streetscape, Langley Park and the foreshore, arising from:*

1. *The design of the Adagio development being unsuitable for use as a local shop – the lack of separation between public and private areas of the development, in particular the open driveway and entrance to the development, would significantly impact residential amenity if this site were to be approved for use as a local shop operating for 14 hours a day on weekdays and 13 hours a day on weekends;*
2. *The lack of demonstrated need or support for a local shop at this site, noting that 93% of respondents raised concerns and opposed the proposed use of local shop, with there being at least 5 other local shops within 500 metres of the subject site;*
3. *The likelihood of visual pollution caused by poor quality and poor management of signage to the site resulting in detriment to the Terrace Road streetscape, as evidenced by the current lack of compliance with signage by the many local shops and convenience stores already trading in the area, together with the likelihood of littering by customers on Terrace Road and Langley Park;*
4. *Inadequate provision to effectively monitor and manage the additional delivery, traffic and resultant parking issues at and around the subject site, due to the high volume of short stay traffic expected from the use of this site as a local shop;*
5. *Planning approval for this site as a local shop being a poor use of a prime, high-end, heritage listed, river-view location, particularly when there is no evidence of demand or support for this use within the area.”*

The issues raised in the petition are generally reflected in the submissions received during the advertising period. These issues have been addressed under the Comments section of this report.

At its meeting held on 27 January 2015, the Planning Committee recommended that the following condition be imposed to address visual amenity:

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

The petition raised additional concerns about the provision of shelving racks inside the shop against the clear window glazing so that these racks and merchandise are all that are visible and these *‘racks and clutter of merchandise removes the visual connection to the street and negates the intent of the Terrace Road Design Policy.’* This can be addressed by a condition requiring no display, storage or other fit-out adjacent to clear glazed shop windows.

It is considered that appropriate conditions can be imposed to address other valid planning considerations raised by submitters. Subject to these conditions the local shop is unlikely to have a significant impact on the amenity of the Residential Use Area and can therefore be supported.

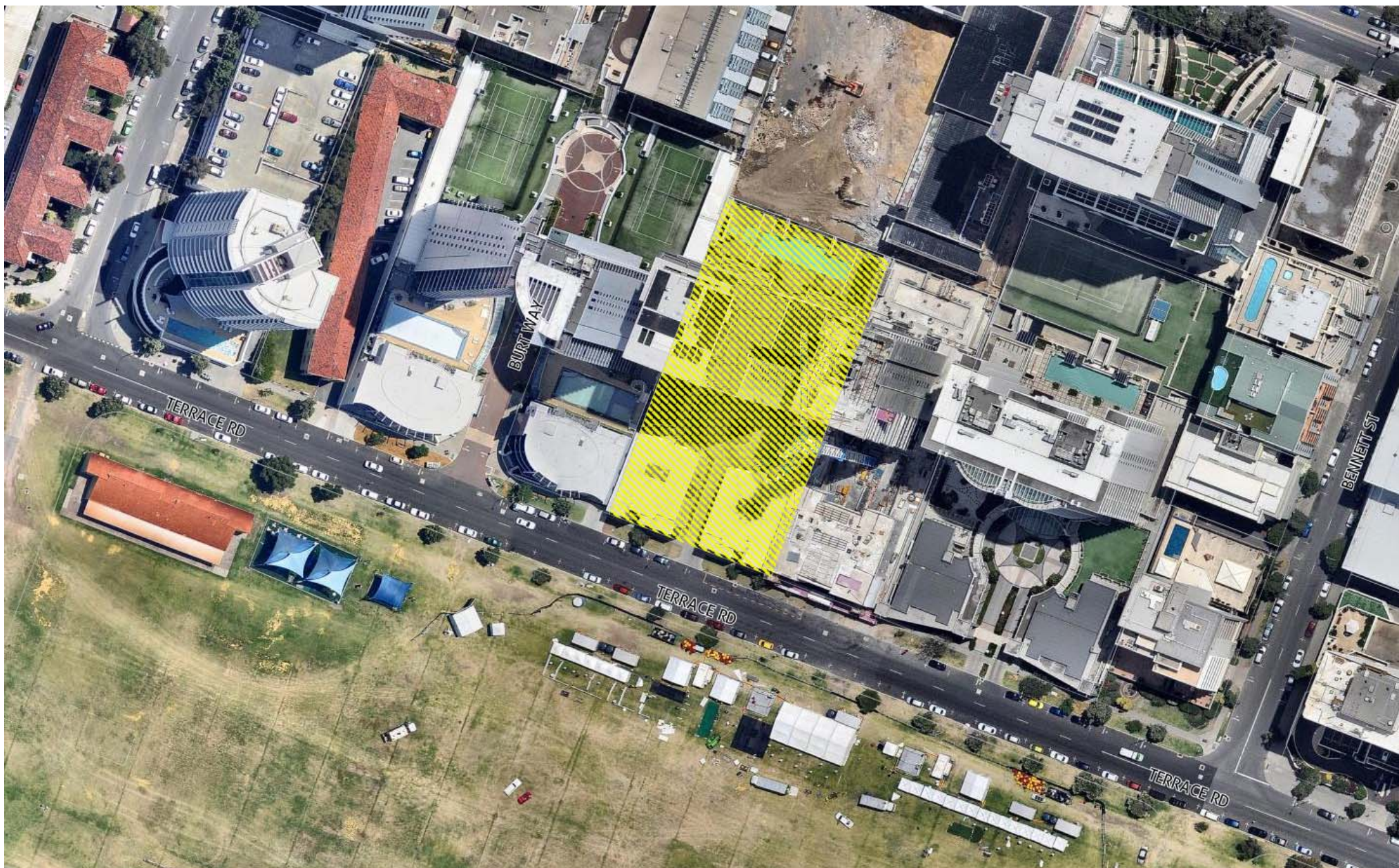
Part 1.5 of the Officers Recommendation has been amended as follows:

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

In addition, a new part 1.6 is recommended as follows:

- 1.6 no shop fit-out, including shelving, storage or cabinets, being located within one metre of clear glazed shop windows;

It is considered that these amendments address the concerns relating to valid planning considerations raised within the petition.



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



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



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



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

SCHEDULE 3

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

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

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

Issue	Applicant Response
Waste Disposal	
Increase in litter left by customers will occur in and around the premises.	Rubbish bins will be provided in store for the customers to use. The area around the store will be cleaned by the management so that it is litter free.
Waste management must be appropriate to ensure no vermin infestations.	Covered bins will be provided in the cool area where the produce is disposed. This will be cleared once every day and proper waste management methods will be used to ensure there is no vermin infestation.
If four wheeled bins are to be used, where will they be located?	No response provided.
Signage	
a) Signage is visually overbearing and not in keeping with the surrounds. b) Signage needs to be of a high standard and designed by professionals. c) Signage will lower property values.	The signage is being redesigned by professionals to account for the high end market the store caters to now.
Trading Hours	
a) Concern about late night and 24 hour trading disrupting the 'peaceful/quiet enjoyment' of the area. b) Trading hours to be restricted 7am-10pm. c) Closing time to be restricted to 9pm. Adagio is a residential property and opening hours of 0600-2400 are not compatible with residential living.	The store will close at 9:00 pm. Hence 24 hour operation of the store will be unnecessary.
General	
Property would be devalued by an IGA.	The store is no longer an IGA. It has been re-branded in order to cater to a high end market in accordance with the location of the store. The property would hence not be devalued.
Loss of privacy will occur from increased activity created by the shop.	The store aims to cater only to the existing residents. Hence there wouldn't be any more of a footfall than there is already thereby not resulting in any increased activity or loss of privacy.
Apartment owners were not advised that an IGA could operate from the premises	No response provided.

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

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

SCHEDULE 4 SCHEDULE – PETITION TO THE CITY OF PERTH

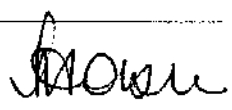
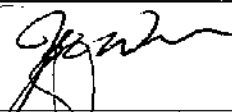
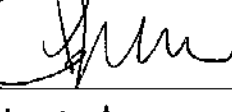
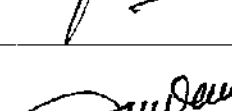
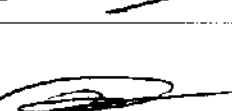
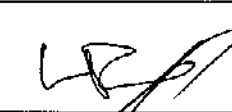
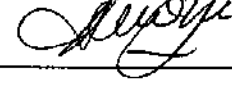
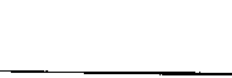
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5. Planning approval for this site as a local shop being a poor use of a prime, high-end, heritage listed, river-view location, particularly when there is no evidence of demand or support for this use within the area.

Correspondence in respect of this petition should be addressed to Michelle Noble, 75/90 Terrace Road, East Perth WA 6004

The names and addresses of your petitioners are as follows:

DATE	FULL NAME	ADDRESS	SIGNATURE	AGREE / DISAGREE / NO OPINION
28/1/15	MICHELE NOBLE	75/90 TERRACE RD EAST PERTH		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
28/1/15	JOHN WARMER	1/08 TERRACE RD EAST PERTH		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
28/1/15	C Bradley	Williams Rd Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	L O'Leary	1/100 Terrace Rd East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/	Thanh Nguyen	2/114 Terrace Rd Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/	DAY NGUYEN	2/114 TERRACE RD PERTH		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/	ISRAEL ZIMOL	13 BIARA RD MANGUP		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/	LEIGH PETTIT	18 FAVERSHAM WAY HEATHRIDGE		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/	Raymond Tan	6/78 Terrace Rd, E Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/		6/78 Terrace Road East Perth WA 6004		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION

SCHEDULE – PETITION TO THE CITY OF PERTH

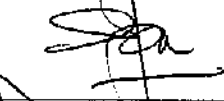
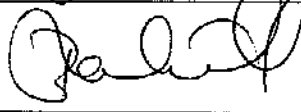
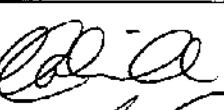
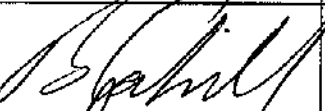
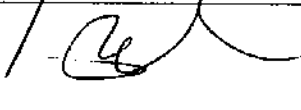
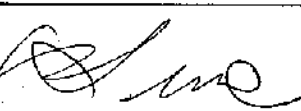
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The names and addresses of your petitioners are as follows:

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29.01.15	Alexandra Shellen	115/90 Tee Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29.1.15	Lucile Mianth	115/90 TCE Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/01/15	John Nai	117/90 Tee Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/01/15	Susan Waeon	110/90 Terrace Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/01/15	Bree Cahill	99/90		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/01/15	Vic Cahill	99/90 Terrace Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/01/15	Barbara Cahill	99/90 Terrace Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/01/15	Linda Wright	24/90 Terrace Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Ross Hook	CLONMILLER 83/90 Terrace Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29	119/11305V Dine	CLONMILLER 83/90 Terrace Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION

SCHEDULE – PETITION TO THE CITY OF PERTH

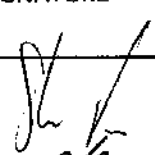
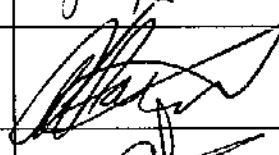
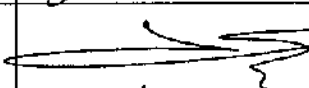
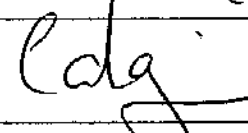
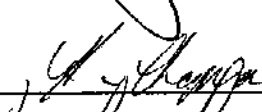
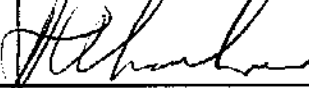
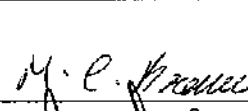
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31/1	Stan Provitis	9/90 Terrace Road East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
31/1	Carmel Healey	9/90 Terrace Rd East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
31/1	Kathy Quirk	37/11 Bennett St East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
31/1	Houman Bagheri	1/78 Terrace Road		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
31/1	KAMELIA Gi	1/78 TERRACE Road		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
31/1	CHRIS MAGUIRE	7/11 Bennett St		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
31/1	HAZEL CHAPMAN	42 TERRACE ROAD		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
31/1	HARRY ABRAHAMS	24/42 " "		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
31/1	Cidalia Branica	Specimened 403 Rockingham Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
31/1	CINDY CHAL	60 Beelbore Road South Perth 6003		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION

SCHEDULE - PETITION TO THE CITY OF PERTH

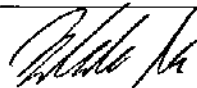
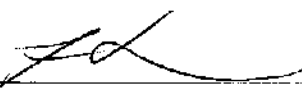
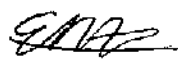
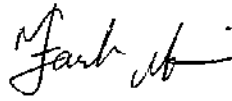
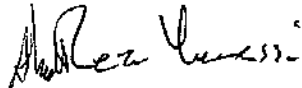
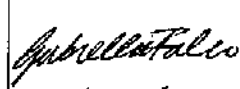
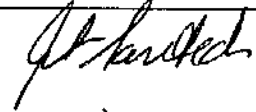
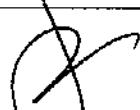
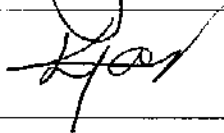
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29/1/15	Bride Weller	24 Wells St Wanneroo.		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Patricia Falco	33/90 Terrace Rd East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Roslyn Miles	87/90 Terrace Rd, East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Euse Sutherland	208 Burke Drive Attadale.		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Fardosh Mirzaee	35/90 Terrace Road East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Ahmadreza Younessi	35-90 Terrace road East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Gabriella Falco	33/90 Terrace Road East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	JOHN SANTICIT	69/90 TERRACE RD EAST PERTH		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	JOHN YOUNG	51/90 TERRACE ROAD EAST PERTH		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	KEELY LYONS	29/90 Terrace Road East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION

SCHEDULE - PETITION TO THE CITY OF PERTH

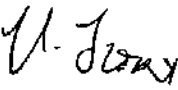
To the Lord Mayor and Councillors of the City of Perth:

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1. The design of the Adagio development being unsuitable for use as a local shop - the lack of separation between public and private areas of the development, in particular the open driveway and entrance to the development, would significantly impact residential amenity if this site were to be approved for use as a local shop operating for 14 hours a day on weekdays and 13 hours a day on weekends;
2. The lack of demonstrated need or support for a local shop at this site, noting that 93% of respondents raised concerns and opposed the proposed use of local shop, with there being at least 5 other local shops within 500 metres of the subject site;
3. The likelihood of visual pollution caused by poor quality and poor management of signage to the site resulting in detriment to the Terrace Road streetscape, as evidenced by the current lack of compliance with signage by the many local shops and convenience stores already trading in the area, together with the likelihood of littering by customers on Terrace Road and Langley Park;
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5. Planning approval for this site as a local shop being a poor use of a prime, high-end, heritage listed, river-view location, particularly when there is no evidence of demand or support for this use within the area.

Correspondence in respect of this petition should be addressed to Michelle Noble, 75/90 Terrace Road, East Perth WA 6004

The names and addresses of your petitioners are as follows:

DATE	FULL NAME	ADDRESS	SIGNATURE	AGREE / DISAGREE / NO OPINION
29/01	Stephanie Patterson	23 Lyndhurst Crescent, Ferndale WA		AGREE / DISAGREE / NO OPINION
29/01	Damien Patterson	23 Lyndhurst Cres Ferndale WA		AGREE / DISAGREE / NO OPINION
29/01	CASSIDY MOSCONI	146A LEACH HWY MELVILLE WA		AGREE / DISAGREE / NO OPINION
30/1	MICHAEL GURIN	72/90 TERRACE RD		AGREE / DISAGREE / NO OPINION
30/1	Ronnie & Carvalho	53/90 Terrace Road		AGREE / DISAGREE / NO OPINION
30/1	Frank Fijan	4/90 Terrace Road		AGREE / DISAGREE / NO OPINION
30/1	BRUCE ANSWORTH	71/90 TERRACE RD		AGREE / DISAGREE / NO OPINION
30/1	WEE MING KHOO	30/90 TERRACE RD		AGREE / DISAGREE / NO OPINION
31/1	Vivienne Tior	41 CHIRETON PLACE		AGREE / DISAGREE / NO OPINION
30/1	Deborah Plankensteiner	112/132 Terrace Rd		AGREE / DISAGREE / NO OPINION

SCHEDULE – PETITION TO THE CITY OF PERTH

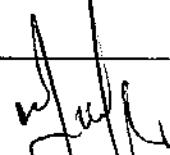
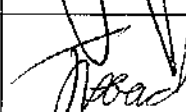
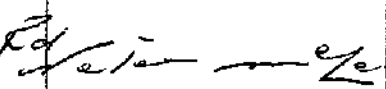
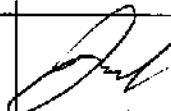
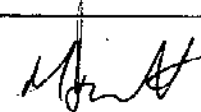
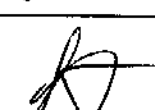
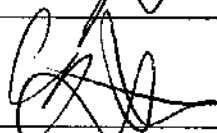
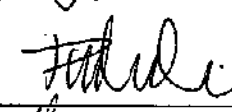
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Correspondence in respect of this petition should be addressed to Michelle Noble, 75/90 Terrace Road, East Perth WA 6004

The names and addresses of your petitioners are as follows:

DATE	FULL NAME	ADDRESS	SIGNATURE	AGREE / DISAGREE / NO OPINION
29/1/15	MERVYN JOHN WRIGHT	24/90 TERRACE RD EAST PERTH		AGREE / DISAGREE / NO OPINION
29/1/15	Julian Hoad	88 Matheson Road Applecross WA 6153		AGREE / DISAGREE / NO OPINION
"	Peter McLeod	21/132 Terrace Rd Perth.		AGREE / DISAGREE / NO OPINION
"	Daniel Mowbray	239 Adelaide Ave		AGREE / DISAGREE / NO OPINION
"	Mark Jarrett	9a Plain St East Perth		AGREE / DISAGREE / NO OPINION
"	Gary Wuth	99 PLAIN ST EAST PERTH		AGREE / DISAGREE / NO OPINION
"	Caroy Bullen	126 Terrace Road		AGREE / DISAGREE / NO OPINION
29/1/15	Philomena Lee	118 Terrace Road		AGREE / DISAGREE / NO OPINION
29/1/15	Andy Bui	132 Terrace Road		AGREE / DISAGREE / NO OPINION
	Drew Briggs	18/122 Terrace Road		AGREE / DISAGREE / NO OPINION

SCHEDULE - PETITION TO THE CITY OF PERTH

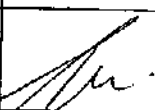
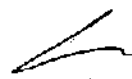
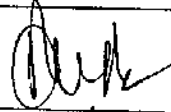
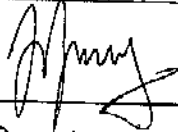
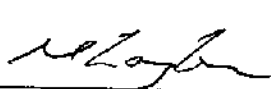
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30/1/15	Luraida Luliffi	Unit 31, 90 terrace Road		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1/15	Eun Young Han	88 90 terrace Road		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1/15	DAVID KWON	90 TERRACE RD		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1/15	Charles Toh	unit 67		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1/15	MC Tovey	116, 90 TERRACE ROAD		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1/15	K.V. TOVEY	11	KVT.	☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1/15	Allen Parker	91/90 Ice Road		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1/15	J. JESSY	11/90 Terrace Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1/15	D. McElliuracey	15 Bancroft Rumble Landsdale		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1/15	M. LAMBERTON	118 / 90 TERRACE RD		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION

SCHEDULE - PETITION TO THE CITY OF PERTH

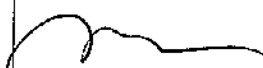
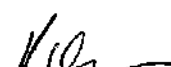
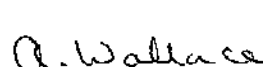
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28/1/14	Remon Obidye	111 St George Tce Perth.		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/14	Mark Fisher	50/90 Terrace Road Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Kasim McGILLIVRAY	114/90 Terrace Rd East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Eileen Peckis	2/90 Terrace Rd East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29.1.15	NORASET CHARNOCHASOK	77/138 ADELAIDE TCE EAST PERTH		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29-1-15	D. Lynch	85/90 Terrace rd.		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29-1-15	Justin Butcher	99/90 Terrace Rd East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29.1.15	Dexter Lee	70/90 Terrace Rd, East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Amanda Wallace	114/90 Terrace Rd EAST PERTH		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	ANDREW PATTEN	36/90 TERRACE RD		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION

SCHEDULE – PETITION TO THE CITY OF PERTH

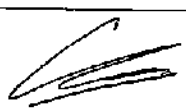
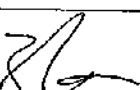
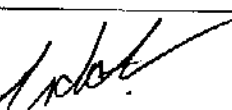
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29/1/15	Shawn Chia	16 MARS STREET WA 6001		AGREE / DISAGREE / NO OPINION
29/1/15	Jo Knok	34 Winchester way. Leeming.		AGREE / DISAGREE / NO OPINION
29/1/15	Deborah Law	210 6/78 Terrace Road, East Perth		AGREE / DISAGREE / NO OPINION
29/1/15	Hannah Pham	15 Pikes close Caversham WA 6005		AGREE / DISAGREE / NO OPINION
29-1-15	Joey ZHAO	6/ 78 Terrace Road East Perth		AGREE / DISAGREE / NO OPINION
29/1/15	LARRY MIDDLETON	17 TORRIDON LOOP WANNEROO WA		AGREE / DISAGREE / NO OPINION
29/1/15	CHRIS NEILON	17/90 TERRACE RD EAST PERTH		AGREE / DISAGREE / NO OPINION
29/1/15	Kamika Gupta	62/90 Terrace Road East Perth		AGREE / DISAGREE / NO OPINION
29/1/15	Callum Cook	34/90 TERRACE RD EAST PERTH		AGREE / DISAGREE / NO OPINION
29/1/15	SARAH SAN	77/90 TERRACE RD EAST PERTH		AGREE / DISAGREE / NO OPINION

SCHEDULE – PETITION TO THE CITY OF PERTH

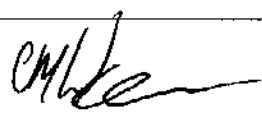
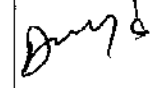
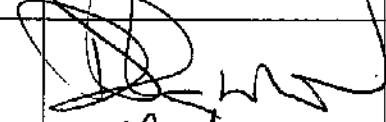
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19.1.15	Christian Wbarne	Stanley St SCARBOROUGH		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
21.1.15	DANIEL Brown	267 JOHNSON RD. BEACON		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29.1.15	Kim Bagnall	212 Leake St Belmont		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29.1.15	Simon Bennett	14 Domingo Way South Lake 6164		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29.1.15		111/131 ADELAIDE STREET		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29.1.15	Jon's	111/131 Adelaide Terrace		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29.01.15	Michelle Veenstra	156/151 Adelaide Tce, east perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29.1.15	Doug Stanwell	"		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Sarah Nobels	156/151 Adelaide		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Katie Bail	151 Adelaide Tce		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION

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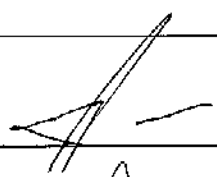
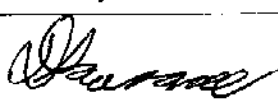
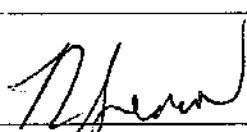
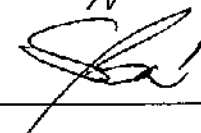
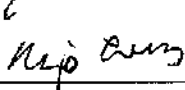
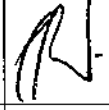
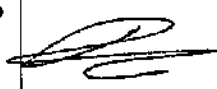
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Correspondence in respect of this petition should be addressed to Michelle Noble, 75/90 Terrace Road, East Perth WA 6004

The names and addresses of your petitioners are as follows:

DATE	FULL NAME	ADDRESS	SIGNATURE	AGREE / DISAGREE / NO OPINION
29/1	Dem Siro	6 BERT STREET EAST PERTH		AGREE / DISAGREE / NO OPINION
29/07	JONATHAN LI	3 BERT STREET EAST PERTH		AGREE / DISAGREE / NO OPINION
29/1	B. Phillips	PO Box 191 MORAWA		AGREE / DISAGREE / NO OPINION
29/1	M REED	124 TERRACE RD		AGREE / DISAGREE / NO OPINION
29/1	David Lawrence	124 Terrace Rd		AGREE / DISAGREE / NO OPINION
7/120	R R Serron	UNIT 7 120 Terrace RD		AGREE / DISAGREE / NO OPINION
29/01	SHEILA FORDIOS	114 U-15 Terrace RD PERTH 6000		AGREE / DISAGREE / NO OPINION
27/1	Rene Evans	116 Terrace road 6000		AGREE / DISAGREE / NO OPINION
30/1	PHY PROSSER	PARANA CREST		AGREE / DISAGREE / NO OPINION
30/1	Alvin Ikin	1106 TERRACE ROAD EAST PERTH		AGREE / DISAGREE / NO OPINION

SCHEDULE – PETITION TO THE CITY OF PERTH

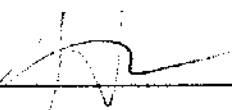
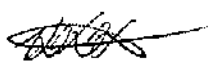
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28/1/15	KERRIE FLETCHER	36/90 TERRACE RD ^{EAST} PTH		AGREE / DISAGREE / NO OPINION
28/1/15	Bet Fisher	50/90 Terrace Rd East Perth	B. Fisher	AGREE / DISAGREE / NO OPINION
28/1/15	John Byrnes	62/90 Terrace Rd EAST PERTH		AGREE / DISAGREE / NO OPINION
29/01/15	Kathryn Koutouros	118/90 Terrace Rd, East Perth		AGREE / DISAGREE / NO OPINION
29/1/15	Manita Narongsirinkul	71/90 Terrace Rd, East Perth	Manita N.	AGREE / DISAGREE / NO OPINION
11	Gary Finkel	57/90 Terrace Road		AGREE / DISAGREE / NO OPINION
31/1/2015	Dwayne Kess	121 Coorleay Perth Street Bonbay		AGREE / DISAGREE / NO OPINION
31/1/2015	Joan Akers	PO BOX 42 ROSWAY PARK TAS	Joan Akers	AGREE / DISAGREE / NO OPINION
11	MARION CROFT	27/78 TERRACE RD EAST PERTH		AGREE / DISAGREE / NO OPINION
11	ANNE WELLER	CARISBROOK VIC 25 GRICE ST.	A. Weller	AGREE / DISAGREE / NO OPINION

SCHEDULE – PETITION TO THE CITY OF PERTH

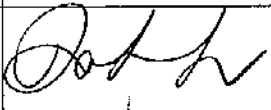
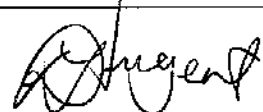
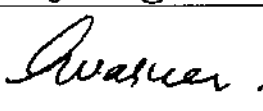
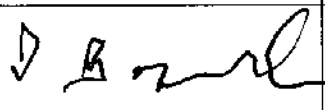
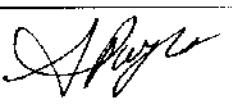
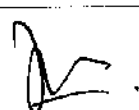
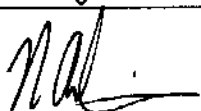
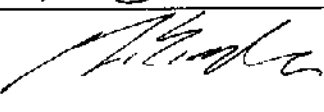
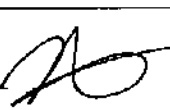
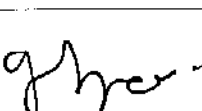
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29/1/15	Louise Batchelor	12/3 Hay Street East Perth		AGREE / DISAGREE / NO OPINION
29/1/15	JAMIAN NUGANT	12/3 MAY STREET EAST PERTH		AGREE / DISAGREE / NO OPINION
30/1/15	PATRICIA WALKER	62 CASTLEGATE WY WOODDALE		AGREE / DISAGREE / NO OPINION
30/1/15	TONY BOZICH	72/78 Terrace Rd E. Perth		AGREE / DISAGREE / NO OPINION
31/1/15	Anna Dwyer	190B Windward Way Mackay Q 4750		AGREE / DISAGREE / NO OPINION
31/1/15	Kristyn SB NG.	314/45 Adelaide TCE E. perth		AGREE / DISAGREE / NO OPINION
31/1/15	Neil Ashman.	81/143 Adelaide Terrace		AGREE / DISAGREE / NO OPINION
31/1/15	MIKE SIMPSON	32 CHARTERS WAY HIGHTON		AGREE / DISAGREE / NO OPINION
31/1/15	MARK EPICOR	216 JOHNSON RD BOATAM WA		AGREE / DISAGREE / NO OPINION
31/1/15	J SPICER.	236 JOHN ST BOATAM WA		AGREE / DISAGREE / NO OPINION

SCHEDULE – PETITION TO THE CITY OF PERTH

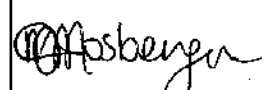
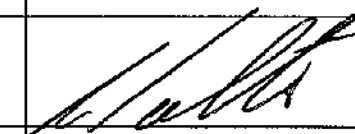
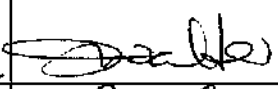
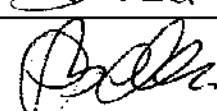
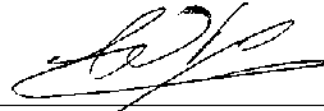
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29/1/15	Keith Powell	65/90 Terrace Road East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Millie Mosbergen	61369 Hay St, East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Elizabeth Pendragon	30/229 Adelaide TO Perth WA		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29-1-15	Beverley Powell	65/90 Terrace Road East Perth	B Powell	☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29.1.15	William Walker	30/90 Terrace Rd EAST PERTH		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29.1.15	Jo Walter	30/90 Terrace Rd EAST PERTH		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Steve Bellow	105/90 Terrace Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29-1-15	JEAN BELLOW	105/90 Terrace Rd	Jean Bellow	☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	STUART BROADFOOT	59/90 TERRACE RD		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1/15	Chir Pull	69/90 TERRACE		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION

SCHEDULE - PETITION TO THE CITY OF PERTH

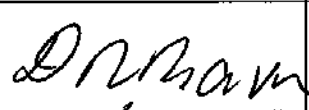
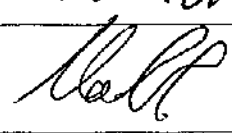
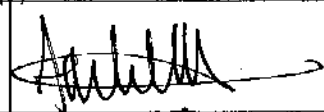
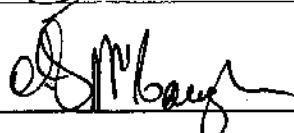
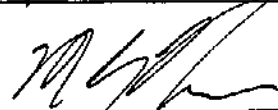
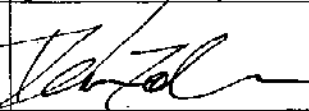
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30 Jan 15	DIANNE MAVOR	14 LEVERBURGH ST ARDMORE 6153		AGREE / DISAGREE / NO OPINION
30 Jan 2015	Mark Garry	c/- Lvl 6 181 Adelaide Tce, East Perth		AGREE / DISAGREE / NO OPINION
31 JAN	Asher Mitchell	1 Adelaide tce. EAST P.		AGREE / DISAGREE / NO OPINION
31/JAN	JOHN TIZAT	32 ALDINGA STREET KENWICK		AGREE / DISAGREE / NO OPINION
31/JAN	COO KNEZALC	8 DOXTON WAY JARCH		AGREE / DISAGREE / NO OPINION
31/JAN	LEON SIEW	13/82 ROYAL ST EAST PERTH		AGREE / DISAGREE / NO OPINION
31/1/15	ALEX MCCAUGHAN	18/78 TERRACE RD		AGREE / DISAGREE / NO OPINION
31/1/15	VICKI MCCAUGHAN	18/78 TERRACE RD		AGREE / DISAGREE / NO OPINION
31/1/15	MARK ROUSE	6 KUDOS CRT HARRISBURG		AGREE / DISAGREE / NO OPINION
	Dean Zollman	Manhattan, KS USA		AGREE / DISAGREE / NO OPINION

SCHEDULE - PETITION TO THE CITY OF PERTH

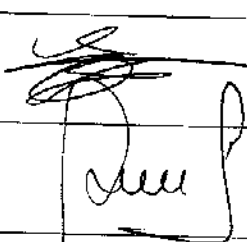
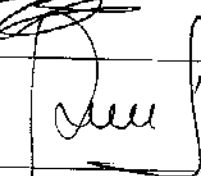
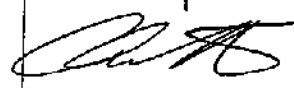
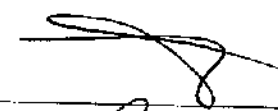
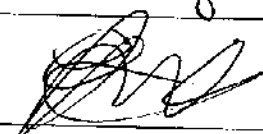
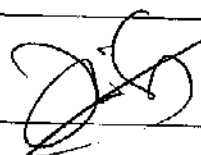
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03/02/15	Juliet Fichen	29/90 Terrace Road		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
3/2/15	ERIKA LEIVA	41/90 TERRACE ROAD		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
3/2/15	Kelly Castlemain	17 Unaring Cross Rd Joondalup PERTH WA 6027		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
3/2/15	Clayton Dias	6 Bennett St East Perth WA 6004		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
3/2/15	Patricia Trueman	"		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
3/2/15	AIDAN GARNETT	15 SUTTON RD HIGH WYCOMBE		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
3/2/15	SHARON WZAMMELLS	SE TUAR7 ST. YOKINE 6060		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
03/02	Therese Garbutt	114/148 Adelaide		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
3/2/15	GARTH BLACKMAN	3/259 Labouchere Rd.		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
1/2/15	Jason Lu	28/7 Henington Wy. VIC park		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION

SCHEDULE - PETITION TO THE CITY OF PERTH

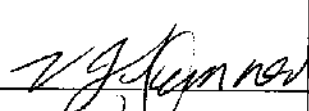
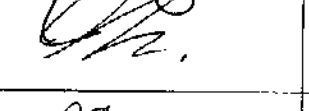
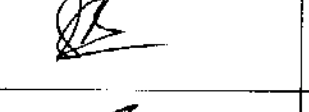
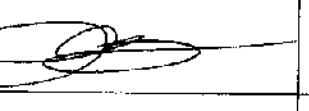
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29/1	Vicki Sumner	89/90 Terrace Rd.		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/01	CHRISTIAN PREACOS	41/90 Terrace Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1	Phil Sumner	89/90 TERRACE RD		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1	Edward Young	47/90 Terrace Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1	Noradej Liew	37/90 Terrace Rd.		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1	Satchit Bhattacharya	77/90 Terrace Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1	Shane McLaughh	40/90 Terrace Rd		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
29/1	TEGAN SHORT	59/90 TERRACE ROAD		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
				AGREE / DISAGREE / NO OPINION
				AGREE / DISAGREE / NO OPINION

SCHEDULE – PETITION TO THE CITY OF PERTH

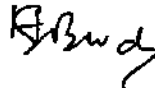
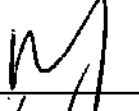
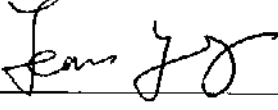
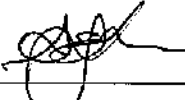
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1.2.15	HARDIP BHADAY	10/90 TERRACE ROAD EAST PERTH, 6004, WA		AGREE / DISAGREE / NO OPINION
1.2.15	ANNA HUI	73/90 TERRACE ROAD E. PERTH 6004 WA		AGREE / DISAGREE / NO OPINION
2.2.15	A. ELLIOTT	109/90 TERRACE ROAD EAST PERTH		AGREE / DISAGREE / NO OPINION
2.2.15	Jean Young	47/90 Terrace Road East Perth		AGREE / DISAGREE / NO OPINION
3.2.15	James Luttons	90/90 TERRACE ROAD EAST PERTH		AGREE / DISAGREE / NO OPINION
3.2.15	Sharon Kais	3/90 Terrace Rd East Perth		AGREE / DISAGREE / NO OPINION
3.2.15	Chika Hirohata	15/90 Terrace Rd East Perth		AGREE / DISAGREE / NO OPINION
				AGREE / DISAGREE / NO OPINION
				AGREE / DISAGREE / NO OPINION
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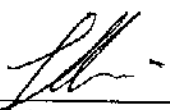
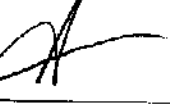
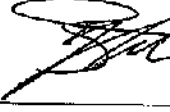
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30/1	ASH MILLWOOD	1/124 TERRACE RD		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1	GRAEME CLARK	2 Pensacola Ave		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1	BRINN SAJJES	unit 2 598 HIGH LAWWOODS		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1	THOMAS CURANT	26/126 Terrace Road		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1	Shasa Pauer	11/126 Terrace road East Perth		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1	Jonathan Tan	207/106 Terrace Road		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
30/1	Diana Treharne	87 Adelaide Ave		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
31/1	BIRAN LAMPT	126 TERRACE ROAD		☒ AGREE / ☐ DISAGREE / ☐ NO OPINION
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3/2/2015	WeeChong Tay	e/- Unit 678 Terrace Road East Perth	Jay	<u>AGREE</u> / DISAGREE / NO OPINION
				AGREE / DISAGREE / NO OPINION
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ITEM NO: 2

700 – 702 (LOTS 124 AND 125) HAY STREET MALL, PERTH – PICCADILLY ARCADE AND CINEMA REDEVELOPMENT

RECOMMENDATION:

(APPROVAL)

That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, Council APPROVES BY AN ABSOLUTE MAJORITY an application for the redevelopment of Piccadilly Arcade and Cinema at 700 – 702 (Lots 124 & 125) Hay Street Mall, as detailed on the Metropolitan Region Scheme Form One dated 16 September 2014, and as shown on the plans received on 3 February 2015 subject to:

- 1. final details, including a sample board, of the materials, colours and finishes for the refurbished building being submitted and approved prior to applying for a building permit;***
- 2. a Signage Management Plan being submitted and approved prior to applying for a sign licence detailing the following:***
 - 2.1 the control of the number, size, design and locations of signs within the arcade, on the facades and awnings;***
 - 2.2 how advertising will be dealt with in a consistent manner throughout the arcade;***
- 3. final details for the ‘Spotshop’ signage being submitted and approved by the City prior to a sign licence being submitted;***
- 4. further details on the Projecting Vertical ‘Piccadilly’ sign including speed of movement / flashing and appearance of neon tubing being submitted and approved by the City prior to a sign licence being submitted;***

(Cont’d)

5. ***an Interpretation Plan, prepared by an experienced heritage interpretation professional in consultation with the State Heritage Office, to provide for the extensive, meaningful and long-term interpretation of the Piccadilly Theatre and Arcade, and in particular the former uses of the theatre and the 1980s Ian Tucker refurbishment that is proposed to be removed, being submitted and approved by the City prior to applying for a building permit;***
6. ***a standard archival record being provided that includes a record of the place prior to works commencing, as well as a record of the removal of the 1983 fabric. In the event that fabric of earlier period is uncovered, a suitable approach for its retention or interpretation is to be prepared in consultation with the State Heritage Office and submitted to the City for further consideration and approval;***
7. ***nibs being retained with a minimum dimension of 400mm with a bulkhead above where original walls are to be removed;***
8. ***prior to applying for a building permit, the owner entering into a Heritage Agreement with the State Heritage Office to provide for the ongoing conservation, interpretation and maintenance of the place. This should include but not be limited to the long-term provision of substantial and meaningful interpretation throughout the cinema and arcade, and provide for the implementation of a strategy that will ensure its longevity and relevance to the cultural significance of the place;***
9. ***the development being undertaken in a manner that would enable the cinema use to be reinstated in the future, with details being submitted to illustrate the reversible nature of the works prior to applying for a building permit;***
10. ***the area currently occupied by the Cinema being used for 'Retail (General)' use with any other proposed use being subject to a separate application for approval;***
11. ***a detailed works strategy, outlining measures to be taken to ensure the protection of the buildings from damage due to demolition or any other construction works on-site, being submitted prior to the issue of the relevant demolition and / or building permit;***

(Cont'd)

- 12. no roller-doors being installed to the arcade shopfronts, with details of any alternative security measures that are proposed to be incorporated into the new arcade tenancy shopfronts being submitted to, and approved by the City prior to applying for a building permit;**
- 13. all piped, ducted and wired services, air conditioners, kitchen exhausts, hot water systems, water storage tanks, service meters and bin storage areas being located so as to minimise any visual and noise impact on adjoining properties and screened from view from the Malls, with details of the location and screening of any proposed external building plant being submitted and approved prior applying for a building permit;**
- 14. a Waste Management Plan, identifying permanent facilities for bins, (including compactor and waste treatment facilities if applicable), being submitted and approved prior to applying for a building permit;**
- 15. the submission of a construction management plan for the proposal prior to applying for a building permit, detailing how it is proposed to manage:**
 - 15.1 the removal and delivery of materials and equipment from and to the site;**
 - 15.2 the storage of materials and equipment on the site;**
 - 15.3 the parking arrangements for the contractors and subcontractors;**
 - 15.4 the protection of services and utilities, including high pressure gas lines;**
 - 15.5 other matters likely to impact on the malls and surrounding properties.**

BACKGROUND:

SUBURB/LOCATION: 700-702 (Lots 124 and 125) Hay Street Mall, Perth
FILE REFERENCE: DA-2014/5327
REPORTING OFFICER: Tegan Jeans, Planning Officer
RESPONSIBLE DIRECTOR: Martin Mileham, Director City Planning and Development
DATE: 21 January 2015
MAP / SCHEDULE: Schedule 5 – Maps and Coloured Perspectives for 700-701 Hay Street Mall

LANDOWNER: Su-Rama Holdings Pty Ltd, Ayoman Pty Ltd and Winston Holdings Pty Ltd
APPLICANT: Palassis Architects
ZONING: (MRS Zone) Central City Area Zone
(City Planning Scheme Precinct) Precinct 5
Citiplace
(City Planning Scheme Use Area) City Centre
APPROXIMATE COST: \$12,000,000

SITE HISTORY:

Piccadilly Theatre and Arcade is a cinema and retail arcade complex located between the Hay Street and Murray Street malls. The site contains two low-rise masonry buildings which were constructed in 1938. The original building is representative of the Inter-War Functionalist and Art Deco styles of Architecture which was common in the design of cinemas in the 1930s.

A major refurbishment to the building was undertaken in 1984 with major works undertaken to the façade and pedestrian arcade. The works introduced Late Twentieth-Century Post-Modern style architecture to the development which received the 1986 Architecture Design Award for Renovated Buildings, awarded by the Royal Australian Institute of Architecture (WA Chapter) to Ian Tucker.

The Murray Street building extends over three levels, with a basement store area, small retail tenancies at arcade level, and an upper level with several smaller tenancies and store areas. The Hay Street Building consists of basement store/service rooms, small retail tenancies at arcade level, a retail tenancy at the lower foyer level, the upper foyer, 2 smaller cinemas, and main auditorium and projection room.

DETAILS:

Approval is sought for alterations to, and the refurbishment of the Piccadilly Theatre and Arcade buildings. The proposed scheme involves the removal of the cinema use and the comprehensive upgrade of the existing retail arcade and cinema levels for dedicated retail uses. The upper levels of the Hay and Murray Street buildings will be converted into one main retail tenancy. A new link between the Hay and Murray

Street Mall buildings will be constructed to connect the upper levels. Two new sets of escalators, one set at the Murray Street Mall end and the other at the Hay Street Mall end, will be introduced at arcade level to allow pedestrian movement from the Murray Street Mall up to the new main anchor tenancy. Two new lifts will also be installed to service the upper levels. Smaller retail tenancies will remain along the arcade.

The three existing cinemas and the lower foyer level will be converted to provide for the new main upper level retail tenancy. The use of a lightweight flooring system will not preclude future conversion of the tenancy back to a cinema.

The Hay Street Mall and Murray Street Mall facades will be reinstated close to their original Art Deco/Functionalist appearance, with arcade awnings, façade mouldings, and the missing fixed neon projecting vertical sign on the Hay Street Mall façade being reconstructed to original detail. New double height glazing will be introduced on the Hay Street Mall façade at Level 1, in the location of the removed canopy, to assist with creating a stronger presence for the proposed upper retail tenancy from the Hay Street Mall.

The works undertaken in 1984, including the existing shop fronts, and later modifications along the arcade will be removed and new, more streamlined glazed shopfronts installed. The new fitout will reinstate the original Art Deco/Functionalist aesthetic, which has been much compromised by later modifications.

Details of the proposed development are as follows:

Basement Level	Minor modifications will be undertaken to the layout of the basement to accommodate a new lift and escalator. No other modifications to the existing tenancy layout and servicing areas will be undertaken.
Arcade Floor Level	The removal of existing arcade shop fronts and removal and modification to existing stairways will be undertaken. New shopfronts are to be installed within the arcade and the provision of a new stairway to integrate with existing stairway within the new 'Tenancy A' (Hay Street Mall entrance). Two new escalators and lift will also be installed.
First Floor Level	The removal and modification of the Hay Street Mall shop front and the removal of the existing canopies to Hay Street Mall and Murray Street Mall frontages. Internal walls, fixtures to Cinemas 2 and 3 will be undertaken. The removal of an existing lean-to between the two buildings will be undertaken to allow the connection of the buildings by a new link. New escalators, stairs, a ramp, lift and a floor above void to Hay Street Mall frontage will be installed. The fire escape will be upgraded to comply with the current standards. New canopies will be installed on both the Mall frontages which will be based on archival record to match the original architecture.

Second Floor Level	The removal of Cinema 1 seating and flooring, mid-level floor, stairs, ceilings, lift and bathrooms will be undertaken. Cinema 3 will also have all seating, framing, ceilings, fixtures and walls removed. The installation of new mechanical services (above new link roof), new floors, an escalator, lift, stairs and bathrooms will be provided.
Third Floor Level	The removal of Cinema 2 fabric, the framing, fixtures, seating and timber floors from Cinema 1 and the existing walls, door and fittings form the projection room. The retention and restoration of existing walls and ceiling fabric to Cinema 1 will be undertaken. A new mezzanine floor, fire escape stair and roof above existing void are to be installed.

The proposal will remove portions of fabric that has heritage value. This has been addressed in the heritage impact statement which states that the redevelopment will have an overall positive impact on the cultural heritage significance of the place.

LEGISLATION / POLICY:

Legislation

City Planning Scheme No. 2
Planning and Development Act 2005
Heritage of Western Australia Act 1990

Policy

4.3 – Roller Doors and Shopfronts
4.7 – Signs
4.9 – Pedestrian Walkways
4.11 – Heritage

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The subject property is located within the City Centre Use Area of the Citiplace Precinct (P5) under the City Planning Scheme No. 2 (CPS2). The Citiplace Precinct will be enhanced as the retail focus of the State offering a wide range of general and specialised retail uses as well as a mix of other uses such as residential and visitor accommodation, entertainment, commercial, medical, service industry and minor office. The area centred on Hay and Murray Street Malls will remain the retail and pedestrian core of the city. Under the Use Group Table for the Citiplace Precinct 'Retail (General)' is a preferred ('P') use and hence can be approved on the site.

Development Requirements

The restoration and maintenance of buildings, groups of buildings and other places within the Citiplace Precinct which have substantial historical or other significance will be encouraged. Building facades will incorporate interesting architectural elements thereby contributing to a lively, colourful and stimulating environment. Shop fronts

will be continuous, complementing traditional shop fronts and will provide awnings or verandahs over footpaths to provide weather protection for pedestrians.

A continuous, safe, attractive and clearly identified network of pedestrian paths, spaces and facilities will be provided throughout the Precinct. The shopping core is to be reinforced as an area of pedestrian priority, with clear delineation of pedestrian links, particularly north-south connections across the Precinct.

The proposed refurbishment of the historic arcade will not affect the existing building height or setbacks, with plot ratio being the only relevant development standard that will be altered by the proposed works, although still within the permitted plot ratio for the site as detailed below:

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:	1.86 : 1.0 (3,208m ²)	5.0 : 1.0 (8,600m ²)

COMMENTS:

Consultation

No consultation with the public was undertaken as part of the application as there are no CPS2 standards and provisions proposed to be modified and it was considered that the proposed works would enhance the locality and would not have any adverse impact on the adjoining properties.

The building is permanently listed on the State Register of Heritage places (ID 02065) and is also listed on the City's register of Places of Cultural Heritage Significance. The application was referred to the State Heritage Office (SHO) on the 22 October 2014. The SHO responded on the 1 December 2014 declining support for the proposal stating the following needed to be addressed:

- "1. As much as is possible of the original fabric of the Theatre is to be physically retained and comprehensively interpreted to make its considerable significance, existence and use readily apparent to visitors to the Arcade. Significant fabric to be retained should include, in particular:*
 - the main entry stair to the theatre from the arcade level; and*
 - wall nibs of at least 450mm and a substantial portion of wall from the ceiling are to be retained for all original walls proposed for removal in order to articulate the original layout.*
- 2. The proposed restoration of the Murray Street Mall façade is to be based on documentary evidence. External colour schemes are to be based on paint scrapes.*
- 3. The Committee does not agree with the secondary value placed on the 1983 Late 20th-Century Post-Modern Style fabric. The redevelopment of the arcade*

should be revised to include a meaningful portion of the 1980s fabric to sympathetically interpret its significance to the place, as noted in the Statement of Significance."

Two meetings were subsequently held with the SHO, the applicant and the City and revised plans were submitted by the applicant for consideration by the SHO and the City. The SHO considered the revised plans in the context of the cultural significance of the place and provided the following advice:

- "1. An adaptive reuse solution is an acceptable outcome for the future use and conservation of the theatre. While the level of considerably significant fabric required for removal impacts on the cultural significance of the place, reversible lightweight construction has been utilised to allow for reinstatement should the opportunity arise in the future;*
- 2. While the proposal comprises the complete removal of 1980s fabric that is referred to in the Statement of Significance for the place, it is considered supportable in the context of the reinstatement of a design that provides for the ongoing use of the arcade and references the original Inter-war Art Deco style. Meaningful interpretation of the 1983 Ian Tucker stage of development is considered essential to the maintenance of this part of the cultural significance of the place in the context of support for this aspect of the proposal;*
- 3. The reinstatement of original Inter-War Functionalist detailing to the internal spaces and facades based on documentary and physical evidence is an acceptable outcome for the place. It is understood that paint investigations will inform the final colour selection."*

The SHO have advised that it supports the proposal subject to conditions requiring final details of the colours and material details being based on physical and documentary evidence, an interpretation strategy being provided and implemented, an archival record of the place prior to works commencing and the owners entering into a heritage agreement to provide ongoing conservation, interpretation and maintenance of the place. These requirements have been incorporated into the conditions of the Officer recommendation.

In addition to the SHO's advice, it is suggested a condition of approval be imposed requiring a portion of any original wall (a nib) and any bulkhead above be retained which will allow for the interpretation of the original layout of the building and if the possibility arises the reinstatement of the original layout.

Land Use

Given the Cinema use is a major aspect of the heritage significance of the place it would be preferable for the use to remain on the site. The applicant has advised that several design options for the upgrade and/or expansion of the cinemas have been explored in detail and in turn discussed with potential cinema operators. These options allowed for boutique or pop-up operations, as well as more mainstream "multiplex" models involving four or more cinemas. Unfortunately no proposal that retains a cinema use in any capacity has proven viable with any of the potential

operators. The development is therefore proposed to be undertaken in a way that will allow the development to be reversible to allow for a cinema use to be returned to the upper levels should circumstances permit at some point in the future.

Given the above and that the proposed retail use is consistent with the intent of the Citiplace precinct as the retail focus of the State the proposed retail use replacing the Cinema use can be supported.

Design Guidelines / Policy

Policy 4.3 – Roller Doors and Shopfronts

It is proposed that several tenancies along the arcade will be secured after hours by roller doors. These doors will be constructed of an acrylic material with a minimum of 75% transparency.

Whilst the roller doors will comply with the City's Roller Doors and Shopfronts policy, given the heritage significance of the buildings, it is not the preferred outcome that roller doors be used. As the new shopfronts being installed within the arcade will include security measures being incorporated into the shopfronts, a condition requiring further details of how this is to be achieved is to be incorporated as part of any approval to ensure an improved heritage outcome.

Policy 4.7 – Signs

The signage for the building will involve the retention of original masonry signage to the Hay and Murray Street Mall facades at high levels, reconstruction of the original neon sign to the Hay Street Mall, new signage to the reconstructed arcade canopies, and the replacement of all later signage with a new streamlined and consistent signage design.

It is proposed that an illuminated horizontal sign will be installed on the glazing of the new upper retail tenancy facing Hay Street Mall. The sign details are only indicative and final details of the proposed sign will be submitted once a retailer has been secured for the tenancy. The applicant has advised that the sign will not be flashing or so intense as to cause annoyance to the public. This sign will be designed in a manner consistent with the signage strategy for the rest of the arcade and will be of a scale and materiality that does not obscure the architectural features of the building.

It is considered that the proposed sign meets the objectives of the Signs Policy as it applies to the Citiplace Precinct by contributing signage at a pedestrian scale that will be engaging and stimulating to passers-by. The sign will not be able to be viewed by passing motorists, and will be designed so as to not flash or pulsate in a manner likely to cause a hazard or nuisance. Clause 9.2(c) of the Policy states that such signs are generally not permitted in a heritage place. However, the flashing neon letters on the sign was an original and integral feature of this heritage building and the permanent reinstatement of the sign will be a positive heritage outcome for the building, and will retain the connection between the name "Piccadilly" and the Arcade.

A new illuminated projecting vertical sign is proposed to be reinstated to the original detail of the building on the Hay Street Mall elevation. The sign will feature flashing neon tubing lights with the words "Piccadilly" with the overall architectural feature measuring 9500mm in vertical dimension, a 2910mm projection from the wall and 400mm in width. The sign does not comply with the exemptions of the policy which allows for a sign with a maximum projection of 700mm and vertical dimension of 2000mm. Given this, the sign The original sign was a flashing neon sign and an important architectural component of the building but was removed in the 1970's. The new vertical projecting sign, with its scale and lighting, reflects the scale and height of other signs in the malls. Further detail is to be submitted on the design of the sign prior to a sign licence being issued.

The new proposed signage for the individual tenancies within the arcade contributes to the aesthetic presentation of the building overall. The current adhoc signage degrades from the significance of the arcade and a new consistent signage approach, along with the installation of streamlined glazed shop fronts, will reinforce the significance of the arcade. The management of the internal signage has been discussed with the applicant and the SHO who both agree that a management plan controlling the number, size and location of signs within the arcade would be appropriate. This can be addressed as a condition of any approval.

Policy 4.9 – Pedestrian Walkways

The proposal is to refurbish the existing arcade at ground level, removing the existing 1983 projecting bay windows, and replacing them with new streamlined shop fronts. The width of the arcade will be widened slightly from the current 3.6 metre width, with the arcade reinstated back to its original 3.9 metre width.

Under CPS2 Policy 4.9 Pedestrian Walkways, the policy states that the minimum width for arcades and pedestrian walkways, which form part of the secondary or minor parts of the pedestrian network, shall be 4.0 metres for arcades with shops on both sides. Variations to the width of the arcade can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:

'47(3)(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'.*

The proposal does not meet the requirement of the policy, however, the proposed width of the arcade is determined by the location of the existing structural concrete columns and as an increase in width is being achieved, this slight variation can be supported.

Policy 4.11 – Heritage

A Heritage Impact Statement has been prepared by Palassis Architects which details the impacts the proposal will have against the Conservation Plan undertaken in 2012 which guides conservation and management of the Theatre and Arcade. The conservation plan outlines 114 policies intended to ensure that the heritage significance is not adversely compromised, some of which are applicable to this development application.

The City's Heritage Policy (4.11) encourages the retention of character and values of heritage places. Clause 6.2 of the Policy states that, 'in general, fabric that contributes to the cultural heritage significance of the place should be retained'. The works will remove portions of the building that have heritage significance however it is considered the works will have an overall benefit to the building by undertaking some much needed maintenance and repair to the building and providing the ability for adaptive reuse of the building to ensure the building does not fall into further disrepair and can be enjoyed by the public.

The Policy also states that new works which can be reversed in the future is desirable, or where they cannot be reversed may be supported, provided the cultural significance of the place is not compromised. The new upper level insertion in the cinema space is lightweight and reversible if required. Additionally the policy requires new material inserted into a heritage building should be identifiable as such. Whilst there will be some works that will mimic the original architecture of the building, these works will be undertaken in accordance with archival evidence and hence is not considered to diminish the significance of the building. New works within the building that will not be recreated from archival evidence will be sympathetic to the building whilst clearly distinguishable from the original building.

The relocation of new mechanical servicing will be fixed to the new link between the existing buildings, hence minimising impact on existing heritage fabric. The servicing will be screened from view to limit the visual impact on the significant Hay and Murray Street Mall facades and the screens will limit the impact on the secondary facades, in compliance with clause 6.6 of the policy.

The application also proposes the reinstatement of the original awnings to Hay and Murray Street Malls. These awnings will be reconstructed to original detail based on archival drawings by W.T. Leighton. This is in compliance with clause 6.7 of the policy, which states that 'restoration or reinstatement of traditional verandahs or awnings should be based on archival evidence.'

Conclusion

The proposed redevelopment and refurbishment of the Piccadilly Arcade and Theatre is considered to have an overall positive impact on the building allowing for critical upgrades and improvements to be undertaken to the building. The ongoing adaptive re-use of the building will ensure the building will be viable in years to come while enabling the reinstatement of former uses, such as the cinemas, at some time in the future. It is therefore recommended that the application be approved subject to appropriate conditions.



700-702 (LOTS 124 AND 125) HAY STREET MALL, PERTH - PICCADILLY ARCADE AND CINEMA REDEVELOPMENT (ATTACHMENT 1)



**700-702 (LOTS 124 AND 125) HAY STREET MALL, PERTH - PICCADILLY ARCADE AND CINEMA
REDEVELOPMENT (ATTACHMENT 2)**



700-702 (LOTS 124 AND 125) HAY STREET MALL, PERTH - PICCADILLY ARCADE AND CINEMA REDEVELOPMENT (ATTACHMENT 3)



**700-702 (LOTS 124 AND 125) HAY STREET MALL, PERTH - PICCADILLY ARCADE AND CINEMA
REDEVELOPMENT (ATTACHMENT 4)**

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**700-702 (LOTS 124 AND 125) HAY STREET MALL, PERTH - PICCADILLY ARCADE AND CINEMA
REDEVELOPMENT (ATTACHMENT 5)**

ITEM NO: 3

5 (LOTS 555 AND 9000) THE ESPLANADE, PERTH – PROPOSED ELIZABETH QUAY SUBDIVISION APPLICATION 3: TO ACCOMMODATE FOOD AND BEVERAGE OUTLETS AND A NEW ACCESS ROAD

RECOMMENDATION:

(ADVICE TO METROPOLITAN REDEVELOPMENT AUTHORITY)

That Council advises the Metropolitan Redevelopment Authority that it considers that the proposed Elizabeth Quay Subdivision Application 3 is contrary to the orderly and proper planning of Elizabeth Quay and, therefore, does not support the application for the following reasons:

- 1. the City has ceded a significant amount of public open space with the transfer of The Esplanade Reserve to the Elizabeth Quay development. The further loss of public open space is contrary to the City's Policy 5.2 - Protection and Enhancement of Open Space which seeks to maintain and enhance the City's existing public open space as an important element of the city and especially as the city continues to grow in resident, worker and visitor population;*
- 2. whilst the Council acknowledges that portions of the public open space will be temporarily privatised as a result of the development approvals for the Food and Beverage Outlets (FBO), it is considered that they should be retained as part of the public open space under fixed term leases which would enhance future flexibility while enabling them to be retained in public ownership thereby retaining control over the public realm;*
- 3. retaining the proposed FBO sites within the proposed reserve for public recreation would enable the responsible authority to monitor the performance of the proposed outlets, the public open space and the adjoining buildings, and to make adjustments if necessary. This flexibility will be hindered if the FBOs are on separate freehold lots;*

(Cont'd)

- 4. the proposed lot boundaries, being specific to the approved FBO footprints, are very restrictive and will not allow for any future reconfiguration of the FBO buildings;**
- 5. the proposed Road 1000 will not allow the opportunity for the construction of a shared basement for the development proposed on Lots 9 and 10, as currently proposed;**
- 6. while the Station Park, Eastern Promenade and Florence Hummerston FBO's have been approved the Florence Hummerston building is not proposed to be on a separate lot as part of this subdivision application, whilst a fourth FBO (to be located on the proposed Lot 1001) has no development approval and there is a lack of certainty that the small Lot 1001 (136m²) will be able to accommodate a suitable development.**

BACKGROUND:

SUBURB/LOCATION:	5 The Esplanade, Perth
FILE REFERENCE:	SUAM-2015/5012
REPORTING OFFICER:	Dewald Gericke, Coordinator Statutory Town Planning
RESPONSIBLE DIRECTOR:	Martin Mileham, Director City Planning and Development
DATE:	5 February 2015
MAP / SCHEDULE:	Schedule 6 – Location Map
3D MODEL PRESENTATION:	A 3D Model for this application will not be available at the Committee meeting.
LANDOWNER:	Metropolitan Redevelopment Authority
APPLICANT:	Metropolitan Redevelopment Authority
ZONING:	(MRS Zone) N/A (City Planning Scheme Precinct) Civic (P7) and Foreshore (P8) (City Planning Scheme Use Area) N/A
APPROXIMATE COST:	Not applicable

SITE HISTORY:

The Elizabeth Quay Master Plan was released by the State Government in February 2011 and covers an area of approximately 10 hectares framed by William Street to the west, The Esplanade to the north, Barrack Street and Barrack Square to the east, and the Swan River to the south.

At its meeting held on **17 May 2011**, Council endorsed a written submission to the Western Australian Planning Commission (WAPC) in response to the Metropolitan

Region Scheme Amendment and the Environmental Assessment Report released for public comment by the WAPC. The submission advised the WAPC of the City's support for the Perth Waterfront Project and identified a range of issues that required further refinement.

At its meeting held on **8 November 2011**, Council granted 'in-principle' approval for the acquisition of Lot 79 The Esplanade and Lots 901 and 302 Riverside Drive by the State Government for the Perth Waterfront Project and also authorised the Chief Executive Officer to sign the application for the approval to commence development and for the application for subdivision approval.

The following development applications are relevant:

Development Application 1 – Forward Works Civil (DA1: Approving Authority – WAPC) included external roadworks, major services, contamination remediation and demolition/deconstruction within the Esplanade Reserve (conditionally approved February 2012).

Development Application 2 – Inlet and Marine Works (DA: Approving Authority – WAPC) included major earthworks associated with the creation of the inlet and island, jetty demolition, jetty extensions and dredging (conditionally approved April 2012).

Development Application 3 – Infrastructure and Services to support the Public Realm (DA3: Approving Authority – WAPC). This development application principally covered the remaining servicing and infrastructure to support the public realm at Elizabeth Quay (conditionally approved in March 2014).

Development Application 4 – Final Finishes to Public Realm (DA4: Approving Authority – Metropolitan Redevelopment Authority) covers all remaining public realm finishes for the completion of the Elizabeth Quay project (conditionally approved in July 2014).

Development Application 6 – (DA6: Approving Authority – MRA). This development application related to the food and beverage (FBO) outlet known as Station Park FBO, which was approved on 22 July 2014 and is currently under construction.

Development Application 7 – (DA7: Approving Authority – MRA). This development application related to the FBO known as Eastern Promenade FBO, which was approved on 21 July 2014 and is currently under construction.

Development Application 8 – (DA8: Approving Authority – MRA). This development application related to the reconstruction of the heritage Florence Hummerston FBO and was approved on 21 July 2014.

The following subdivision applications are relevant:

Subdivision 1 – North (SD1: Approving Authority – WAPC) consisting of 5 northern lots (conditionally approved February 2012).

Subdivision 2 – South (SD2: Approving Authority – WAPC) consisting of the balance four lots either side of the inlet and public domain (conditionally approved April 2012).

DETAILS:

The third subdivision application for the Elizabeth Quay project area has been referred by the Metropolitan Redevelopment Authority (MRA) to the Council for comment. It is proposed to create three individually titled lots within the public realm of Elizabeth Quay to accommodate the three approved Food and Beverage Outlets (FBO). The new lots are referred to as follows:

- Lot 1000 (Station Park FBO) – 458m²;
- Lot 1001 (North East Promenade FBO) – 136m²; and
- Lot 1002 (Eastern Promenade FBO) – 396m².

As it is a requirement for any newly created lot to have frontage to a public road, it is further proposed to create a new 942m² road reserve (Road 1000) between development Lots 9 and 10 to service the Eastern Promenade FBO on proposed Lot 1002, and provides access from Barrack Square/Street to Elizabeth Quay.

The justification provided by the MRA for excising these lots from the public realm is as follows:

“In order to realise the design intent of the precinct, the MRA will remain involved in the day to day management of Elizabeth Quay for 10-15 years whilst the surrounding private development sites are being developed. The MRA is implementing its entire Place Making Model in Elizabeth Quay as the planning authority, the developer and the place manager. It has also created a designated team to work exclusively on Elizabeth Quay to manage the quality amenities and exciting activities which are expected to result in high levels of visitation. If successful, this will in turn achieve financial self-sufficiency for the precinct in the medium term.

A vital part of this strategy is the retention by the MRA as the 'Place Managers' of Elizabeth Quay of strategic, income generating assets; specifically the four FBO's. The creation of these freehold lots will facilitate an income stream for the MRA that will underpin the financial security for the Place Management and Activation Strategies.

The retention of these assets also allows the MRA to:

- *Influence the retail offering in the precinct (through leasing and pop up strategies);*
- *Set the foundations for harmonious co-existence of residential and other uses in the mixed use precinct (through liquor licensing and noise mitigation strategies); and*
- *Provide amenity while the surrounding buildings are constructed.*

The leasing income will allow the MRA to provide high quality place management services including security, landscaping, cleaning, maintenance and repairs. This will enhance Elizabeth's Quay's reputation as a premium place to live, work and visit.

A Place Management Strategy has been prepared by the MRA which includes interim activation, events coordination, management and maintenance of the public realm, and precinct security amongst others. This strategy requires ongoing income to enable the precinct management to be fully realised. As all rates obtained from private development sites will remain with the City of Perth, the MRA will reinvest rental income from the FBO's into Place Management of the precinct. By creating freehold lots and taking outright ownership of three of the FBO's, the MRA will be provided with the security of rental income for the duration of its management of the precinct. It is intended that ownership of these lots will remain with the MRA until the transfer of precinct management.

With leases scheduled to be signed for operators of the FBOs ahead of the opening of the public realm, the MRA have an opportunity to reinvest this revenue directly into early place activation initiatives. This will be essential for the initial success of Elizabeth Quay ahead of activity generated by built form development on the larger private development sites."

LEGISLATION / POLICY:

Legislation

Central Perth Redevelopment Scheme 2

The Elizabeth Quay Project Area was added to the MRA Central Perth Redevelopment Area at the time of creation of the MRA under provisions of the *Metropolitan Redevelopment Act 2011* (MRA Act) and associated *Metropolitan Redevelopment Regulations 2011* (MRA Regulations). Following its establishment, the MRA initiated an amendment to the *Central Perth Redevelopment Scheme 2*, to extend the Scheme over the Elizabeth Quay Project Area. The amendment was effective 1 August 2012 and transferred planning authority for the project area from the Western Australian Planning Commission (WAPC) to the MRA, with the MRA assuming responsibility for determining planning approvals within the project area.

COMMENTS:

The three approved FBOs will assist in activating the public realm while the sites surrounding the Quay are developed over a number of years. Originally identified as 'kiosks', the final scale and nature of these three storey facilities was not supported by the City due to the potential impact on the future development on the adjacent sites and the reduction in area dedicated to public open space. The ad hoc creation of freehold lots to accommodate the FBOs was not part of the master planning for the project area and is not considered to be in the interests of orderly and proper planning for a number of reasons.

The creation of the proposed Lots to specifically fit the current approved FBO buildings will not allow for any modification to the building envelopes and thereby

restricts future flexibility. The FBO's may require support for the foreseeable future to be fully commercially viable in terms of the type of services and opening times that may be considered to be in the public interest. It is considered that the proposed kiosk sites should be retained within the proposed public reserve and leased to businesses. This would still enable the responsible authority to monitor the performance of the proposed FBOs, public open space and adjoining buildings and make adjustments if necessary. This could include removal or modification of the building footprints according to changing circumstances and the success of the surrounding developments. Any such flexibility will be hindered if the FBO sites are created in the proposed configuration and more so as freehold lots which can potentially be sold to private interests resulting in loss of substantial control. Therefore the permanent privatisation of portions of the public realm is not supported and retention as part of the public open space under fixed term leases is considered to be the most suitable way to enhance future flexibility as described. If the MRA pursues the creation of the freehold Lots a covenant should be placed on the Lots to prevent them from being transferred to private ownership and having to remain in the ownership of a public authority.

The City has ceded a significant amount of public open space with the transfer of The Esplanade Reserve for the Elizabeth Quay development. The loss of dedicated public realm within Elizabeth Quay is contrary to the City's Policy 5.2 – Protection and Enhancement of Open Space which seeks to maintain and enhance the City's existing public open space, as an important element of the city. The retention of public open space is important as the city continues to grow in resident, worker and visitor population.

The proposed Road 1000 is only being created to provide access from Barrack Street to the proposed Lot 1002 (on which the Eastern Promenade FBO is located) as direct road access is a requirement of subdivision. It is understood that the hotel and residential development proposed on the adjoining Lots 9 and 10 includes the construction of a shared basement that will extend underneath the proposed new road. This basement link between Lots 9 and 10 is currently being pursued by the new owner in discussions with the MRA, however this is yet to be formalised through a development application or approval. To enable this to occur there would need to be an isometric diagram that extends a subterranean portion of Lots 9 and/or 10 below Road 1000 and providing easements for services where required, but this has not been addressed as part of the subdivision application. The MRA has advised that Subdivision 3 will be modified by creating a subterranean lot however this revision has yet to be submitted and needs to be reflected as part of this current subdivision application. This matter should be resolved prior to the subdivision being progressed any further. Details of the basement will however be required and specifically the location and depth of the upper boundary of such lot. In this sense the proposed subdivision is considered to be premature.

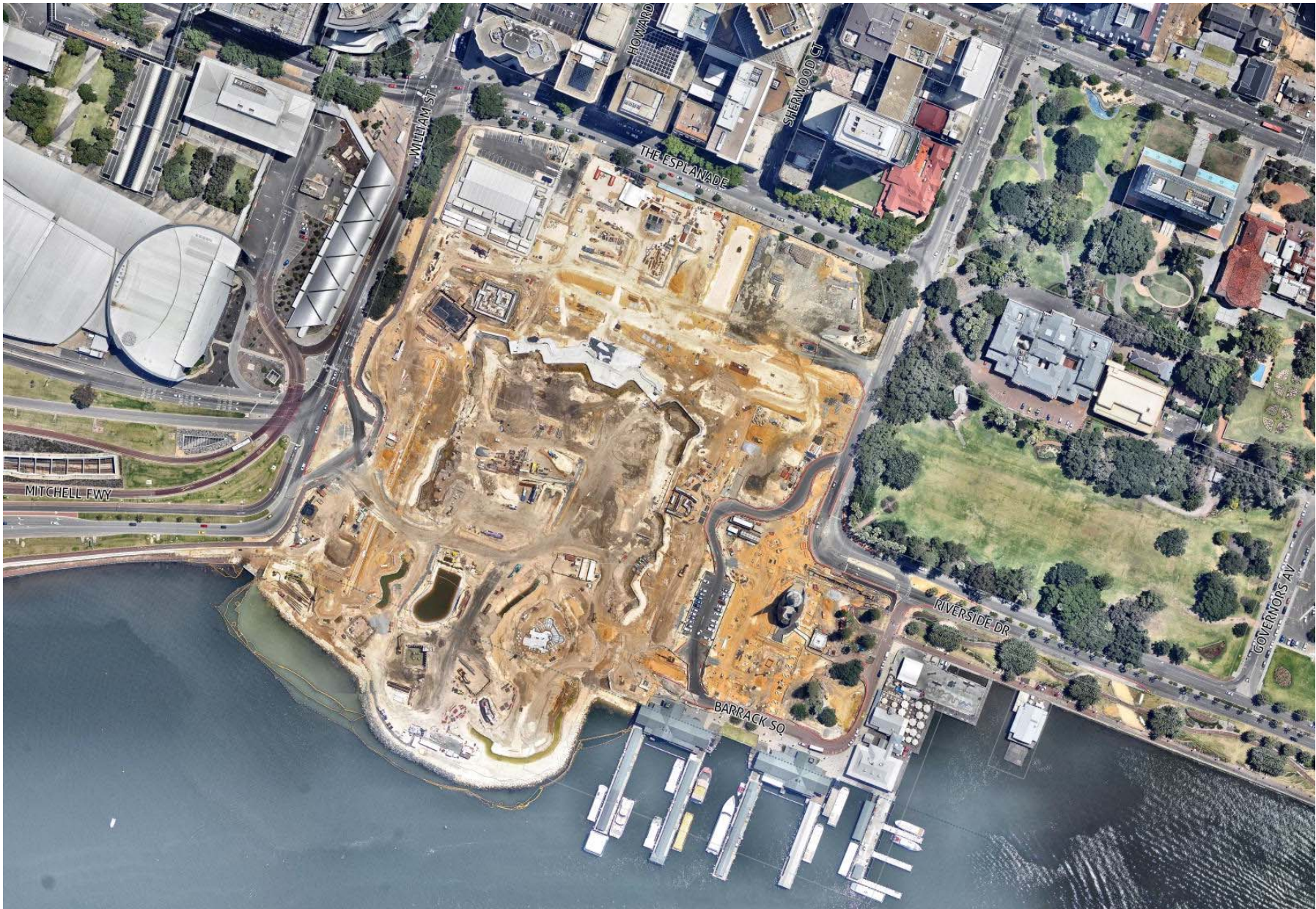
It is also noted that there has been inconsistent treatment of the FBOs. The Station Park and Eastern Promenade FBOs (Lots 1000 and 1002) have been approved. The Florence Hummerston FBO has also been approved but it not proposed to be on a separate lot as part of this subdivision application, whilst a fourth kiosk (to be located on the proposed Lot 1001) has no development approval and no details or application has been submitted to the City for comment as yet. As the design of this

fourth FBO has not been approved, there is a lack of certainty that the small Lot 1001 (136m²) will be able to accommodate a suitable development.

CONCLUSION:

The approved Food and Beverage Outlets were a late addition to the Elizabeth Quay development to assist in providing interim activation of the public realm whilst the private development of the major development Lots is being awaited. The proposed subdivision aimed at creating freehold Lots for the FBOs is considered to be contrary to the orderly and proper planning of Elizabeth Quay and should not be supported on the basis of public realm being permanently lost through potential privatisation (and associated loss of public ownership and control) and the resulting loss of flexibility attributed to the restrictive Lot boundaries.

It is therefore recommended that the MRA be advised of the Council's concerns and that the application in its current form is not supported.



2015/5012; 5 (LOTS 555 & LOT 9000) THE ESPLANADE, PERTH – PROPOSED SUBDIVISION (ELIZABETH QUAY STAGE 3)

