

Planning Committee

**Notice of Meeting
14 November 2017
5.30pm**

**Committee Room 1
Ninth Floor
Council House
27 St Georges Terrace, Perth**



City of Perth

Agenda

ORDER OF BUSINESS AND INDEX

- 1** Declaration of Opening
- 2** Apologies and Members on Leave of Absence
- 3** Question Time for the Public
- 4** Confirmation of minutes – 19 September 2017
- 5** Correspondence
- 6** Disclosure of Members' interests
- 7** Matters for which the meeting may be closed
Nil
- 8** Reports
 - 8.1 - Planning Committee – Election of Presiding Member
 - 8.2 - 180 (Lot 2) Bennett Street, East Perth – Proposed Demolition of Existing Single Storey Building and Construction of a Sixteen Level Hotel ('Special Residential') Development Comprising 85 Hotel Rooms and a Restaurant ('Dining') Use and Bar ('Entertainment') Use - Request for Bonus Plot Ratio
 - 8.3 - 66-84 (Lot 200) Railway Street, West Perth - Two Proposed Third Party Variable Content Wall Signs
 - 8.4 - 419 – 447 Wellington Street and Forrest Place (Lots 54, 976, 977 and 978) and Wellington Street, Perth – Alfresco Dining and including minor works to Forrest Place associated with the approved Forrest Chase/Place Redevelopment Works
 - 8.5 - Initiation of Amendment No. 41 to City Planning Scheme No.2 to Introduce a Special Control Area Over 28 (Lot 51) and 32 (Lot 52) Troode Street and 196 (Lot 200) Colin Place, West PerthMotions of which Previous Notice has been given
- 9** General Business
 - 9.1 - Responses to General Business from a Previous MeetingNil

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

9.2 - New General Business

10 Items for consideration at a future meeting.

Outstanding Reports:

Nil

11 Closure

A handwritten signature in black ink, appearing to read 'Martin Mileham', written over a horizontal line.

MARTIN MILEHAM
CHIEF EXECUTIVE OFFICER
9 NOVEMBER 2017

This meeting is open to members of the public

PLANNING COMMITTEE

Established: 17 May 2005 (Members appointed 24 October 2017)

Members:	1st Deputy:	2nd Deputy:
Cr Adamos	Cr Harley	Cr Chen
Cr Davidson		
Cr Hasluck		

Quorum: Two

Terms Expire: October 2019

TERMS OF REFERENCE: [Adopted OCM 24/11/15]

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

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

INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE MEETINGS

Question Time for the Public

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

Deputations

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

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

Disclaimer

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

Any plans or documents contained in this agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and the express permission of the copyright owner(s) should be sought prior to their reproduction.

EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



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

BUILDING ALARMS

Alert Alarm and Evacuation Alarm.

ALERT ALARM

beep beep beep

All Wardens to respond.

Other staff and visitors should remain where they are.



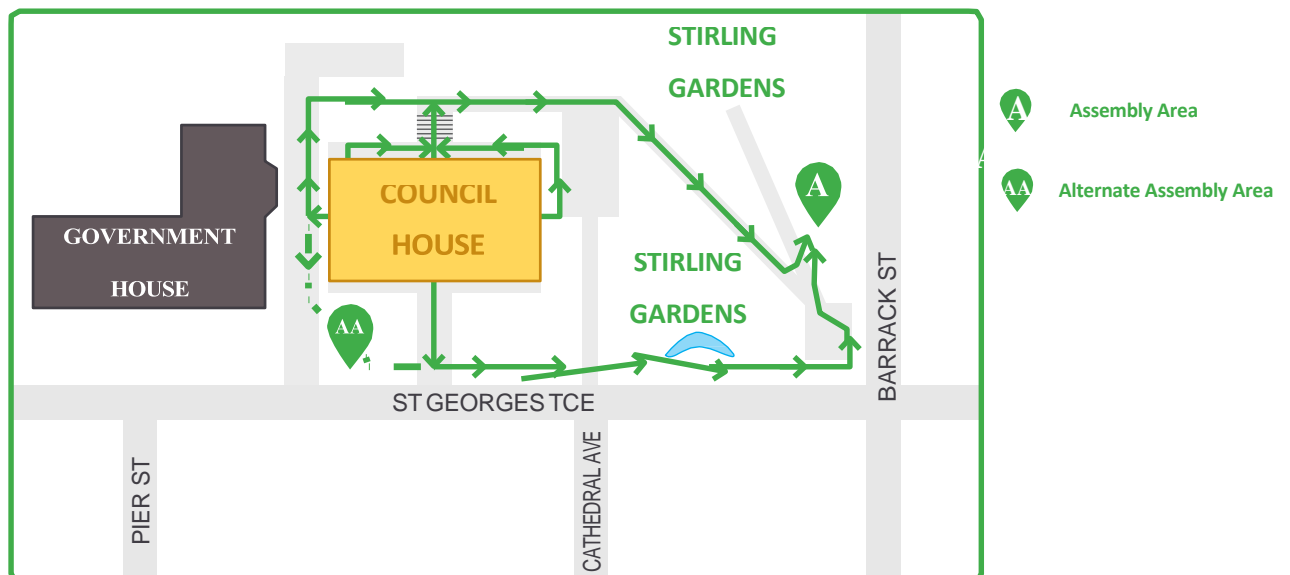
EVACUATION ALARM / PROCEDURES

whoop whoop whoop

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

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

EVACUATION ASSEMBLY AREA



Recommendation:

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

FILE REFERENCE: P1033372
 REPORTING UNIT: Governance
 RESPONSIBLE DIRECTORATE: Office of the CEO
 DATE: 27 October 2017
 ATTACHMENT/S: N/A

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	Section 5.12 of the <i>Local Government Act 1995</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 7 An open and engaged city

Purpose and Background:

At its meeting held on **24 November 2015**, Council resolved to establish the Planning Committee Terms of Reference as follows:

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

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

Membership:

Membership (Members appointed at the Special Council Meeting held **24 October 2017**):

Members:	1st Deputy	2nd Deputy
Cr Hasluck	Cr Harley	Cr Chen
Cr Adamos		
Cr Davidson OAM JP		

Quorum:

Two

Terms Expire:

Local Government Elections October 2019

Details:

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

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

2. When Committee elects Presiding Member

- (1) The office is to be filled as the first matter dealt with —
 - (a) at the first meeting of the Committee after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the Committee after an extraordinary vacancy occurs in the office of Presiding Member.
- (2) If the first ordinary meeting of the Committee is more than three weeks after an extraordinary vacancy occurs in the office of Presiding Member, a special meeting of the Committee is to be held within that period for the purpose of filling the office of Presiding Member.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How Presiding Member is elected

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

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the

count, the count is to be discontinued and the meeting is to be adjourned for not more than seven days.

- (2) Any nomination for the office of Presiding Member may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the Committee members are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

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

Financial Implications:

There are no financial implications associated with this report.

Comments:

The Planning Committee is required to elect a Presiding Member in accordance with section 5.12 of the *Local Government Act 1995*.

Agenda Item 8.2	180 (Lot 2) Bennett Street, East Perth – Proposed Demolition of Existing Single Storey Building and Construction of a Sixteen Level Hotel ('Special Residential') Development Comprising 85 Hotel Rooms and a Restaurant ('Dining') Use and Bar ('Entertainment') Use - Request for Bonus Plot Ratio
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Recommendation:

*That, in accordance with the provisions of the City Planning Scheme No. 2, the Metropolitan Region Scheme and the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for local planning schemes, Council **APPROVES BY AN ABSOLUTE MAJORITY** the application for the proposed demolition of the existing building and construction of a sixteen storey hotel ('Special Residential') development containing 85 hotel rooms, with ground floor 'dining' and 'entertainment' uses, as indicated on the Metropolitan Region Scheme Form One dated 16 August 2016, and as shown on the plans received on 6 September 2017, subject to:*

- 1. the proposed development being restricted to a maximum plot ratio of 3.6:1 (1,815m²) inclusive of 20% bonus plot ratio (297m² plot ratio floor area) on the basis of 20% bonus plot ratio (being 297m² of plot ratio floor area) for a new Special Residential use in accordance with clause 28 of City Planning Scheme No. 2 and the requirements of the Bonus Plot Ratio Policy 4.5.1;*
- 2. any subsequent change of use of the Special Residential portions of the development being prohibited within 10 years following the date on which those portions of the development are lawfully occupied, pursuant to Clause 46A of City Planning Scheme No. 2;*
- 3. final details of the design and a sample board of the high quality and durable materials, colours and finishes for the exterior of the hotel building and being submitted for approval by the City prior to applying for a building permit;*
- 4. any proposed external building plant, lift overruns, piping, ducting, water tanks, transformers, air condensers and fire booster cabinets shall be located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street, with details of the location and screening of such plant and services being submitted for approval by the City prior to the submission of an application for a building permit;*

(Cont'd)

5. *a Vehicular, Service and Delivery Access Plan, outlining the management strategies to deal with the dropping off and picking up of hotel guests via taxi or other transport; strategies for advising guests upfront of limitations in parking in the locality; and including arrangements for on-site servicing of the building, being submitted for approval by the City prior to the occupation of the hotel building with the plan being implemented by the hotel proprietor/manager thereafter to the satisfaction of the City;*
6. *a Hotel Management Plan addressing the operation of the hotel in accordance with the provisions of the City's Special Residential (Serviced and Short Term Accommodation) Policy, including but not being limited to the following:-*
 - 6.1 *Company name and relevant experience of management/operator;*
 - 6.2 *Cleaning and laundry services, where applicable;*
 - 6.3 *Opening hours for guest check-ins and check-out including the method of reservations/bookings;*
 - 6.4 *Security of the guests and their visitors;*
 - 6.5 *Control of noise and other disturbances; and*
 - 6.6 *A complaints management service.*

being submitted for approval by the City prior to the commencement of the hotel use, with the management plan being implemented by the proprietor/manager on an ongoing basis to the satisfaction of the City;
7. *a management plan for the small bar, detailing control of noise, patron behaviour, hours of operation, queuing arrangements and the procedure for addressing complaints, being submitted to the City for approval prior to the small bar use coming into operation, with the management plan being implemented by the proprietor / manager of the premises on an on-going basis;*
8. *the Waste Management Strategy dated August 2017 being implemented by the owners of the development, with any alternative waste management proposals that might impact on the design of the building being submitted for approval by the City prior to applying for a building permit;*
9. *details of on-site stormwater disposal/management being to the City's specifications and being submitted for approval by the City prior to applying for a building permit;*
10. *the proposed floor levels of the pedestrian entrances to the building being designed to match the current levels of the adjacent footpaths, to the City's satisfaction, with details being submitted for approval by the City prior to applying for a building permit;*

(Cont'd)

11. *any signage for the proposed uses being integrated into the design of the building and any signs which are not exempt from approval under the City's Signs Policy 4.6 requiring a separate application for approval;*
12. *in the event that the approved development has not been substantially commenced within six months of the demolition of the existing buildings on site, the site is to be landscaped or aesthetically screened at the owner's cost, with details being submitted and approved by the City prior to installation, in order to preserve the amenity of the area and to prevent dust and sand being blown from the site, with the site being maintained in a clean and tidy state to the City's satisfaction;*
13. *the works referred to in Condition 12, shall be secured by a bond/deed of agreement between the applicant and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant prior to the demolition of the existing buildings on site;*
14. *the proposed residential part of the development being designed and constructed in such a manner that existing and future noise levels occurring between dwellings, and from external noise sources and mechanical plant and equipment that could potentially affect future occupiers, can be successfully attenuated in accordance with the City Planning Scheme No. 2 - Residential Design Policy. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and be submitted for approval by the City prior to the submission of an application for the relevant building permit;*
15. *a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:*
 - 15.1 *the delivery of materials and equipment to the site;*
 - 15.2 *the storage of materials and equipment on the site;*
 - 15.3 *the parking arrangements for the contractors and subcontractors;*
 - 15.4 *the protection and retention of street trees and other City assets;*
 - 15.5 *any dewatering of the site; and*
 - 15.6 *other matters likely to impact on the surrounding properties.*

FILE REFERENCE:	2016/5328
SUBURB/LOCATION:	180 (Lot 2) Bennett Street, East Perth
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	5 September 2017
ATTACHMENT/S:	Attachment 8.2A – Map and Coloured perspectives
3D MODEL PRESENTATION:	Yes

LANDOWNER: M Cube Charles Properties Pty Ltd
 APPLICANT: Archiapps Pty Ltd
 ZONING: (MRS Zone) Central City Area Zone
 (City Planning Scheme Precinct) Goderich (P14)
 (City Planning Scheme Use Area) Residential / Commercial
 APPROXIMATE COST: \$13.8 million

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

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

Policy

Policy No and Name: 3.9 Special Residential (Serviced and Short Term Accommodation) Policy
 4.1 City Development Design Guidelines
 5.1 Parking Policy
 5.3 Bicycle Parking and End of Journey Facilities
 6.3 Goderich Design Policy

Background:

The 506m² subject site is located on the eastern side of Bennett Street opposite Wellington Square in East Perth. The site adjoins a right of way to its eastern lot boundary and is currently occupied by a single storey commercial building.

At its meeting held on **26 September 2017**, Council deferred consideration of the subject application for the sixteen level hotel development on the site “to enable further consideration of the impact of the building on the surrounding area”. The applicant has responded to the Council’s request providing additional justification for the proposed development, improved perspectives of the development showing existing surrounding properties as well as overshadowing diagrams demonstrating the difference between the proposed development and a fully compliant development under CPS2. The applicant’s justification for the proposal and its impact on the surrounding area has been summarised as follows:

Building height:

The development has been revised on the advice provided by the Design Advisory Committee to reduce the podium height of the building to better integrate with surrounding developments and improve the proportions of the podium relative to the tower. The Goderich Design Policy permits a maximum street building height of 21 metres, in which 16 metres is proposed, and no overall maximum height limit is prescribed. Amendments to the building height limits and plot ratio requirements for the Goderich Precinct were introduced in 2014 to promote activity, vitality and population targets in accordance with the City’s Urban Design Framework. Neighbouring residents hesitation towards the development is understandable given the proposed development is the first in the immediate area to be developed under the increased building height and plot ratio limits. Over time, more properties will be developed, complementing the proposed building.

Overshadowing:

The building at 178 Bennett Street will be the most affected by overshadowing, however no apartments within this development have north facing windows. The apartments at 65 Wittenoom Street and 52 Wickham Street will be affected by overshadowing for a period in the later afternoon only. The submitted shadow diagrams demonstrate that there is minimal difference between the overshadowing from the proposed building and a building that is fully compliant with the Goderich Design Policy development requirements under CPS2.

Parking:

The hotel is aimed at short stay guests, visiting for events in the city and the new Perth Stadium. Both destinations are easily accessible on foot and there are various transport options available in the vicinity of the site for guests and hotel employees. Guests with cars will be directed to public car parking in the area as stated in the Parking Management Plan submitted with the application.

Reduced Rear Setbacks:

The subject site abuts a 2.6 metre wide laneway to the rear and therefore the impact of the setback variations to the lower levels of the building are reduced given there is a permanent separation between buildings adjoining the laneway. The ground floor of the development has no openings to the rear laneway, whilst the first floor has four small vertical windows to the common dining area for the hotel. The hotel rooms on the third level to the rear of the site have been setback two metres from the rear property boundary. The impact of the rear setback variation to the lower building levels is reduced with the abutting laneway providing

a permanent separation to the adjoining properties and reducing any potential overlooking or privacy issues.

Details:

The applicant seeks planning approval to demolish the existing building on the site and construct a sixteen level hotel development consisting of 85 hotel rooms, a restaurant and bar on the subject site. Details of the proposed development are as follows:

Basement Level	This level includes two fire service water tanks, a stormwater storage tank, fire service pump room and a lift shaft pit.
Ground Floor Level	This level includes the hotel reception and lobby, lounge area, cafe / bar area, staff office and staff bathroom facilities, outdoor deck area, a guest lift and service lift, transformer room, ten bicycle parking bays and bin storage area.
First Floor Level	This level includes a kitchen, common dining room, outdoor deck, a function room, staff rest room, lift foyer, store rooms and lift and stair access.
Second to Fourth Floor Levels	These levels each have ten, single bedroom hotel rooms ranging in size from 19m ² to 22m ² each with their own bathroom. These levels also include a sitting area and lift and stair access.
Fifth Floor Level	This level contains a 50m ² communal gym and large open deck area plus lift and stair access.
Sixth Floor Level	This level contains four single bedroom hotel rooms each with their own bathroom ranging in size from 19m ² to 37m ² , a sitting area and lift and stair access.
Seventh to Fourteenth Floor level	These levels each contain six, single bedroom hotel rooms each with their own bathroom. These levels also include a sitting area and lift and stair access.

Compliance with Planning Scheme:

Land Use

The subject site is located within the Residential / Commercial use area of the Goderich Precinct (P14) under the City Planning Scheme No. 2 (CPS2). This area will accommodate a greater portion of residential uses, strengthening the Precinct as a residential neighbourhood. Contemporary, innovative designs will be encouraged however, development is to be sympathetic to original inner city housing and commercial buildings.

Hotel ('Special Residential') and 'Dining' uses are both preferred ('P') uses in the Residential / Commercial use, whilst 'Entertainment' is a contemplated ('C') use within Residential / Commercial use area of the Goderich Precinct.

Development Requirements

The proposal's compliance with the CPS2 and Goderich Design Policy development requirements is summarised below:

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:	3.6:1 (1,815m²) including 20% bonus plot ratio for provision of Special Residential use)	3.0:1.0 (1,518m ²) Special Residential Bonus Plot Ratio(20% maximum)
Maximum Street Building Height:	16 metres	21 metres
Maximum Building Height:	49 metres	No prescribed limit
Setbacks:		
Bennett Street	Nil	Nil
Side (south)		
- Lower building levels	Nil to 1.5 metres with openings	Nil where no openings, 4 metres where openings
- Upper building levels	Nil (No openings), 1.5 metres with openings	3 metres where no openings, 4 metres where openings
Side (north)		
- Lower building levels	Nil (no openings) 4.5 metres to opening	Nil where no openings, 3 metres where openings
- Upper building levels	3 metres (no openings) 4.6 metres to opening	3 metres where no openings, 4 metres where openings
Rear (east)		
- Lower building levels	1 metre (to opening on first floors)	Nil where no openings, 4 metres where openings
- Upper building level	2.1 metres	4 metres
Car Parking:		
Commercial	Nil	12 bays (maximum)
Bicycle Parking:	10 bays	28 bays (minimum)

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

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

In accordance with Clause 28 of the CPS2 the Council may permit a bonus plot ratio for special residential uses:-

"(2) (b) up to a maximum of 20% per lot where the development incorporates a new special residential use and the development is located within the area shown on the Special Residential Bonus Plot Ratio Plan as being eligible for a maximum of 20% or 40% special residential bonus plot ratio; "

"(4) Where bonus plot ratio is permitted for development which incorporates-

- (a) a special residential use under subclause (2)(c)(i) the floor area of the building derived from the bonus plot ratio shall be used solely for the special residential use"*
- And*
- (b) the orderly and proper planning of the locality;*
- (c) the conservation of the amenities of the locality; and*
- (d) the statement of intent set out in the relevant precinct plan.*

Comments:

Consultation

Due to the proposed setback variations to City Planning Scheme No. 2, the application was advertised to all adjoining landowners for a period of 14 days, closing on the 25 August 2017. A total of 21 submissions were received during the advertising process. The submissions raised the following concerns with the application:

- The proposed building height is excessive and double the height of adjacent buildings and all other buildings in the area;
- The building is not being consistent with the Goderich Design Policy objectives which states that 'a continuous edge of appropriately scaled peripheral buildings of relatively consistent height, abutting the front boundaries of the site';
- The lack of on-site car parking and the potential issues this will cause for not only residents but for clients of the hotel, their staff and delivery vehicles;
- The overshadowing impact on adjoining properties to the south of the subject site for extended periods of the days during both summer and winter months;
- The character and amenity of the proposed building on Bennett Street and its amenity on existing surrounding properties;
- The reduced rear setback to the laneway;

- The use of the laneway for service vehicles and the potential issues with vehicles manoeuvring in the laneway given its narrowness; and
- Potential noise created during the construction of the building and its potential impact on neighbouring properties as well as airborne debris as a result of the construction.

The concerns identified during the consultation period have been noted and will be addressed later in the report.

Design Advisory Committee

The original application for a twelve storey hotel development including a request for bonus plot ratio on the subject site was considered by the Design Advisory Committee (DAC) at its meeting held on 17 November 2016. The Committee resolved to support the awarding of the 20% bonus plot ratio for the provision of a new Special Residential use, however raised concerns regarding the design quality of the proposed development identifying areas of the proposal which needed improving.

The applicant modified the building design in accordance with the recommendation of the DAC. The application was referred back to the DAC at its meeting held on 24 August 2017. The DAC, having considered the revised design of the sixteen level hotel development at the subject site advised that it supports:

1. *reiterates support for the awarding of 20% bonus plot ratio for the provision of a new Special Residential use, noting the proposal's compliance with the City's Bonus Plot Ratio Policy 4.5.1 and Special Residential (Serviced and Short Term Accommodation) Policy 3.9;*
2. *commends the applicant for having simplified the proposed finishes and materials, the window and canopy designs and for improving the proportions of the podium and tower elements, which has resulted in a more cohesive design;*
3. *considers that the design of the southern elevation requires further development due to the extent of its exposure;*
4. *suggests that the applicant consider extending the vertical expression of the front façade of the podium levels to the façade for the tower to provide a more unified façade design;*
5. *considers that the rotated geometry elements of the tower should be extended further down the tower to improve the vertical proportions of this aspect of the design;*
6. *suggests that the glazing within the ground level canopy should incorporate a frit pattern to address shading and maintenance issues;*
7. *considers that the design of the canopy on the podium rooftop should be reviewed to be more functional in terms of providing shading and weather protection on this level; and*
8. *considers that the overall form of the building is suitable for the narrow lot, including the proposed side and rear setback variations, noting the minimal impact the variations will have on the adjacent properties.*

The applicant has further modified the building design in response to DAC's comments making the following amendments to the building design:

- The southern elevation has been redesigned, adding vertical elements and patterning to provide additional interest to the façade.
- The rotated geometry elements of the tower have been extended further down the building in accordance with items 4 and 5 of the DAC's comments.
- The podium canopy and tower canopy have been redesigned to complement each other with a frit pattern glazing incorporated to provide shading and weather protection for guests.

The design modifications are considered to address the recommendations of the DAC to provide an overall improved outcome for the development proposal and will be discussed in further detail later in this report.

Bonus Plot Ratio:

Developments which incorporate a Special Residential use may be awarded bonus plot ratio of up to 20% where it is located within the area indicated on the Special Residential Bonus Plot Ratio Plan contained within CPS2. The subject site is eligible for a maximum bonus plot ratio of 50% in accordance with the Bonus Plot Ratio Policy 4.5.1, however is seeking a 20% bonus plot ratio for the provision of Special Residential use.

Under Section 7.1 Design Criteria of the City's Bonus Plot Ratio Policy 4.5.1 a special residential use must be designed in accordance with the provisions of the CPS2 Special Residential (Serviced and Short Term Accommodation) Policy 3.9. In addition, hotels seeking bonus plot ratio must provide the following basic facilities and amenities:

- a lobby/reception area;
- back of house/administration facilities, including housekeeping areas to enable a fully serviced hotel to function, staff ablution/locker facilities, office space and storage areas; and
- bathrooms within guest rooms which incorporate at a minimum a basin, shower and toilet. Laundry facilities shall not be provided within hotel guest rooms.

The proposed hotel development has a dedicated hotel lobby and reception desk at ground level as well as back of house facilities, office space, staff rooms and storage rooms to enable the efficient functioning of the hotel. Each room has been designed with a bathroom which incorporates a basin, shower and toilet facilities. The proposed hotel is consistent with the design criteria of the policy relating to Special Residential Development and is considered worthy of the 20% bonus plot ratio being sought.

Building Height and Setbacks:

In accordance with CPS2, the site has no prescribed maximum building height, however, a maximum street building height of 21 metres along Bennett Streets is prescribed. The subject development proposes a street building height of 16 metres and a total building height of 49 metres, therefore complying with the maximum street and building height required by the Goderich Design Policy. The proposed height is considered to be appropriate for the location noting the respective plot ratio and building height control measures in the

locality which encourage redevelopment of existing sites to provide for larger scale developments in contrast to the existing scale of development.

The application proposes variations to the rear setback requirements of CPS2 to the lower and upper building levels. A reduced setback of 987mm is proposed to the lower building level to the rear (east) of the site, in lieu of the required 4 metre setback where openings exist. The ground floor level has no openings, whilst the first floor level has four small vertical windows to the common dining area for the hotel. The hotel rooms located on the third level of the hotel to the rear of the site have been setback two metres from the rear property boundary. Given the subject site abuts a laneway to the rear of the site, which is 2.6 metres wide, the impact of the setback variations to the lower building levels is reduced with the abutting laneway providing a permanent separation to the adjoining property and reducing any potential overlooking or privacy issues. It is therefore recommended that the setback variation to the rear of the building be supported in accordance with Clause 47 of CPS2.

The application proposes setback variations to both the lower and upper levels of the southern elevation, with a 1.5 metre setback proposed to the lobby windows on the lower levels of the building. The windows to the southern elevation will provide natural light to the internal lobby space on each floor whilst providing potential views of the Swan River which is considered an improved design outcome. A nil setback is proposed to the upper level of the southern elevation of the hotel building. The subject site is 13.6 metres wide therefore making a three metre side setback difficult to achieve whilst still achieving a good design outcome. The adjoining residential property to the south is five storeys high with a parapet wall extending along most of the length of the common lot boundary. The proposed reduced setback to the lobby windows as well as parapet wall for the upper levels poses no overlooking or privacy issues between the proposed and existing residential building. It is recommended that the proposed setback variations to the upper and lower building levels setbacks be supported in accordance with Clause 47 of CPS2.

Overshadowing

The Goderich Design Policy states that 'all development should be designed to maximise sunlight penetration into streets, public spaces and buildings and provide for moderate to high levels of sunlight in to the Town Centre and key public spaces in the middle of the day (10am to 2pm) from August through to April.'

Overshadow diagrams show that the existing residential building at 178 Bennett Street which is directly south of the subject site, will be affected by overshadowing in the morning from April to August and a portion of the building to the rear will also be affected in the afternoon. The overshadow diagrams show that 52 Wickham Street will also be affected by overshadowing from the proposed development however only in the afternoons between April and August, with solar access maintained in the mornings.

There are no prescribed maximum building height limits under the Goderich Design Policy for buildings along Bennett Street, therefore built form is controlled via plot ratio limits, street building heights and setback requirements. The proposed development complies with the maximum permitted street building height and seeks rear and side setback variations, however even with the building being compliant with the setback provisions, the development would still overshadow adjoining properties given its location.

Car Parking:

The proposed develop does not provide any on-site car parking for guests, staff or the daily servicing of the hotel. The applicant is proposing to service the hotel by utilising existing on-street car parking bays on Bennett and Goderich Streets. It is proposed to convert the existing loading bay on Bennett Street to an on-street car parking bay for drop-off and pick up of hotel guests and converting the existing on-street car parking bay on Wittenoom Street to a loading bay for service vehicles.

The Special Residential (Serviced and Short Term Accommodation) Policy requires all applications for Special Residential use to submit a Management Plan which includes a Parking Management Plan. The applicant has submitted a Parking Management Plan for the hotel which will direct hotel guests to paid parking in the area.

The Hotel Management Plan states that all cleaning and laundering services will be contracted out to local companies, with soiled linen being stored in the basement level and collected twice weekly. All servicing of the hotel will be from the rear laneway, with vehicles parking in the on street loading bay and all deliveries entering and exiting the hotel via the rear of the building. Further details regarding times and frequency of deliveries will need to be carefully managed to ensure nearby residents are not unduly affected. Further details relating to the management of the hotel will be required as a condition of any approval.

Bicycle Parking and End of Trip Facilities:

A minimum total of 28 bicycle parking bays are required under the City's Bicycle Parking and End of Journey Facilities Policy 5.3. The minimum bicycle parking requirement is considered onerous for a hotel development given guests are unlikely to be arriving by bicycles or requiring these facilities. Given the anticipated low demand, a variation to the Policy can be supported in this case.

Amenity Impacts and Orderly and Proper Planning:

It is evident from the range of submissions received that there is concern from the local community that the proposed development, due to its bulk and scale, will have a detrimental impact on the character and amenity of the locality.

It is acknowledged that much of the concern has arisen as the proposal will be among the first few major scale redevelopments within the immediate locality under the revised plot ratio and building height provisions of CPS2 which were introduced in 2013 and 2014. The provisions were introduced to ensure development and redevelopment within the City is undertaken in a sustainable and integrated manner. Relevant increases in plot ratio and building heights were also seen as integral in order to achieve the relevant activity, vitality and population targets of the City's 'Urban Design Framework'.

Given the development's bulk and scale is generally consistent with the provisions of CPS2 it is considered that impacts relating to parking and traffic management, overshadowing, access to natural sunlight and ventilation have been adequately addressed by the proposal.

Conclusion

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

Noting the concerns of adjacent landowners, the revised plans aim to integrate the development more sympathetically with surrounding development and minimise any negative impacts on existing development within the vicinity.

It is considered that the proposed development will add to the residential living environment being well located between the city and new stadium. The development generally complies with the requirements of CPS2, with the proposed setback variations being supported in accordance with Clause 47 of CPS2.

Given the above, it is recommended that the proposed development be supported subject to relevant conditions.



2016/5328 180 (LOT 2) BENNETT STREET, EAST PERTH



2016/5328 180 (LOT 2) BENNETT STREET, EAST PERTH



2016/5328 180 (LOT 2) BENNETT STREET, EAST PERTH

Agenda Item 8.3 66-84 (Lot 200) Railway Street, West Perth - Two Proposed Third Party Variable Content Wall Signs

Recommendation:

*That, in accordance with the provisions of the City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes and the Metropolitan Region Scheme, the Council **REFUSES** the application for two proposed third party variable content wall signs at 66-84 (Lot 200) Railway Street, West Perth as indicated on the Local Planning Scheme Form and Metropolitan Region Scheme Form One dated 18 July 2017 and as shown on the plans received on 24 July 2017 and 23 October 2017 for the following reasons:*

- 1. the proposed signs are considered to be contrary to the orderly and proper planning of the locality and will be inconsistent with conservation of the amenities of the locality given that:**
 - 1.1 the third party advertising content is contrary to clause 5.0 h) ‘General Principles’ of City Planning Scheme No. 2 Policy 4.6 Signs as it will potentially impact on the visual quality, amenity and safety within the area;**
 - 1.2 the signs are contrary to clause 5.0 j) ‘General Principles’ and clause 6.3 e) ‘Safety’ of City Planning Scheme No. 2 Policy 4.6 Signs as the signs are likely to cause a distraction to road users as they are intended to be viewed by passing motorists entering various intersections and freeway interchanges, creating potential traffic safety hazards; and**
 - 1.3 the signs are contrary to clause 6.6 c) i) A) ‘Sign Content’ and 6.8 c) i) ‘Variable Content’ of City Planning Scheme No. 2 Policy 4.6 Signs as they are not facing or in a public space as intended in the Policy and are not located within the Entertainment Area, the Retail Core Area, a Town Centre Area or The Terraces Area (as identified in Figure 2 of the Policy) where the viewing area is designed and intended for pedestrians to linger for an extended period of time and are oriented for viewing within the space and not from adjacent streets.**

FILE REFERENCE:	2017/5291
SUBURB/LOCATION:	66-84 Railway Street, West Perth
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	6 November 2017
ATTACHMENT/S:	Attachment 8.3A – Location Plan, Development Plans and Perspectives
3D MODEL PRESENTATION:	N/A

LANDOWNER: Calardu Perth City West Pty Ltd and G Harvey
 APPLICANT: Altus Planning and Appeals
 ZONING: (MRS Zone/Reserve) Urban/Primary Regional Roads
 (City Planning Scheme Precinct) Hamilton (P11)
 (City Planning Scheme Use Area) Residential/Commercial
 APPROXIMATE COST: \$500,000

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

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

Policy

Policy No and Name: 4.6 - Signs

Purpose and Background:

The subject site is bound by Sutherland Street to the north and east, Railway Street to the south, and Plaistowe Mews to the west. The site is approximately 2.82 hectares in area and forms part of a commercial, retail and entertainment complex known as 'City West'.

Details:

The application proposes the installation of two electronic advertising signs on the 'City West Dome' feature located within the subject site. The proposed signs comprise of the following key elements:

- two 15 metre (wide) by 3.6 metre (high) LED screens with one located on the north-east elevation and the other on the south-east elevation replacing the existing 'City West' signage;
- the materials to be used include high-definition ('HD') screens supported by a custom structural steel framework attached to the fascia elevation;
- the screens will have the capacity to operate 24 hours per day, seven days per week;
- the content displayed on the screens is proposed to be static with no animated content being proposed or scrolling, fading, sliding or spinning displays;
- each advertisement is to have a dwell time of 20 seconds (which can be increased to 40 seconds) and a transition time of 0.01 seconds;
- advertising content will comprise of in-house advertisements for current tenants (e.g. Harvey Norman, Domayne, Scitech, etc.), in addition to third-party advertising; and
- all information displayed will conform to the relevant Australian outdoor media by-laws and government regulations.

Compliance with Planning Scheme:

Development Requirements

The subject site is located within the Residential/Commercial Use Area of the Hamilton Precinct (P11) under the City Planning Scheme No. 2 (CPS2). The Precinct will be redeveloped to provide for a vibrant and sustainable, residential rich, mixed use precinct that complements the city centre. The role of this precinct will shift in focus from providing mainly commercial and bulky retail services to promoting a well-integrated, mixed residential and commercial urban hub. The Statement of Intent for the Precinct does not specify any development provisions for signage.

The site is also located within the Hamilton Special Control Area (Schedule 8 – Special Control Area 16.0 under CPS2) that aims to ensure that the development of the land within the Special Control Area (SCA) occurs in a coordinated and integrated manner. There are no specific requirements relating to signage within the SCA.

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

"Third Party Advertising Content" means sign content that advertises businesses, products, goods or services not located or available at the premises where the sign content is displayed.

Variable Content means static sign content that changes automatically by electronic or programmable methods on a specified time cycle. Where displaying variable content, a small

sign is one that has a sign face with an area of 2m² or less and a large sign is one that has a sign face with an area of greater than 2m².

Wall Sign means a sign that is fixed flat or parallel to, or painted upon, the surface of a wall of a building (including a glass wall or a decorative or screen material fixed flat or parallel to the wall), but not to a roof top plant room setback from the main elevation of the building or to an architectural feature at the top of the building. It includes cabinets fixed to walls to display an advertisement."

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

Variations to the Signs Policy can be granted by an absolute majority decision of the Council, in accordance with Clause 36 of CPS2 provided Council is satisfied that:-

- "36(3)(c)(i) if approval were to be granted, the development would be consistent with:*
- (A) the orderly and proper planning of the locality;*
 - (B) the conservation of the amenities of the locality; and*
 - (C) the statement of intent set out in the relevant precinct plan; and*
- (ii) the non-compliance would not have any undue adverse effect on:*
- (A) the occupiers or users of the development;*
 - (B) the property in, or the inhabitants of, the locality; or*
 - (C) the likely future development of the locality.'*

Comments:

Consultation

As the subject site abuts a Primary Regional Road Reserve identified under the Metropolitan Region Scheme (MRS), the proposal was referred to Main Roads Western Australia (MRWA) for comment, noting the potential traffic safety implications on the adjacent roads and freeway. In correspondence dated 25 August 2017, MRWA advised:

*"Main Roads has now had the opportunity to review the information provided and **does not** support the application due to the following:*

The application has not addressed the following criteria within Main Roads Policy and Application Guidelines for Advertising Signs within and beyond state road reserves document pertaining to advertising devices located beyond a state road reserve:

- Section 5, Part 5.3.1 Display— Point two refers to luminance levels shown in Appendix B. The information provided by the applicant did not refer to this criterion.*
- Section 5, Part 5.3.1 Display — Point four refers to display the dwell time duration as shown in Table 4.2. The information provided by the applicant proposed a dwell time of 20 seconds. Main Roads guideline states a dwell time of not less than 40 seconds for a 60 km/h speed limit."*

Signs Policy

The Policy includes the following relevant provisions with regards to the assessment and approval of third party large variable content signs:

- 6.6 (c)(i) *Third party advertising or on-premises advertising content shall only be considered for development approval on:*
- A) *a sign facing or in a public space within the Entertainment Area, the Retail Core Area, a Town Centre Area or The Terraces Area (as identified in Figure 2) where the sign is oriented for viewing within the space and not from adjacent streets;*
- (ii) *Third party advertising or on-premises advertising content shall only be considered for development approval on a sign facing or in a public space in accordance with (i)(A) above where the local government is satisfied that it:*
- A) *is compatible with the desired character of the public space;*
 - B) *will enhance the visual quality of the public space; and*
 - C) *will increase the use and vibrancy of the public space, particularly at night.*
- 6.8 (c) *Variable content on a large sign (>2m² sign face) shall only be considered for development approval:*
- i) *facing or in a public space within the Entertainment Area, the Retail Core Area or The Terraces Area and where:*
 - A) *the viewing area is designed and intended for pedestrians to linger for an extended period of time; and*
 - B) *the sign is oriented for viewing within the public space and not from adjacent streets and can only be viewed by road users if:*
 - 1. *it has content that is completely static without any motion, animation or special effects for the duration of its display;*
 - 2. *it has a specified duration of display and a transition time between display that comply with standards specified by the State Government transport authority or another authority considered appropriate by the local government;*
 - 3. *each display comprises no more than 20% of its area as text and the text is large scale so that it can be easily and quickly read by road users; and*
 - 4. *it does not include any content that could be perceived to be providing public safety instructions to road users.*
 - d) *Animated or variable content on a large sign facing or in a public space shall only be considered for development approval where the local government is satisfied that it:*
 - i) *is compatible with the desired character of the public space;*
 - ii) *will enhance the visual quality of the public space; and*
 - iii) *will make a positive contribution to the public space and its activation, particularly at night.'*

The proposal does not comply with the above criteria, specifically clauses 6.6(c)(i)(A) and 6.8(c)(i), given that the signs are proposed to take advantage of the location's exposure to passing motorists on the freeway and surrounding streets and they will be located within a private commercial property and not within or facing a 'public space' which has been designed for pedestrians to linger for an extended period of time. The applicant contends however, that as the subject site is effectively in 'no man's land' situated on the edge of the municipal boundary, its location can be considered a 'Gateway to the City' and therefore is an appropriate location for signage of this nature and will not set an undesirable precedent. This view is not supported as the intent of this clause is for large format digital signs to be restricted to plazas, piazzas and gathering spaces of that nature to add interest to these

spaces without detracting from the safety and amenity of the city's streets or 'gateways' to the City.

Whilst the application could potentially be conditioned to comply with the requirements specified in subclauses 1. to 4. of clause 6.8(c)(i)(B) to control the content and duration of images displayed on the signs, as the signs are not oriented for viewing within a public space and is orientated to be viewed by users of the adjacent streets, including the Freeway, it does not comply with this clause and it is considered that the proposed signs do not have sufficient planning merit to vary this policy requirement.

In accordance with the provisions of clauses 6.6(c)(ii) and 6.8(d), approval of any large variable content signs is subject to Council being satisfied in regards to its potential to being compatible with, enhancing and making a positive contribution to a public space. Notwithstanding the proposed sign is not considered to be appropriately located within or adjacent to a public space in the first instance, it is considered that the addition of the signs to the City West dome will not be compatible with the desired character of this locality it does not meet the criteria specified in the clauses.

The applicant contends that by virtue of the unique shape of the building and the location of the proposed signage on the base of the dome, the proposal is not a true 'roof' or 'wall' sign as defined by the Policy and maintains the architectural features of both the overall building and the dome itself. This, therefore, distinguishes the proposal from others related to standard 'roof' or 'wall' sign and will present differently to their surrounding environment. The applicant submits that the proposal provides an exceptional circumstance that clearly distinguishes itself from other locations throughout the city and will not undermine the Policy. This justification is not supported as the intent of the clause is to ensure this type of sign is appropriately located in or near public gathering spaces and not in an ad hoc manner adjacent to streets. It is the location and impact of the signs which do not satisfy the Policy requirements or warrant approval noting exceptional circumstances.

Traffic Impact

The applicant submitted a Road Safety Assessment in support of the application noting the location of the proposed sign in the vicinity of the Mitchell and Graham Farmer Freeways and its potential impact on vehicles. The report concludes that the proposed location ultimately fails key criteria in both the Austroads guidelines and the MRWA guidelines however the 'failure' is limited to two features of the proposal being the dwell time of 20 seconds and the visibility of the signs from multiple locations, including intersections. Should the dwell time be increased to 40 seconds the proposal will comply with the MRWA guidelines and would go some way towards mitigating the concerns relating to the distraction potential of the proposal at the various complex intersections from which it will be visible.

It is considered that even with an increase in dwell time, the proposed signs will still create an unacceptable distraction to all traffic and will impact on the ability of drivers to react to hazards and ability to respond quickly. It is considered that the proposal has the potential to distract drivers at critical times (high demand, decision making) particularly noting the high level of interchanges and traffic speed in the vicinity.

It is noted that should the sign be considered for approval, there is scope for appropriate conditions to be imposed in regards to sign transitions, luminance and content seeking to

reduce any risks associated with the adjacent street environment and address the concerns of MRWA and the City. While limits on dwell and transition time and luminance levels would reduce the safety hazard created by the sign to some degree, this would reduce but not totally remove the risk.

Conclusion

The proposed signs do not meet the criteria for large 'variable content' and 'third party' signs applicable under the Policy. The signs are therefore considered to be inappropriately located, being directed towards the Mitchell and Graham Farmer Freeways and not being in a public space where people gather or linger and where it might contribute to the vibrancy of a gathering space, as intended in the Policy.

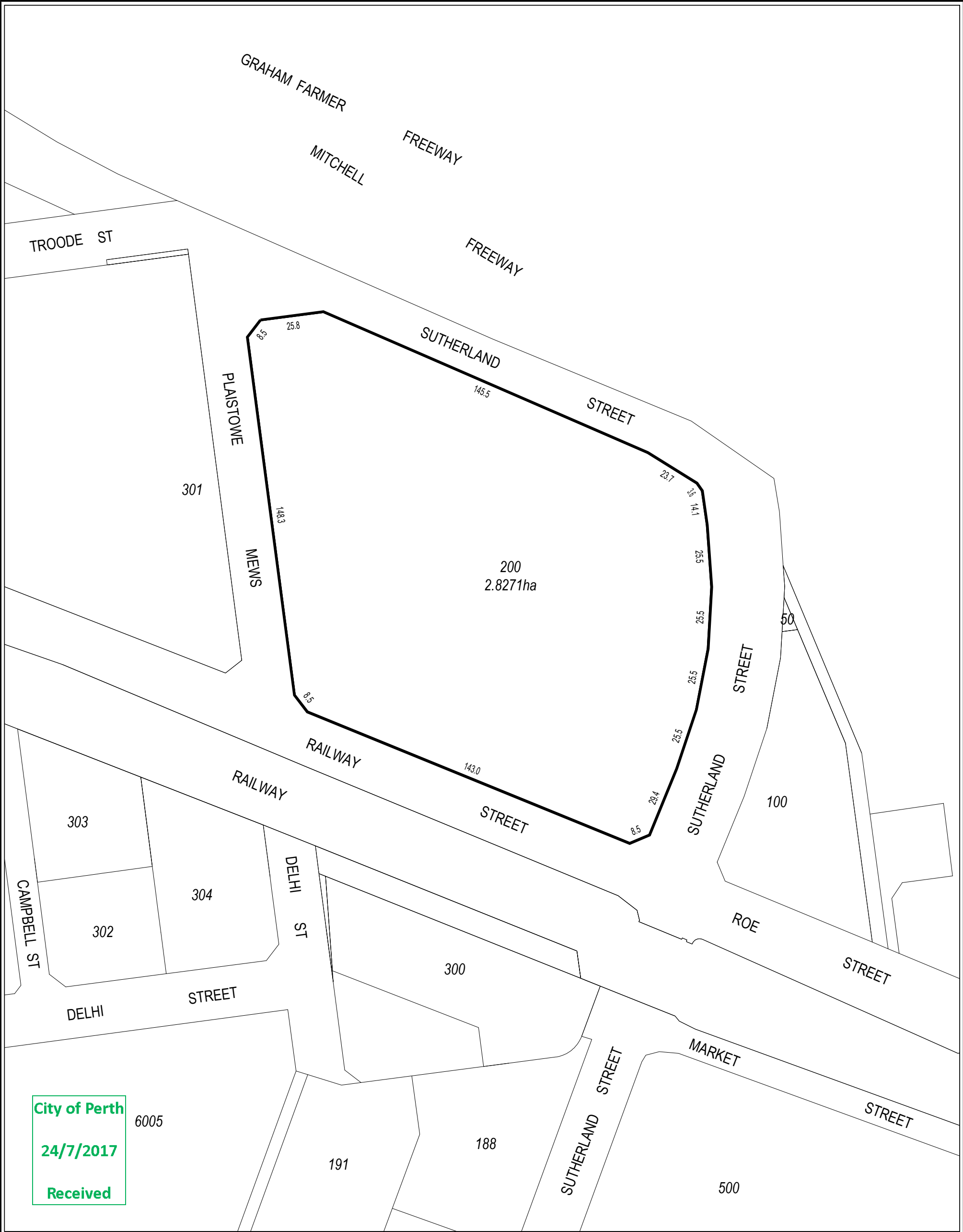
Noting that the Hamilton Precinct is intended to be redeveloped to provide for a vibrant and sustainable, residential rich, mixed use precinct that complements the city centre, the installation of large third party advertising signs, located to take advantage of exposure to the regional transport network, will contribute little to the intended character of this area.

Based on the above it is considered that the variations proposed to the relevant Policy provisions do not have planning merit and should not be supported. Given that the revisions to the Signs Policy, that included specific requirements for the location of large 'variable content' and 'third party' signs, was only adopted by the Council within the past 12 months, it would be contrary to orderly and proper planning to consider approving a format of sign which is non-compliant with respect to the general principles and siting requirements of the Policy. Approval of such significant variations is also likely to compromise the future performance of the Policy and undermine Council's position when considering applications of a similar nature.

It is therefore recommended that the application be refused for the reasons as outlined in the sections above.



2017/5291 – 66-84 (LOT 200) RAILWAY STREET, WEST PERTH



City of Perth
24/7/2017
Received


0102030405060m

SCALE 1:1500
ORIGINAL PLAN SIZE: A3


Base Mapping Prepared
By Landgate


DATE:
13.07.2017

REV
1

ALTUS
PLANNING

Altus Planning
68 Canning Highway
South Perth WA 6151
t. 9474 1449 m. 0400 069 037
w. www.altusplan.com.au


NORTH

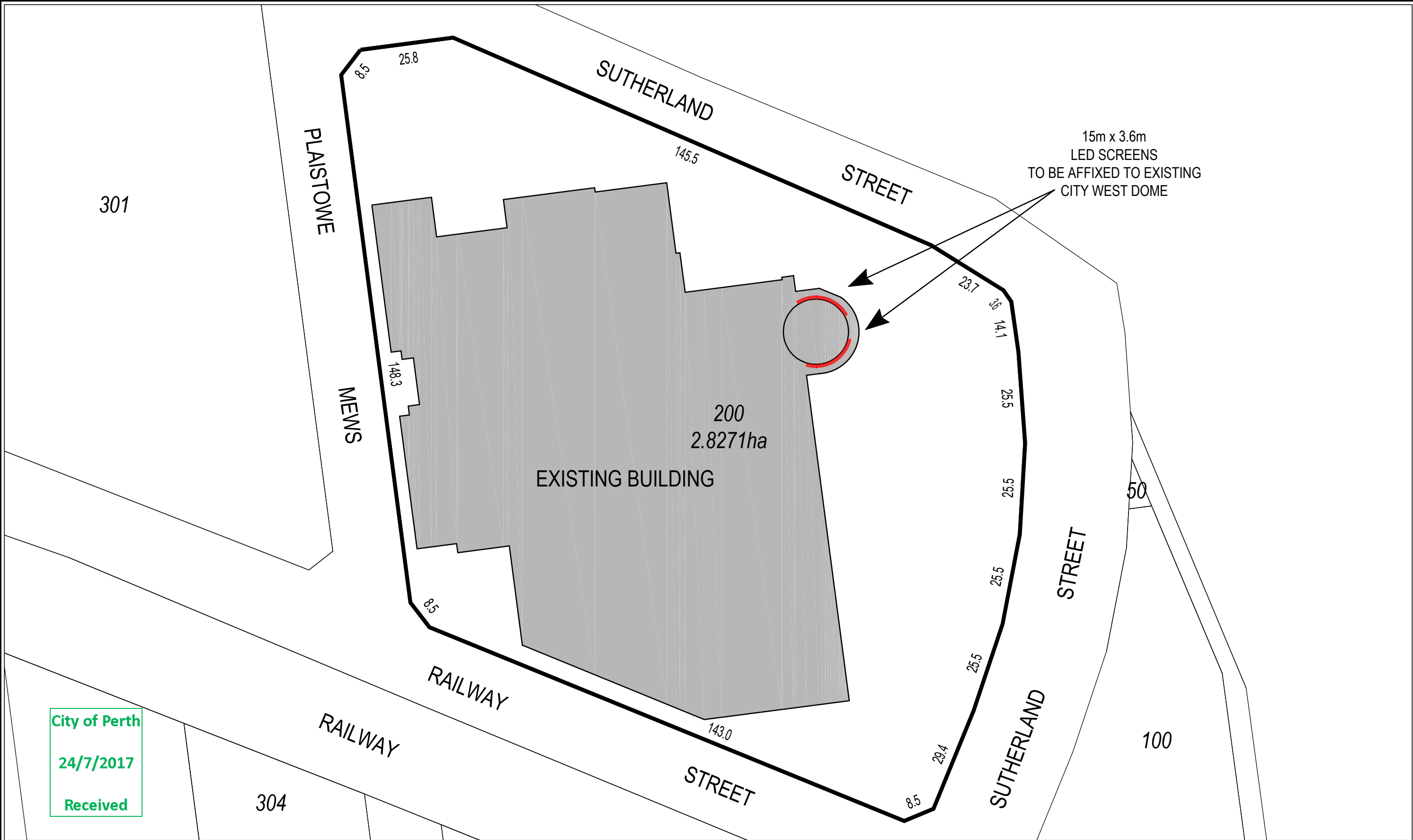
LEGEND:
Subject Land.....

NOTE: Areas and dimensions are subject to survey.

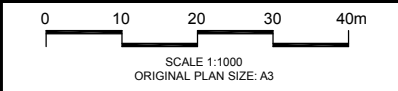
DISCLAIMER: This plan has been prepared under instruction of the client, Altus Planning bears no responsibility for any inaccuracies or errors.

LOCATION PLAN

LOT 200 (No. 66) RAILWAY STREET
WEST PERTH
City of Perth



City of Perth
24/7/2017
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Base Mapping Prepared By Landgate	DATE: 13.07.2017	REV 1
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Altus Planning
68 Canning Highway
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w. www.altusplan.com.au

LEGEND:
Subject Land.....

NOTE: Areas and dimensions are subject to survey.
DISCLAIMER: This plan has been prepared under instruction of the client, Altus Planning bears no responsibility for any inaccuracies or errors.

SITE PLAN

LOT 200 (No. 66) RAILWAY STREET
WEST PERTH
City of Perth

BEFORE



AFTER



BEFORE



AFTER



ARTWORK OF PROPOSED SIGNAGE
LOT 200 (NO. 66) RAILWAY STREET, WEST PERTH



Figure 1: Northward view from car park - Before & After

City of Perth

24/7/2017

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Figure 2: North-westward view from car park - Before & After

City of Perth

24/7/2017

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Figure 3: South-westward view from Sutherland Street - Before & After

City of Perth

24/7/2017

Received

Agenda Item 8.4	419 – 447 Wellington Street and Forrest Place (Lots 54, 976, 977 and 978) and Wellington Street, Perth – Alfresco Dining and including minor works to Forrest Place associated with the approved Forrest Chase/Place Redevelopment Works
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Recommendation:

That

1. ***in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme and the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed provisions for local planning schemes, the Council APPROVES BY AN ABSOLUTE MAJORITY the application for Alfresco Dining and including minor works to Forrest Place associated with the approved Forrest Chase/Place Redevelopment Works at 419 – 447 Wellington Street and Forrest Place (Lots 54, 976, 977 and 978) and Wellington Street, Perth as indicated on the Metropolitan Region Scheme Form One dated 28 June 2017 and as shown on the plans received on 29 June 2017 and 1 September 2017 subject to:***
 - 1.1 ***prior to commencement of the construction of the alfresco development, the owner of Forrest Chase entering into an agreement with the City, that addresses the removal of the existing public seating and facilities identified as “existing” in the application, their ongoing storage, and relocation at the applicant’s cost to the City’s satisfaction.***
 - 1.2 ***final details of the design, external materials and finishes for the development, including a sample board demonstrating the use of high quality, robust materials, and specifically illustrating how the solid and louvred canopy roof and the glazed infill roof will be maintained and cleaned, noting its visibility from above, being submitted for approval by the City prior to applying for the relevant building permit;***
 - 1.3 ***all freestanding moveable alfresco dining furniture being removed from the site and stored securely at the close of business each day of the associated food and beverage tenancies;***

(Cont’d)

- 1.4 *the owner of Forrest Chase being responsible for the overall management and maintenance of the alfresco dining area including cleaning (with particular attention to the ground surface, furniture and roof), waste removal, general safety and security, management of the alfresco dining furniture (including removal and storage after hours), and maintenance of landscaping, to the City's satisfaction with any related actions and services undertaken by the City on the owner's behalf being at the cost of the owner. A Management Plan addressing, but not being limited to, the above matter being submitted to the City prior to applying for the relevant building permit;*
- 1.5 *a Waste Management Plan addressing the City's requirements for waste collection, being submitted and approved by the City prior to applying for the relevant building permit;*
- 1.6 *a detailed landscaping and reticulation plan being submitted for approval by the City prior to the installation of the approved landscaping (refer to advice note 2.2);*
- 1.7 *no café style operable roller blinds being permitted to the canopy perimeter, with the alfresco dining area remaining unenclosed at all times;*
- 1.8 *all external signage for the naming or branding of the alfresco dining area, as indicated on the approved plans, being integrated with the design of the overall development with final details of the signs being submitted for approval by the City prior to installation;*
- 1.9 *any signage or advertising for individual tenants that will be utilising the alfresco dining areas being restricted to the alfresco dining furniture in accordance with the City's Alfresco Dining Policy 2000 and not being erected or displayed on the proposed canopies;*
- 1.10 *public access through the area shall be maintained at all times to the City's satisfaction;*
- 1.11 *all stormwater being contained and controlled with final details being submitted for approval by the City prior to applying for a building permit;*
- 1.12 *a construction management plan for the development being prepared in accordance with the City's 'Construction and Demolition Management Pro-Forma' and being submitted and approved prior to applying for the relevant building permit, with particular attention to how it is proposed to manage:*
 - a. *delivery of materials and equipment to the site;*
 - b. *storage of materials and equipment on the site;*

(Cont'd)

- c. parking arrangements for contractors and subcontractors;*
- d. impacts on the Forrest Place and Murray Street Mall activities and businesses; and*
- e. other matters likely to impact on the surrounding properties.*

2. the applicant be advised that:

- 2.1** *the owner of Forrest Chase is required to make the necessary arrangements to enter into leases with the Crown and the City where appropriate on the Crown Land Lots (being Reserves under Management Order) and obtaining permits where required for development in Wellington Street for the alfresco area, with confirmation that the leases have been finalised being submitted to the City prior to applying for the relevant building permit or prior to the commencement of any construction;*
- 2.2** *the works are required to comply with the requirements under the Forrest Place and City Station Development Act 1985 including obtaining approvals/agreements from all parties for any works or actions as required;*
- 2.3** *Landscaping: The landscaped areas are to be maintained by the owner of Forrest Chase to the satisfaction of the City. The existing tree is to remain and shall have a fenced Tree Protection Zone in accordance with AS 4970-2009. The applicant shall arrange for the City's Technical Officer – Arboriculture (9461 3234) to undertake an inspection and appraisal of the existing tree prior to the commencement of site and/or development works. Any change in levels by more than 50mm within the Tree Protection Zone of the London Plane tree, shall be carried out under the supervision of the City of Perth's Technical Officer – Arboriculture. For every metre outside of the tree protection zone, any change in level greater than 100mm will require prior approval from the City. Any damage done to the London Plane tree during the construction phase may incur a fine to the value of the amenity value of the tree which is an amount determined by the City's Technical Officer – Arboriculture using the Tree Amenity Value Method.*

FILE REFERENCE:	2017/5254
SUBURB/LOCATION:	419 – 447 Wellington Street and Forrest Place (Lots 54, 976, 977, and 978) and Wellington Street, Perth
REPORTING UNIT:	Planning and Development
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	6 November 2018
ATTACHMENT/S:	Attachment 8.4A – Map and Coloured Perspectives
3D MODEL PRESENTATION:	No

LANDOWNER: ISPT & Crown (Management Order City of Perth – Prime interest Holder)

APPLICANT: TPG Town Planning Group and Place Match

ZONING: MRS: Central City Area Zone
CPS: 'City Centre' use area of the Citiplace Precinct (P5)

APPROXIMATE COST: \$2.5 Million

Council Role:

- | | | |
|-------------------------------------|----------------|---|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation

Planning and Development Act 2005 s. 162
City Planning Scheme No. 2 (CPS2) Clauses 6, 26, 27, 33, 34 36 and 37 and the Citiplace Precinct Plan requirements
Planning and Development (Local Planning Scheme) Regulations 2015 – Deemed Provisions for Local Planning Schemes Clauses 60, 67, 68, 74 and 77
Regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011
Metropolitan Region Scheme

Policy

Policy No and Name: City Development Design Guidelines (4.1)

Purpose and Background:

At its meeting held on 19 March 2015, the City of Perth Local Development Assessment Panel (LDAP) granted conditional approval for the redevelopment of Forrest Chase, City Central, Existing Forrest Place Walkways and Murray Street Mall Colonnade

At its meeting held on 30 January 2017, the City of Perth LDAP granted an extension for development until 19 March 2019.

At its meeting held on **19 September 2017**, the Planning Committee deferred consideration of the subject application and requested a briefing to the Council on the background and details of the proposed development. The briefing took place on 31 October 2017 and the application is now presented for consideration with minor alterations to the conditions mainly to clarify and ensure practical implementation which were discussed at Planning Committee and subsequently with the applicant.

The site comprises a total area of 12,550m². It has frontages to Wellington Street, Forrest Place, Murray Street Mall and Grand Lane. Lot 54 contains the Forrest Chase retail development that was officially opened in 1988, in conjunction with the upper level walkways named 'Padbury Walk' (Lot 997), inclusive of pedestrian overpasses over Wellington Street and Murray Street Mall and the ground level colonnade and basement (Lots 976 and 978). Since that time, no major upgrade works have occurred to either Forrest Chase or Padbury Walk. Lot 110 to the east of Forrest Chase is a relatively new retail and office building completed in 2002, known as 'City Central'.

As part of that and since that time ISPT has had a number of discussions with the City regarding the development of an alfresco dining precinct associated with the north-west corner of Forrest Chase. Negotiations regarding the terms for a ground lease are ongoing and will finally be agreed to by Council via the normal processes.

Details:

The applicant advises that the proposal seeks to redevelop the existing public seating located in the vicinity of the north-east corner of Forrest Place and ground level pedestrian walkway adjacent Forrest Chase. This existing seating serves as both public seating and is also used by patrons of the existing food and beverage tenancies located within Forrest Chase. According to the applicant this proposal seeks to deliver a contemporary alfresco dining precinct with the new seating area operating as dedicated alfresco seating for patrons of the Forrest Chase food and beverage tenancies.

The intention is that distinct seating areas operating under licence with the City of Perth will be associated with individual food and beverage tenancies, allowing these to be tailored to suit the individual requirements and style of the tenants, whilst being maintained under the control of ISPT.

New landscaping and retaining features are proposed, along with reorientated stair and access arrangements between Forrest Place/Wellington Street and the subject site, so as to appropriately deal with the change in levels.

New signage associated with the food and beverage tenancies and the 'dining precinct' within Forrest Chase is also proposed by this application.

A new stair access required as a condition under the approved redevelopment for Forrest Place by the LDAP is proposed between the northwest corner of the upper level walkway and Forrest Place.

This application also contemplates the potential future removal of the existing Bocellis Café located within Forrest Place, along with its associated seating adjacent the escalators, upon the termination of the café lease. Subject to this occurring a 'future activation zone' has been identified to consider alternative uses of this space to best respond to the City's requirements at a future time.

The details of the proposed development include the following:

- Removal of approximately 142 public fixed seats and associated tables;
- Modified alignment of stairs from Wellington Street to Forrest Chase /Place walkway;
- New partial slab infill over the vehicle ramp from Wellington Street to the Forrest Place basement, providing an alfresco area above and screening the vehicle ramp from view;
- Stair between Forrest Chase walkway and Forrest Chase incorporated in the design;
- Steel canopy with louvred and solid glazed sections providing weather protection to patrons and public passers-by;
- The canopy roof will be fixed on custom stainless brackets to match Padbury Walk details with a matching glass frit pattern;
- Plans indicate tenant installed café style operable roller blinds to perimeter of canopy;
- Plans indicate precinct signage as well as the location for tenant signage on the canopy; and
- Alfresco seating space for approximately 300 patrons.

The applicant further justifies the proposal on the basis of addressing the following relevant "key elements" of the Forrest Place Masterplan (2008):

Reconnect Forrest Place with Perth Station

The applicant states that the provision of the new stair access between the northwest corner of the upper level walkway and Forrest Place assists to achieve this objective by providing a direct and legible vertical circulation function for pedestrians exiting Perth Station (via the Wellington Street bridge) down to Forrest Place, and vice versa. According to the applicant the proposed location at the northwest corner will be highly visible and aligned with the key pedestrian flow path and line of site when exiting the station, so as to provide pedestrians with an immediate ability to descend to Forrest Place rather than remain on the upper level walkway until the next (existing) point of vertical circulation, being the escalators and lifts at Murray Street Mall.

Clarify Forrest Place Civic Space

The applicant further advises that the removal of the existing seating and envisaged future removal of Bocellis Café will open a clear line of sight and path of travel for pedestrians along the eastern side of Forrest Place, when travelling to/from Perth Station via the Wellington Street signalised crossing. The applicant further notes that this will assist to clarify the civic space function of Forrest Place by removing unnecessary elements. Furthermore, the delivery of the proposed alfresco dining precinct will provide a clear demarcation between Forrest Place and the new seating area that will operate as dedicated alfresco seating for patrons of the Forrest Chase food and beverage tenancies and clarifying the civic and public space of Forrest Place.

Activate Forrest Place

The applicant states that the proposed development provides the alfresco dining seating at the ground level as specifically desired by the Masterplan assisting to demarcate Forrest

Place as a civic and public space separate from the alfresco dining area, and also provide an active interface to this eastern side of Forrest Place by locating alfresco food and beverage patrons along a defined edge.

Compliance with Planning Scheme:

Land Use

The site is located within the 'City Centre' use area of the Citiplace Precinct (P5). The intent for the Citiplace Precinct is to 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. The Precinct will offer a wide range of general and specialised retail uses as well as a mix of other uses such as entertainment and minor office uses. The street and pedestrian level will mainly comprise of shops, restaurants (including cafes), taverns and other uses that have attractive shop fronts and provide activity, interest and direct customer services. Other uses will be established above or below street level and major pedestrian levels.

Dining and Entertainment uses are preferred ('P') uses in this area.

It is noted that the proposed alfresco areas would be associated with the approved and existing uses on site and is only an extension of the existing and approved dining uses. It is considered that the proposed development satisfies the Statement of Intent for the Citiplace Precinct and would enhance the facilities available in the city's retail core.

Development Requirements

Under the City Planning Scheme there are no specific requirements or development standards for the development of alfresco dining areas. General objectives of the Scheme and matters to be considered under clause 67 of the Deemed Provisions in any determination of proposed development which is applicable include:

- Protecting and enhancing the health, safety and general welfare of the City's inhabitants;
- Promoting and safeguarding the cultural heritage of the local government by encouraging development that is in harmony with the cultural heritage value of any area;
- Ensuring development is of a high architectural quality and delivers a high level of public amenity within the public realm;
- Complies with requirements of orderly and proper planning;
- Compatibility of development with its setting; and
- The potential loss of any community service or benefit resulting from the development.

Comments:

Consultation

The proposal was not referred to adjacent landowners in compliance with the City's advertising policy as the development is not considered to result in any associated adverse impacts on surrounding developments.

Replacement of public facilities

ISPT and the City have been in negotiation for some time regarding the redevelopment of Forrest Chase. These discussions have extended to the development of an alfresco dining precinct associated with the north-west corner of Forrest Chase. In discussions with officers there has been agreement that a recommendation would be presented to the Council for approval in principle to relocate the existing seating and tables to the area currently occupied by the Bocelli's Café as well as the associated alfresco area. Bocellis Café and their alfresco area adjacent to the current escalators is under lease until 2021.

The existing facilities available to the public, which are proposed to be removed, will need to be replaced at the cost of the applicant and within an acceptable timeframe in a location and of a design that is acceptable to the City. Any approval should be made subject to a condition requiring that prior to the development being undertaken a formal agreement between the developer and the City be concluded addressing inter alia when, how and at whose cost the public facilities will be replaced.

Design, Materials and Finishes

During discussions of the proposed development the city officers have maintained that the proposed alfresco area should be open and transparent with a light touch, and that full enclosure would not be supported, to reflect the intent of Forrest Place being a public facility even though the alfresco area would be subject to a private lease. The City seeks that the geometry of the design should accommodate desire lines from the Perth Train Station and the CAT bus stop and relate to elements within Forrest Chase.

It is considered that the minor revisions to the original bulky and more privatised design have achieved this. The glass lift enclosure and the integration of the lift within the proposed alfresco design are supported noting that it recedes as an object rather than dominates. It is however noted that access to the lift enclosure need to be provided for purposes of cleansing and maintenance and this could be included under a condition requiring the applicant owner to submit a management plan.

Access through and around the alfresco areas is considered to be sufficient in the final revised design however any approval should require that acceptable space for the public to pass through the area should be maintained at all times.

The proposed alfresco area and associated works appear to project over the lot boundary into the Wellington Street reserve. This is acceptable however need to be incorporated in terms of lease agreements or permits.

Landscaping

The existing tree is proposed to be retained in this location however the existing grassed area and retaining walls will be reconfigured. Due to the limitations being placed on the access to the landscaped area any approval should be made subject to a condition requiring the applicant to finalise the design and plant species, providing and maintaining irrigation, providing a tree protection zone, obtaining prior approval for any modifications to the ground levels within the tree protection zone and accepting responsibility of any damage to the tree during construction.

Signage

The applicant seeks the area to be branded as a specific dining precinct however the City's concern is to limit the perceived privatisation of Forrest Place. The modified precinct signage element has been reduced and is now considered acceptable and is supported on the basis of final details being submitted for approval to ensure integration with the overall development and also to ensure it not dominating the public space.

The plans indicate signage locations for individual Forrest Chase food and beverage tenants on the canopy however this location is not supported on the basis that it emphasises the privatisation of the area whilst the alfresco area should be less formalised and the signage be more consistent with other alfresco dining areas in the City. To this end, advertising for tenants should be restricted to the alfresco dining furniture as with areas subject to an alfresco dining licence. Tenant signage is therefore recommended not to be permitted on the canopy structure.

Maintenance Waste and Cleaning

The applicant has advised that ISPT as property manager and holder of any approved lease will be responsible for the cleaning and maintenance of the alfresco dining area. To further address this it is considered that all alfresco furniture should be safely and appropriately stored when not in use from a security and amenity point of view and a condition in this regard should be incorporated in any approval, together with the requirement for a management plan to be submitted prior to the alfresco area being occupied.

Toilets

Toilet facilities are being provided in the Forrest Chase redevelopment and there is a current separate development application under consideration to modify and add toilet and bathroom facilities to address the potential patron requirements for the alfresco areas. This will be finally addressed in the health approval process.

Conclusion

The proposed development is conditionally supported noting it is considered to add to the upgrade and lifting of the standard of arguably the City's most important public space. It is important to ensure that Forrest Chase maintains its public space function and that the alfresco development does not present as privatisation of the space. Further the development should not adversely impact and should embrace public events being held in Forrest Place. This development is also subject to separate agreements between the developer and the City and it is important to ensure that the facilities being removed are replaced at equally high standard with no cost to the City.



2017/5254; 419 – 447 WELLINGTON STREET (LOTS 54, 976, 977 AND 978), AND WELLINGTON STREET, PERTH



2017/5254; 419 – 447 WELLINGTON STREET (LOTS 54, 976, 977 AND 978) AND WELLINGTON STREET, PERTH



PERSPECTIVE - LOOKING TO PROPOSED
FOOD & BEVERAGE PRECINCT

2017/5254; 419 – 447 WELLINGTON STREET (LOTS 54, 976, 977 AND 978) AND WELLINGTON STREET, PERTH



PERSPECTIVE - LOOKING TO FORREST
CHASE FROM WELLINGTON ST

2017/5254; 419 – 447 WELLINGTON STREET (LOTS 54, 976, 977 AND 978) AND WELLINGTON STREET, PERTH



PERSPECTIVE - LOOKING TO FOREST
PLACE FROM FOOD & BEVERAGE PRECINCT

2017/5254; 419 – 447 WELLINGTON STREET (LOTS 54, 976, 977 AND 978) AND WELLINGTON STREET, PERTH

Agenda Item 8.5 **Initiation of Amendment No. 41 to City Planning Scheme No.2 to Introduce a Special Control Area Over 28 (Lot 51) and 32 (Lot 52) Troode Street and 196 (Lot 200) Colin Place, West Perth**

Recommendation:

That Council:

- 1. pursuant to section 75 of the Planning and Development Act 2005 (the Act), RESOLVES to initiate Amendment No. 41 to the City Planning Scheme No. 2, as detailed in Attachment 8.5B – Proposed Scheme Amendment No. 41;***
- 2. pursuant to regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), RESOLVES that Amendment No. 41 to the City Planning Scheme No. 2 is a standard amendment pursuant to regulation 34 of the Regulations for the following reasons:***
 - 2.1 the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and***
 - 2.2 the amendment does not reflect in any significant environmental, social, economic or governance impacts on land in the scheme area.***
- 3. pursuant to section 81 of the Act, RESOLVES to refer Amendment No. 41 to the City Planning Scheme No. 2 to the Environmental Protection Authority; and***
- 4. pursuant to section 84 of the Act, RESOLVES to advertise Amendment No. 41 to the City Planning scheme No.2 for public inspection in accordance with regulation 47 of the Regulations.***

FILE REFERENCE:	P1034993
REPORTING UNIT:	City Planning
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	30 October 2017
ATTACHMENT/S:	Attachment 8.5A – Location Plan Attachment 8.5B – Scheme Amendment Report

Council Role:

☐

Advocacy

When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

Legislation / Strategic Plan / Policy:

Legislation

Clauses 75, 81 and 84 of the *Planning and Development Act 2005*
 Clause 39 of the *City Planning Scheme No.2*
 Clause 34, 35 and 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*
 Schedule 3 of the *Town Planning and Development Regulations 2009*

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Goal 2 An exceptionally well designed, functional and accessible city.

Policy

Policy No and Name: Hamilton Precinct Plan (P11)
 Perth Parking Policy

Purpose and Background:

A request has been received from PTS Town Planning on behalf of the owners of 28 (Lot 51) and 32 (Lot 52) Troode Street and 196 (Lot 200) Colin Place, West Perth to amend City Planning Scheme No. 2 (CPS2) to introduce a Special Control Area (SCA) over those lots. SCAs provide a mechanism to prescribe development standards for specific sites or areas within the Scheme Area.

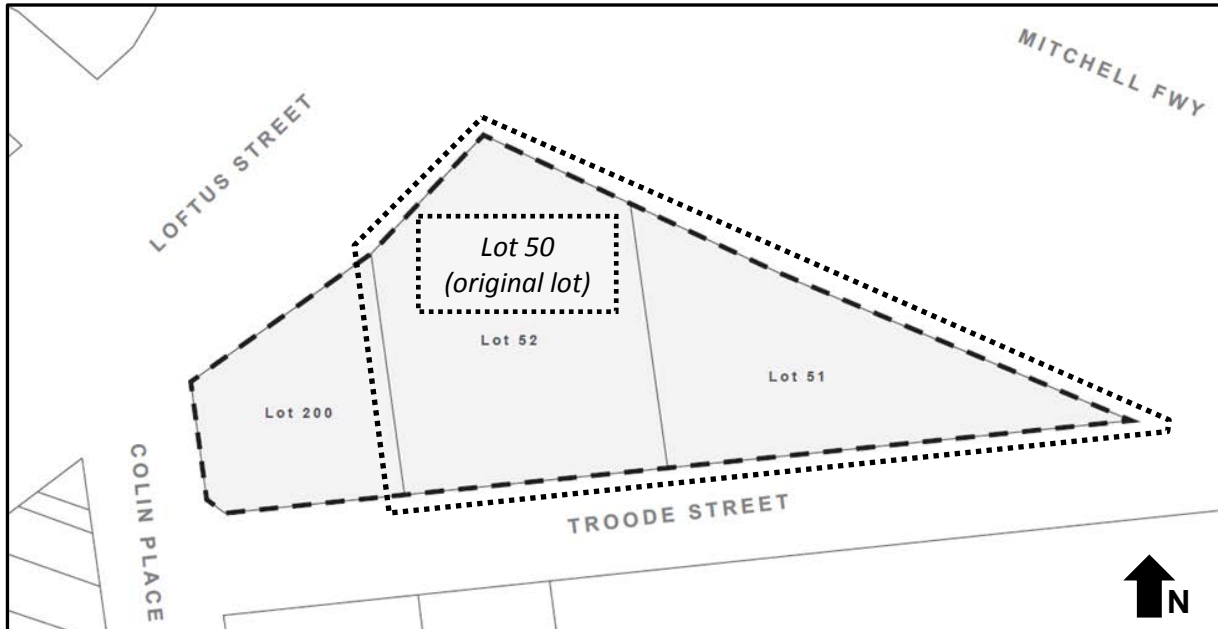
The proposed SCA comprises of three separate lots including:

Lot	Address	Land Area (m2)	Landowner
Lot 51	28 Troode Street	2,098	Capricorn 1974 Pty Ltd
Lot 52	32 Troode Street	2,770	Georgiou Property 4 Pty Ltd
Lot 200	196 Colin Place	1,275	Housing Authority

The lots have a combined area of 6,143m² and are bound by the Graham Farmer Freeway to the north, Troode Street to the south, Colin Place to the west and Loftus Street to the north-west. Refer to Attachment 8.5A – Location Plan.

Development Approvals

Lots 51 and 52 were originally one lot (Lot 50) while Lot 200 has always been a separate lot.



At its meeting on **14 December 2010**, Council approved an application for the eastern portion of Lot 50, comprising of a three-level office development including 40 car parking bays. The development was completed in 2012.

The City of Perth Local Development Assessment Panel at its meeting on 7 August 2013 approved an application for an eight-level office building with associated car parking on the western portion of Lot 50.

The owner submitted an application for the subdivision of Lot 50 on 22 May 2014. The City advised that it could not support the application, as it would have resulted in the development being non-compliant with CPS2 in terms of plot ratio and car parking.

The City advised the applicant that a Scheme Amendment to establish a SCA over Lot 50 would be required before the subdivision could be supported. The SCA would address the distribution of plot ratio and parking over the site and therefore ensure compliance with the CPS2 provisions. A second option provided to the landowner was to reconsider the subdivision after the 2013 development approval lapsed. The owner decided to cancel the 7 August 2013 development approval so that the subdivision could proceed.

As part of the subdivision process, the new owners of Lots 51 and 52 entered into a private agreement to enable Lot 52 to use the remaining plot ratio from Lot 51, should a SCA be created over the lots.

Georgiou, the owners of Lot 52, identified that there was an opportunity to enter into discussions with the Department of Communities - Housing, who own Lot 200, regarding a potential joint venture. A separate private agreement has been entered into between

Georgiou and the Department to progress the development of Lots 52 and 200 which also requires the preparation of a SCA, to address the development options and landownership.

Therefore there are agreements in place between the three landowners, which enables the SCA request to be lodged and for the three landowners to work together to enable an improved development outcome for these gateway sites.

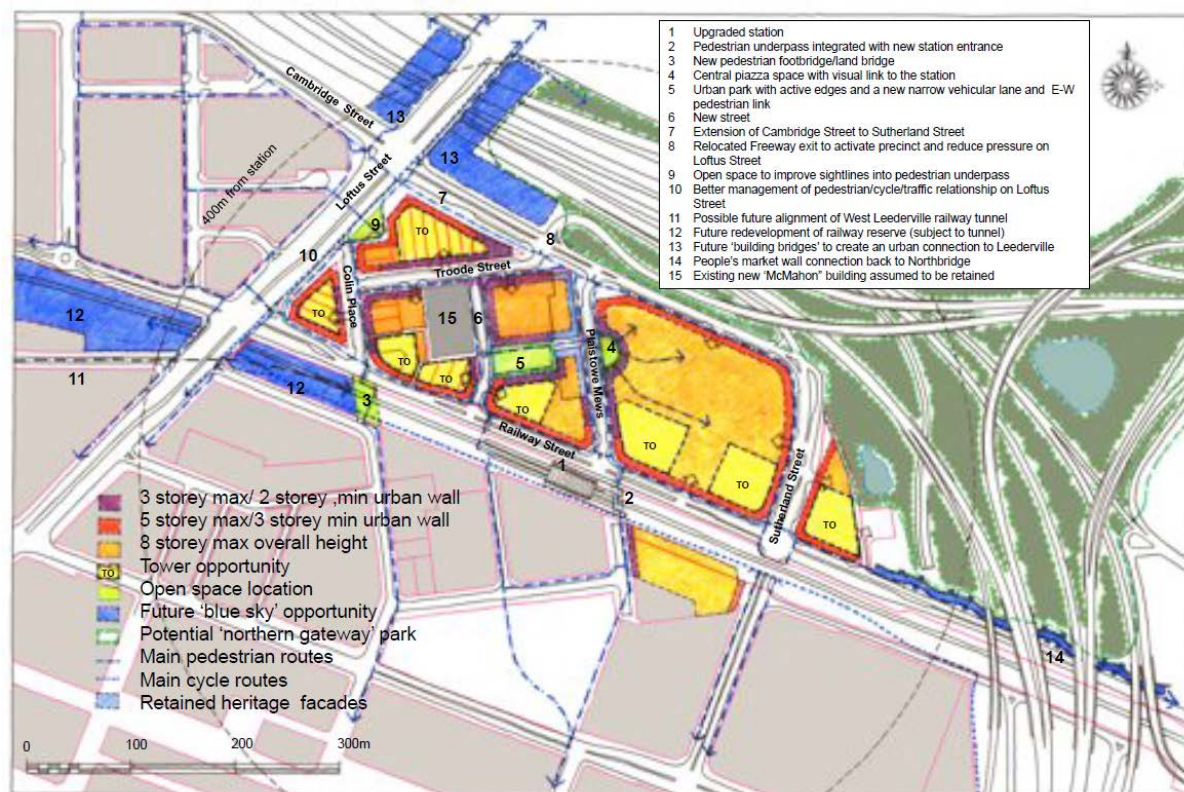
Development Framework

The three lots have a maximum plot ratio of 3:1 for Residential and Special Residential development and a maximum plot ratio of 2:1 for use groups other than Residential and Special Residential under CPS2.

The Hamilton Precinct Urban Design Study determines approximate building heights within the Precinct Plan No.11 – Hamilton. The Development framework plan, from the *Hamilton Study* and shown below, shows building heights of approximately eight storeys, with tower opportunities on eight sites. This includes a tower opportunity on the subject sites.

Hamilton precinct urban design study

Development framework plan



The *Hamilton Study* recommended the highest density scenario of three options that were considered. This option was Scenario Two, shown below, where the envisaged building height for the subject sites is in the order of 15 to 18 storeys.



Scenario 2 (high development scenario) viewed from the south west

Details:

A SCA over the subject area is proposed to enable the land to be treated as one site for the purposes of allocating plot ratio and tenant car parking.

The SCA proposes to allocate:

- 1,980m² plot ratio floor area for use groups other than Residential and/or Special Residential or 2,970m² plot ratio floor area for the Residential and/or Special Residential use groups to Lot 51; and
- the balance of plot ratio, approximately 10,306m² plot ratio floor area (use groups other than Residential and/or Special Residential) or 15,459m² plot ratio floor area (Residential or Special Residential) being allocated to Lots 52 and 200.

A number of other provisions are being proposed to:

- allow for the consideration of building heights above eight storeys and provide some guidance on what matters need to be considered;
- create a public space on the western portion of the site to provide sightlines between Colin Place and the underpass to enhance passive surveillance and the perceived safety of the underpass; and
- ensure any future development on the site provides passive surveillance of the underpass and pedestrian path.

Refer to Attachment 8.5B – Scheme Amendment Report for details.

Financial Implications:

Staff costs to progress and finalise the proposed Scheme Amendment have been calculated at \$6,519.30 based on Schedule 3 of the *Town Planning and Development Regulations 2009*. This fee has been received from the applicant.

The advertising and gazettal fees have been estimated at \$2,000 based on previous amendment fees and will be invoiced to the applicant in due course.

Comments:

The proposed SCA will enable the land to be treated as one site for the purposes of plot ratio and tenant car parking. The SCA will not change the overall quantum of plot ratio available on the site, however the proposed distribution of plot ratio will allow for greater height on the western portion of the site than would be possible without the SCA.

As outline above, tower opportunities on the site were identified in the *Hamilton Precinct Urban Design Study* therefore the proposal is generally consistent with the Study and the SCA will ensure the integrity of the CPS2 is maintained.

It is considered that the proposed SCA will facilitate the development of two important vacant sites within the city and should therefore be supported.

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* include three categories for amending Local Planning Schemes which are; Basic, Standard and Complex. It is considered that the proposed amendment would be a Standard amendment because:

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

Location Plan





City of Perth
City Planning Scheme
No. 2

Amendment No. 41



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

CITY OF PERTH

CITY PLANNING SCHEME NO. 2

AMENDMENT NO. 41

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

1. Inserting after clause 39(1)(z):
 - (aa) 28 and 32 Troode Street and 196 Colin Place Special Control Area.
2. Inserting the following in Schedule 8 Special Control Areas:

27. 28 and 32 Troode Street and 196 Colin Place Special Control Area

27.1 Special Control Area

The following provisions apply to the land marked as Figure 27 being the 28 and 32 Troode Street and 196 Colin Place Special Control Area.

27.2 Objective

To facilitate the development of the Special Control Area as a whole in a coordinated manner.

27.3 Plot Ratio

- 27.3.1 For the purpose of determining the maximum plot ratio within the Special Control Area, the Special Control Area shall be treated as one site.
- 27.3.2 The maximum plot ratio shall be allocated in the Special Control Area as follows:
 - 27.3.2.1 Lot 51 – 1,980m² plot ratio floor area for use groups other than Residential and/or Special Residential or 2,970m² plot ratio floor area for the Residential and/or Special Residential use groups;
 - 27.3.2.2 Lots 52 and 200 – the balance of the maximum plot ratio.
- 27.3.3 For the purposes of determining any bonus plot ratio under Clause 28 and transferable plot ratio under Clause 30, the Special Control Area shall be treated as one site.

- 27.3.4 Any bonus plot ratio or transferable plot ratio granted shall be allocated fully to Lots 52 and 200.

27.4 Car Parking

- 27.4.1 For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.
- 27.4.2 The tenant car parking facilities located on one site/lot within the Special Control Area may be leased or used by the tenants of another site/lot within the Special Control Area.

27.5 Maximum Building Heights

- 27.5.1 Building heights greater than the indicative heights outlined in the *Hamilton Precinct Urban Design Study – Development Plan Framework* may be considered.
- 27.5.2 In considering greater building heights under clause 27.5.1, consideration shall be given to the *Development Framework Principles of the Hamilton Precinct Urban Design Study*, Clause 67 of the *Deemed Provisions* and the principles contained within the City's *Building Heights and Setbacks Policy*.

27.6 Public Space

- 27.6.1 Any future development of the site should incorporate public space on the western portion of the site to provide sightlines between Colin Place and the underpass, and to enhance passive surveillance and the perceived safety of the underpass.
- 27.6.2 The public space created as part of any future development should provide public access, remain under the ownership and management of the landowners and be protected by an easement in gross.

27.7 Passive Surveillance

Any future development should be designed to provide passive surveillance to the underpass and pedestrian path to the west of the site.

3. Inserting Figure 27 – 28 and 32 Troode Street and 196 Colin Place Special Control Area into Schedule 8 – Special Control Areas of the Scheme.

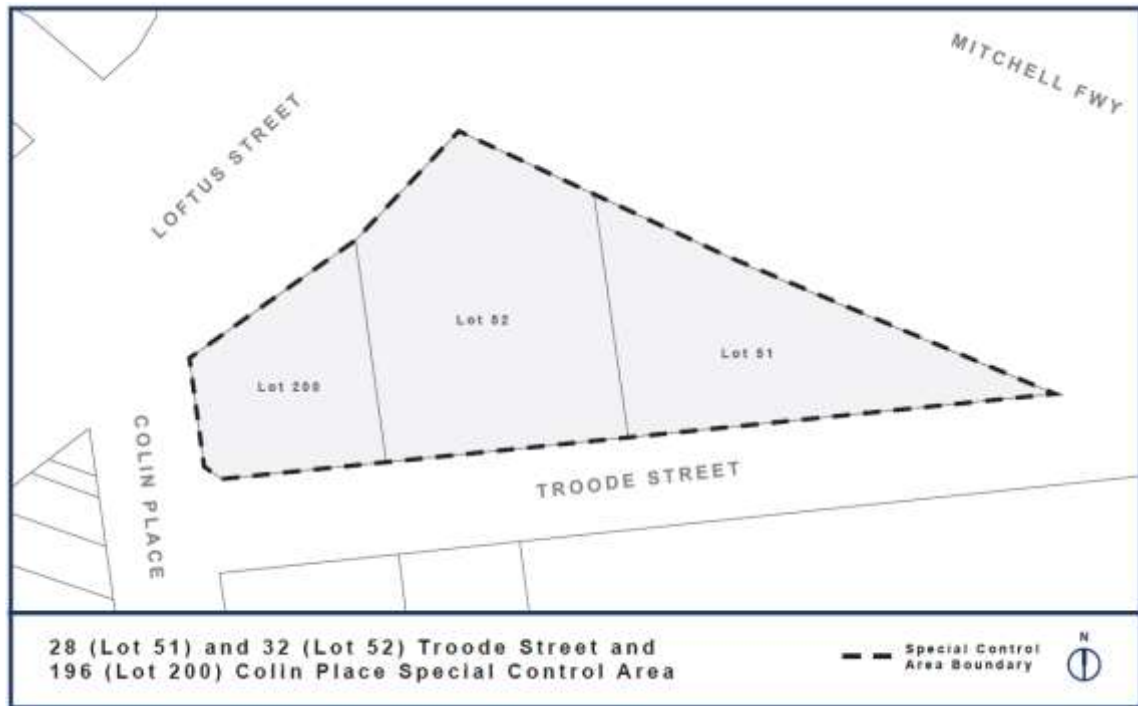


Figure 27 - 28 and 32 Troode Street and 196 Colin Place Special Control Area

4. Amending the Hamilton Precinct Plan Map (P11) accordingly.

Dated this __ day of ____ 2017

CHIEF EXECUTIVE OFFICER

SCHEME AMENDMENT REPORT

1.0 INTRODUCTION

The purpose of this amendment to City Planning Scheme No. 2 (CPS2) is to introduce a Special Control Area (SCA) over the land situated at 28 (Lot 51) and 32 (Lot 52) Troode Street and 196 (Lot 200) Colin Place, West Perth.

The SCA over the subject area is proposed to enable the land to be treated as one site for the purposes of allocating plot ratio and tenant car parking.

The SCA will also allow for the built form outcomes proposed by the *Hamilton Precinct Urban Design Study* to be achieved whilst maintaining the integrity of CPS2 and the Approval to Commence Development on Lot 51.

2.0 BACKGROUND

The site has an area of 6,143m² and is bound by the Graham Farmer Freeway to the north, Troode Street to the south, Colin Place to the west and Loftus Street to the north-west.

A three level office building currently exists on 28 Troode Street while 32 Troode Street and 196 Colin Place are currently vacant.

3.0 SUBJECT SITE

The SCA is depicted in Figure 1 below.



Figure 1: Aerial of the SCA

Figure 2: Extract from City Planning Scheme No.2 Scheme Map

4.2.2 Land Use Permissibility

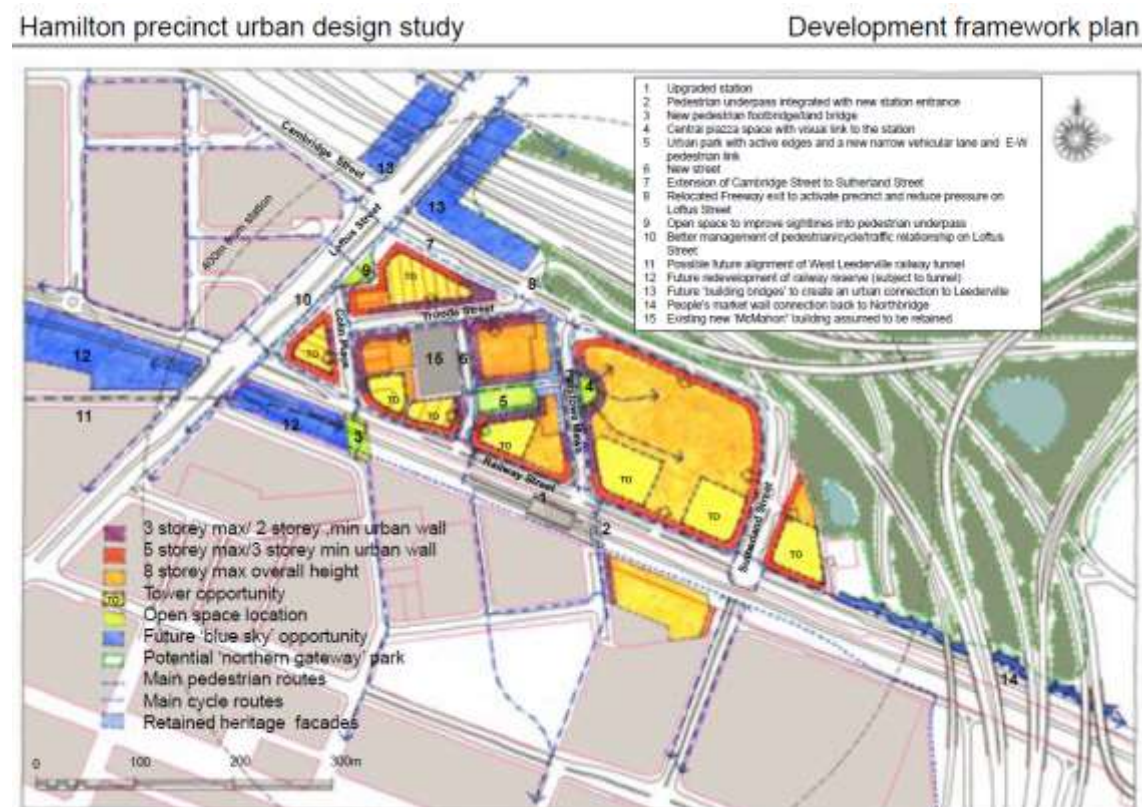
Preferred Uses within the Hamilton Precinct are Business Services, Community and Cultural, Dining, Healthcare 1, Home Occupation, Office, Recreation and Leisure, Residential, Retail (Local) and Special Residential.

Contemplated Uses include Civic, Education 1, Education 2, Entertainment, Healthcare 2, Industry – Service, Industry – Cottage, Mixed Commercial, Retail (General) and Storage.

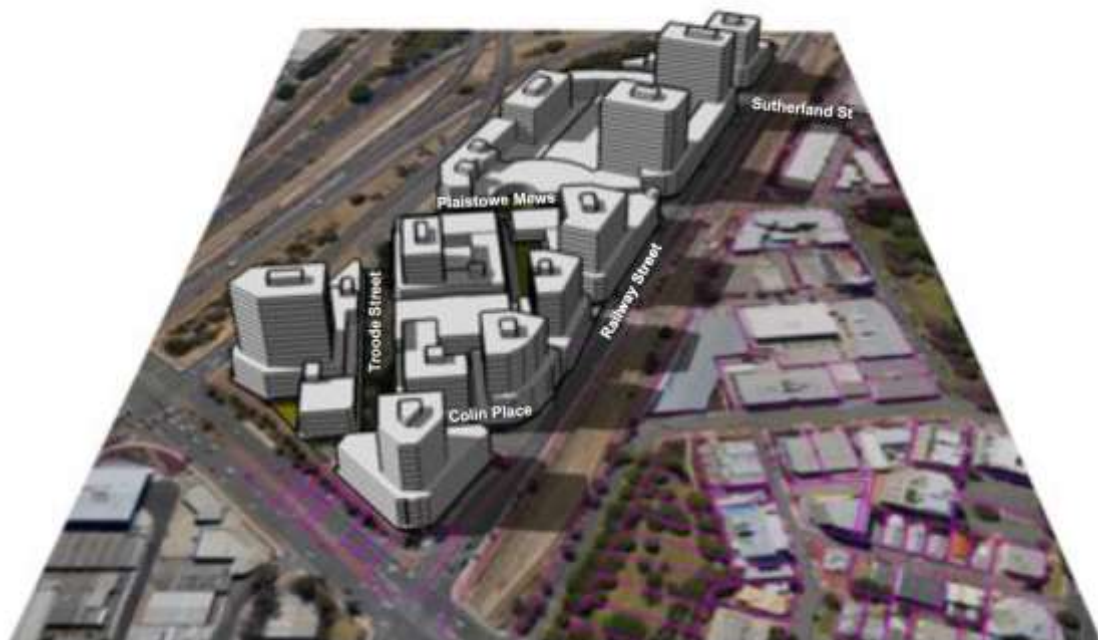
Prohibited Uses are Industry – Light and Retail (Central).

4.3 Hamilton Precinct Urban Design Study

The *Hamilton Precinct Urban Design Study* was prepared in 2010/2011 to investigate an appropriate vision, scale and form of development for future redevelopment within the Hamilton Precinct. The following is an extract from the *Hamilton Study* which shows the Development framework plan. This includes heights of approximately eight storeys and includes a tower opportunity on the subject sites.



The *Hamilton Study* recommended the highest density scenario of three options that were considered. This option was Scenario Two, shown below, where the built form outcome identified for the sites is in the order of 15 to 18 storeys.



Scenario 2 (high development scenario) viewed from the south west

5.0 THE PROPOSAL

The proposed SCA will enable the land to be treated as one site for the purposes of plot ratio and tenant car parking. The SCA will not change the overall quantum of plot ratio available on the site, however the proposed distribution of plot ratio will allow for greater height on the western portion of the site than would be possible without the SCA.

As outline above, a tower opportunity within the proposed SCA was identified in the *Hamilton Precinct Urban Design Study* therefore the proposal is generally consistent with the Study and the SCA will ensure the integrity is maintained.

6.0 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* include three categories for amending Local Planning Schemes which are; Basic, Standard and Complex. It is considered that the proposed amendment would be a Standard amendment because:

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

7.0 CONCLUSION

The proposed SCA is consistent with the relevant statutory planning framework provided by CPS2 and the intent of the City's strategic planning policies. The SCA may also facilitate the development of two important vacant sites within the city and is therefore supported.

**PLANNING AND DEVELOPMENT ACT 2005
CITY OF PERTH**

CITY PLANNING SCHEME NO. 2

AMENDMENT NO. 41

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

2. Inserting after clause 39(1)(z):

(aa) 28 and 32 Troode Street and 196 Colin Place Special Control Area.

2. Inserting the following in Schedule 8 Special Control Areas:

27. 28 and 32 Troode Street and 196 Colin Place Special Control Area

27.1 Special Control Area

The following provisions apply to the land marked as Figure 27 being the 28 and 32 Troode Street and 196 Colin Place Special Control Area.

27.2 Objective

To facilitate the development of the Special Control Area as a whole in a coordinated manner.

27.3 Plot Ratio

- 27.3.1 For the purpose of determining the maximum plot ratio within the Special Control Area, the Special Control Area shall be treated as one site.

- 27.3.2 The maximum plot ratio shall be allocated in the Special Control Area as follows:

27.3.2.1 Lot 51 – 1,980m² plot ratio floor area for use groups other than Residential and/or Special Residential or 2,970m² plot ratio floor area for the Residential and/or Special Residential use groups;

27.3.2.2 Lots 52 and 200 – the balance of the maximum plot ratio.

- 27.3.3 For the purposes of determining any bonus plot ratio under Clause 28 and transferable plot ratio under Clause 30, the Special Control Area shall be treated as one site.

- 27.3.4 Any bonus plot ratio or transferable plot ratio granted shall be allocated fully to Lots 52 and 200.

27.4 Car Parking

- 27.4.1 For the purpose of determining the tenant car parking allowance for the Special Control Area under the provisions of the Perth Parking Policy, the Special Control Area shall be treated as one lot.
- 27.4.2 The tenant car parking facilities located on one site/lot within the Special Control Area may be leased or used by the tenants of another site/lot within the Special Control Area.

27.5 Maximum Building Heights

- 27.5.1 Building heights greater than the indicative heights outlined in the *Hamilton Precinct Urban Design Study – Development Plan Framework* may be considered.
- 27.5.2 In considering greater building heights under clause 27.5.1, consideration shall be given to the *Development Framework Principles of the Hamilton Precinct Urban Design Study*, Clause 67 of the *Deemed Provisions* and the principles contained within the City's *Building Heights and Setbacks Policy*.

27.6 Public Space

- 27.6.1 Any future development of the site should incorporate public space on the western portion of the site to provide sightlines between Colin Place and the underpass, and to enhance passive surveillance and the perceived safety of the underpass.
- 27.6.2 The public space created as part of any future development should provide public access, remain under the ownership and management of the landowners and be protected by an easement in gross.

27.7 Passive Surveillance

Any future development should be designed to provide passive surveillance to the underpass and pedestrian path to the west of the site.

3. Inserting Figure 27 – 28 and 32 Troode Street and 196 Colin Place Special Control Area into Schedule 8 – Special Control Areas of the Scheme.

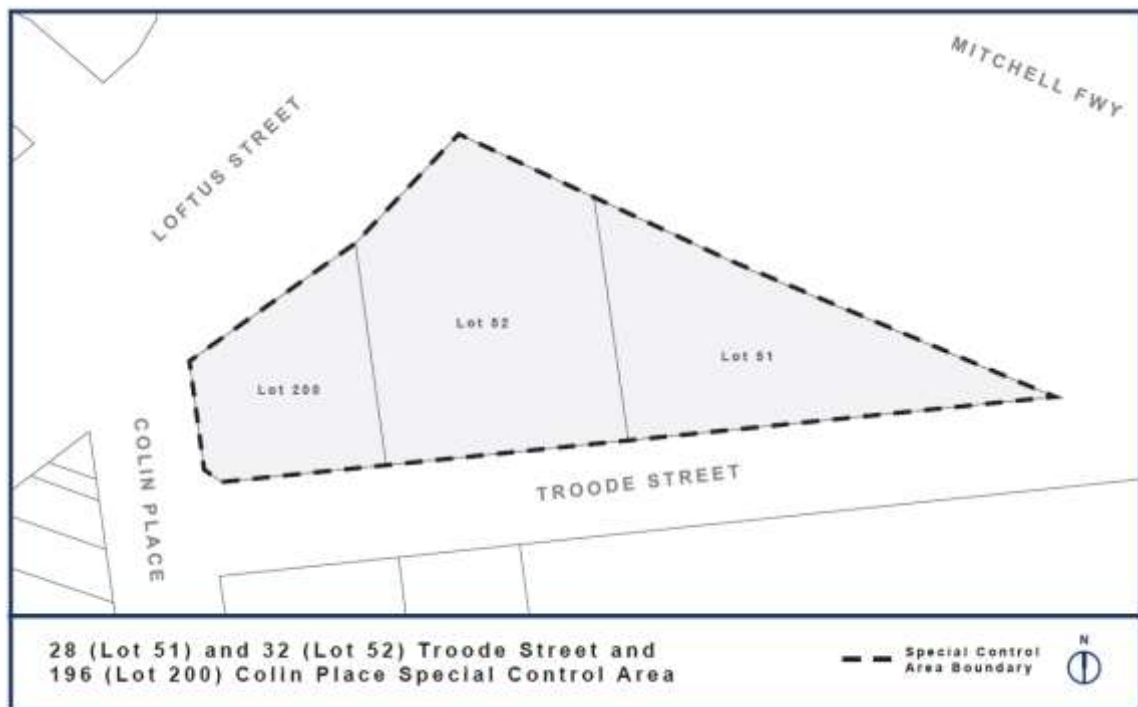


Figure 27 - 28 and 32 Troode Street and 196 Colin Place Special Control Area

4. Amending the Hamilton Precinct Plan Map (P11) accordingly.

ADOPTION

Adopted by resolution of the City of Perth at the Ordinary Meeting of the Council held on the
__ day of ____ 2017.

LORD MAYOR

CHIEF EXECUTIVE OFFICER

FINAL ADOPTION

Adopted for final approval by the City of Perth at the Ordinary Meeting of the Council held on the on the ____ day of _____ 201_, and the Common Seal of the City of Perth was hereunto affixed by the authority of a resolution of the Council in the presence of:

 LORD MAYOR

 CHIEF EXECUTIVE OFFICER

 Recommended / Submitted for Final Approval

DELEGATED UNDER S.16 OF PD ACT 2005

 DATE

FINAL APPROVAL GRANTED

 MINISTER FOR PLANNING

 DATE

SCHEDULE 1 EXISTING CITY CENTRE PRECINCTS PLAN (P11)



SCHEDULE 2

PROPOSED CITY CENTRE PRECINCTS PLAN (P11)

