

MINUTES

PLANNING COMMITTEE

6 OCTOBER 2015

APPROVED FOR RELEASE



**GARY STEVENSON PSM
CHIEF EXECUTIVE OFFICER**



CITY of PERTH

MINUTES

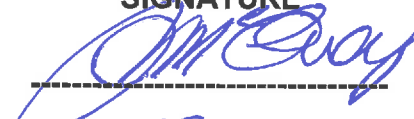
PLANNING COMMITTEE

6 OCTOBER 2015

THESE MINUTES ARE HEREBY CERTIFIED AS
CONFIRMED

PRESIDING MEMBER'S

SIGNATURE


DATE: 17.11.15

PLANNING COMMITTEE

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Minutes of the meeting of the City of Perth **Planning Committee** held in Committee Room 1, Ninth Floor, Council House, 27 St Georges Terrace, Perth on **Tuesday, 6 October 2015**.

MEMBERS IN ATTENDANCE

Cr Butler - Presiding Member
Cr Harley
Cr McEvoy

OFFICERS

Mr Stevenson - Chief Executive Officer
Mr Mileham - Director City Planning and Development
Ms Smith - Manager Development Approvals
Mr Farley - Manager Strategic Planning
Mr Ridgwell - Manager Governance (departed the meeting at 6.25pm)
Mr Smith - City Architect
Ms Handley - Acting Head, Project Management Office (departed the meeting at 6.38pm)
Ms Lees - Senior Planning Officer (entered the meeting at 6.41pm)
Ms Ayliffe - Acting Interim Manager Environment and Public Health (entered the meeting at 5.34pm)
Ms Best - Governance Officer

GUESTS AND DEPUTATIONS

Alasdair Malloch
Shane Foley
Richard Aguilera
Ray Haeren - URBIS
Marieka van dan Bergh - URBIS

Four members of the public.
One member of the press.

PL180/15 DECLARATION OF OPENING

5.30pm The Presiding Member declared the meeting open.

PL181/15 APOLOGIES AND MEMBERS ON LEAVE OF ABSENCE

Nil

PL182/15 QUESTION TIME FOR THE PUBLIC

Nil

PL183/15 CONFIRMATION OF MINUTES

Moved by Cr Harley, seconded by Cr McEvoy

That the minutes of the meeting of the Planning Committee held on 15 September 2015 be confirmed as a true and correct record.

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

PL184/15 CORRESPONDENCE

Nil

PL185/15 DISCLOSURE OF MEMBERS' INTERESTS

Member / Officer	Minute No.	Item Title.	Nature / Extent of Interest
Cr Harley (TRIM 176287/15)	PL188/15	Agenda Item 4 - 379 (Lot 31) Wellington Street, Perth – Retrospective Approval For Existing Large Banner Sign For Third Party Advertising.	Impartiality Interest – Nature and Extent: Cr Harley is the Chair of the Perth History Association which holds a lease on 117 Barrack Street in proximity for signs in which these two items relate.
	PL190/15	Agenda Item 3 - 158-160 Murray Street Mall, Perth – Proposed 'New Technology' Above Roof Sign With Third Party Advertising Conten	

PL186/15 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

Moved by Cr Harley, seconded by Cr McEvoy

That the Planning Committee resolves that the order of business detailed in the agenda be amended to enable items, for which the Presiding Member has approved deputations, to be considered as the first items of business at this meeting, specifically:

- 1. Agenda Item 2 – 139 (Lot 20) Kensington Street, East Perth – Additional use of Whiskey Distillery for Functions and a Cafe**
- 2. Agenda Item 4 – 379 (Lot 31) Wellington Street, Perth – Retrospective Approval For Existing Large Banner Sign For Third Party Advertising;**
- 3. Agenda Item 1 – 5 The Esplanade And Barrack Square (Lots 302, 501, 555 And 9000), Perth – Proposed Activation Of Elizabeth Quay And Barrack Square as an Event Venue**
- 4. Agenda Item 3 – 158-160 Murray Street Mall, Perth – Proposed ‘New Technology’ Above Roof Sign with Third Party Advertising Content; and**
- 5. Agenda Item 5 – Event – Wellington Square – Strut & Fret Production House Pty Ltd – La Soiree - 2016.**

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

DEPUTATION: **Agenda Item 2, PL187/15 – 139 (Lot 20) Kensington Street, East Perth – Additional use of Whiskey Distillery for Functions and a Cafe**

The Presiding Member approved a Deputation from Mr Malloch (TRIM reference 173027/15).

5.33pm Mr Malloch commenced the deputation and provided a presentation in support of the proposed application.

5.36pm The deputation concluded.

5.34pm The Acting Interim Manager Environment and Public Health entered the meeting.

DEPUTATION: **Agenda Item 2, PL187/15 – 139 (Lot 20) Kensington Street, East Perth – Additional use of Whiskey Distillery for Functions and a Cafe**

The Presiding Member approved a Deputation from Mr Foley (TRIM reference 173951/15).

5.36pm Mr Foley commenced the deputation and provided a presentation objecting to the proposed application.

5.44pm The deputation concluded.

DEPUTATION: **Agenda Item 2, PL187/15 – 139 (Lot 20) Kensington Street, East Perth – Additional use of Whiskey Distillery for Functions and a Cafe**

The Presiding Member approved a Deputation from Mr and Mrs Aguilera (TRIM reference 172991/15).

5.44pm Mr Aguilera commenced the deputation and provided a presentation objecting to the proposed application.

5.46pm The deputation concluded.

PL187/15 139 (LOT 20) KENSINGTON STREET, EAST PERTH – ADDITIONAL USE OF WHISKEY DISTILLERY FOR FUNCTIONS AND A CAFE

BACKGROUND:

SUBURB/LOCATION: 139 (Lot 20) Kensington Street, East Perth
FILE REFERENCE: 2015/5257
REPORTING UNIT: Development Approvals
RESPONSIBLE DIRECTORATE: Planning and Development
DATE: 9 September 2015
MAP / SCHEDULE: Schedule 2 – Map of 139 (Lot 20) Kensington Street, East Perth
3D MODEL PRESENTATION: N/A

LANDOWNER: AL Walters
APPLICANT: Alasdair Malloch
ZONING: (MRS Zone) Urban
 (Local Planning Scheme No. 26 Precinct)
 Boans Precinct (EP6)
 Brown Street and Kensington West (EP Area 31)
 Design Guidelines
APPROXIMATE COST: \$5,000

SITE HISTORY:

On 18 December 2013 planning approval was granted for the use of the single storey building at the subject site for 'Service Industry' purposes as a whiskey distillery and incidental retail sales. This approval also included minor alterations to the building and a sign for 'Whipper Snapper Distillery'.

The City became aware as a result of complaints received from adjacent residents that the site was being used for functions, inconsistent with the approved use.

DETAILS:

A development application has now been lodged to hold functions within the building in addition to the distillery use. The applicant has indicated that these functions are intended to be corporate functions which promote the whiskey products or in which their products will be a main focus but with cross promotion.

Functions are intended to cater for up to 80 guests. A maximum of 26 functions per year would be held with a maximum of three in any month. It is intended that the functions would run up to 10.00pm between Sunday and Thursday nights and up to 12.00pm on Friday and Saturday nights.

The majority of events would be operated using a licensed caterer to serve alcoholic and non-alcoholic beverages with an appropriate catering license (e.g. Special Facilities License). On occasions the licensed area within the building may be used for functions in accordance with the provisions of the Producers License.

Bump out for the caterers would be after 8.00am during the week and after 10.00am on Saturday and Sundays.

The events are intended to be accompanied by light background music. The applicant has commissioned acoustic consultants to provide advice on achieving compliance with the Noise Regulations and an acoustic report has been submitted. It has been indicated that the applicant will comply with the recommendations of the report. It has also been indicated that a decibel meter will be kept on the premises to test noise levels if there is a complaint.

The applicant has indicated that the front roller door will be kept unlocked and partially open to allow disabled access and egress and emergency evacuation. Toilets are available on site which can be modified to disabled access requirements and additional toilets can be hired when required. Parking will be restricted to on street availability and patrons will be encouraged to use public transport and taxis.

The applicant is currently selling coffee and limited food from the front of the premises in the area approved for incidental retail sales. While it has been indicated that this is associated with the whiskey tasting, it is effectively an ancillary use as a café with people attending the property solely to purchase coffee or food. This is not consistent with the existing development approval for the site and approval is therefore sought for a café.

LEGISLATION / POLICY:**Legislation**

Planning and Development Act 2005
City Planning Scheme No. 2
Local Planning Scheme No. 26
Environmental Protection (Noise) Regulations 1997

Policy

Policy No. and Name: Brown and Kensington Street West Design Guidelines
(Area 31)

COMPLIANCE WITH PLANNING SCHEME:**Land Use**

The subject site falls within the Boans Precinct (EP6) under Local Planning Scheme No. 26 – Normalised Redevelopment Areas (LPS26) and within the Brown Street and Kensington Street West Design Guideline Area (EP Area 31).

The Statement of Intent for the Boans Precinct indicates that its close proximity to the Claisebrook Train Station provides a strong opportunity to continue the medium density and mixed land use function of the Project Area, while ensuring a high quality, connected pedestrian network through the Precinct. The Precinct is intended to house a mix of moderately scaled enterprises and residential development. It is anticipated that Brown Street will become predominantly residential in nature, while Kensington Street should retain the commercial and enterprise uses which currently exist.

Both the proposed function use and café fall within the 'Dining and Entertainment' land use category under LPS26 and are contemplated uses within the Boans Precinct. The appropriateness of the proposed uses at the subject site is addressed below.

Development Requirements

The proposal will require internal fit-out works to ensure compliance with various legislation. These works do not require development approval under LPS26 or City Planning Scheme No. 2 (CPS2).

COMMENTS:**Consultation**

The application was advertised to landowners at 109 to 153 Kensington Street, 77 to 133 Brown Street, 7 Glyde Street and 2 to 20 Boans Lane from 9 July 2015 to 27 July 2015. 12 submissions were received in response to the advertising, 11 in opposition and one in support of the proposed additional use. The applicant has also provided two further letters of support, one from a local resident and one from Mark McGowan, Leader of the Opposition. All of the submissions are summarised as follows.

Summary of Objections

- Unacceptable noise likely to be generated given the proximity of residential development in the locality. The building is a large warehouse which has no acoustic properties/soundproofing to attenuate noise. The proposed volume of 75dB (*initially proposed*) is excessive with bass frequencies at substantially lower volumes travelling large distances. Residents in the area are already impacted by noise from trains and events at NIB Stadium and City Farm.
- Potential anti-social behaviour of patrons when leaving. Security of adjacent properties is compromised by this behaviour.
- On street parking associated with events reduces parking available for residents, customers and suppliers.
- Access to adjacent businesses has been disrupted during business hours whilst set up for events is occurring.
- The frequency of events is of concern. 26 events per year which could all potentially run until midnight is excessive.
- Potential safety issue with limited emergency exits.
- The use will adversely impact on residential amenity in the surrounding locality.
- Potential littering including glass bottles left in the street and on adjacent properties.
- At least eight events have been held at the property since the start of May this year. These have been large functions which were excessively loud and caused unreasonable disturbance to residents living in adjacent streets, ran until late with a DJ or live band and patrons behaved inappropriately outside the venue littering and urinating. Access to adjoining properties was disrupted during set up and guests have used these properties for parking. Security of premises was also compromised. On occasion tables and chairs were moved out onto the street. The events have been held without the City's approval and management and bouncers have shown little consideration for surrounding residents.
- The venue has been advertised as suitable for late night functions for large groups.
- Possible conditions if approved include:– trial periods of 6 and 12 months proposed, closing times of 10pm 10.30pm and 11pm proposed, a dramatic reduction in proposed noise levels, maximum noise level capped at 80 decibels, no amplified music, soundproofing to be installed, a reduction in frequency of events in any week or month, maximum of 24 events per year and not consecutive weekends, a bond to rectify vandalism or damage linked to events, venue operator to collect empty alcohol containers from the street, a guarantee that complaints will be investigated and events appropriately policed.
- Reduced street parking available for residents when functions are being held.

Summary of Support

- These types of uses are needed if Perth is to become a vibrant city and attractive to tourists.
- The property is located in the heart of the city close to the freeway, opposite the train yard and bus depot and in an inner city industrial area. If a quiet residential life is wanted suburbia is the appropriate option.

- The functions are intended for sampling whiskey rather than for large social groups which will be loud and cause problems. There may be some noise but it will be on weekends and before midnight.
- The distillery is generating local jobs and exporting high quality products while providing a different type of tourist experience and reactivating the neighbourhood. Efforts to better showcase products and expand the business should be supported.
- Hosting events attracts potential clients and is therefore cost effective targeted marketing.

Applicants Response

The applicant has provided a response to the submissions opposing the application which is summarised as follows:

Noise Concerns:

- Whipper Snapper Distillery has commissioned a report from Lloyd George Acoustics and will comply with the guidance in this and be compliant with the Noise Regulations.
- The complainants have numerous residences with balconies in closer proximity than our site where dinner parties could be held on a fortnightly basis exceeding the impact of the proposed functions at Whipper Snapper.
- The streets west of East Parade remains a commercial area, in any reasonable context, with the mix of land uses transitioning to include encroaching residential as a part of the East Perth redevelopment. The principles of that project included retaining this mix, acknowledging the importance to the local economy and effective planning of an inner metropolitan precinct. This adds to the vibrancy of the city. This must be considered in light of the Noise Regulations as a background locality that has industrial uses where machining, loading, servicing and other exercises, within reason, can occur at all hours.
- Given the ambient noise impact of industrial uses along with several hundred daily train movements through Claisebrook Train Station and to the depot and traffic noise from the Graham Farmer Freeway, the realistic, planned and historic context of noise in the locality should be kept in mind by the Council and not the focus of a single aggrieved resident and their persistent campaign to escalate attention of other residents.
- While a residential use is 'P' or preferred in the zone this is because it presents the lowest impact on amenity and is not a comment on what the City should prioritise in term of land use priorities.

Potential Anti-Social Behaviour of Patrons:

- There is no history of complaints relating to antisocial behaviour of patrons leaving the premises or police reports in regard to patron behaviour. A Patron Management Plan includes provision of security to ensure no lining up outside before or during events, instructing patrons to depart in a respectful and peaceful manner and monitoring their departure.

- The type of patrons attending the events is not typically associated with anti-social behaviour. The events are ticketed and not subject to general attendance.

Parking Issues:

- The area always has significant street parking, surplus to needs. There are 40 bays in Kensington Street which are largely empty on weekends and evenings. There is also car parking near City Farm. Given there are intended to be a maximum of 80 patrons at events the parking in Kensington Street is adequate.
- Experience with temporary events has shown that 50% of patrons use private cars while the balance use taxis, public transport or walk.
- It is noted that no parking is required on site for commercial uses in the Perth Parking Management Area.
- Patrons can be advised to seek alternative transport instead of private vehicles and provide details of the options available if required.

The Frequency of Events:

- Assuming the premises is fully booked an event would be held on average once per fortnight which does not seem excessive in the mixed use locality. The events are intended to be ancillary to the distillery and tasting and will be limited to 80 people, indoors in a 700m² building once a fortnight if fully booked. The noise from trains far exceeds the comparative noise levels of the proposed use, not including the vibration disturbance.

Potential Safety Issue with Emergency Exits:

- The proposal will be fit-out and comply with the Building Code of Australia and other relevant legislation.

Impact on Residential Amenity:

- The overall objectives of the Precinct should be kept in mind. Notifications should be placed on titles in future noting the historic nature of land use in the locality and the objective to provide a mix of uses.

Potential Littering Including Glass:

- The liquor licensing prevents sale of beer or packaged liquor other than the whiskey distilled at the site.

Large Events Already Held at Venue:

- This is a general observation with no specific dates or times to provide an accurate response. Private parties for staff and investors have been held along with night tours and tastings and after work drinks for staff. Once being made aware of the City's concerns regarding events they have been culled to all but those where significant financial damages would have been incurred.

Advertising of Venue for Large Functions:

- The Whipper Snapper is seeking approval for events and have not advertised this.

Possible Conditions of Approval:

- The City is expected to impose the appropriate land use conditions (i.e. imposed for a planning purpose, fairly and reasonably related to the development which it is given and reasonable).

Land Use

The proposed function use and café are contemplated uses in what is currently and intended to continue to be a mixed use area incorporating residential uses. When determining change of use applications the Council is required to have regard to the orderly and proper planning of the locality and the conservation of the amenities of the locality.

The locality currently accommodates a mixed of commercial uses with residential properties located to the south and west in Brown and Glyde Streets and in Guy and Boans Lanes. The closest residential development to the site is located 12 metres from the rear of the subject site at 104 Brown Street.

The use of the front sales area within the building to sell coffee and limited food for consumption at the premises or take away caters for local businesses, residents and visitors to the area. If limited to operation during the day (9am to 6pm) only it is unlikely to have any adverse impact on the amenity of the area and can be supported.

The aspects of the proposed function use which could potentially impact on the amenity of the area generally, and residents in particular, are as follows:

Noise

A function centre has the potential to generate noise which impacts on the surrounding area, the level of which will be dependent on the number of guests, the type of music and the soundproofing of the building. The impact of this noise on surrounding building occupants and in particular residents is dependent on the ambient noise levels, the time of day and the sound proofing of the receiving buildings. While the City cannot retrospectively control the sound proofing of the existing receiving buildings in the locality, it can address the other factors to reduce noise impact and require levels to be in accordance with the *Environment Protection (Noise) Regulations 1997* (Noise Regulations).

As indicated the applicant is now proposing corporate type functions with no more than 80 guests. Light background music is proposed and events are intended to finish by midnight on Friday and Saturday nights and 10pm on other nights.

A number of events have been held at the site over recent months with complaints received by the City and a number of submissions received indicating that these

have caused significant disturbance to residents in the area. These events have been held without necessary approvals but it appears that some have had in excess of 80 guests, operated outside the hours now proposed and had live and/or amplified music. As those events vary from the type now proposed, the noise levels of those events cannot be taken into account when determining the current application.

The acoustic report which has been submitted with the application is based on corporate functions with sit down meals only and identifies a range of scenarios to achieve compliance with the Noise Regulations subject to:

- The front roller door being closed during events with patrons entering and exiting via the front bar only;
- The rear louvered windows being acoustically treated with 6mm thick glass or boarded up with 6mm compressed fibre cement sheeting;
- The worst case music type having limited bass component with no sub-woofer enhancements.

It is noted that the recommendation to keep the front roller door closed during events conflicts with the applicant's advice that this door will be kept open to provide disabled access. Under the *Health (Public Building) Regulations 1992* where more than 50 guests are proposed two exits must be provided, therefore an alternative option will need to be found. This is a matter which would need to be resolved prior to gaining an Occupancy Permit for the additional use and an event being held.

The building was constructed as a warehouse and not designed to attenuate internal noise sources such as live or loud music. Along with the rear louvered windows it has vertical windows and small openings within an asbestos roof.

Given the presumptions in the acoustic report, the nature of the building, the proximity of the nearest dwellings and concerns which have been raised in relation to noise, it would be appropriate that stringent conditions be imposed in relation to noise as part of any approval issued as follows:

- Music being limited to background music only with any music or entertainment not being audible outside the building at any lot boundary after 7pm.
- Functions being limited to corporate functions only for the promotion and cross promotion of the whiskey products and other businesses.
- Seven days' notice of each event being provided to the City which will enable noise monitoring to occur as required.
- A 10pm closing time regardless of the day of the week.
- Restrictions being imposed on the timing of bump-in and bump-out activities.
- The applicant submitting an operational management plan for approval prior to any events being held which specifically addresses management of music and background noise levels and noise generated by patrons and during bump in bump out.

A revised acoustic report should be submitted to identify any further works that need to be done to the building to ensure that music is not audible from outside the building at the site's lot boundaries.

Parking

No car parking is available on site and a number of submissions have raised concern that the proposed use will reduce street parking available for other building occupants and visitors in the locality. However under the Perth Parking Policy a maximum tenant on-site car parking requirement for commercial uses applies rather than a minimum. Therefore the application cannot reasonably be opposed on the basis of insufficient parking. In any case the events will largely be outside normal business hours when there are likely to be reasonable numbers of bays available in Kensington Street and the site is in close proximity to the Claisebrook Train Station.

While there may have been parking issues with events held to date including complaints that cars have parked on adjoining properties, it is understood guest numbers were in excess of 80 for several of these events. Reduced guest numbers should resolve these issues, noting that the nearest residential property in Kensington Street is located approximately 55 metres away at the corner Guy Lane and has on-site parking. It is also appropriate that the operational management plan referred to address how any illegal parking by guests or visitors to the site will appropriately resolved.

CPS2 requires that adequate facilities for loading/unloading of goods to and from vehicles are provided on site where the Council determines they are required. A submission received has indicated that access to adjoining properties was disrupted by vehicles unloading during function set up. Again the operational management plan should address how loading and unloading for events will be managed to avoid any disruption to adjoining properties. Ideally caterers' vehicles should park within the building gaining access via the roller doors at these times if street parking directly in front of the building is not available.

Anti-Social Behaviour

Submissions received have indicated that anti-social behaviour has occurred in adjoining streets in association with events held to date. As indicated, it is understood that these events were of a different scale and type than those for which approval is now sought. However, the applicant should address how patron behaviour and complaints will be dealt with in the operational management plan to the City's satisfaction.

Waste Management

Concerns have been raised about littering associated with functions. The operational management plan can address how littering and general waste management will be appropriately dealt with.

Frequency of Functions

While the frequency of functions has been raised as a concern in submissions received, if noise, parking and anti-social behaviour are appropriately managed and the functions finish at 10pm as recommended, 26 functions per year as proposed should not adversely impact on the amenity of the locality.

Associated Legislation

The adequacy of emergency exits was raised in a submission received. As noted, conflicts between noise and access requirements in relation to the roller door need to be resolved before an Occupancy Permit could be issued. However these are issues addressed under separate legislation and regulations. In addition to gaining development approval the building will need to meet the requirements of the Building Code of Australia, the *Disability Discrimination Act* and the *Health (Public Building) Regulations 1992* prior to functions being conducted.

Compliance

Concerns about whether the applicant will operate the functions as indicated and in accordance with applicable conditions are noted. However the Council is required to determine the application which is before it and not base the assessment on what has happened in the past. The development approval and associated conditions are enforceable in accordance with the *Planning and Development Act 2005*, with the standard powers and fines applicable.

Conclusion

The proposed additional use of the building to hold corporate functions will assist in promoting the products of the whiskey distillery and help to develop the small business. However the building is located in a mixed use locality close to residential properties and the additional use can only be supported if the Council is satisfied that appropriate levels of amenity will be retained.

Several functions have been held at the property without the required approvals and have caused disturbance to nearby residents and other building occupants. These events have varied in scale and nature to the events for which development approval is now sought and the Council is required to determine the application on the basis of what is now before it. While the building was constructed as a warehouse and does not have suitable noise attenuation features for large functions, it is considered that with stringent conditions in place, small corporate functions could reasonably operate there without adversely impacting upon the amenity of the locality and, therefore, the application can be supported.

OFFICER RECOMENDATON

That Council in accordance with the provisions of City Planning Scheme No. 2, Local Planning Scheme No. 26 and the Metropolitan Region Scheme, APPROVES the application for the additional use of the building at 139 (Lot 20) Kensington Street, East Perth (currently approved as a whiskey distillery with incidental retail sales) for corporate functions and as a café ('Dining and Entertainment') as detailed on the Metropolitan Region Scheme Form One dated 29 June 2015 and as shown on the plans received on 3 July 2015 subject to:

1. the functions being limited to corporate functions for the promotion and cross promotion of the whiskey products and other businesses;

2. the functions being for a maximum of 80 people;
3. a maximum of 26 functions being held each calendar year with no more than three functions being held in any one month;
4. the functions ending no later than 10.00pm, Monday to Sunday and including public holidays;
5. bump-in and bump-out by caterers and event organisers not being permitted between the hours of 10.00pm and 8.00am Monday to Friday and between 10.00pm and 10.00am Saturday and Sunday and loading/ unloading for functions only occurring from the street parking bays directly in front of the building or from within the building;
6. music being limited to background music only with any music or entertainment not being audible outside the subject building at the lot boundaries of the site after 7.00pm;
7. the front roller door being closed during functions;
8. the louvered windows in the rear wall of the building being acoustically treated with 6mm thick glass or boarded up with 6mm compressed fibre cement sheeting prior to any functions being conducted;
9. an amended acoustic report based upon compliance with Condition 1.7 being submitted for approval by the City and any further works required in this report to achieve compliance with this condition being completed to the satisfaction of the City prior to any functions being conducted;
10. written notice being provided to the City seven-days prior to any function being held at the property;
11. the applicant submitting an operational management plan for the approval of the City prior to any functions being held which specifically addresses:
 - a. control of music and background noise levels, noise from patrons arriving at and leaving functions and noise during the caterers bump in and out;
 - b. control of anti-social behaviour;
 - c. complaints management procedure;
 - d. car parking arrangements;
 - e. waste management; and
 - f. management of functions by the operators of the whiskey distillery to ensure compliance with the conditions of development approval and this plan;
12. the café use operating between 9.00am and 6.00pm only.

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

5. bump-in and bump-out by caterers and event organisers not being permitted between the hours of 10.00pm and 7.00am ~~8.00am~~ Monday to Friday and between 10.00pm and 10.00am Saturday and Sunday and loading/ unloading for functions only occurring from the street parking bays directly in front of the building or from within the building;
6. ~~music being limited to background music only with any music or entertainment not being audible outside the subject building at the lot boundaries of the site after 7.00pm;~~
9. an amended acoustic report based upon compliance with Condition ~~4.7~~ 6 being submitted for approval by the City and any further works required in this report to achieve compliance with this condition being completed to the satisfaction of the City prior to any functions being conducted;
10. written notice being provided to the City five working ~~seven~~ days prior to any function being held at the property;
12. the café use operating between 7.00am ~~9.00am~~ and 6.00pm only.

PRIMARY MOTION AS AMENDED was put

Moved by Cr Harley, seconded by Cr McEvoy

That Council in accordance with the provisions of City Planning Scheme No. 2, Local Planning Scheme No. 26 and the Metropolitan Region Scheme, APPROVES the application for the additional use of the building at 139 (Lot 20) Kensington Street, East Perth (currently approved as a whiskey distillery with incidental retail sales) for corporate functions and as a café ('Dining and Entertainment') as detailed on the Metropolitan Region Scheme Form One dated 29 June 2015 and as shown on the plans received on 3 July 2015 subject to:

- 1. the functions being limited to corporate functions for the promotion and cross promotion of the whiskey products and other businesses;***
- 2. the functions being for a maximum of 80 people;***
- 3. a maximum of 26 functions being held each calendar year with no more than three functions being held in any one month;***
- 4. the functions ending no later than 10.00pm, Monday to Sunday and including public holidays;***

(Cont'd)

5. *bump-in and bump-out by caterers and event organisers not being permitted between the hours of 10.00pm and 7.00am Monday to Friday and between 10.00pm and 10.00am Saturday and Sunday and loading/ unloading for functions only occurring from the street parking bays directly in front of the building or from within the building;*
6. *any music or entertainment not being audible outside the subject building at the lot boundaries of the site after 7.00pm;*
7. *the front roller door being closed during functions;*
8. *the louvered windows in the rear wall of the building being acoustically treated with 6mm thick glass or boarded up with 6mm compressed fibre cement sheeting prior to any functions being conducted;*
9. *an amended acoustic report based upon compliance with Condition 6 being submitted for approval by the City and any further works required in this report to achieve compliance with this condition being completed to the satisfaction of the City prior to any functions being conducted;*
10. *written notice being provided to the City five working days prior to any function being held at the property;*
11. *the applicant submitting an operational management plan for the approval of the City prior to any functions being held which specifically addresses:*
 - a. *control of music and background noise levels, noise from patrons arriving at and leaving functions and noise during the caterers bump in and out;*
 - b. *control of anti-social behaviour;*
 - c. *complaints management procedure;*
 - d. *car parking arrangements;*
 - e. *waste management; and*
 - f. *management of functions by the operators of the whiskey distillery to ensure compliance with the conditions of development approval and this plan;*
12. *the café use operating between 7.00am and 6.00pm only.*

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

Reason: The Planning Committee considered it applicable to make the above changes to provide for a more appropriate balance between the needs of the residents and proponent of the application.

DEPUTATION: Agenda Item 4, PL188/15 – 379 (Lot 31) Wellington Street, Perth – Retrospective Approval For Existing Large Banner Sign For Third Party Advertising

The Presiding Member approved a Deputation from Mr Haeron and Ms van den Bergh (TRIM reference 174145/15/15).

6.14pm Ms van den Bergh commenced the deputation and provided a presentation in support of the approval. Ms van dan Bergh and Mr Haeron then answered questions from the Planning Committee.

6.16pm The deputation concluded.

**PL188/15 379 (LOT 31) WELLINGTON STREET, PERTH –
RETROSPECTIVE APPROVAL FOR EXISTING LARGE
BANNER SIGN FOR THIRD PARTY ADVERTISING**

BACKGROUND:

SUBURB/LOCATION:	379 Wellington Street, Perth
FILE REFERENCE:	2015/5312
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	22 September 2015
MAP / SCHEDULE:	Schedule 4 – Map and photo for 379 Wellington Street, Perth
3D MODEL PRESENTATION:	A 3D Model for this application will <u>not</u> be available at the Committee meeting. Additional Plans – TRIM – 172573/15
LANDOWNER:	Central City Pty Ltd
APPLICANT:	Urbis Pty Ltd
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Citiplace (P5) (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	N/A

SITE HISTORY:

At its meeting held **24 September 2002**, Council granted conditional approval for the erection of a permanent structure to facilitate the display of changeable large format banner signs on the subject site. Since that time the City has granted various individual time limited approvals for specific advertisements with the last approval being issued by the City on 15 February 2008.

The subject sign was identified as not having a current or valid approval by a recent survey of large banner signs undertaken by the City. A notice was issued to the landowner in relation to the expiry of the previous approval and the subject application is seeking to obtain a fresh development approval for the existing large banner sign.

DETAILS:

The subject sign is affixed to the upper western façade of the Grand Central Backpackers building and measures 5.3 metres in width and eight metres in height. The sign is illuminated via two external lighting fixtures located above the signage casing.

The retrospective application is seeking approval for the sign at the subject site to remain in its current state and position, with the applicant on behalf of the proponent APN Outdoor, proposing to change the content of the sign every four weeks (or 13 times per year).

The contents of the sign will be managed by the proponent's in accordance with the requirements of the following regulatory authorities:

- Advertising Standards Bureau (ASB);
- Australian Association of National Advertisers (AANA); and
- Outdoor Media Association (OMA).

By way of background, the applicant has advised that:

“regulation of advertising content in Australia is managed by the ASB, who administers the AANA Code of Ethics and various other Codes. The AANA, together with the ASB, represent two halves of Australia’s gold standard system of self-regulation. Complaints under the codes are adjudicated by the independent Advertising Standards Board. APN follows these guidelines and codes for advertising content and standards across all media. In this regard, the guidelines and codes of conduct provided by these national industry bodies are considered sufficient to manage the content of the sign and also provide an appropriate avenue for addressing any potential complaints.”

In accordance with the above, the applicant is seeking to remove the conditions imposed on previous approvals relating to the time limitations and changes requiring new approvals from the City. This is on the basis that the change of content and maintenance of the sign can be managed through the relevant guidelines and codes of conducts, in consultation with the City.

LEGISLATION / POLICY:**Legislation**

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

Policy

Policy No and Name: 4.6 Signs

COMPLIANCE WITH PLANNING SCHEME:**Development Requirements**

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

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

Under the Policy the existing sign falls within the following definitions:

“Large Banner Sign means a large-scale sign with static content attached to construction site scaffolding, or inside or outside a building and visible from the outside the building, which in its vertical dimension occupies more than the equivalent of one floor of that building.”

“Third Party Advertising or General Advertising is a sign:

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

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

Variations to the Signs Policy (4.6) provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 47 of the City Planning Scheme and provided the Council is satisfied that:

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

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

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

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

COMMENTS:

Signs Policy

Specific Design Criteria

Specific design criteria are applicable to large banner signs and third party advertising under the City's Signs Policy (4.6) as follows:

Large Banner Signs on Buildings

"(i) Large banner signs may be permitted only within the City Centre Scheme Use Area of Precinct P1 (Northbridge) east of Fitzgerald Street, the City Centre Scheme Use Area of Precinct P5 (Citiplace) west of Barrack Street, the Office Residential Scheme Use Area of Precinct P13 (Adelaide) and within some specified localities of Precinct P6 (St Georges) excluding St Georges Terrace itself (see Section 10)."

The sign is located within the City Centre Scheme Use Area of Precinct P5 (City Centre) and therefore complies with the above requirement.

"(ii) Only one large banner sign may be erected on any one building at a time."

The sign is the only sign of its type (large banner) on the subject building and is therefore compliant in this respect.

"(iii) The content of large banner signs may only promote special events, exhibitions, commercial events of interest to the community and general advertising of an acceptable standard. The part of the sign occupied by corporate markings, logos, branding or the like should only occupy a maximum of 10% of the total sign area."

The sign will continue to include general advertising which complies with the relevant regulatory standards as confirmed by the applicant and can be conditioned to comply with the above corporate logo/branding sizing requirement.

"(iv) Only four (4) large banner signs should be permitted to be on display within the municipality of the City of Perth at any one time."

It is noted that there are currently in excess of four existing and/or recently approved large banner signs within the City. The retention of the existing sign will retain the status quo with respect to large banner signs within the City. It is noted, however that none of the approved signs are visible from the same vantage point so there is no cumulative or overbearing visual impact of the large banner signs. It is considered that the location of the existing sign is appropriate and that a variation to this Policy provision can be supported.

“(v) Sign content and any change of content must be approved by Council.”

As previously discussed the content of the sign is subject to regulation by various advertising bodies and agencies. It is considered appropriate that any change in advertisement be in accordance with an approved signage strategy in lieu of the requirement for each individual sign to be separately considered by Council. No complaints have been received or issues raised in relation to the existing sign which has been in place for over 12 years and it is considered onerous for the signs content to be subject to Council consideration on an ongoing basis. A variation to this aspect of the Policy is supported subject to an appropriate condition requiring the preparation and ongoing implementation of a signage strategy. This is in accordance with more recent approvals issued by the City for large banner signs.

“(vi) Large banner signs will only be permitted to be displayed on a temporary basis, and for the purposes of this section of the Policy, “temporary” means no more than six months’ duration. No further approval for a large banner sign on the same building will be considered by Council until at least six months have elapsed since a previously approved large banner sign was removed.”

It is noted that recent approvals for large banner signs within the City have varied the standard maximum six month approval timeframe, responding to commercial needs and recognising that the requirement to remove signs for a minimum period of six months could have detrimental impacts on the sign locations. The applicant’s proposal for ongoing signage on the site is therefore supported as a variation to this policy provision. It is also noted that this aspect of the Policy is currently under review.

Third Party Advertising

“Third party or general advertising will only be permitted where, having regard to the character of the area in which the sign is to be situated, the Council is satisfied that the visual quality, amenity and safety of the area will be enhanced, or at the very least, not diminished.”

The sign has been established in this location since 2002, with the sign content regularly changing. There have been no complaints regarding the appearance or advertising content of the sign. When first assessed it was considered that, in this instance, a sign of this size on the blank western façade of the hotel building was acceptable as it could make a positive contribution to the streetscape, provided the third party content of the sign was of high quality and regularly maintained and changed. Such prominent general advertising is a common characteristic of any modern international city. It is therefore considered that the retention static third party

advertisements in this location will not diminish the visual quality, amenity and safety of the area.

General Performance Criteria

Under the Policy, signs that are not exempt from the requirement for planning approval, are required to be assessed based on the following performance criteria:

Response to Location

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

The size and scale of the existing sign is considered to comply with the above given its dimensions and scale in relation to adjoining developments, its location set back from the street corner and the adjacent street environment.

Contribution to Local Character

“A new sign should make a positive contribution to its setting.”

The sign is not considered to be out of character in terms of its setting and adequately performs its advertising function without negatively impacting on the surrounding locality.

Variety and Interest

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

The above attributes were generally considered by Council in its initial approval of the signage and by City officers in subsequent approvals. As discussed previously, the signs content is proposed to be changed every four weeks which will ensure the signage remains dynamic and relevant to its intending audience.

Community Expectations

“Applicants are encouraged to have early discussions with Council staff, who will help to identify areas in which community expectations may mean that certain sign types will not gain approval.”

The above is not applicable in this case given the sign is existing and was originally approved by Council in 2002 and has not been subject to complaints from the community since its initial approval.

Safety

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

The sign is affixed adjacent to the existing western façade and does not represent a danger to the public, adjoining site/s, pedestrians or vehicular traffic.

Design, Construction and Maintenance

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

The existing sign is externally illuminated and does not contain any unsightly supporting elements.

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

The existing frame design facilitates changes to the signage content with minimal impact on the integrity of the building to which it is attached.

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

Opportunistic vandalism is often unavoidable however the height and positioning of the sign means that access is limited therefore reducing the requirement for regular maintenance and/or cleaning.

Signs Policy Review

Having regard for previous Council decisions relating to large banner signs it appears that the existing policy limitations on large banner signs are inconsistent with commercial advertising requirements and could have unintended adverse impacts on the amenity of localities. In response to this, the Council formally endorsed the initiation of the review of the Signs Policy to provide a more flexible approach for specific sign types including large banner signs and will be based on performance criteria including quality, design, amenity and public safety as well as place making opportunities. A review of the policy is currently underway and is intended to be presented to Council in the near future. It is generally acknowledged that the community is receptive to modern approaches to advertising within the city centre. Notwithstanding, proliferation of third party or general advertising should be avoided and the cumulative impact of approved and proposed signs needs to be assessed having regard for amenity and local character.

Heritage

The subject site is adjacent to 138 Barrack Street (former ‘Railway Hotel’) which is listed on the CPS2 Places of Cultural Heritage Significance Register and also on the Heritage Council of Western Australia’s (HCWA) State Register of Heritage Places. The application was referred to the State Heritage Office (SHO) for its consideration in the context of the identified cultural significance of the adjacent former ‘Railway Hotel’. The SHO advised that the proposal would not significantly impact on the adjacent listed site and raised no objections to the retention and re-approval of the existing sign.

Conclusion

The proposal is generally consistent with the requirements and intent of the CPS2, including Policy 4.6 – Signs, and is considered to maintain visual interest and vibrancy to the adjacent street environment. Pursuant to Clause 47 of CPS2, the proposal is recommended for conditional approval.

Moved by Cr McEvoy, seconded by Cr Harley

That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, Council APPROVES BY ABSOLUTE MAJORITY the retrospective application for a large banner sign for third party advertising at 379 (Lot 31) Wellington Street, Perth, as detailed on the Metropolitan Region Scheme Form One dated 6 August 2015 and as shown on the plans received on 6 August 2016, subject to:

- 1. the sign displaying only advertisements with high quality graphics and vibrant artistic content that maintains or improves the visual amenity of the locality consistent with the City's Signs Policy 4.6 and having regard for the locality being the focus of retail, business, commerce, civic and tourist activities for the State;***
- 2. the part of any advertisement occupied by corporate markings, logos, branding or the like occupying a maximum of 10% of the total sign area; and***
- 3. a comprehensive advertising strategy, detailing the control of the sign content to satisfy conditions 1 and 2 above, and the management and maintenance of the sign, being submitted to the City for approval within 28 days of the date of approval and implemented by the proponent thereafter to the satisfaction of the City.***

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

Meeting Note: Cr Harley requested whether a timeframe could be provided on the review of the Signs Policy. Manager Strategic Planning advised that this request be taken on notice and the timeframe be provided to Elected Members accordingly.

6.25pm The Manager Governance departed the meeting and did not return.

**PL189/15 5 THE ESPLANADE AND BARRACK SQUARE
(LOTS 302, 501, 555 AND 9000), PERTH –
PROPOSED ACTIVATION OF ELIZABETH QUAY
AND BARRACK SQUARE AS AN EVENT VENUE**

BACKGROUND:

SUBURB/LOCATION:	5 The Esplanade, Perth and Barrack Square, Perth
FILE REFERENCE:	2015/5372
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	23 September 2015
MAP / SCHEDULE:	Schedule 1 – 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 specified

SITE HISTORY:

The following development applications are relevant:

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

Development Application 2 – Inlet and Marine Works (DA2; Approving Authority: WAPC): Includes 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 & Services to support the Public Realm (DA3; Approving Authority: WAPC). This 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: MRA): 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).

Subdivision 3 – Re-subdivision (SD3; Approving Authority: WAPC): To accommodate food and beverage outlets and a new access road (awaiting approval).

DETAILS:

Currently the Metropolitan Redevelopment Authority (MRA) has a regulatory approval process that requires development approval to be obtained for all uses, including events, within Elizabeth Quay regardless of the size, type and impact of the event or use. The MRA has referred an application to the City for its comment that seeks to streamline the event approval process for Elizabeth Quay, to assist in attracting more events to the area.

The application proposes to formally change the use of 12 spaces within Elizabeth Quay and Barrack Square including the inlet, roads, unsold development lots (Lots 2, 3, 4 and 5) and other public realm areas from "public domain" to "event space", providing ongoing planning approval for events that comply with predetermined thresholds. The change of use is proposed until 31 July 2018.

The various spaces offer a range of areas and surfaces (grass, gravel/pebble, road pavement, water), most with access to power and sewerage connection, to accommodate a wide range of activities and attractions. Details of the proposed change of use are as follows:

Types of Events

The MRA considers its role to be to activate Elizabeth Quay by developing a calendar of events, activities and entertainment that drive visitation and create a brand and destination awareness resulting in economic and social benefits. The MRA considers that ongoing activation, marketing events and programming will support commercial operations of the precinct and benefit the Elizabeth Quay project.

The types of events that be held within the various event spaces will vary from commercial to community events and will be operated by local, national and international event organisers.

Event, programming and activities include:

- Markets
- Spaces for artists and business entrepreneurs to create and display
- Food stalls and vendors
- Cultural and Community fairs/events
- Concerts (paid and free)
- Multimedia attractions
- Outdoor cinemas
- Art installations
- Corporate and special event functions
- Large festivals
- Sporting events (fun runs, swimming, triathlons)
- Circus shows and carnival rides
- Charity events
- Water based activities
- Children activities
- Public product displays (vintage cars)
- Event support areas (first aid, catering, information)
- Photography and film shoots

Structures associated with Events

The structures and supporting infrastructure that will be permissible as part of event approvals include but are not limited to:

- Market stalls
- Performance stages
- Marquees
- Garden beds
- Structures for multipurpose use by artists and entrepreneurs
- Display boards and tables
- Seating and tables
- Food and drink stalls and service area
- Toilets and change rooms, generators, first aid stands and similar support facilities
- Art installations and unique festival facilities
- Fencing and crowd control measures
- Signage, promotional and directional
- Sea containers for a multitude of uses including storage, ticket booths, bike
- Parking, food and drink stalls and office use
- Pontoons
- Movie screens

The MRA advised that it is intended that conditions will be applied to any event approval requiring all structures to be high quality and compliant with all safety, access and building code requirements with large structures requiring approvals or permits from the relevant Government agency. Furthermore, conditions will also require that structures and signage do not pose any damage to Elizabeth Quay infrastructure including the inlet area, or detract from the visual site aesthetics with signage not allowed to be attached to existing buildings, fences, or walls.

Event Thresholds

- Operations between 7am and midnight only, any day of the week;
- Bump-in and bump-out of the event is to occur between 7:00am and 7:00pm;
- Planned attendance at all events within the public realm is to be no more than 15,000 people at any one time;
- All events, exhibitions or installations to run for no more than 90 days, 24 hours a day;
- Events must not prevent access into or through the public realm or unreasonably blocking/restricting access to buildings (especially FBO tenants) within the EQ development;
- Events must at all times comply with the permit noise emission limits specified under the Environmental Protection Noise Regulations.

Development Approval for Events Exceeding the Threshold

The following Events will require separate Development Approval from the MRA and will not be covered by this application:

- Events that do not meet the above thresholds or the Event License conditions;
- Events which require restricted access to the entire Elizabeth Quay area;
- Events that require an approval under Regulation 18 of the Environmental Protection Noise Regulations to exceed standard noise limits; and
- Further the MRA will reserves the right to require any event considered to be potentially disruptive to submit a separate application for Development Approval.

Public Liability

All event organisers will be required to provide details of Public Liability Insurance.

Event Licenses

All events and activities will be required to obtain an Event License from the MRA.

Stakeholder Communication/Complaint Resolution

The MRA advised that it is in consultation with the City's Officers in regard to Community Consultation and letters and meetings with residents are envisaged.

Waste Management

The MRA has provided a Waste Management Plan to ensure the precinct is maintained to a high standard.

Noise Management

The MRA will ensure activities and programming comply with the Health Regulations.

Risk Management

A Risk Management Plan has been prepared.

Security Management

Depending on the details of any event additional security will be required under the Event License conditions to be provided by the Event Organiser.

Emergency and Traffic Management

The MRA has provided a Emergency and Traffic Management Plan including various scenarios as a base document however and Emergency Management Plan including traffic management will be required to be submitted for each event by the Event Organiser as part of the Event License application.

Equipment and Storage

Temporary and permanent storage areas will be provided onsite.

Parking and Loading

The MRA advised that loading bays provided in the streets can be utilised for bump in and out. Also entry and loading zones are provided for each site.

LEGISLATION :**Central Perth Redevelopment Scheme**

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:**Land Use**

The application to provide place activation through events within Elizabeth Quay and Barrack Square, particularly to support existing and new traders in the locality, is supported. As it will be some years before construction of the approved hotel and residential apartments on the first of the development sites is completed, events will help to attract people to the area, add vitality to the public spaces and make use of vacant sites.

Temporary food and beverage outlets which compete with permanent food and beverage outlets should be carefully considered as part of any event license application and should be avoided unless the patron numbers support the provision of additional services.

The MRA has advised that events will not be allowed to prevent access into or through the public realm or to block or restrict access to buildings within the Elizabeth Quay development. It is considered that the general public should be the main beneficiaries of the public areas within Elizabeth Quay and Barrack Square and a reasonable amount of public realm should be available (free of charge) to the public at all times to reflect the general intent of the public open space. The application does not provide any information regarding the management of the public spaces when there are no events taking place and is unclear in providing specific details on what activities do not require event approval and what casual activities are permitted (for example, informal ball games and picnics by casual groups of people).

Access to certain parts of the public realm will require careful management for example the waterpark and the pedestrian bridge which may be closed for events (for example triathlons or bike events), whilst the public has an expectation of access to these areas. These aspects will require coordination, community advertising and will have to be included in traffic (including pedestrian) management and is discussed later in the report.

Lighting for night time events could have considerable impacts on adjoining properties or activities and also may have safety implications for vehicular traffic and pedestrians in close proximity. It is therefore considered that a Lighting Management Plan also be required as part of any event application

The length of approval being sought (to June 2018) should coincide with the completion of the first buildings at Elizabeth Quay with any on-going approval being reviewed once residents move into the precinct. However, MRA should be reminded that there are existing residents in the surrounding area and existing businesses and other activities that might be impacted by the proposed events and that any event programming needs to take this into account.

Compliance with Relevant legislation

It is noted that a wide range of uses and activities will be accommodated through this event approval. Any support for the application will need to point out that an approval

granted by the MRA does not exempt event organisers from obtaining all other approvals required under relevant legislation. Consultation and approvals from various stakeholders will depend upon the scale and potential impacts of an event or the need for temporary structures or road closures. This includes approvals required under the Health Act and Regulations relating to Public Buildings (which includes many event structures such as stages and large marquees) and events that incorporate dining and drinking. Approvals may have to be obtained from the Executive Director of Public Health or where delegated from the City. Furthermore, public buildings and other structures may be required to comply with the provisions of the Building Code of Australia (BCA) and with the disability access provisions and the relevant permits will have to be obtained from the City. Furthermore approval from Main Roads will be required if the traffic impact on main roads reach the relevant criteria. Events which entail and present safety risks will also require approval from the relevant authorities for example fireworks may have to obtain clearance to the satisfaction of Fire Emergency Services Australia (FESA).

Stakeholder Communication/Complaint Resolution

The MRA advised that it is in consultation with the City in regard to Community Consultation. It is considered that any consultation should be to the City's satisfaction and that the stakeholder impact area (footprint) will vary according to the event type and scale (as depicted in noise impact modelling). Furthermore, it is the City's experience that all notices to businesses and residents should be delivered by prepaid post unless otherwise approved as a requirement/condition of an event licence.

Coordination of Multiple and Wider Impact Events

According to the MRA the planned attendance at all events occurring simultaneously within the Elizabeth Quay and Barrack Square public realm is to be no more than 15,000 people. Furthermore, all licensed events, exhibitions or installations are to run for no more than 90 days noting that the time limitations run from 7am to midnight any day of the week.

In addition to the above events there may also be a range of other events and activities outside of the precinct but in close proximity, on the adjoining Supreme Court Gardens or on Langley Park or at the Perth Convention and Exhibition Centre. It is considered that effective coordination is required to ensure an overview of the impacts on the city to avoid cumulative effects resulting in negative outcomes for individual events, major noise disturbances, unacceptable levels of traffic congestion or in the worst case disruptive impacts in case of unforeseen emergencies.

It is therefore considered appropriate that the MRA consult with City prior to booking spaces, with copies of all applications being forwarded to the City on receipt for recording and providing comment. The coordination of events and activities must ensure that the City can determine the requirements for events where the event or servicing an event (bumping in or out) impacts on city streets, footpaths, shared paths and surrounding properties. No equipment, signs or vehicles should be placed on the City's assets without the City's prior approval. The MRA or event organisers should also be responsible for covering costs for any damage to the City's assets

resulting from the event and for the cost of post event inspections (by recovering monies through security bonds from the licensee). It is considered appropriate that the cost of City staff inspections during events including health and noise monitoring should be covered by the event organiser, as with all events approved by the City.

At this stage it is unclear how potential disputes will be resolved should the MRA or City wish to conduct events within their areas of jurisdiction which may conflict or impact on each other, or cumulatively result in unacceptable outcomes, or one authority simply opposes any proposed event.

Currently the City holds quarterly meetings with the MRA to coordinate programming for the Cultural Centre / City Events which works effectively. It is therefore appropriate to consider establishing a similar working group with officers from both the City and MRA and other relevant stakeholders to coordinate programming of events for Elizabeth Quay. It is understood that the MRA already has agreements with the Department of Transport and the Public Transport Authority for the coordination of activities and is in the process of establishing an agreement with Department of Parks Wildlife.

The working group could address event planning; scheduling and programming; coordination and management; dispute resolution; joint approvals (by the City and MRA); and assist to inform improvements in the planning for future events on public event spaces. Such arrangements would conform with the Memorandum of Understanding (MOU) that has already been established between the City and the MRA, detailing both organisations' roles and commitment to cooperative working for the successful delivery of works within the public realm of the redevelopment project areas, so that each organisation may more effectively and efficiently meet its responsibilities and needs regarding the coordination and servicing of Elizabeth Quay.

Event Licenses

All events and activities would be required to obtain an Event License from the MRA however at this stage it is unclear whether the MRA security bonds will cover damage to any City assets. It is the City's experience to clearly define wear and tear damage; to require penalties if bump out is not completed by the expiration date, to include cleaning of surrounding streets, public areas and adjoining properties as a condition of any licence. It is also considered important that the City be indemnified if there are event incidents that go beyond those areas under MRA control.

The MRA could, by way of conditions, encourage the reduction in energy consumed, the use of clean energy including generators, the use of recycling facilities and encouraging the use of public transport to attend events.

Waste Management

The MRA has provided a Waste Management Plan to ensure the precinct is maintained to a high standard. The report does not indicate how recommendations will be implemented. It is considered that applicants need to address waste in their event management plans with a waste management plan template / checklist being provided for event organisers to identify how they would address issues.

The Waste Management Plan recommends a centralised storage and cleaning facility however the design of this needs to be integrated into the broader design of the public realm.

Noise Management

The MRA advises that it will ensure activities and programming comply with the *Environmental Protection (Noise) Regulations 1997*. Non-conforming events will be subject to separate applications for approval.

It is the City's experience that residents along The Esplanade are severely impacted by noise levels depending on the configuration of the event. The Noise report indicates that there is likely to be noise issues (C-weighted from concerts) for residents along The Esplanade. There is also potential impact on business activity, particularly where events are held during business hours. South Perth may also be impacted from events.

Events could take place from 7.00am to midnight any day of the week. The impact of multiple events over extended hours on sensitive premises such as Lawson Apartments and the Supreme Court, and on all other surrounding businesses, needs to be taken into account by the MRA whose focus is only on the activation and branding of the Elizabeth Quay precinct. It is considered that Noise Management needs to be further considered and a policy be agreed upon considering amongst other matters the frequency and times of events that may be considered to have adverse impacts.

Risk Management

The MRA has prepared a Risk Management Plan for events. It needs to be clear that the City will not take any responsibility for any risks associated with events at Elizabeth Quay at this time with the MRA taking all responsibility. The role of the City needs to be clarified but as suggested above, event organisers must carry appropriate public liability insurance the City must be indemnified against any claims arising from an event.

Emergency Management

The MRA has provided an Emergency and Traffic Management Plan including various scenarios as a base document and has advised that an Emergency Management Plan including traffic management will be required to be submitted for each event by the Event Organiser as part of the Event License application. It is considered appropriate that Traffic Management needs to be separated from Emergency considerations, as discussed in the following section of this report.

In terms of the emergency management matters, a major concern for coordinating events is the potential conflict between emergency vehicles entering the precinct and specific sites and patrons occupying or exiting the area during an emergency. It is questioned who will be on the Emergency Management Working Group. It is also a concern that assembly areas are proposed to be located on other lots within Elizabeth Quay that could be used for other events. This will obviously require

coordination when there are multiple events taking place at the same time, requiring alternative assembly points. It is also considered important that a Public Address System or alarm provision is in place for the whole of Elizabeth Quay that can be utilised in case of an emergency.

Traffic Management

The MRA Traffic Management Plan includes various scenarios to guide event organisers in preparing Traffic Management Plans. It is noted that in some instances Main Roads Western Australia (MRWA) will need advance notice and will have to provide approvals to any necessary traffic signal changes. It is also considered that in some instances Geoffrey Bolton Avenue will need to be closed with any temporary road closures being required to follow due process.

Consideration needs to be given to any impacts on public transport notably the CAT buses and ferry services providing access for patrons and the public. Also access for event vehicles from William Street will need careful consideration with the relevant authorities as it is located opposite the freeway on/off ramp and may require partial closure for bump in/out which is not recommended. Access to Sites 2 and 3 will present challenges and MRWA will need to give further consideration to these matters.

The MRA proposed bump-in and bump-out of events to occur between 7:00am and 7:00pm, however this is not acceptable. These activities should not occur during peak traffic and pedestrian periods being between 7:00am and 9:00am and 4:00pm and 6:00pm.

The Traffic Management Plan is considered to lack crowd management (traffic controllers) when pedestrians cross from Elizabeth Quay to The Esplanade railway station. It is considered that all events will require some level of crowd management in this area.

It is considered that large ticketed events (over 5000) should be required to have joint ticketing with the PTA.

Parking and Loading

The MRA advised that loading bays provided in the streets can be utilised for bump in and out. Also entry and loading zones are provided for each site. It is considered that the available loading bays are very limited and were obviously not planned for the scale of events requiring considerable bump-in and bump-out and servicing. Parking and loading should be predominantly provided on site as this will lessen the requirement for coordination when multiple events occur.

Equipment and Storage

The MRA advise that temporary and permanent storage areas will be provided onsite. However it is considered that the design of the centralised storage, waste and cleaning facility needs to be integrated into the broader design of the public realm with details being provided to the City for comment prior to the facility being

constructed. This facility may have considerable adverse impact on the general amenity of the area (more so when there are no events). It is also important that all storage is fully enclosed and screened effectively from view.

General

Prior to the erection of any structures especially larger tall structures and also smaller structures exempt from the BCA require careful consideration to be given to wind affect. Consideration should also be given of the impact any temporary event infrastructure may have on WiFi sight lines and CCTV services for the public realm. This infrastructure should be shown on the 'EQ Infrastructure Map' and should be made conditional in any event license.

Conclusion

The application proposing activation of Elizabeth Quay and Barrack Square as an event venue until the precinct is further developed is supported in principle. However, it is considered that there are still a number of issues to be resolved. It is considered critical to the success of the precinct that careful coordination is undertaken with the City and in consultation and other stakeholders, not only in respect to the events within Elizabeth Quay and Barrack Square, but also having regard for events and activities on adjacent reserves and roads in the city. Therefore the application is supported subject to the primary requirement that a Heads of Agreement for Events is established between the City and the MRA incorporating the establishment of an Elizabeth Quay Events Coordination Group/Committee which could address such matters as event planning; scheduling and programming on a city-wide basis.

Moved by Cr McEvoy, seconded by Cr Harley

That Council advises the Metropolitan Redevelopment Authority that:

- 1. it supports the proposed activation of Elizabeth Quay and Barrack Square as event venues subject to:***
 - 1.1 a working party being established between the City and the Metropolitan Redevelopment Authority which could address event planning; scheduling and programming; coordination and management; resolving disputes in events being considered; issuing of joint approvals; and assisting to inform improvements in future events on public event spaces;***
 - 1.2 noise management being further considered with a policy being agreed upon between the Metropolitan Redevelopment Authority and the City addressing the frequency and times of events that may have adverse impacts on nearby residents and businesses;***

(Cont'd)

- 1.3 the City not accepting any responsibility for any risks associated with events held at Elizabeth Quay with the City being indemnified against any claim arising from the events, noting there is the potential spill-over of unforeseen matters over property and jurisdiction boundaries;**
- 1.4 separate approvals being obtained by the event organisers from the relevant authorities as required in terms of Health Act 1911, the Health (Public Buildings) Regulations 1992, and Food Act 2008, Building Code of Australia, Fireworks, Main Road Impacts, and Environmental impact;**
- 1.5 the majority of the public realm areas, including pedestrian and cycle links along the waterfront, being accessible (free of charge) to the public at all times to reflect the general intent of the approved public open space;**
- 1.6 bump-in and bump-out for events being prohibited during peak traffic and pedestrian periods, being between 7:00am and 9:00am and 4:00pm and 6:00pm on weekdays;**
- 1.7 the Metropolitan Redevelopment Authority effectively enforcing compliance with the conditions of licensed events and limiting any 'unauthorised' activities or use (for example unauthorised parking on vacant sites);**
- 1.8 The Metropolitan Redevelopment Authority or event organiser being responsible for covering the City's costs:**
 - a) in regard to repairing any damage to the City's infrastructure and assets resulting from an event; and**
 - b) of City staff undertaking inspections and monitoring during and post events;**
- 1.9 the design of the centralised storage, waste and cleaning facility being integrated into the broader design of the public realm with details being provided to the City for comment prior to the facility being constructed;**
- 1.10 disability access being maintained throughout the public realm and being included as a condition of any event approval, ensuring compliance with the Disability Discrimination Act;**

(Cont'd)

- 1.11 event infrastructure being located to avoid potential impact on WiFi sight lines and CCTV services for the public realm, with these services being shown on the 'EQ Infrastructure Map';**
- 1.12 all event organisers addressing waste as part of their event management plans, with a waste management plan template/checklist being provided by the Metropolitan Redevelopment Authority to event organisers to identify how they would address issues specific to each event site within Elizabeth Quay;**
- 1.13 all event organisers submitting a communication plan detailing how public enquiries, complaints and notifications for each event will be managed and implemented by event organisers;**
- 1.14 parking and loading related to bump-in and bump-out activities being provided on site where possible to reduce impacts on traffic, particularly when multiple events occur within Elizabeth Quay;**
- 1.15 large ticketed events (over 5000 people) being required to have joint ticketing with the Public Transport Authority;**
- 1.16 event organisers submitting Management Plans to adequately address Risk; Noise; Transport and Parking; Pedestrian movement; Security; and Disability Access and Inclusion;**
- 2. the following additional matters be further considered when considering the planning of, or assessing applications for, events:**
 - 2.1 temporary food and beverage outlets which compete with permanent food and beverage outlets in the locality should not be supported unless the specific event attendance numbers support the need for additional services;**
 - 2.2 a Lighting Management Plan being required as part of any event application addressing safety impacts on vehicular and pedestrian traffic and amenity impacts on adjoining buildings or event spaces;**

(Cont'd)

- 2.3 conditions of event approvals should clearly define wear and tear damage to the event site; require penalties if bump out is not completed by the expiration date, include cleaning of surrounding streets, public areas and adjoining properties; encourage the reduction in energy consumed, the use of clean energy including generators, the use of recycling bins for rubbish disposal and the use of public transport to attend the event;**
- 2.4 the establishment of an Emergency Management Working Group with the Group considering the location of centralised assembly areas when multiple events are taking place at the same time; the provision of a public address system or general alarm for the whole of Elizabeth Quay that can be utilised in case of emergency and the potential conflict between emergency vehicles entering the precinct and/or specific sites and patrons occupying or exiting the area during an emergency;**
- 2.5 Main Roads Western Australia will need advance notice to approve any proposed temporary traffic signal changes;**
- 2.6 the temporary closure of any roads within or adjacent to Elizabeth Quay for event purposes will be required to follow due process;**
- 2.7 consideration needs to be given to any impacts on public transport notably the CAT buses and ferries providing access for patrons and the public;**
- 2.8 access to Sites 2 and 3 from William Street should be limited to reduce traffic impacts on the local road network;**
- 2.9 traffic management plans for major events should include crowd management (traffic controllers) when pedestrians cross William Street from Elizabeth Quay to The Esplanade railway station.**

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

6.38pm The Acting Head, Project Management Office departed the meeting and did not return.

**PL190/15 158-160 MURRAY STREET MALL, PERTH –
PROPOSED ‘NEW TECHNOLOGY’ ABOVE ROOF SIGN
WITH THIRD PARTY ADVERTISING CONTENT**

BACKGROUND:

SUBURB/LOCATION:	158-160 (Lot 11) Murray Street Mall, Perth
FILE REFERENCE:	2015/5204
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	City Planning and Development
DATE:	22 September 2015
MAP / SCHEDULE:	Schedule 3 - Map and coloured perspective for 158-160 Murray Street Mall, Perth
LANDOWNER:	Wilsons Holdings Pty Ltd
APPLICANT:	Rowe Group
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Citiplace (P5) (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	\$500,000

SITE HISTORY:

The subject site is located on the north-west corner of Murray Street Mall and Barrack Street, Perth with frontages of approximately 27.5 metres and 21.2 metres to these streets respectively. The site is currently occupied by a two storey building occupied by retail uses and a gymnasium.

DETAILS:

The applicant seeks development approval to erect a LED screen at the top of the building at the site within a steel framed structure. The structure will comprise a 900mm high support plinth sitting above the façade of the building for the full length of both street frontages. A 3.3 metres high structure will extend above this plinth to support alucobond panels blending into an LED screen wrapping around the street corner. The applicant has indicated that the sign is intended *‘to appear as a continuous upward extension of the building.’*

The overall dimensions of the new structure will be 4.2 metres high by 27.4 metres to Murray Street Mall and 21.2 metres to Barrack Street. The actual LED screen will be 3.3 metres high by 7.5 metres in length to each street (i.e. a total length of 15 metres). Two smaller screens are proposed to each side of the main screen and will be blended amongst the alucobond panels.

The supporting plinth is intended to be grey while the alucobond panels will comprise four shades: light and dark blue and light grey and dark grey in a checker board type arrangement.

Two vertical architectural features at the south west corner of the building will be removed to accommodate the sign.

The digital screen is intended to display third party advertising content. Images will be static with a dwell time of ten seconds and a transition time of 0.1 seconds.

In support of the application a lighting impact assessment and a traffic engineering report have been submitted.

LEGISLATION / POLICY:

Legislation

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

Policy

Policy No and Name: 4.7 Signs

COMPLIANCE WITH PLANNING SCHEME:

Development Requirements

The subject site is located within the City Centre Use Area of the Citiplace Precinct (P5) under the City Planning Scheme No. 2 (CPS2). The Precinct will be enhanced as the retail focus of the State providing a range of retail and related services more extensive than elsewhere in the metropolitan region. Building facades will incorporate interesting architectural elements thereby contributing to a lively, colourful and stimulating environment.

The Statement of Intent for the Citiplace Precinct does not specify any development provisions for signage.

The site also falls within the Barrack Street Conservation Area declared under Clause 31 of CPS2. While the building on the site is identified as a non-heritage building, it is recognised that new works to the building have the capacity to disrupt and detract from the Conservation Area if not managed appropriately. The buildings in Barrack Street in the close vicinity of the site are identified as Heritage Places within the Conservation Area under CPS2, with the exception of the former Greater Union Cinemas building directly opposite at 133-141 Murray Street.

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

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

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

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

Third Party Advertising or General Advertising is a sign:

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

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

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

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

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

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

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

COMMENTS:

Public Consultation

As the application proposes an above roof sign contrary to the Signs Policy requirements, it was advertised to a total of 12 adjacent landowners from 4 to 21 September 2015. These included the owners of properties at 86 to 120 and 95 to 117 Barrack Street and 166-170 Murray Street Mall, Perth.

Two submissions were received and the objections raised in these are summarised as follows:

1. The sign is a significant sign in terms of its size, location and context. Third party advertising signs are required to enhance the area, while the proposed sign will clearly not enhance the Barrack Street Conservation Area.
2. A digital sign is not in keeping with the heritage precinct and the City's intent of 'bringing back' Barrack Street to what it was. The sign is 'abhorrent' and could destroy the heritage ambience of the locality.
The sign would conflict with proposed works to the facades of neighbouring buildings to return them to their original state.
3. The sign does not meet the objectives and general provisions of the City's Signs Policy.
While false parapets are proposed in order for the sign to be considered something other than an above roof sign, it is located above the normal roof line of the building and is an above roof sign which is not permitted in the city.
It is not well designed as it is just installed on the roof and has not taken into account the existing or surrounding built form.
4. The sign will have a significant impact on the amenity of the area including the amenity of existing residents and future hotel guests and residents of the hotel building proposed to be located directly opposite the site.
5. Approval of the sign would encourage the proliferation of third party advertising in areas not considered appropriate such as the Barrack Street Conservation Area.
6. Given the sign's low height at a prominent traffic intersection, it will impact upon the safety by distracting drivers.
7. It was understood that new additions to a building's height had to be stepped back from the street.
8. A digital sign with bright flashing lights could possibly affect the occupational health and safety of occupants of adjacent buildings. Some people who suffer from epilepsy are known to have negative impacts from certain lights.
9. The sign is counter-productive to the City's heritage grants which seek to improve the Barrack Street Conservation Area as it will detract from the amenity of the area, the streetscape of Barrack Street and the vista along Barrack Street.
10. The City has double standards when dealing with heritage buildings.
11. If approved a condition should be imposed requiring the sign to be turned off after 10pm or at least significantly reduce the intensity of the sign during the night so that it will not impact on the future guests of the proposed hotel directly opposite the site.

The applicant has provided the following response to the objections raised:

Impact on Barrack Street Conservation Area:

The existing development is a non-heritage building, not contributing to the heritage significance of the conservation area.

The inclusion of an existing, contemporary, development within a Policy area having heritage value should not prejudice or prohibit the improvement of such a site. It would be inappropriate for a contemporary development site, abutting an existing development with heritage value, to incorporate faux heritage. It is through the juxtaposition of contemporary and heritage development that the visual attraction and value of development is increased. This has been demonstrated as suitable by the proposed hotel development at 133 – 141 Murray Street, Perth.

The proposal will assist in creating a harmonious streetscape scale to Barrack Street, as northern abutting development is generally three storeys in height, where the rooflines will appear to be generally consistent. The revised development proposal will also serve as the transition between the taller buildings west of the site, having frontage to the Murray Street mall, and the lower developments abutting Barrack Street. The proposal has had respect to the existing heritage buildings, and responds to their articulation and detail in regard to parapet and roof lines, as is required by the Heritage Policy.

Design of the Sign

It is considered that the sign is compliant with the objectives of the Signs Policy. Reference is made to the recently approved third party signage at 267 St Georges Terrace, Perth. In order to address the concerns of the City in regard to the signs integration with the building it was redesigned to:

- enclose the upper roof of the existing development, screening the roof top plant room and the vandalised existing exposed brick wall of the northern abutting development. It is proposed to provide alucobond aluminium patterned panels for the area between the LED screen and the western and northern lot boundaries;
- mount panelling at the upper most facade of the existing development, appearing as the continuous upward extension of the existing development;
- providing two LED screens within the alucobond panelling north and west of the proposed screen to display a solid block of the predominant colour of the displayed advertising, integrating the signage with the panelling.

The parapets are considered appropriate as:

- The additional screening to the Murray and Barrack Street frontages allows for the maintenance and management of the signage to be undertaken out of view of passing pedestrians and / or motorists;
- The parapet ensures that the signage is integrated into the development at the site as a 'Wall Sign', capable of approval within the Central City area;
- The revisions allows for the removal of the architectural features and screening of the exposed brick wall north of the subject site, both of which have been subject to continued vandalism;
- It incorporates the contemporary development at the site into abutting buildings by way of scale and roof lines;
- The development will serve as an appropriate entrance statement into the Murray Street Mall and an easily recognisable landmark for the eastern extent of the Mall; and,

- It may assist in the activation of the abutting streetscapes, as contemplated by the Signs Policy.

Impact on Amenity

The amenity of existing and/or future residents of the locality will not be significantly impacted given the day and night time luminance levels proposed, together with the defined angles at which the signage is capable of being viewed.

The proposed luminance levels of the signage are consistent with the existing ambient lighting of the locality. It is therefore considered that the potential to negatively impact amenity is negligible given the separation between the subject site existing sensitive uses, approximately 70 metres, and the existing ambient lighting attributed to the City Centre environment.

The proposed signage is not capable of being viewed by any person(s) elevated more than 20 degrees above the maximum height of the proposed signage due to the 'shielding' of each individual LED globe. It will not be visible to guest or residents on the uppermost 14 storeys of the proposed development at 133-141 Murray Street.

Proliferation of Signage

It is an objective of the City of Perth's Signs Policy to prevent visual clutter created by the unnecessary proliferation of signs. It is not considered that approval of the sign will set a precedent for similar proposal as:

- each application is to be considered on its own merits; and
- the continued approval of third party advertising within the subject locality would be inconsistent with the Signs Policy. We note that third party advertising is not a prominent feature of the locality at present.

Impact Upon Safety

The submitted Traffic Engineering Report concludes that the proposed signage will not increase the numbers of traffic accidents or hinder traffic flow.

Building Setback

As per the City's 'Street Building Height and Setback Plan', development at the subject site is to have a nil setback to the Murray and Barrack Street frontages to a height of 14 metres. The overall height of the development, inclusive of the proposal, is 12.55 metres. No additional setback is required.

Illumination

The sign is not intended to include flashing, pulsating or scrolling content

The luminance of the proposed signage is limited to the levels provided within Australian Standards and Main Roads WA Policy. A Lighting Impact Assessment has been prepared for the proposed signage which confirms that the proposal will be compliant with the relevant Australian Standards.

Unlike that of a traditional, externally illuminated, billboard, the luminance of the proposed signage is automatically adjusted to suit the ambient lighting of the time (dependent upon position of the sun, cloud coverage, etc) to ensure that the signage

does not cause significant distraction or discomfort for approaching motorists, cyclists or pedestrians.

The proposed maximum night time luminance of the signage is 3.33% of the maximum daytime luminance. The Lighting Impact Assessment indicates a digital sign illuminated to the maximum luminance outlined would be visually consistent with the existing ambient lighting and suitable for the local area.

Signs Policy

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

Above Roof Signs

The applicant originally proposed an LED screen above a plinth at the corner of the building on the roof. The revised design now before the Council was submitted in response to concerns raised by City officers and the applicant considers it to be a wall sign. However a wall sign is not identified under the Signs Policy and unlike the proposed sign, a horizontal sign is required to be '*fixed to or painted upon a wall*'. The sign also doesn't meet the definition of a roof sign as it is '*not fixed to the fascia of the building or top of the fascia or wall of a building or a machinery or plant room, and designed as an integral part of the design of the building.*' It is fixed to the roof of the building, is not designed as an integral part of the building and '*protrudes above the normal roof line or building parapet*' by 4.5 metres and is therefore consistent with the definition of an above roof sign under the Signs Policy.

The Signs Policy states that: '*Above roof or sky signs are not permitted anywhere within the City of Perth.*'

'New Technology' Signs

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

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

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

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

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

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

The sign is not considered to be compatible with the character of the streetscape. It will dominate the building and the street corner. As indicated the site falls within the Barrack Street Conservation Area and a ‘new technology’ sign is not compatible with the heritage character of this area, noting that the Council recently endorsed heritage grants for buildings within the Conservation Area to further enhance its heritage character and value. The appropriateness of the sign in the streetscape is discussed further later in the report.

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

The sign structure will be flush with the façade of the building and extend for its full length. However its size is excessive and it will dominate the two storey building rather than integrate with it. The proposed 4.2 metre height of the sign and structure is inappropriate given the existing building is only 8.35 metres in height. The sign and structure are simply located on top of the building with little regard to it. The alucobond panels and the horizontal nature of the sign do not relate to the vertical glass panels and masonry of the existing building.

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

While the sign is at the end of the Murray Street Mall it is directed towards the intersection and pedestrians and drivers and not where people can gather for longer period of time to view the images. While people gather in this location, they do so for short periods of time to cross the traffic intersection.

The sign is likely to attract the attention of passing pedestrians and vehicle occupants. The Traffic Engineering Report submitted with the application has reviewed the quantifiable issues relating to road safety in respect of the sign. It indicates that the sign will only be fully visible to drivers approaching the sign from Murray Street and at the intersection of Murray and Barrack Street and in other locations it will only be in the peripheral vision of drivers. It is assumed that the predominant target audience would be pedestrians accessing and leaving the mall and only the vehicle occupants capable of seeing the sign. It is also noted that due to limits on luminance, the sign is not expected to create dramatic contrast of light and shade that might involuntarily grab a driver’s attention. It is therefore concluded

that the sign will not induce increased numbers of traffic accidents and not hinder traffic flow at the intersection.

The Main Roads Western Australia recommends that for signs with variable content a minimum dwell time of 45 seconds in streets with a 50km per hour speed limit can be imposed so as not to create a traffic hazard (rather than ten seconds as proposed by the applicant). This requirement could be imposed as a condition of any development approval issued, along with restrictions on fading and scrolling messages and any content which could be mistaken for a traffic signal or sign.

While limits on dwell and transition time and luminance levels would reduce the safety hazard created by the sign to some degree, this is difficult to quantify. Given the size of the sign and its low height it is considered that there will be some impact on public safety, particularly that of pedestrians.

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

It is understood that the sign is not intended to flash or pulsate and a condition of any development approval issued could address this.

Third Party Advertising

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

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

The Council has generally discouraged third party advertising throughout the city to avoid a proliferation of signage and visual clutter. Because of its excessive size, its design wrapping around the corner of the building and its luminance, the sign will dominate the north-west corner of the street intersection and entry to the Murray Street Mall.

Response to Location and Contribution to Local Character

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

character of an area should be the primary consideration when judging the appropriateness of a new sign.

The Signs Policy requires signs within Conservation Areas to be discrete and complement the area. While the building on which the sign is to be located is a non-heritage place, the Policy recognises that new works to the building have the capacity to disrupt and detract from the Conservation Area if they are not managed appropriately. The surrounding buildings facing Barrack Street are heritage places with the exception of the former Greater Union Cinema building located directly opposite.

The sign will detract from the visual heritage qualities of the Barrack Street Conservation Area and the surrounding heritage places, noting its central location within the Area. It is not compatible with the character of the streetscape which comprises a visually cohesive collection of buildings developed between the 1890's and the inter-war period. Rather than being discrete, it is a modern large scale sign which will be dominant in the heritage streetscape because of this size, and its luminance.

The applicant has indicated that the sign will provide an appropriate entry statement to the Murray Street Mall and an easily recognisable landmark, however, high quality and innovative building design should create entry statements rather than large signs. A sign which is of excessive scale and incompatible with the character of the conservation area is not a desirable landmark.

Further while the building on the site may not make a significant contribution to the streetscape in its current form, it can be argued that the revenue which will be derived from the proposed signage will potentially serve to extend the viability and life of the building in its current form. Redevelopment could deliver a building of greater design quality and compatibility with the Conservation Area which incorporates appropriately scaled signage integrated with the design of the building.

A submission has raised concern in relation to the impact of the illumination of the sign on amenity for future residents and hotel guests in the locality. The applicant has submitted a lighting impact assessment that indicates that the illumination of the digital sign will comply with the relevant requirements of the Australian Standards – Control of the Obtrusive Effects of Outdoor Lighting. In the absence of specific provisions in Western Australia at this time, the sign's compliance with the draft NSW Transport Corridor Outdoor Advertising and Signage Guidelines 2014 has also been assessed.

While maximum dimming levels have been prescribed, it is noted that the assessment is based upon the closest residents being those in the 'Equus' development at 580-602 Murray Street and the possible impact on the occupants of the approved mixed-use hotel and residential development on the 'Greater Union' site at 133-141 Murray Street has not been assessed. Should the Council consider approval of the sign a revised lighting impact assessment which addresses the approved development at 133-141 Murray Street should be required.

In addition to the information provided in the Lighting Impact Assessment regarding the luminance of the sign, the applicant has indicated that it will not be visible by any person(s) elevated more than 20 degrees above it due to the 'shielding' of each individual LED globe. Therefore it will not be visible to guest or residents on the top 14 storeys of the development at 133-141 Murray Street.

Variety and Interest

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

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

Community Expectations

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

It is noted that at its meeting held on 22 September 2009, the Council refused an application for a 'New Technology' above roof sign with third party advertising content at 146-152 Barrack Street, Perth (corner of Wellington Street). That site is also within the Barrack Street Conservation Area and the application was considered to be inappropriate for similar reasons to those raised in relation to this current application.

Safety

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

Main Roads Western Australia for a street of this nature to address safety for motorists and pedestrians.

Design, Construction and Maintenance

Signs are required to be simple, clear and efficient with structural components and wiring concealed and/or the visual impact of the components minimised. The sign is indicated as free-standing with no visible structural components other than a plinth. Structural certification would be required with a Sign Licence application. However it is also recommended that if development approval was granted a condition be imposed confirming that no structural components be introduced.

Conclusion

Being an above roof sign, the proposed sign is not permitted anywhere within the city under the Signs Policy. It also does not meet the criteria for 'new technology' signs or third party advertising applicable under the Policy. It is considered to be excessive in scale with little regard for the design of the building or its central location within the city and the Barrack Street Conservation Area. It will be detrimental to the visual amenity and heritage character of the locality and adversely impact on the amenity of adjacent buildings. It is therefore recommended that the application be refused.

Moved by Cr McEvoy, seconded by Cr Harley

That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, Council REFUSES the application for the proposed 'new technology' above roof sign with third party advertising content at 158-160 (Lot 11) Murray Street Mall, Perth as indicated on the Metropolitan Region Scheme Form One dated 26 May 2015 and as shown on the plans received on 2 September 2015 for the following reasons:

- 1. the proposed sign does not comply with City Planning Scheme No. 2 Policy 4.7 – Signs given that:***
 - 1.1 above roof signs are not permitted anywhere within the city;***
 - 1.2 the sign is not designed as an integral part of the building, and will be excessive in scale and inconsistent with the style of the building on which it will be located;***
 - 1.3 'new technology' signs are generally not permitted within heritage areas while the sign is proposed to be located within the Barrack Street Conservation Area;***

(Cont'd)

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

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

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

6.41pm Senior Planning Officer departed the meeting and did not return.

PL191/15 EVENT – WELLINGTON SQUARE – STRUT & FRET PRODUCTION HOUSE PTY LTD – LA SOIREE - 2016

BACKGROUND:

FILE REFERENCE:	P1002007-15
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	City Planning and Development
DATE:	22 September 2015
MAP / SCHEDULE:	Schedule 5 – Indicative Site Layout, Tour History and Map of Wellington Square indicating proposed location of marquee ('spiegeltent')

Strut & Fret Production House Pty Ltd regularly produce and manage events and productions for a range of stakeholders, across Australia. In 2016 they plan on bringing LA SOIREE to Perth, after the production sold out in New York, London, Paris, Chicago, Stockholm and Sydney.

LA SOIREE is an independent theatrical event, consisting of cabaret, burlesque, circus sideshows and contemporary acts. Performers comprise of stars from La Clique, a show that collected the Oliver Award for Best Entertainment. LA SOIREE broke records in 2012 and 2013, being the longest running show at the Sydney Opera House, attracting 120,000 people across performances. It has also won an Off Broadway Alliance Award for Best Unique Theatrical Production.

LEGISLATION / STRATEGIC PLAN / POLICY:

Legislation	Clause 8 of the <i>City of Perth Local Government Property Local Law 2005</i>
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Building Act 2011
Environmental Protection (Noise) Regulations 1997
Health Act 1911
Food Act 2008
Health (Public Buildings) Regulations 1992

**Integrated Planning
and Reporting
Framework
Implications**

Corporate Business Plan

Council Four Year Priorities: Perth as a capital city
S5 Increased place activation and use of under-utilised space.
5.1 Review and explore opportunities for adaptability associated with occupancy rates.

DETAILS:

An application has been received from Strut & Fret Production House Pty Ltd to conduct LA SOIREE at Wellington Square from Sunday 10 January until Wednesday, 2 March 2016 with performances from Friday, 22 January 2016 to Sunday, 28 February 2016.

The event site will be fenced off with the show contained within a marquee ('spiegeltent'). The marquee is relatively small; 450 square metres, which is about a third of the size of a typical circus tent. External to the marquee will be dressing rooms, box office and ticket collection, outdoor seating, food and drink outlets and toilets.

Each show runs for two hours, with an interval. It is anticipated that there will be a total of 45 performances to be held Tuesday to Sunday with show times as follows:

Days	Performance Times
Sunday to Thursday	7.30pm
Friday and Saturday	7.00pm and 9.30pm

Event organisers are expecting approximately 650 attendees per show Sunday to Thursday, whilst Friday and Saturday nights expect to attract 1300 attendees. The maximum number of patrons allowed at the event at any given time will be set by the City's Environmental Health Officer in the Public Building Approval, once a final scale, site plan has been submitted.

It should be noted that the event organisers have advised that if Friday and Saturday's second performances are considered to have too great an impact on residents, they would alter performance times accordingly.

Audience demographics suggests that most attendees do not use public transport, however it is proposed to advertise best transport routes, which will include the location of surrounding car parks. The City's Royal Street car park is within 200 metres of the venue and will accommodate any parking requirements.

FINANCIAL IMPLICATIONS:

Reserve hire fees for ticketed events are based on ticket sales and are in accordance with the City's Budget and Fees Schedule. It is estimated that this event could attract a reserve hire fee of \$26,000.00 (exclusive of GST).

Following receipt of audited ticket sales, the reserve hire fee will be amended accordingly.

A refundable bond of \$10,000 will be required to cover any potential damage that maybe caused to the reserve or to the City's assets.

COMMENTS:

The applicants will be required to provide comprehensive event, risk, noise, evacuation, parking, waste, pedestrian, security and disability access and inclusion management plans, and ensure that they comply with the *Health Act, Food Act, Environmental Protection (Noise) Regulations 1997* and Public Building requirements. The event organisers will need to work closely with relevant units within the City to ensure that all the above mentioned plans are adequate.

It is acknowledged that this event has the potential to cause some damage to the reserve, however with the correct turf management plan in place being implemented by the event organisers and the City's Parks Unit, it is anticipated that the recovery time of the reserve can be greatly decreased. The cost of any repairs to the reserve will be deducted from the bond.

No road closures will be associated with this event and patrons will have ample parking within the vicinity. It is also anticipated that patrons will have unimpeded access to the area.

Impact on Residents

Most music related events, including concerts, music festivals and circuses are held along the City's foreshore; namely, Supreme Court Gardens, Langley Park, and in more recent years Ozone Reserve. Notwithstanding, Langley Park accommodates the majority of these types of events and as a result does receive some complaints from nearby residents, especially if the events are conducted over an extended period of time, e.g. Cirque Du Soleil.

The Supreme Court Gardens will be under construction from November 2015, and no events are expected to be held on the grounds until ANZAC Day 2016. Langley Park is heavily used throughout January and February with Australia Day, Opera in the Park and the Perth International Arts Festival. Russell Square will also be occupied from January through March 2016 with Fringe World. Ozone Reserve would be available during this period, but the performances could be impacted by other events taking place on Langley Park and there are residents in closer proximity to this location compared to the proposed location on Wellington Square. As such, in order to disburse noise related events and activate other event spaces throughout the City, Wellington Square was considered the best suited site to hold LA SOIREE.

Other than Wellington Square hosting a portion of the 2015 Perth International Art's Festival, The Giants, no large events have occurred on Wellington Square since 2012. It is also noted that Wellington Square has not previously hosted extended events similar to LA SOIREE.

Wellington Square is permitted to have up to two non-conforming events per year and LA SOIREE can be located on the north west corner of Wellington Square, away from most residents, who are situated along Wellington Street and Bennett Street, to avoid as much noise pollution from the event as possible.

It is noted that the 9:30pm shows will have a late finish and that this late show should not be supported, with options for earlier start times being negotiated with the event organisers.

Environmental Protection (Noise) Regulations 1997

The event will require approval as a non-conforming event under the *Environmental Protection (Noise) Regulations 1997*. The organisers will be required to submit a noise management plan detailing;

- Predicted noise levels and noise modelling;
- Venue layout;
- Details of how the applicant proposes to manage noise emissions;
- Complaint response strategies;
- Details of the types of speakers to be used; and
- List of performances and screenings.

Due to the duration of the event, extensive consultation will take place with event organisers both prior to and during the event to ensure minimal impact occurs to surrounding residents.

The *regulation 18 noise approval* will allow for changes to occur such as reducing noise level limits, extra notification and consultation with residents and noise monitoring both by the city and an independent acoustic consultant throughout the event if necessary.

Health (Public Building) Regulations 1992

The applicant will be required to submit a Form 1 'Application to construct, extend or alter a public building' in accordance with the *Health Act 1911* and comply with any other requirements of the *Health Act 1911*, *Food Act 2008* and *Health (Public Building) Regulations 1992*.

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

CONCLUSION:

LA SOIREE is an internationally acclaimed event that has captivated audiences since 2010 and will be a welcomed addition to Perth's entertainment offerings in the new

year. This event will promote interest and vitality in the City of Perth and activate the usage of Wellington Square. It is proposed to attract 29,000 patrons across 45 performances; showcasing exponents of cabaret, burlesque, circus sideshow and contemporary vaudeville.

Circuses with extended performance schedules have the potential to generate complaints from nearby residents and some damage will likely occur on the reserve. However, with the preparation of a number of management plans, and restrictions on later show times it is anticipated that the event will have limited impacts and will be safe and successful. The *Regulation 18* noise approval will also be conditioned to mitigate impact to residents.

The event organisers have indicated that they are willing to be flexible and will work closely with the City's Officers to ensure the event has minimal impacts on the locality and can be delivered successfully and in the hope they can return to Perth in the future. They have considered other city venues but have been unable to secure central locations such as a site within Elizabeth Quay, and, therefore, do not have any alternate plans should the Council not support the use of Wellington Square for this event. If this was to be the case, it is noted that Ozone Reserve could be an alternate venue if Council considers this to be a more suitable site.

Therefore it is recommended that the hire of a portion of Wellington Square, from Friday, 22 January until Sunday, 28 February 2016, for the purpose of presenting LA SOIREE, be approved.

Moved by Cr Harley, seconded by Cr McEvoy

That Council:

- 1. approves the use of Wellington Square by Strut & Fret Production House Pty Ltd for LA SOIREE, from Sunday 10 January until Wednesday 2 March 2016, with performances from Friday 22 January until Sunday 28 February 2016, subject to the applicant:***
 - 1.1 indemnifying the City against any claim arising from the event and the applicant's use of Wellington Square and holding a Public Liability Insurance Policy with a limit of indemnity of \$10,000,000;***
 - 1.2 paying the estimated reserve hire fee of \$26,000.00 (excluding GST), Public Building fees, Regulation 18 application fee and associated noise monitoring costs and a \$10,000 damages bond;***

(Cont'd)

- 1.3 covering all costs associated with the event including City supervision and services, cleaning and repairing any damage to Wellington Square resulting from the event and any other costs identified in the management plans to mitigate any risks;**
 - 1.4 complying with the relevant requirements of the Health Act 1911, Food Act 2008, Environmental (Noise) Regulations 1997 and the Health (Public Buildings) Regulations 1992;**
 - 1.5 providing management plans to adequately address Risk, Noise, Parking, Security and Disability Access and Inclusion to the satisfaction of the City, at least one month prior to the event;**
 - 1.6 providing written notification of the event and any noise related issues to the surrounding commercial and residential premises, to the satisfaction of the City, one month prior and again seven days prior to the event;**
 - 1.7 seeking approval for a liquor licence from the Department of Racing, Gaming and Liquor; and**
 - 1.8 submitting a Certificate of Design Compliance and a Certificate of Construction Compliance for any structures greater than 500m² in accordance with the Building Act 2011;**
- 2. the applicant is advised that the City will not support 9.30pm session times on Friday and Saturday nights, however would consider supporting alternate, earlier performance times.**

The motion was put and carried

The votes were recorded as follows:

For: Crs Butler, Harley and McEvoy

Against: Nil

Meeting note: The Planning Committee considered it appropriate to ensure that existing users of the surrounding areas be consulted with regards to the event.

PL192/15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

PL193/15 GENERAL BUSINESS**Responses to General Business from a Previous Meeting**

Nil

New General Business

Nil

PL194/15 ITEMS FOR CONSIDERATION AT A FUTURE MEETING**Outstanding Items:**

Nil

PL195/15 CLOSE OF MEETING

6.47pm There being no further business the Presiding Member declared the meeting closed.

SCHEDULES
FOR THE MINUTES OF THE
PLANNING COMMITTEE
MEETING
HELD ON
6 OCTOBER 2015



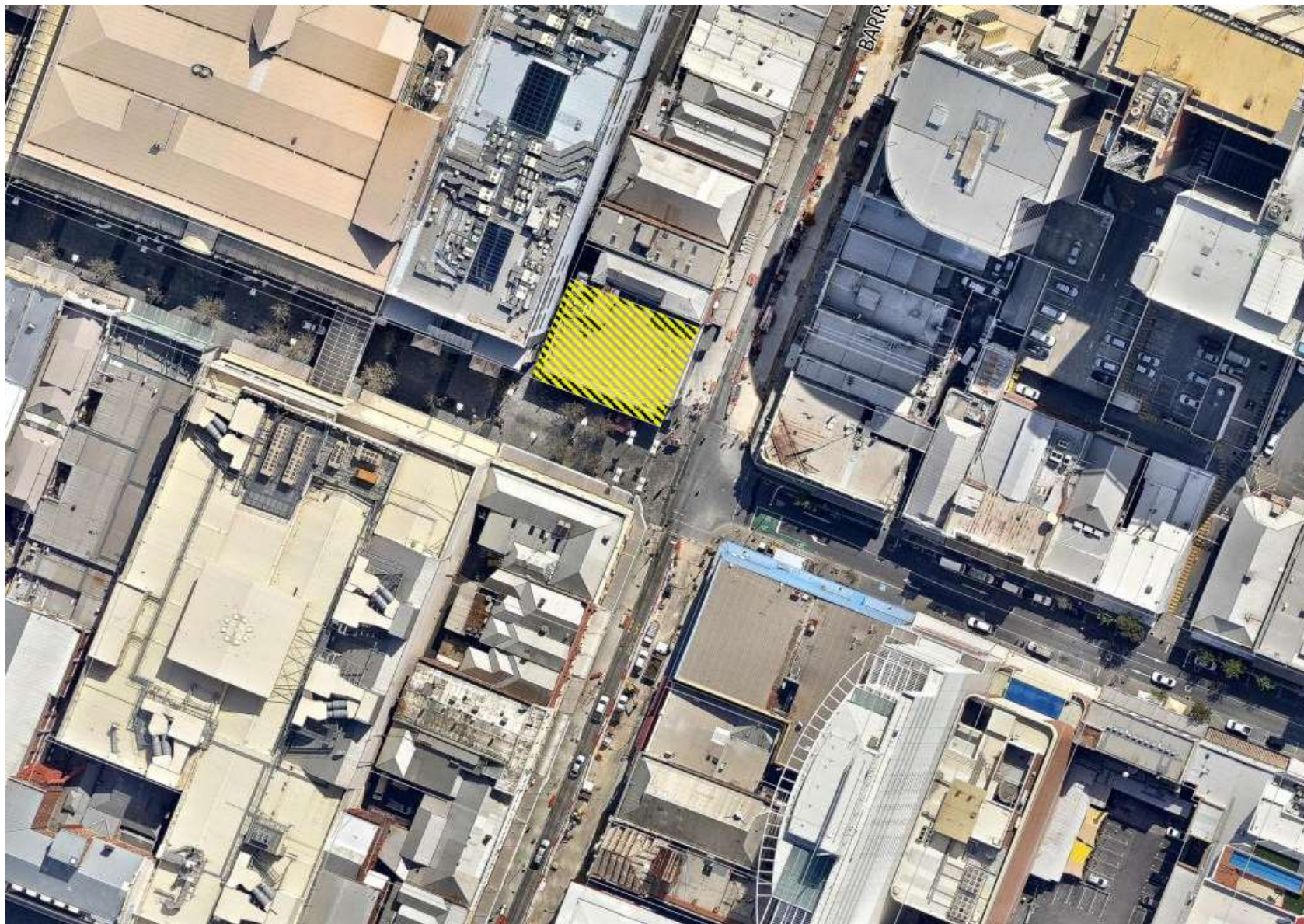
2015/5372; 5 THE ESPLANADE AND BARRACK SQUARE (LOTS 302, 501, 555 AND 9000), PERTH – PROPOSED EVENTS 1



2015/5372; 5 THE ESPLANADE AND BARRACK SQUARE (LOTS 302, 501, 555 AND 9000), PERTH – PROPOSED EVENTS 2



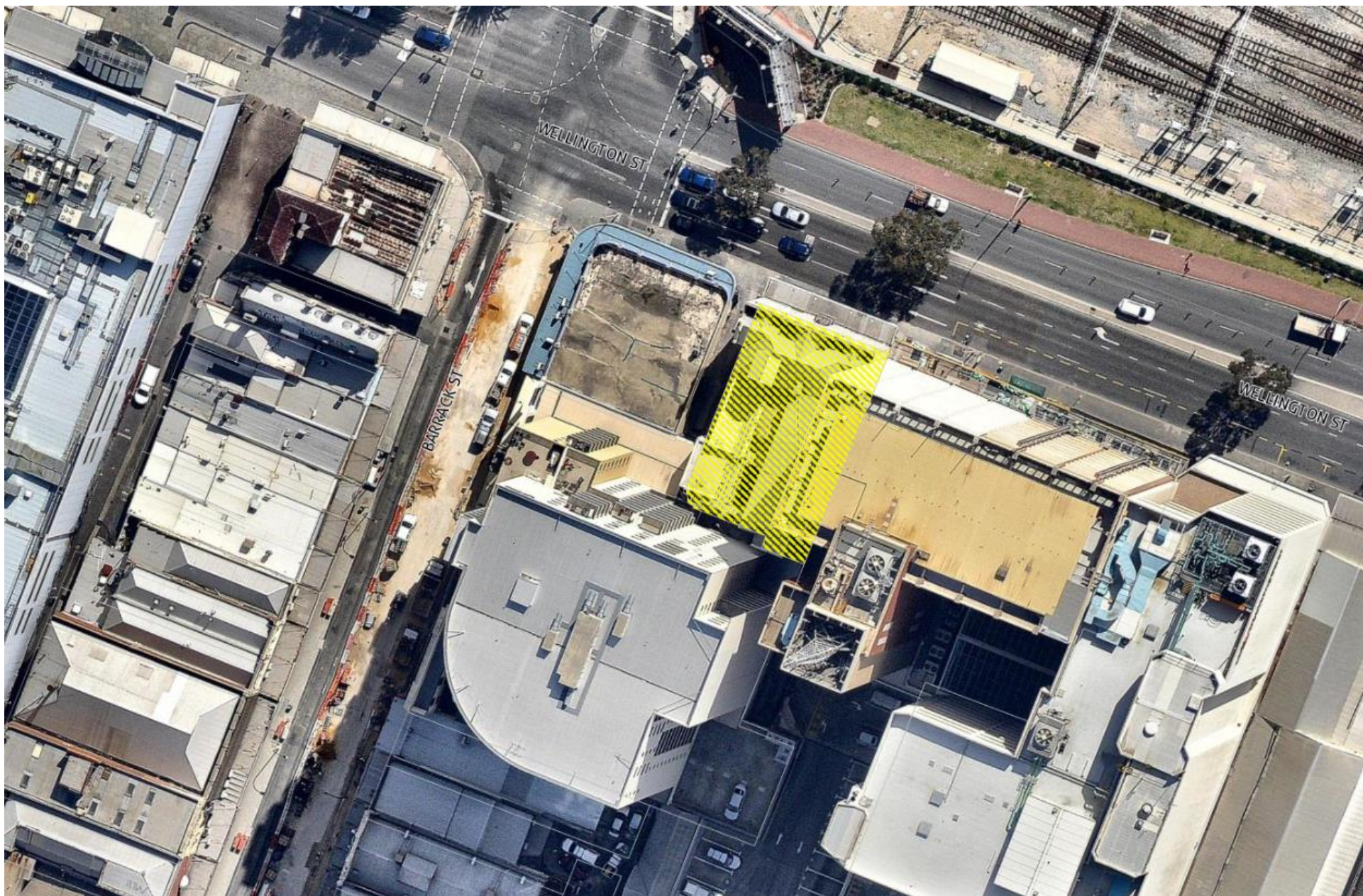
2015/5257 – 139 (LOT 20) KENSINGTON STREET, EAST PERTH



2015/5204 - 158-160 (LOT 11) MURRAY STREET MALL, PERTH



2015/5204 – 158-160 (LOT 11) MURRAY STREET MALL, PERTH



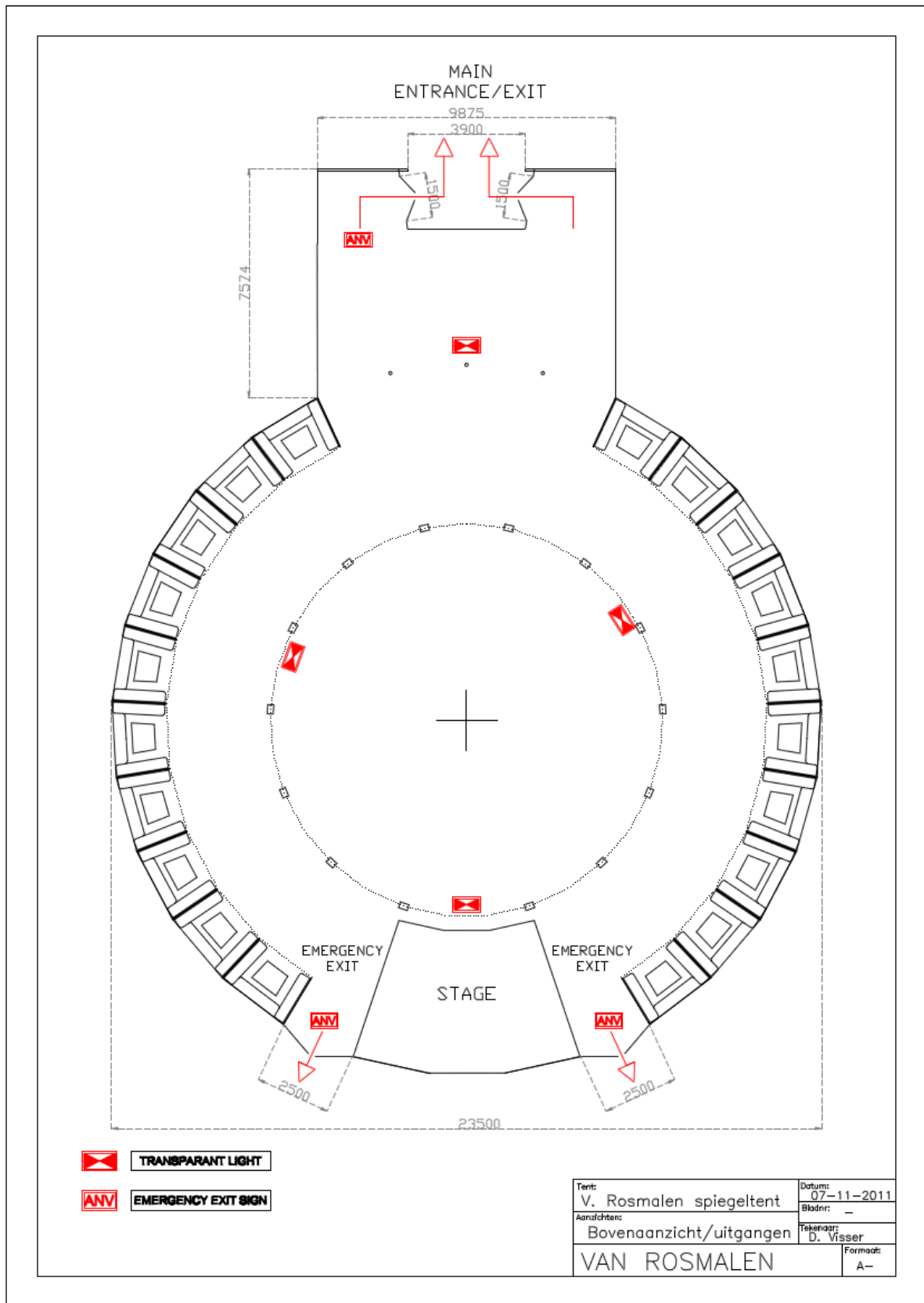
2015/5312 – 379 (LOT 31) WELLINGTON STREET, PERTH



**2015/5312 – 379 (LOT 31) WELLINGTON STREET, PERTH –
PHOTO OF EXISTING LARGE BANNER SIGN**

SCHEDULE 5

Indicative Site Layout and Tour History





TOUR HISTORY

YEAR	MONTH	LOCATION	VENUE
2015	MAY - JUNE	Darwin, Australia	Darwin Entertainment Centre
2015	May	Brisbane, Australia	Queensland Performing Arts Centre
2015	March	Hobart, Australia	Spiegelent Hobart
2015	March	Adelaide, Australia	Garden of Unearthly Delights
2015	January-March	Perth, Australia	Palais des Glaces Spiegelent
2014 - 15	November - January	London, United Kingdom	La Soirée Spiegelent, South Bank
2014	October	Lund, Sweden	Lunds Stadshall
2014	September - October	Stockholm, Sweden	Tyrol, Gröna Lund
2014	September	Holmstad, Sweden	Stationsparken
2014	August - September	Umea, Sweden	Spiegelent
2014	May	Buenos Aires, Argentina	Buenos Aires Polo Circo
2014	March	Hobart, Australia	Spiegelent Hobart
2014	January - March	Sydney, Australia	Sydney Opera House
2014	October - May	New York City, USA	Union Square Theatre
2013	September	Brisbane, Australia	The Spiegelent, South Bank
2013	August - September	Darwin, Australia	Darwin Entertainment Centre
2013	March	Adelaide, Australia	Garden of Unearthly Delights
2013	January - March	Sydney, Australia	Sydney Opera House
2012	October - November	Melbourne, Australia	Forum Theatre
2012	September	Brisbane, Australia	The Courier-Mail Spiegelent, South Bank
2012	August	Darwin, Australia	The Lighthouse, Festival Park
2012	July - August	Chicago, USA	The Riverfront Theatre
2012	July	Montreal, Canada	L'Olympia
2012	July	Hamburg, Germany	Fliegende Bauten Hamburg
2012	March	Adelaide, Australia	Garden of Unearthly Delights
2012	January - March	Sydney, Australia	Sydney Opera House
2012 - 2011	November - January	London, United Kingdom	The Roundhouse
2011	October	Aalborg, Denmark	Skårn i Nordkraft
2011	March - April	Stockholm, Sweden	Tyrol, Gröna Lund
2011	March	Umeå, Sweden	Iduntheatern
2011 - 2010	October - February	London, United Kingdom	South Bank Big Top





La Soiree – Site Location
Wellington Square