

Planning Committee

**Notice of Meeting
19 September 2017
5.30pm**

**Committee Room 1
Ninth Floor
Council House
27 St Georges Terrace, 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 – 22 August 2017
- 5** Correspondence
- 6** Disclosure of Members' interests
- 7** Matters for which the meeting may be closed
Nil
- 8** Reports
 - 8.1 - 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 With A Restaurant and Bar
 - 8.2 - 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
 - 8.3 - Unit 5/33 (Lot 2) Royal Street, East Perth - Proposed Change of Use From Clothing Store ('Retail') to Dog Day Care and Grooming Salon ('Unlisted Use') Including Alterations/Additions and Signage
 - 8.4 - Initiation of Amendment No. 38 To City Planning Scheme No.2 to Introduce a Special Control Area over 560 Hay Street and 101 Murray Street, Perth
 - 8.5 - Initiation of Amendment No. 39 to City Planning Scheme No.2 to Introduce a Special Control Area Over 553 and 565-579a Hay Street, 38a St Georges Terrace and 28 Barrack Street, PerthMotions of which Previous Notice has been given
- 9** General Business

9.1 - Responses to General Business from a Previous Meeting

Nil

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', with a large, stylized 'M' and 'L'.

MARTIN MILEHAM
CHIEF EXECUTIVE OFFICER

14 SEPTEMBER 2017

This meeting is open to members of the public

PLANNING COMMITTEE

Established: 17 May 2005 (Members appointed 22 October 2015)

Members:	1st Deputy:	2nd Deputy:
Cr McEvoy (Presiding Member)	Cr Green	Cr Limnios
Cr Adamos		
Cr Yong		

Quorum: Two

Terms Expire: October 2017

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.

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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.



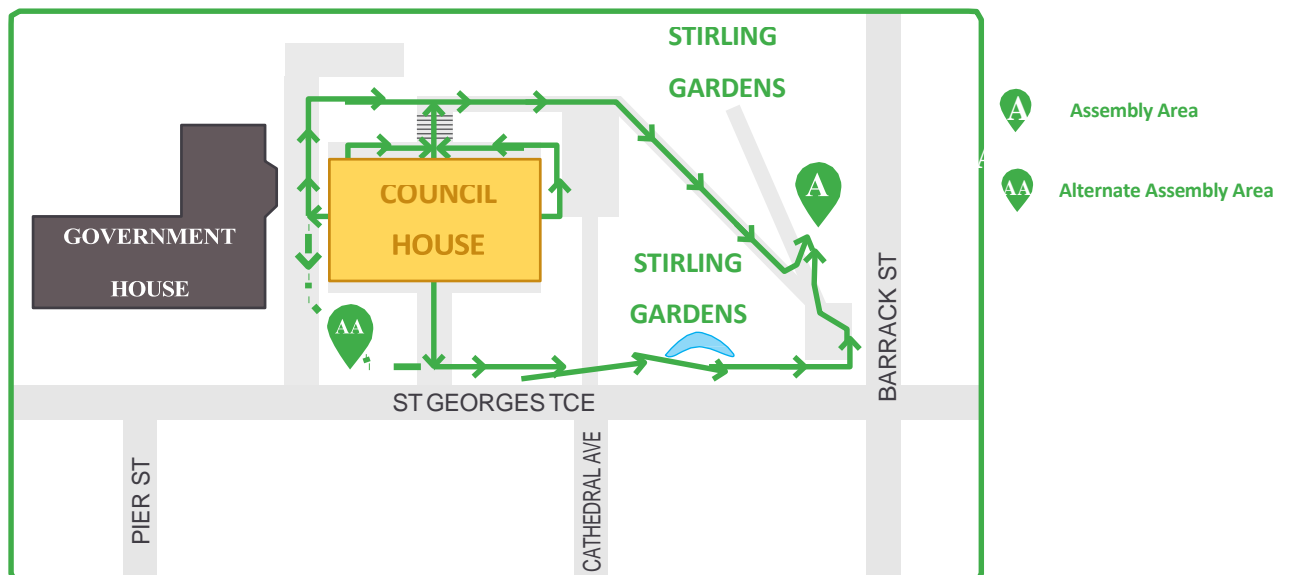
EVACUATION ALARM / PROCEDURES

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



Agenda Item 8.1	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 With A Restaurant and Bar
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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 a ground floor restaurant and bar, 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 (or 297m² plot ratio floor area) for incorporating a new Special Residential use in accordance with clause 28(2)(c)(i) 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 35(1)(b) of City Planning Scheme No. 2;*
- 3. the exterior of the hotel building being constructed from high quality and durable materials, colours and finishes with the final details of the design and a sample board of the materials 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 being located so as to minimise any visual and noise impact on the adjacent developments and being screened from view, with details of the location and screening of such plant and services being submitted for approval by the City prior to applying for a building permit;*

(Cont'd)

5. *a final 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 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:-*
 - a. *Company name and relevant experience of management/operator;*
 - b. *Opening hours for guest check-ins and check-out including the method of reservations/bookings;*
 - c. *Security of the guests and their visitors;*
 - d. *Control of noise, patron behaviour and other disturbances, particularly in relation to the use of the bar facilities;*
 - e. *Cleaning and laundry services, where applicable; and*
 - f. *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. *the Waste Management Strategy dated August 2017 being implemented by the managers of the hotel, 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;*
8. *details of on-site storm water disposal/management being to the City's specifications and being submitted for approval by the City prior to applying for a building permit;*
9. *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;*
10. *any external signage for the hotel, including the restaurant and bar, 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 shall require a separate application for approval by the City;*

(Cont'd)

11. *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, to prevent unauthorised car parking 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;*
12. *the works referred to in Condition 11, 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 owner, prior to the demolition of the existing building on site;*
13. *the design of the accommodation rooms within the development incorporating appropriate noise attenuation so that noise occurring between hotel rooms and from external noise sources and mechanical plant and equipment that could potentially affect future occupiers, can be successfully ameliorated. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and be submitted for approval by the City prior to applying for the relevant building permit; and*
14. *demolition and construction management plans for the proposal being prepared in accordance with the City's 'Construction and Demolition Management Plan Pro-Forma' and being submitted for approval by the City prior to applying for the relevant demolition or building permits.*

FILE REFERENCE:	2016/5328
SUBURB/LOCATION:	180 (Lot 2) Bennett Street, East Perth
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	7 September 2017
ATTACHMENT/S:	Attachment 8.1A – Map and Coloured perspectives Attachment 8.1B – Schedule of Submissions
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.

Details:

The applicant seeks planning approval to demolish the existing building on the site and to 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 storm-water storage tank, fire service pump room and a lift shaft pit.
Ground Floor Level	This level includes the hotel reception and lobby, lounge area, restaurant/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.

A hotel incorporating restaurant and bar facilities is defined as a 'Special Residential' use, which is a preferred ('P') uses in the Residential / Commercial use area of the Goderich Precinct.

Development Requirements

All forms of new development in the Precinct must comply with the Goderich Design Policy that addresses built form, building design, impact on the surrounding environment, and access and parking issues. This defines major streets in the area, with a continuous built edge. Along Bennett Street development will have a nil street setback. Innovative, high quality building design which respects the existing streetscape will be encouraged.

The provision of car parking is to be approached in a manner that will avoid reduction in the amenity of the public and private environment. Car parking will preferably be located at the rear of buildings or beneath developments.

Twenty-five per cent of the site is to be developed as landscaped open space area; this landscaping requirement may predominantly comprise private open space.

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
Open Space	Nil	25% of the site
Car Parking: Commercial	Nil	12 bays (maximum)
Bicycle Parking:	10 bays	28 bays (minimum)

Variations to the provisions applicable to the development can be granted by an absolute majority decision of the Council, in accordance with Clause 36 of the CPS2 and provided the 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'.*

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

"(2)(c)(i) 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)(b) Where bonus plot ratio is permitted for development which incorporates...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"

Comments:

Consultation

Due to the proposed setback and open space variations to City Planning Scheme No. 2, the original application received on 31 August 2016 was advertised to the owners of the adjoining properties. A number of objections were received at this time. The application has since been modified in response to these comments and advice from the City's Design Advisory Committee. The amended plans were subsequently advertised for a further period of 14 days, closing on 25 August 2017. A total of 21 submissions were received during the advertising process. The submissions all objected to the proposal and raised the following concerns with the revised 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 are 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 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, including the following:-

- “2.1 the transition from the design of the lower podium levels to the upper portions of the building as it is considered that the design lacks a unified design response and displays too much complexity;*
- 2.2 additional detail and a simplification of the finishes and materials, window design and canopies to ensure a quality finish to the development;*
- 2.3 the amenity and comfort of the guest facilities on the podium terrace, including opportunities for planting and the provision of shade;*
- 3. considers that the proportions of the tower relative to the podium should be reviewed, with a view to lowering the height of the podium;”*

The applicant modified the building design in accordance with the recommendation of the DAC. The application was referred back to the Design Advisory Committee (DAC) at its meeting held on 24 August 2017. The DAC advised that it:-

- “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 with the final plans being submitted on 6 September 2017, 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:

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 DAC originally suggested that the podium height be reduced to improve the proportions of the tower relative to the podium. While the current plot ratio and building height control measures in the locality encourage redevelopment of existing sites to provide for larger scale developments in contrast to the existing scale of development, the reduction in the podium height helps to reduce the contrast of scale between existing and new development.

Building Setbacks:

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 right of way 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 36 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 a 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 36 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 into key public spaces in the middle of the day (10.00am to 2.00pm) from August through to April.’

Shadow diagrams submitted by the applicant 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 fully compliant with the setback provisions, the development would still overshadow adjoining properties to a similar extent, given its location. Therefore, the overshadowing is considered to be acceptable in this instance and is not a consequence of the variations proposed.

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. Should the applicant wish to pursue any changes to the existing parking restrictions in this area this will be subject to a separate assessment and approval by the City, taking into consideration the current parking provision and demands in the locality.

The City’s ‘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.

Open Space

The Precinct Plan for the Goderich Precinct requires twenty-five per cent of the site to be developed as landscaped open space area. This landscaping requirement may predominantly comprise private open space. Under the Goderich Design Guidelines, however, it is an objective to define and enclose Wellington Square and major streets within the area with a continuous edge of appropriately scaled peripheral buildings abutting the front boundaries of their sites. Bennett Street is identified as a category ‘A’ street. Lower building levels in Category A Streets should generally be built to the street frontage to maximise interaction between the private and public realms. Nil side setbacks are also permitted where there are no openings. In such situations the intent of providing 25 per

cent landscaping cannot reasonable be achieved. It is noted that the landscaping requirements under the Goderich Design Policy apply mainly to sites on category 'B' streets where front and side setbacks are provided. In this instance the proposed built form generally meets all other Policy requirements and the variation to on-site landscaping can be supported in accordance with clause 36 of CPS2.

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, however only 10 bays are proposed. 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 so as to address potential needs of staff only.

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 adjacent neighbours, the City's Officers and 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, noting the current plot ratio and built form provisions applicable to the site.

It is considered that the proposed development will add to the city's hotel offerings, 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 36 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



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



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

Proposed 16 Level Hotel Development – 180 Bennett Street, East Perth

Respondent	Respondent's Comment
<p>Address:</p> <p>The same objection was submitted by the owners/occupants from East Perth and Canning Vale</p>	<p>OBJECT</p> <p>I wish to oppose the proposed development at the above address – demolition of the existing single storey building and construction of a 14 storey hotel ('Special Residential') development comprising 85 hotel rooms and a restaurant ('dining') use – request for plot ratio.</p> <p>I believe that the proposed development does not conform to the Planning and Development (Local Planning Schemes) Regulations 2015, Minor Town Planning Scheme Area P14 – Goderich. Goderich Design Policy 2014, or the Perth City Planning Scheme No. 2 Precinct Plan No. 14 – Goderich (Amended December 2016), for the following reasons:</p> <p><i>A 14 storey building will be more than double the height of adjacent buildings and all other buildings in the area. This is in conflict with the following regulations, plans and policy:</i></p> <p>Schedule 1 Part 3 of the Regulations Clause 16 Special Residential:</p> <p>To ensure development is sited and designed to achieve an integrated and harmonious character;</p> <p>To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades;</p> <p>To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</p> <p>Schedule 2 Deemed Provisions for Local Planning Schemes Part 9:</p> <p>...the local government is to have due regard to:</p> <p>Point m... the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height,</p>

Respondent	Respondent's Comment
	<p>bulk, scale, orientation and appearance of the development.</p> <p>Perth City Planning Scheme No 2 Precinct Plan No 14 – Goderich (Amended December 2016):</p> <p>Residential/Commercial Development: This type of development should contain a mix of residential and commercial uses. Building design should be complementary to surrounding residential development in terms of scale and design.</p> <p>Minor Town Planning Scheme Area P14 – Goderich. Goderich Design Policy 2014:</p> <p>Bennett Street is a Category A street.;</p> <p>The street building heights of a development should generally be of a low scale in Category A streets and a medium scale in Category B streets; (and) generally be consistent with other street building heights within the street (4.3.2);</p> <p>Side and rear setbacks ...have regard to the side and rear setbacks of buildings on adjoining land. The lower and upper levels of buildings should be set back from the side and rear boundaries (4.3.5);</p> <p>Building Design (Context) Unsympathetic contrasts of scale and materials relative to adjoining buildings should be avoided (4.4).</p> <p><i>The proposed building is not consistent with Goderich Design Policy 2014 Objective 2:</i></p> <p>The above policy states that buildings around Wellington Square have 'a continuous edge of appropriately scaled peripheral buildings of relatively consistent height, abutting the front boundaries of their sites'.</p> <p><i>The proposed building does not provide any parking. This will cause issues not only for residents of other buildings in the locality, but also for clients of the 85 room hotel, employees of the hotel and delivery vehicles. The surrounding streets are already inadequate with regard to street parking:</i></p> <p>The Goderich Street Policy states...All forms of new development in the Policy Area must comply with the guidelines on</p>

Respondent	Respondent's Comment
	<p>Built form, building design, impact on the surrounding environment, and access and parking issues.</p> <p>The laneway at the rear of the building is a right of way for 65 Wittenoom Street and 52 Wickham Street, and cannot be exclusively used by the 180 Bennet Street building.</p> <p><i>The plans provided in the building application show that the height of the building would have a negative impact on solar access to 52 Wickham Street over extended periods of time during both summer and winter:</i></p> <p>Minor Town Planning Scheme Area P14 – Goderich. Goderich Design Policy 2014...</p> <p>Overshadowing:</p> <p>All development should be designed to maximise sunlight penetration into streets, public spaces and buildings...</p> <p>To sum up, at more than twice the height of all other buildings in the vicinity, the scale of the building is totally incompatible with the surrounding buildings and would be detrimental to the character of the locality and other buildings in the area.</p>
<p>Note that a “#” indicates the respondent provided an additional objection to the one above</p>	
<p>East Perth Resident</p>	<p>I object to the proposed development at 180 Bennett Street in East Perth.</p> <p>It appears that 180 Bennett Street falls within the Residential/Commercial zone of the Perth Planning Scheme No.2, however, the height proposed is more than twice the height of all adjacent buildings.</p> <p>The massive fourteen storey (up from twelve storeys) development would restrict natural cooling, propagation of light and the projection of sunlight onto our roof. The diminished projection of sunlight onto 52 Wickham Street is demonstrated by The Shadow Diagram. Sustainability concerns led the owners of 52 Wickham Street to undertake an energy audit with one of the outcomes being the installation of solar panels on the roof. A fourteen storey building will throw a shadow over our roof as can be seen from the Shadow Diagram, which in turn will greatly diminish or void the financial feasibility of installing</p>

Respondent	Respondent's Comment
	<p>solar panels.</p> <p>In addition, parking is already stretched on Bennett and all surrounding streets with existing apartment buildings, restaurants and a Motel lining those streets. There is no mention of undercover car parking in the development application and the additional traffic and parking requirements do not appear to have been appropriately considered. The increased demand of a 85 room hotel on existing infrastructure could result in congestion, thus diminishing the attraction and live ability of this inner city neighbourhood.</p> <p>I further believe a fourteen storey building is not in line with the surrounding area and would be detrimental to the character of East Perth in general and to the resale value of 52 Wickham Street apartments in particular.</p> <p>Moreover, the rear of 52 Wickham Street is facing the proposed development and the privacy and peaceful enjoyment would be severely affected. The high density of the development and the transient nature of hotel guests are potential causes for noise related complaints and decreased quality of life.</p> <p>In consideration of the above I strongly object to the proposed development.</p>
East Perth Resident	<p>We, ..., are owners of an apartment at 65 Wittenoom Street, East Perth. I am a member of the Council of Owners representing 24 units and we would like to express our total objection to the above proposal. The rear of the proposed construction at 180 Bennett Street faces our western boundary.</p> <p>The frontage of the block is around 13.5 metres and to construct a 14 storey building surrounded by 5 and 5 storey buildings seems grossly out of proportion. We have inspected the revised plans and find that:</p> <p>a. The ground floor at the back (i.e. facing the laneway) is only 977cm from an already narrow lane. There is no provision for parking and unloading of service vehicles and no provision for turning around. This will mean all vehicles will need to back out of the laneway, over a footpath with no clear view making it a considerable danger to pedestrians. It is highly likely there will be huge traffic and congestion problems in Wittenoom street and also the lane, which is meant to be accessible to other parties in the immediate vicinity.</p> <p>b. Because of the proposed 14 storeys the shadows cast will keep the sun and a large degree of natural light from our</p>

Respondent	Respondent's Comment
	<p>building.</p> <p>c. There is no provision for guest parking and this fact will contribute to a congestion problem in Wittenoom street, bearing in mind the vehicle access to our building is right next to the lane.</p> <p>We are very concerned with the front elevation which is quite ugly and seems as though it will be aiming for the lower end of the market.</p> <p>We realise that a commercial building of some sort will be erected on the site but consider this proposal to be one which would downgrade the area. With the City of Perth growing so rapidly, we would like to think the Council would continue to keep the standard high.</p>
East Perth Resident	<p>I refer to the planned development of 180 (Lot2) Bennett Street, East Perth Ref no. DA2016/5328 and wish to voice our strong opposition to the proposed development.</p> <p>My wife and I recently purchased an apartment ie Unit 3/65 Wittenoom street, East Perth which borders the planned construction. The main reason for purchasing this property was the relative quietness of the location and now you telling me that this quiet residential area will be becoming part of a warzone in terms of noise pollution.</p> <p>Had we had known about this proposal we certainly would not have purchased this apartment.</p> <p>Other reasons for objecting to the planned construction are:-</p> <p>My wife and I are both shiftworkers and therefore need to sleep during daylight hours which will be almost impossible with the noise of construction being performed daily adjacent to our apartment. Numerous studies have concluded that not having sufficient rest is akin to being drunk. (It's ironic that I have to provide a daily breath specimen for sobriety before commencing work) As a Train Controller for Roy Hill I am required to perform safe working duties and I can't bare to think of the consequences of a mistake I may make at work as a result of having insufficient rest. Will the council be accepting accountability for any mistake I may make due to insufficient sleep or inability to work due to being unable to present myself fit for work as a result of lack of sleep?</p>

Respondent	Respondent's Comment
	<p>the amount of airborne debris wafting into our apartment as a result of construction.</p> <p>the impact on the value of our property</p> <p>the impact on me as a I sufferer from hay fever.</p> <p>the imposition of power and water services having to be turn off and on to facilitate construction work.</p>
Email only	<p>I own an apartment in an adjoining property to the above development that is 7 stories high with 35 units and I believe to construct a 12 story hotel with 84 rooms of increased density that is out of character with the area with have a detrimental impact of the amenity of the building and area that I intend to reside in and therefore object to the increase of plot density that is being sought. I have been away so for the reason of the late reply to your correspondence</p>
Canning Vale Resident	<p>Thank you for allowing owners/residences within the City of East Perth the opportunity of addressing any concerns in relation to the above proposal.</p> <p>As owners of Unit 19, 52 Wickham Street, EAST PERTH, both my husband and I strongly object to the construction of a 12 storey Hotel at 180 (Lot 2) Bennett Street (Tyrepower).</p> <p>The impact of this proposal will no doubt be more negative than positive.</p> <p>The height of the building will affect adjoining buildings by reducing the sunlight that they already receive.</p> <p>The 12 Storey Hotel is also not in fitting with all the other building previously construction within the vicinity of Bennett, Wittenoom and Wickham Streets.</p> <p>With parking already a problem in the area, the proposed Hotel consisting of 84 Hotel rooms and a Restaurant will only cause more congestion. (Note: not being a resident at 52 Wickham Street, night access is always very limited after 6.00pm.)</p> <p>These are only few negative impacts of the proposal and while we appreciate the positive changes that the City Of Perth have done with the Claisebrook Village development we believe that changing the bonus 20% plot ratio will adversely affect</p>

Respondent	Respondent's Comment
	the areas beauty.
# email only	<p>Re the above proposed Hotel we would like to submit our comments and concerns.</p> <p>Firstly in relation the height, we feel it is too high for the surrounding buildings and landscape and will not enhance the street scape sticking out like a sore thumb. We also have concerns about the no parking with 83 rooms plus staff there will be a lot of cars looking for parking and the area is already short of parking for the people who live there and their visitors will find it a nightmare to park. The deliveries have no excess only parking on Wittenoom and have to take down a laneway which will become very busy. We will also have concerns of any damage to our building and excess heavy vehicles and cranes in a very confined area.</p>
East Perth Resident	<p>In regards to the proposed property 180 Bennett Street East Perth (2016/5328 hotel), my wife and I would like to state that we do not feel that a twelve storey structure is suitable.</p> <p>From a general point of view after viewing the plans, we feel the height compared to surrounding buildings and the design of said property are not in keeping with the area.</p> <p>On a personal level, this structure would block our evening sunlight as the only opening that allows light on to our balcony directly faces the plot where said structure would be erected.</p> <p>We had a choice of many apartments in our building (52 Wickham street) as we bought before completion and opted for our one as it had the most evening light instead of the views out to the hills.</p> <p>We also spent a considerable amount more for a higher level apartment in the block as to avoid the "people looking in" scenario synonymous with apartment living.</p> <p>The proposed structure will also block all evening sunlight to our communal area, which is used regularly by all occupants and on many occasions for birthday parties and wedding receptions.</p> <p>We have no grievance with a hotel being built here however would prefer to see a boutique hotel more in keeping with the</p>

Respondent	Respondent's Comment
	area both in height and aesthetics. A twelve storey structure has the air of over-development in our opinion.
East Perth Resident	<p>This letter is to lodge an objection to the proposed demolition and development of a twelve storey hotel on 180 (Lot 2) Bennett Street. The development and request for bonus plot ratio was outlined in your letter - reference 2016/5328.</p> <p>We object to the development on the following grounds:</p> <ol style="list-style-type: none"> 1. We are informed that the development is without plans for parking at the premises. This will place a significant burden on street parking. 2. We are informed that no provision has been made for surrounding building damage from the demolition of existing buildings. 3. The roofing of the existing building comprises asbestos. Provision must be made to remove the asbestos safely. We are concerned that the safety record of previous building contractors that have operated in the area is poor. Particularly, two deaths occurred recently at a similar construction site along Bennett Street. Due to this poor safety record, our expectation is that asbestos is also unlikely to be managed correctly by relevant contractors. This is of significant concern given the close proximity of our residence to the proposed demolition. 4. We are informed that set backs are not to council rating. 5. We are informed that the building will be 45 metres high and will therefore detract from our existing views of the city and park. 6. We are informed that no provision has been made for commercial deliveries to the site.
East Perth Resident	<p>I am alarmed at the prospect of the proposed development at 180 (Lot 2) Bennett Street, East Perth, as this proposal contravenes various parts of the City Planning Scheme No.2, 'Section 6.3 - Goderich Design Policy, e.g.:</p> <ul style="list-style-type: none"> · Paragraph 4.3 Built Form, i.e.:

Respondent	Respondent's Comment
	<p data-bbox="409 217 1234 244">> "To create an attractive skyline and outlook from the public realm".</p> <p data-bbox="409 284 1839 352">Comment/: The proposed 12-storey, 45 m high building is at least twice the height of any building in the area and would provide anything but an attractive skyline when viewed from e.g. Wellington Square.</p> <p data-bbox="409 392 1088 419">· Paragraph 4.3.2 Street Building Heights - Principles, i.e.:</p> <p data-bbox="409 459 1711 486">> "The street building height of a development should ... generally be of a low scale in Category A Streets. .. ".</p> <p data-bbox="409 526 1850 595">> "The street building height of a development should ... generally be consistent with other street building heights within the street...".</p> <p data-bbox="409 635 1805 703">> "The street building height of a development should ... "maximise sunlight penetration to streets, public spaces and buildings.. ".</p> <p data-bbox="409 743 1854 812">> "The street building height of a development should ... "respect the street building heights of places of cultural heritage significance within the street".</p> <p data-bbox="409 852 1839 920">('Comment: The proposed 12-storey, 45 m high building is at least twice the height of any building in the area and would contravene all of the above guidelines.</p> <p data-bbox="409 960 1066 987">· Paragraph 4.3.2 Street Building Heights - Figure 2, i.e.:</p> <p data-bbox="409 1027 938 1054">> "Maximum Street Building Height = 21 m".</p> <p data-bbox="409 1094 1877 1163">('Comment/: The proposed 12-storey building would be 45 m high, i.e. more than double the height of the above maximum building height standard.</p> <p data-bbox="409 1203 1632 1230">Considering the above, I object to the proposed development of 180 (Lot 2) Bennett Street, East Perth:</p> <p data-bbox="409 1270 1854 1339">· The scale of the proposed development would be detrimental to the character and amenity of the street and the area in general.</p>

Respondent	Respondent's Comment
	<p>· The proposed building would be obtrusive and incompatible with adjacent buildings.</p> <p>Your consideration of my concerns would be very much appreciated.</p>
# Email only	<p>Thank you for showing me the plan for 180 Bennett St. I would like to submit my objections to the proposal based on the following two points.</p> <p>First, we are concerned about the excessive height of the proposed building. Our apartment is in the rear of 52 Wickham St and the windows of the main bedroom, the sitting room, dining room and kitchen are all facing north. The proposed building is 12 levels high and as such will essentially block most of the natural light we currently enjoy. We are afraid that we will be continuously living in the shadow with no access to direct sun light.</p> <p>Second, even though the height limit for Bennett St maybe higher, the established neighbouring building of 180 Bennett St are all around 5-6 levels. Consequently, the proposed building that is 12 levels high is likely to create an unpleasant visual appearance and will not be to the benefit of the current neighbourhood.</p> <p>We hope the council will carefully consider a likely long-term adverse effect the proposal could have and reject it.</p>
Email only	<p>Hi... Following viewing of the proposed plans for the twelve story Hotel on Lot 2.. 180 Bennett Street. East Perth.. I personally object to the varied bonus allowance being given for the rear and side lot boundaries as the shadow line from this close constructed building gives a large shade area to the two open areas of the Apartment block of 178 Bennett Street.. being the Sapphire Apartment Block.</p>
East Perth Resident	<p>I object to the construction of a twelve story building at 180 Bennett Street East Perth and the use of a bonus 20% plot ratio.</p> <p>I own and reside in an apartment at Unit 35/ 52 Wickham St, East Perth. The balcony faces west and directly onto the rear of 180 Bennett Street. Twelve story building is over twice the height of the adjacent neighbouring three buildings. A twelve story building is not in fitting with all the other buildings in the vicinity of this part of Wittenoom Street, Bennett Street and</p>

Respondent	Respondent's Comment
	<p>Wickham Street. Most other buildings in the immediate vicinity are up to five levels above ground level.</p> <p>For Example:</p> <p>178 Bennett St, adjacent and on the south side of the proposed construction is ground floor and four levels above,</p> <p>65 Wittenoom St , adjacent and on the east side of the proposed construction is ground floor and four levels above and</p> <p>52 Wickham St, adjacent on the south east boundary of the proposed construction is ground floor and five levels above.</p> <p>At 52 Wickham Street an audit of electrical power usage has been conducted with the feasibility of having solar energy panels installed on the north facing roof structure to collect uninterrupted energy from the sun in order to supply the electricity requirements for the Strata. A twelve story building at 180 Bennett Street may interrupt the supply of direct sunlight to solar panels that in future may be fitted to each of the buildings at the above mentioned addresses. A twelve story building will affect the future ability of these other buildings to have the possibility uninterrupted access to direct solar energy.</p>
East Perth Resident	<p>We oppose the development due to the impact it will have on several important aspects of our lives and those in our building, also those in the immediate area.</p> <p>Noise is already a major factor due to 24 hour road! truck and bus traffic this will increase substantially if this development goes ahead.</p> <p>Additional loss of privacy due to increase in people accessing Bennett street at the front of our building, litter, graffiti and anti social behaviour already being major issues for us on a daily basis.</p> <p>The proposed building will over shadow the rear of our building blocking light and the noise from loading bay, car parking areas will impact all residents.</p> <p>The proposal is an unacceptable overdevelopment of the site and I would question the validity of any argument that supports yet another hotel in this area</p>

Respondent	Respondent's Comment
	<p>The violent impact of the construction itself will damage our home and our building, Western Australian building standards are poor when measured against other states, our building is already full of cracks and damage after 11 years of movement and the impact of the east Perth stadium and pedestrian bridge have damaged the building so a large construction next door will have serious consequences. A structural engineer would need to be commissioned to assess our building both before and after any construction of this large nature to measure the impact. The actual execution of the building works will cause us stress with noise, pollution for up to 2 years based on other constructions in the east perth area, also the quality of the build in line with the rest of the suburb</p> <p>The visual impact of the building is to be considered I am sure given time and allowing for research there will be other important concerns</p>
East Perth Resident	<p>I write to you as a concerned owner of Unit 5, 52 Wickham Street, East Perth (the Pavilion). As you will be aware the Pavilion is a small boutique complex of only 35 Apartments and is one of several smaller size complexes in the pleasant residential amenity of the East Perth – Royal Street Claisebrook Cove central village area bounded by Wellington Square Park, Bennett Street, Wellington Street, the Cove/Royal Street and along the waterfront to Trafalgar Road and Plain Street; known for its leafy residential streets and great relaxed waterside lifestyle close to the city... as some would say - "Tucked out of sight but in the heart of the city".</p> <p>Thank you for providing this opportunity to consider the impact this Hotel development will have on both our complex and that of the general residential area surrounding it.</p> <p>o I believe the only impact a 12 storey Hotel will bring to this area is a negative one.</p> <p>o Of enormous concern is the restriction of sunlight into the courtyard area at the Pavilion that will be caused should a twelve storey building be erected at Lot 2 Bennett Street. This will cause a severe impact on all inhabitants at the Pavilion and cause the lower levels to suffer in near darkness for most of the day and especially in winter months. This needs to be seriously considered by Council as an obvious negative impact on the health and wellbeing of all inhabitants of the Pavilion.</p> <p>o This proposed Hotel will stand out like a sore on the landscape and will not fit into the surrounding area's community profile at all. This area of East Perth has a lower height profile than the other side of Wellington Street, the farther side of</p>

Respondent	Respondent's Comment
	<p>Plain Street and further to the West into the city. This is a precious patch of lifestyle dwellings on the doorstep of the CBD.</p> <p>o I do not think it wise to alter the height profile nor do I think that the area can support the extra noise, disruption of short stay visitors, parking requirements and other impacts that a Hotel development is bound to bring with it.</p> <p>I doubt there would be anyone at the Pavilion who would welcome this development. So, in short, I strongly object to the development of a 12 storey Hotel in the precinct and in particular so close to Pavilion or any other small residential complex in this part of East Perth.</p> <p>o It will bring no good and cause only negative impact and will destroy the amenity of the area and ruin a precious lifestyle for many ratepayers who have invested considerable funds to be able to enjoy the low height profile surroundings and the village atmosphere of the precinct.</p> <p>o Keep the high-rise to the other side of Wellington Street and the other side of Plain Street away from the village area please.</p> <p>o Looking to the future I believe the City of Perth will be glad it has maintained such a pleasant leafy precinct in amongst the greed and madness of inner city development by resisting the urge to get more rates from high-rise developments such as this 'sore-thumb' proposal.</p> <p>If there is any further detail you can supply i.e.: concept drawings, concept description...anything at all; it would be welcome. Certainly a map showing the shadow the building will throw across the Pavilion building should be available by email.</p> <p>Please address any correspondence to me using email or mailing address stated below. This</p> <p>objection is on behalf of myself and my husband ... who is also an owner of</p> <p>Apartment 5/52 Wickham Street, East Perth.</p>

Agenda	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
Item 8.2	

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 the owner of Forrest Chase entering into an agreement with the City, at the owner's cost, that addresses the cost and timing of the replacement or relocation of the City's existing public seating and facilities that are to be removed from the site as part of this development, prior to the commencement of any works on-site;***
 - 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 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;***
 - 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;*
 - 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:	Development Approvals Unit
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	8 September 2017
ATTACHMENT/S:	Attachment 8.2A – Location Plan
 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.

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 8.3	Unit 5/33 (Lot 2) Royal Street, East Perth - Proposed Change of Use From Clothing Store ('Retail') to Dog Day Care and Grooming Salon ('Unlisted Use') Including Alterations/Additions and Signage
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Recommendation:

*That, in accordance with the provisions of the Local Planning Scheme No. 26, 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, the Council **APPROVES BY AN ABSOLUTE MAJORITY**, the application for the change of use from clothing store ('Retail') to dog day care and grooming salon ('Unlisted Use') including alterations/additions and signage at Unit 5/33 (Lot 2) Royal Street, East Perth as indicated on the Metropolitan Region Scheme Form One dated 18 July 2017 and as shown on the plans received on 24 July and 16 August 2017 subject to:-*

- 1. an acoustic report prepared by a qualified acoustic consultant detailing the noise attenuation measures to be undertaken for the development to preserve the amenity of the on-site residents and the locality being submitted for approval by the City prior to the submission of an occupancy permit, with all approved management measures being implemented by the operator thereafter to the satisfaction of the City;*
- 2. the hours of operation of the tenancy being limited to 7:30am to 6.00pm Monday to Friday and 8.00am to 12.00pm Saturday with no animals being kept on the premises overnight;*
- 3. a management plan addressing matters related to scheduling of bookings, dog drop-off and pick up arrangements, control of odours and complaint procedures being submitted for approval by the City prior to the submission of an occupancy permit, with all management measures being implemented by the operator thereafter to the satisfaction of the City;*
- 4. a maximum of 14 dogs (10 day care/four grooming) being permitted on site at any one time;*
- 5. the waste management measures outlined in the associated waste management document submitted by the applicant on 9 August 2017 being implemented by the operator/s on an ongoing basis to the satisfaction of the City; and*
- 6. the tenancy facades maintaining a high level of visual permeability at all times to the satisfaction of the City.*

FILE REFERENCE: DA-2017/5288
 SUBURB/LOCATION: Unit 5/33 Royal Street, East Perth
 REPORTING UNIT: Development Approvals
 RESPONSIBLE DIRECTORATE: Planning and Development
 DATE: 8 September 2017
 ATTACHMENT/S: Attachment 8.3A – Location Plan and Development Plans
 Attachment 8.3B – Schedule of Submissions
 3D MODEL PRESENTATION: N/A

LANDOWNER: Calligaro Nominees Pty Ltd
 APPLICANT: Calligaro Nominees Pty Ltd
 ZONING: (MRS Zone) Urban
 (Local Planning Scheme No. 26 Precinct) Claisebrook Inlet
 (EP1)
 APPROXIMATE COST: \$12,000

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
 Local Planning Scheme No. 26

Policy

Policy No and Name: 4.6 - Signs

Details:

Approval is sought to change the use of a ground level tenancy within the existing three storey mixed-use building on the subject site from a clothing store ('Retail') to a dog day care and grooming salon ('Unlisted Use') including alterations/additions and signage.

The applicant advises the proposed business will provide dog day care, grooming and minor retail sales services. One to three staff members will be on site with business hours proposed to be 7.30am until 6.00pm Monday to Friday and Saturday mornings for grooming purposes only. A maximum of 14 dogs will be on the premises within any one day (10 day care dogs and four grooming dogs) with bookings for grooming being based on a three hour rotation schedule. Day care dogs will be separated from grooming dogs with the business primarily catering for 'small' dogs only (notionally under 11 kilograms) for day care and small to medium sized dogs for grooming.

The proposed alterations and additions to the tenancy includes:

- existing boutique fitments such as clothing shelves, change rooms and carpet being removed;
- installation of a new internal 1300mm high PVC fence and gates including two dog rest areas;
- addition of a propriety mobile dog wash unit connected to a trapped waste system;
- addition of a mobile dog grooming table;
- repainting of the interior walls; and
- removal of existing signage and replacement with new vinyl signs along the shopfront windows.

Compliance with Planning Scheme:

Land Use

The subject site is located within the Claisebrook Inlet Precinct (EP1) and South Cove Design Guideline Area 20 under Local Planning Scheme No. 26 – Normalised Redevelopment Areas (LPS26).

The Statement of Intent for the Claisebrook Inlet Precinct is for the area to be the principal visual and social focus of the Claisebrook Village Project Area. It is a vibrant mixed land use precinct, providing opportunities for dining, leisure and social interaction and an active public realm.

The proposed development does not readily fall within any of the Land Use Categories contained within LPS26. As such, the proposal is required to be considered as an 'unlisted use' in the context of the current and future amenity of the locality, the Precinct Statement of Intent, and Clause 34 of CPS2. Specifically, Clause 34 of CPS2 outlines the process of determination of an application for an unlisted use as follows:

- “(1) The local government cannot grant development approval for a development which involves an unlisted use unless -*
- (a) the advertising procedure set out in clause 64 of the Deemed Provisions has been followed; and*
 - (b) it is satisfied, by an absolute majority, that the proposed development is consistent with the matters listed in clause 67 of the Deemed Provisions.”*

With regards to the proposal, it is considered that the following matters outlined within Clause 67 of the Deemed Provisions are appropriate noting the existing site conditions and context:

- “a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (g) any local planning policy for the Scheme area;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application.”*

Development Requirements

The Claisebrook Inlet Precinct (EP1) does not contain any specific criteria or requirements in relation to development of day care or grooming salons. All development is required to be generally consistent with the Statement of Intent for the Precinct (as outlined in the previous section) in which it takes place.

The City’s Signs Policy (4.6) includes the following provisions in relation to window signs:

“7.13 Window Signs

- a) Window signs should only occupy:*
 - i) a maximum of 10m²; or*
 - ii) a maximum of 25%**of the combined area of a tenancy’s ground and first floor level windows which are visible from a street or a public area, whichever is the lesser.*
- b) Window signs at ground and first floor levels of a building which are visible from a street or a public area should be designed and located to allow views into and out of and daylight into the window.”*

Comments:

Consultation

In accordance with clause 34 of CPS2 and clause 64 of the Deemed Provisions, the proposal was advertised to the owners of the adjacent properties for a period of 14 days, closing on 23 August 2017. These included the owners at 33, 41-49 and 50-60 Royal Street, East Perth.

Five submissions in total were received during the advertising period, with two advising of support subject to conditions and three raising objections to the proposal. Full details of the submissions are included as Attachment 8.3B. The main issues raised during the advertising period are summarised below, including responses from the applicant and City officer’s comments:-

Noise

'Dogs barking is likely to have a significant impact on the ambience of the adjacent beauty salon for clients and sound management (and enforcement of that) needs to be considered.'

'There is high probability of impingement of my expectations to quiet occupancy.'

The applicant has advised that the two existing concrete stair cases either side of the tenancy provide some level of noise abatement and the tenancy will also be fitted out with rubber flooring to further reduce potential noise emissions. In addition the existing windows are comprised of 6mm toughened glass which provides a high level of noise dampening. The applicant advises that the internal picket fence and low height window signage will mean the dogs won't be able to readily view people who walk past the tenancy which will limit distractions and barking.

City officers are generally satisfied in relation to the potential for the use to be accommodated within the existing tenancy in compliance with the relevant noise legislation. This is based in preliminary considerations however it is recommended that any approval be conditioned to require the submission of an appropriate acoustic report to confirm mitigation measures and noise compliance.

Parking

'Limited accessibility for owners with animals arriving by motor vehicles with an existing lack of short term drop off facilities'

'On -going issues relating to development of Lot 70 carpark and the ongoing challenge to retain the carpark, any reduction in the current parking facilities will further reduce accessibility'

'The drop off and pick up of dogs on the already congested Royal Street will further compound the traffic and parking issues'

The applicant has advised that pickups and drop offs will be staggered throughout the day noting the varying type of services offered by the business. In addition there are four '5 minute' parking bays within close proximity to the tenancy which will be available for customers on an ongoing basis.

City officers consider that the likely demand for parking for the proposed use will be similar to the existing approved use of the tenancy for retail purposes which is dependent on frequent customer attendances. In addition to the existing provision of short term parking bays in the vicinity of the tenancy will provide suitable parking options for visitors. The potential development of the existing car park located on Lot 70 is not expected to add additional pressure to current parking levels due to the availability of on street parking bays in the area and the Victoria Gardens car parking area.

Appropriateness of tenancy location and size

'We know of similar 'day care' establishments in neighbourhood strips and can state that tenants and residents generally are not fans of the proximity of barking dogs, defecation to footpaths, doggy odours permeating the air all day every day (perhaps excluding Sundays).'

'The premises are not suitable for the proposed use due to:

- *I's location (busy and congested intersection)*
- *Limited size of premises*
- *No yard area – dogs will need to be kept indoors'*

'The premises in question are totally inappropriate for a business as described in terms of layout and location. Facilities to house a dog day care should incorporate an appropriate outdoor area for the animals.'

'Whilst the current application states 'small' dogs, what in fact is the size limit of the cliental? I am further concerned that this will lead to larger dogs being accepted in this small facility'

The applicant has advised that within the Perth metropolitan area there are at least three dog day care businesses which are indoor only and have been operating successfully for a number of years. In addition the tenancy will be climate controlled and offer an internal fitout and activities which will maintain the interest of the dogs to facilitate good behaviour. In additional, only a limited number of dogs will be admitted to the dog day care and any dogs that do not fit criteria related to size and behaviour will not be admitted.

Noting the level of detail and information provided as part of the application in relation to the management and operation of the business, City officers consider that the location and design of the tenancy can accommodate the proposed use. However it is recommended that any approval include the requirement for the submission of an appropriate management plan which will be implemented on an ongoing basis by the operator.

Waste

'Having consideration to the management plan proposed, I do have a concern as to the enforcing of the pre attendance toileting. This is an admirable statement but the application is more difficult, if they have not abided by the rule they will just go round the corner to Haig Park.'

'Hygiene issues due to the number of animals being accommodated on a daily basis.'

The applicant has advised that:

- *all dog waste and grooming hair will be put into plastic bags then into green bins with all surfaces being disinfected daily;*
- *a removable lint containment system will ensure no dog hair will enter the existing drainage system;*
- *a specific 'dog toilet system' will be in operation; and*
- *dogs will not defecate on the footpath as they will be managed internally.*

City officers have reviewed the waste management document submitted in support of the application which outlines the above measures and are satisfied that the proposed business can be accommodated within the existing tenancy without compromising local amenity. It is recommended that the waste management measures outlined in the document be implemented by the operator on an ongoing basis via an appropriate condition of approval.

Land Use and Development Requirements

As outlined previously, there is no specific guidance within LPS26 or CPS2 in relation to the appropriateness of the subject development in general. The proposed land use is considered to be compatible with the mixed use nature of the precinct, as it will be in an existing building and locality which consists of a mix of ground floor retail and commercial tenancies along Royal Street. It is considered that the proposal will also add to the diversity of commercial business activity within the area. The appearance and streetscape of the area will remain the same as the proposed use will be located in an existing commercial tenancy with signage being the only visible external modification to the premises.

The proposed window signage is generally consistent with the requirements of the City's Signs Policy (4.6). It is noted that the text and images occupy less than 25% of the tenancy frontage and are of an appropriate design, quality and scale. The applicant has confirmed that the window areas not occupied by signage will remain clear and the obscuring as shown in the signage plan was for illustration purposes only. It is recommended that any approval include the requirement to maintain a high level of permeability across the tenancy frontage.

It is noted that surrounding landowners have raised valid concerns in relation to potential impacts associated with noise, odour and parking management. It is therefore recommended that any approval incorporate conditions requiring further details to address:

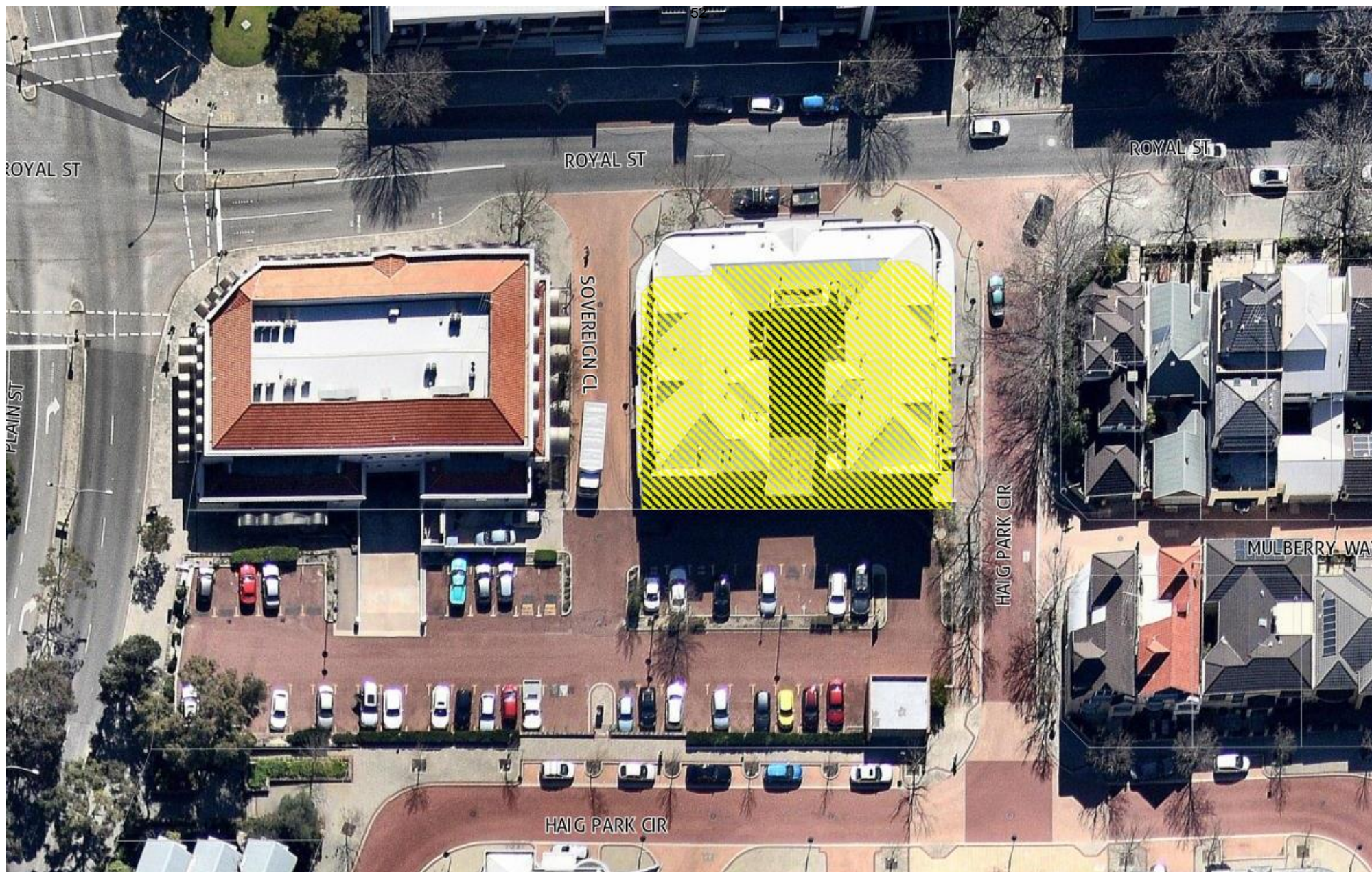
- noise attenuation and management;
- odour mitigation and management; and
- drop-off and pick up arrangements;

to be submitted and approved by the City prior to the commencement of the proposed use.

In addition, it is considered that any approval should include conditions related to maximum accommodation numbers, hours of operation and waste management in order to ensure the ongoing preservation of the existing levels of local amenity.

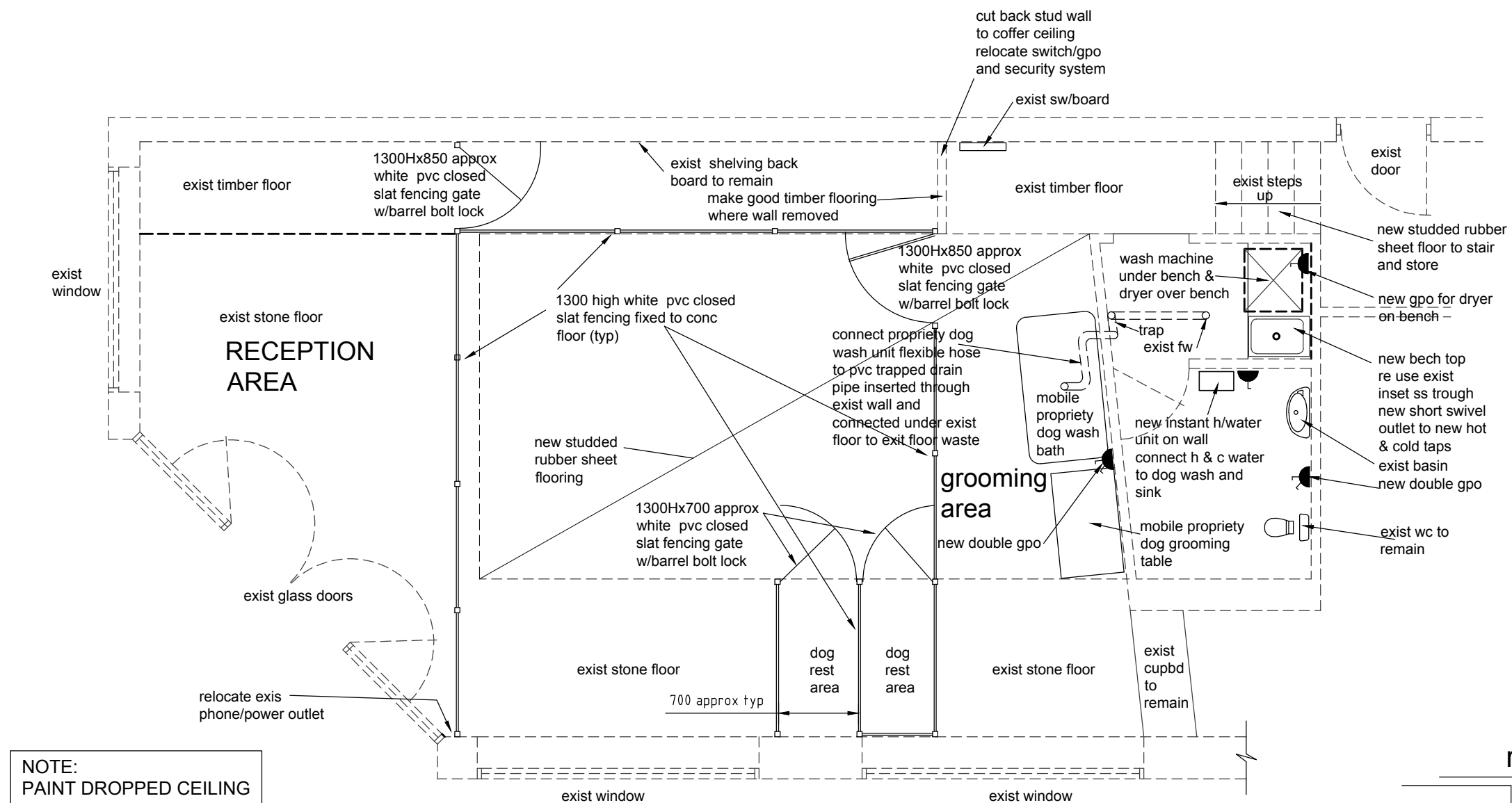
Conclusion

The proposed change of use is generally consistent with the relevant planning framework and considerations for the subject area. It is therefore recommended that the application be approved subject to appropriate conditions as identified within this report in accordance with clause 34 of CPS2 and clause 67 of the Deemed Provisions.



2017/5288 – UNIT 5/33 (LOT 2) ROYAL STREET, EAST PERTH

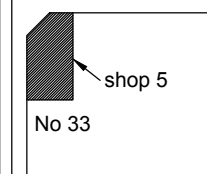
ROYAL STREET



SOVEREIGN PLACE

royal street

sovereign pl



LOCATION PLAN

NTS

PROPOSED DOG GROOMING PARLOUR for Ms J CALLIGARO
 SHOP 5, 33 ROYAL STREET, EAST PERTH
FLOOR PLAN

SCALE 1:50
 DATE JULY 2017

DRAWING No.

A1

City of Perth
SOVEREIGN CLOSE

Paws & Play
DAYCARE | GROOMING | ACCESSORIES | FOR DOGS

Paws & Play
DAYCARE | GROOMING | ACCESSORIES | FOR DOGS

Paws & Play
DAYCARE | GROOMING | ACCESSORIES | FOR DOGS

TEL: 9221 2373
EMAIL: Info@pawsandplay.net.au



Proposed Signage for Dog Day Care and Grooming Salon
5/33 Royal Street, East Perth

Schedule of Submissions Received

55

Proposed Changes of Use from Clothing Store ('Retail') To Dog Day Care and Grooming Salon ('Unlisted Use') Unit 5/33 (Lot 2) Royal Street, East Perth

Respondent		Respondent's Comment
1.	Address: East Perth Commercial Tenant	SUPPORT (CONDITIONAL) 1. Should approval be given, it should be on the proviso that sound-proofing is increased. I don't want to hear barking dogs through the walls and I hope they sound-proof to prevent the sound travelling through, as we are next door. It would change the environment of my quiet/peaceful salon. Dogs barking is likely to have a significant impact on the ambience of the beauty salon for clients and sound management (and enforcement of that) needs to be considered.
2.	Address: East Perth Resident	OBJECT 1. I am an owner/resident that is likely to be impacted by noise and odour from the subject property. 2. We know of similar 'day care' establishments in neighbourhood strips and can state that tenants and residents generally are not fans of the proximity of barking dogs, defecation to footpaths, doggy odours permeating the air all day every day (perhaps excluding Sundays). 3. I object to the proposed use on the grounds that there is high probability of impingement of my expectations to quiet occupancy. 4. I believe the premises will require noise abating surfaces, significant changes to sanitation, automate closing doors to prevent transmission outdoors of the barking and baying dogs.
3.	Address: East Perth Resident	SUPPORT (CONDITIONAL) 1. Whilst in principal, having consideration to the management plan proposed, I support the operation of this business, I do have a concern as to the enforcing of the pre attendance toileting. This is an admirable statement but the application is more difficult, if

		<p>they have not abided by the rule they will just go round the corner to Haig Park. Probably best that this not be enforced and that the business allows the animals to enter and toilet in their premises.</p>
4.	<p>Address:</p> <p>East Perth Resident</p>	<p>OBJECT</p> <ol style="list-style-type: none"> 1. Whilst we support increased retail activity in the area we don't believe an animal parlour is a suitable business for the area. 2. The premises are not suitable for the proposed use due to: <ol style="list-style-type: none"> a. Its location (busy and congested intersection) b. Limited size of premises c. No yard area – dogs will need to be restrained indoors d. Limited accessibility for owners with animals arriving by M/Vehicle - Lack of short term drop off facilities e. Hygiene issues due to the number of animals being accommodated on a daily basis f. Noise from animals g. On -going issues relating to development of Lot 70 carpark and the ongoing challenge to retain the carpark, any reduction in the current parking facilities will further reduce accessibility
5.	<p>Address:</p> <p>East Perth Resident</p>	<p>OBJECT</p> <p>As a nearby resident I believe that this application should be refused on a number of grounds namely:</p> <ol style="list-style-type: none"> 1. The premises in question are totally inappropriate for a business as described in terms of layout and location. Facilities to house a dog day care should incorporate an appropriate outdoor area for the animals. 2. There are limits on the number of dogs residents are permitted to own and in a built up area such as East Perth and I am concerned about the potential for noise and constant yapping of the dogs housed within the shop confines. 3. As you are aware there are ongoing issues with the car parking at 75 (Lot 70) Haig Park Circle. I am very concerned without this car parking issue being satisfactorily resolved the drop off and pick up of dogs on the already congested Royal Street will be further compounded. 4. Whilst the current application states 'small' dogs, what in fact is the size limit of the cliental? I am further concerned that this will lead to larger dogs being accepted in this small facility. <p>Whilst we want to encourage small business into the area, for the reasons stated I firmly object to the current application as described proceeding.</p>

Agenda Item 8.4 **Initiation of Amendment No. 38 To City Planning Scheme No.2 to Introduce a Special Control Area over 560 Hay Street and 101 Murray Street, Perth**

Recommendation:

That Council:

- 1. pursuant to section 75 of the Planning and Development Act 2005 (the Act), resolves to initiate Amendment No. 38 to the City Planning Scheme No. 2, as detailed in Attachment 8.4B – Proposed Scheme Amendment No. 38;***
- 2. pursuant to regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), resolves that Amendment No. 38 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 result 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. 38 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. 38 to the City Planning Scheme No. 2 for public inspection in accordance with regulation 47 of the Regulations.***

FILE REFERENCE:	P1033723
REPORTING UNIT:	City Planning
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	18 August 2017
ATTACHMENT/S:	Attachment 8.4A – Location Plan Attachment 8.4B – 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 (e.g. 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	<p>Clauses 75, 81 and 84 of the <i>Planning and Development Act 2005</i></p> <p>Clause 39 of the <i>City Planning Scheme No. 2</i></p> <p>Clause 34, 35 and 47 of the <i>Planning and Development (Local Planning Schemes) Regulations</i></p> <p><i>Heritage of Western Australia Act 1990</i></p>
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Integrated Reporting Implications	Planning and Strategic Community Plan Framework	<p>Goal 2: An exceptionally well designed, functional and accessible city.</p> <p>Goal 6: A city that celebrates its diverse cultural identity.</p>
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Policy

Policy No and Name:	<p>Citiplace Precinct Plan (P5)</p> <p>City of Perth Heritage List</p>
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Purpose and Background:

A request has been received from Rowe Group on behalf of the owner of Lot 1 (Criterion Hotel) on Strata Plan 55731 to amend City Planning Scheme No. 2 (CPS2) to introduce a Special Control Area (SCA) over land situated at Lot 9 known as 560 Hay Street and 101 Murray Street, Perth.

The site currently has dual frontage to Hay and Murray Streets and accommodates the Zenith Apartments and the Criterion Hotel. It is subject to a Strata Plan comprising of 137 separate built strata titles, inclusive of Strata Lot 1 (Criterion Hotel).

The proposed SCA will facilitate the subdivision of the subject land into two freehold lots while maintaining the provisions of the CPS2, specifically plot ratio and tenant car parking allowance over the site.

SCAs provide a mechanism to prescribe development standards for specific sites or areas within the Scheme Area.

The site has an area of 2,268m² and is bound by Murray Street to the north, Hay Street to the south and existing commercial developments to the west and east. It comprises two distinct development areas. The Criterion Hotel (1937) is listed on the *State Register of Heritage Places* and is also listed on the City's *Heritage List*. It comprises a four storey Art Deco building accommodating 69 hotel rooms and a café/bar and concierge area at ground level with frontage to Hay Street.

The balance of the site accommodates the Zenith Apartments comprising of a 24 storey building accommodating 134 multiple dwellings, two commercial tenancies and 141 vehicle parking spaces (accommodated within a 14 level car stacking facility), fronting Murray Street. Of these 141 car parking spaces a maximum of 15 car parking spaces is allocated for guests of the Criterion Hotel and a maximum of three car parking spaces is provided for the commercial tenancies within the mixed use development (Zenith Apartments) on site. The remaining spaces are allocated to the multiple dwellings. The Zenith Apartments building was approved by the City of Perth in December 2005 and has been subject to subsequent development approvals, with the most recent taking place in February 2011.

A three dimensional subdivision proposal is currently being assessed by the Western Australian Planning Commission (WAPC). This subdivision will result in the site being divided into two freehold lots, one southern lot occupied by the Criterion Hotel and one northern lot occupied by Zenith Apartments.

The City has received correspondence from the chairperson of the Owners of Zenith City Centro to advise that the Council of Owners is aware of the proposed Scheme Amendment to introduce a SCA for the land occupied by the Zenith Apartments and the Criterion Hotel. It is understood that this process is required to allow the plot ratio and tenant car parking provisions to continue to be shared across the site and for the subdivision application to the WAPC to proceed to a final decision.

Refer to Attachment 8.4A– Location Plan

Details:

A SCA over the subject area is proposed to facilitate the subdivision of the site into two freehold lots while maintaining the provisions of CPS2, specifically plot ratio and tenant car parking allowance over the site.

The development on the site currently complies with the Plot Ratio Plan of the CPS2 (being under the 5.0:1.0 maximum plot ratio), however should the site be subdivided the development on the proposed northern lot accommodating the Zenith Apartments will exceed the maximum plot ratio specified in the Plot Ratio Plan. Additionally, the car parking for the Criterion Hotel will be accommodated on the proposed northern lot occupied by Zenith Apartments.

A SCA will provide for plot ratio and tenant car parking to be distributed over the site.

The applicant has advised that the removal of Lot 1 (occupied by the Criterion Hotel) from the balance of the Strata Scheme will accommodate the necessary maintenance and upgrading/repairs of the Criterion Hotel, which is required in the immediate future. Any maintenance of the external walls, roof or façade of the Criterion Hotel currently requires funding from the Strata Body Corporate and an approving resolution of the owners of the

Strata Scheme. The removal of Lot 1 from the Strata Scheme will permit the required maintenance to precede more smoothly, without the need for contributions or approval from the strata owners of Zenith Apartments.

Refer to Attachment 8.4B - Scheme Amendment Report.

Financial Implications:

Staff costs to progress and finalise the proposed Scheme Amendment have been calculated at \$4,847 based on Schedule 3 of the *Town Planning and Development Regulations 2009*. This fee is expected to be received shortly 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 allow for the subdivision of the subject land into two freehold lots while maintaining the intent of the latest Development Approval dated 11 February 2011 and the provisions of CPS2, specifically plot ratio and tenant car parking allowance over the site.

i) Setbacks

Development approval for the Zenith Apartments was granted prior to significant amendments to the CPS2 Building Heights and Setbacks Policy (18 July 2014) which introduced additional side/rear setback controls across the majority of the city. It is noted that if the subdivision of the site proceeds, the Zenith Apartments and the Criterion Hotel will be non-compliant with this policy in relation to rear setbacks. At ground level through to level 4 (approximately), the Criterion Hotel and Zenith Apartment buildings are within 50 mm of one another, with the proposed subdivision boundary to generally follow the southern façade of the Zenith Apartments building. Accordingly a provision is proposed stipulating that any future development of the proposed southern lot will need to provide a minimum setback from the façade of the existing building (Zenith Apartments) on the proposed northern lot. Please refer to Attachment 8.4B. This will assist to ensure a number of the objectives of the Building Heights and Setback Policy are achieved including ensuring a high level of amenity within buildings and assisting to conserve places of cultural heritage significance.

ii) Plot Ratio and Bonus Plot Ratio

For the purpose of determining plot ratio within the SCA, the SCA shall be treated as one site and in accordance with the Maximum Plot Ratio Plan. This will ensure compliance with CPS2 should the subdivision proceed. Any bonus plot ratio granted within the SCA however shall be distributed as per the Maximum Bonus Plot Ratio Plan. It is important that this is maintained to ensure built form outcomes prescribed by CPS2 are achieved.

iii) Car Parking

The Criterion Hotel currently has access to 15 car parking spaces provided in the car stacking facility situated on the proposed northern lot accommodating the Zenith Apartments.

For the purpose of determining the tenant car parking allowance for the SCA under the provisions of the Perth Parking Policy (PPP), the SCA shall be treated as one lot. This will ensure compliance with the PPP should the subdivision proceed. Additionally, the tenant car parking facilities located on one lot within the SCA may be leased or used by the tenants of another lot within the SCA. This will enable the current car parking arrangements to be maintained.

iv) Heritage

The proposed SCA will facilitate the subdivision which in turn will remove the current cumbersome administrative approval process associated with the Strata Management Plan and will enable the necessary maintenance and upgrading/repairs of the state heritage listed building (Criterion Hotel) to occur. This will ensure that the state heritage listed building is maintained in good condition.

Any proposed works to the state heritage listed building will require an Application for Development Approval in addition to a current Conservation Plan for major works or a Heritage Impact Statement for minor repair/upgrade works.

v) Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations 2015)* were gazetted on 25 August 2015 and came into effect on 19 October 2015.

The Regulations introduce a risk based approach to amending Local Planning Schemes including three new categories of amendments; 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.

CONCLUSION

Overall, it is considered that the proposed SCA to apply to 560 Hay Street and 101 Murray Street, Perth will assist the City to meet its objectives in that it will:

- allow for the subdivision of the subject land into two freehold title lots whilst maintaining compliance with the provisions of the CPS2, specifically plot ratio and tenant car parking;
- ensure a high level of amenity within buildings; and
- assist to ensure the retention, restoration and maintenance of a significant heritage building.



ATTACHMENT A - 560 HAY STREET & 101 MURRAY STREET, PERTH.

City of Perth
City Planning Scheme
No. 2



Amendment No. 38



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

CITY OF PERTH

CITY PLANNING SCHEME NO. 2

AMENDMENT NO. 38

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):
 - (y) 560 Hay Street and 101 Murray Street Special Control Area.
2. Inserting the following in Schedule 8 Special Control Areas:

25. 560 Hay Street and 101 Murray Street Special Control Area

25.1 Special Control Area

The following provisions apply to the land marked as Figure 25 being the 560 Hay Street and 101 Murray Street Special Control Area.

25.2 Objectives

- (a) To facilitate the subdivision of the 560 Hay Street and 101 Murray Street Special Control Area, whilst ensuring compliance with the Scheme and associated planning policies in relation to plot ratio and tenant car parking;
- (b) To facilitate the ongoing maintenance of the state heritage listed building (Criterion Hotel) in a good condition.

25.3 Plot Ratio

- (a) For the purpose of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one site in accordance with the Maximum Plot Ratio Plan.
- (b) Any bonus plot ratio granted within the Special Control Area shall be distributed as per the Maximum Bonus Plot Ratio Plan.

25.4 Heritage

- (a) The state heritage listed building (Criterion Hotel) situated on the southern lot shall be maintained in good condition in a manner guided by a current Conservation Management Plan prepared in accordance with State Heritage Office guidelines.

- (b) Subject to clause 25.4(c), an Application for Development Approval for the southern lot accommodating the state heritage listed building (Criterion Hotel) shall be guided by a current Conservation Management Plan prepared in accordance with State Heritage Office guidelines.
- (c) Clause 25.4(b) does not apply to an Application for Development Approval which is limited to:
- (i) a change of use which involves no physical development of the state heritage listed building (Criterion Hotel); or
 - (ii) physical development of a minor nature which does not increase plot ratio, however a Heritage Impact Statement shall be submitted.

25.5 Built Form

- (a) Any future development on the southern lot shall be setback from the south facing façade of the existing building on the northern lot as follows:

(i) *Residential and Special Residential Use Groups*

Building Elevation Condition	Minimum Setback	
	<i>Lower Building Levels</i>	<i>Upper Building Levels</i>
No Openings or Balconies	4 metres	7 metres (up to 65 metres in building height). 14 metres (over 65 metres in building height).
Openings and/or Balconies	8 metres	8 metres (up to 65 metres in building height). 16 metres (over 65 metres in building height).

(ii) *Other Use Groups*

Building Elevation Condition	Minimum Setback	
	<i>Lower Building Levels</i>	<i>Upper Building Levels</i>
No Openings or Balconies	4 metres	7 metres (up to 65 metres in building height). 14 metres (over 65 metres in building height).
Openings and/or Balconies	7 metres	7 metres (up to 65 metres in building height). 14 metres (over 65 metres in building height).

Refer to the City's *Building Height and Setback Policy* regarding the definitions of 'upper' and 'lower' building levels.

25.6 Car Parking

- (a) 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.
 - (b) 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.
- 3. Amending the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly.
- 4. Inserting Figure 25 – 560 Hay Street and 101 Murray Street Special Control Area into Schedule 8 – Special Control Areas of the Scheme.

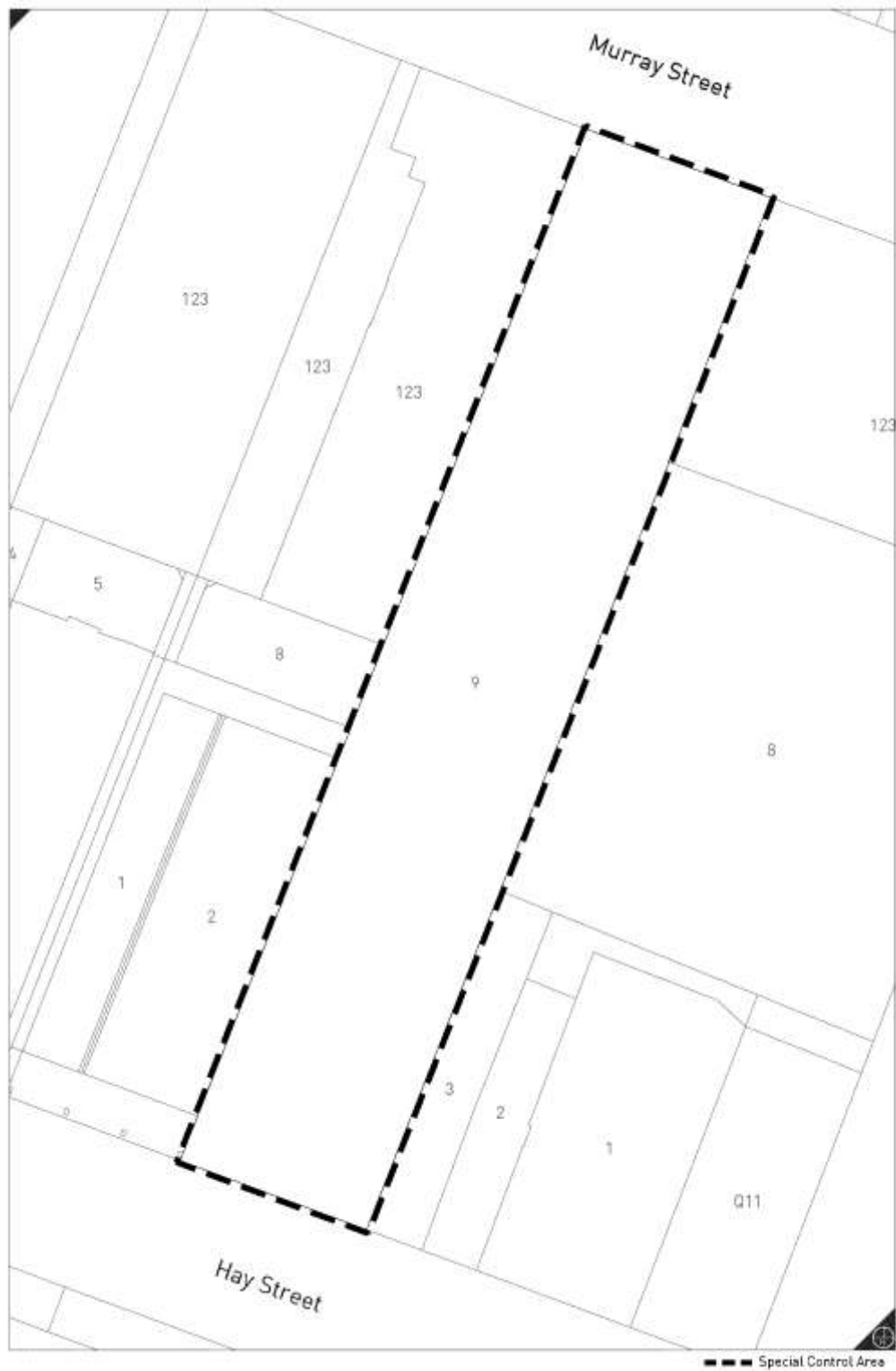


Figure 25 – 560 Hay Street and 101 Murray Street Special Control Area

Dated this xxth day of xxxx 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 Lot 9 known as 560 Hay Street and 101 Murray Street, Perth.

The SCA over the subject area is proposed to facilitate the subdivision of the site into two freehold lots while maintaining the provisions of the CPS2, specifically plot ratio and tenant car parking allowance over the site.

SCAs provide a mechanism to prescribe development standards for specific sites or areas within the Scheme Area.

2.0 BACKGROUND

The site has an area of 2,268m² and is bound by Murray Street to the north, Hay Street to the south and existing commercial developments to the west and east. It comprises two distinct development areas.

The Criterion Hotel (1937) is listed on the *State Register of Heritage Places* and is also listed on the City's *Heritage List*. It comprises a four storey Art Deco building with frontage to Hay Street. The Hotel includes 69 short stay accommodation rooms with associated amenities over the four floors. A cafe / bar and concierge area is provided at ground level. Back of house services are provided at ground level at the rear of the cafe / bar and at the basement level.

The balance of the site accommodates the Zenith Apartments comprises of a 24 storey mixed use development fronting Murray Street. The building incorporates 134 multiple dwellings, two (2) commercial tenancies and 141 vehicle parking spaces accommodated within a 14 level car stacking facility. Of the total number of vehicle parking spaces provided, a maximum of 15 car parking spaces is allocated for guests of the Criterion Hotel and a maximum of three tenant car parking spaces is provided for the commercial tenancies within the mixed use development on site. The remaining spaces are allocated to the multiple dwellings. Residential amenities are provided at the 17th level of the development toward the northern boundary of the site. The development generally has nil setbacks to the northern, eastern and western boundaries.

The Zenith Apartments building was approved by the City of Perth in December 2005 and has been subject to subsequent development approvals, with the most recent taking place in February 2011.

3.0 SUBJECT SITE

The site is subject to Strata Plan 55731 comprising of 137 separate built strata titles, inclusive of Strata Lot 1 (Criterion Hotel), held on an freehold title. The subject site is depicted on Figure 1.



Figure 1 – Aerial Photograph of Subject Site

3.1 Subdivision

A three dimensional subdivision proposal is currently being assessed by the Western Australian Planning Commission (WAPC). This subdivision will result in the site being divided into two freehold lots, one southern lot occupied by the Criterion Hotel and one northern lot occupied by Zenith Apartments. Through the subdivision process, it is proposed to excise appropriately 254m² of common property at ground level from the Strata Scheme to incorporate into the proposed southern lot to accommodate a fire escape route.

The City has received correspondence from the chairperson of the Owners of Zenith City Centro Strata Plan 55731 to advise that the Council of Owners is aware of the proposed

Scheme Amendment to introduce a SCA for the land occupied by the Zenith Apartments and the Criterion Hotel. It is understood that this process is required to allow the plot ratio and tenant car parking provisions to continue to be shared across the site and for the subdivision application to the WAPC to proceed to a final decision.

4.0 PLANNING FRAMEWORK

4.1 Metropolitan Region Scheme

The subject site is zoned 'Central City Area' under the Metropolitan Region Scheme.

4.2 City Planning Scheme No. 2

4.2.1 Use Area and Precinct

The land is located in the 'City Centre Scheme Use Area' and the 'Citiplace Precinct' (P5) as provided by CPS2. The intent of the 'Citiplace Precinct' is to:

"The Citiplace Precinct will be enhanced as the retail focus of the State providing a range of retail and related services more extensive than elsewhere in the metropolitan region. It will provide for a metropolitan and state wide market as well as for the convenience of the city's residents, as well as the city centre work force. The Precinct will offer a wide range of general and specialised retail uses as well as a mix of other uses such as residential and visitor accommodation, entertainment, commercial, medical, service industry and office. Uses at street and pedestrian level will mainly be shops, restaurants (including cafes), taverns and other uses, that have attractive shop fronts and provide activity, interest and direct customer service. Other uses will be established above or below street level and major pedestrian levels."

"New development shall also have regard to the height and scale of buildings within the street. The restoration and maintenance of buildings, groups of buildings and other places which have substantial historical or other significance will be encouraged."

An extract of the CPS2 Scheme Use Area map is provided below.



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

4.2.2 Preferred and Contemplated Uses

The Preferred Uses for the site are 'Business Services', 'Dining', 'Entertainment', 'Retail (Central)', 'Retail (General)', 'Retail (Local)' and 'Special Residential' (where it does not front the street at pedestrian level unless it provides pedestrian interest and activity).

The Contemplated Uses for the site are 'Civic', 'Community and Cultural', 'Education 1', 'Education 2', 'Healthcare 1', 'Healthcare 2', Home Occupation, 'Industry – Light', 'Industry –

Service', 'Industry – Cottage', 'Mixed Commercial', 'Office', 'Recreation and Leisure', 'Residential' (where it does not front the street at pedestrian level) and 'Storage'.

4.2.3 Plot Ratio

A plot ratio of 5.0:1 applies to the site. With a land area of 2,268m², the site is capable of being developed with a plot ratio floor area of 11,340m², prior to the application of Bonus Plot Ratio.

Pursuant to clauses 28 and 30 of CPS2, Bonus Plot Ratio can be awarded for any combination of the following Eligible Facilities, up to the maximum shown:

Public Facilities and / or Heritage	20%
Residential	20%
Special Residential – Standard	20%
Special Residential – High Quality Hotel	40%

The City's Maximum Bonus Plot Ratio Plan, divides the subject site into two (2) 'halves'. The half fronting Murray Street is eligible for a maximum Bonus Plot Ratio of 50% and the half fronting Hay Street is eligible for a maximum Bonus Plot Ratio of 20%.

For the purpose of determining plot ratio within the SCA, the SCA shall be treated as one site and in accordance with the Maximum Plot Ratio Plan. This will ensure compliance with CPS2 should the subdivision proceed. Any bonus plot ratio granted within the SCA however shall be distributed as per the Maximum Bonus Plot Ratio Plan. It is important that this is maintained to ensure built form outcomes prescribed by CPS2 are achieved.

4.2.4 Car parking

The Criterion Hotel currently has access to 15 car parking spaces provided in the car stacking facility situated on the proposed northern lot accommodating the Zenith Apartments.

For the purpose of determining the tenant car parking allowance for the SCA under the provisions of the Perth Parking Policy (PPP), the SCA shall be treated as one lot. This will ensure compliance with the PPP should the subdivision proceed. Additionally, the tenant car parking facilities located on one lot within the SCA may be leased or used by the tenants of another lot within the SCA. This will enable the current car parking arrangements to be maintained.

5.0 THE PROPOSAL

The purpose of this Scheme Amendment is to introduce a SCA into CPS2, over the land being 560 Hay Street and 101 Murray Street, Perth.

The proposed SCA will allow for the subdivision of the subject land into two freehold lots while maintaining the provisions of the CPS2, specifically plot ratio and tenant car parking allowance over the site. The subdivision will allow for a less cumbersome administrative process relating to any decisions on proposed maintenance works required for the Criterion Hotel.

6.0 PLANNING CONSIDERATIONS

The SCA will facilitate the subdivision of the site into two freehold title lots whilst maintaining compliance with the provisions of the CPS2, specifically plot ratio and tenant car parking.

6.1 Proposed Subdivision

The applicant has advised that the removal of Lot 1 from the balance of the Strata Scheme will accommodate the necessary maintenance and upgrading/repairs of the Criterion Hotel, which is required in the immediate future. Any maintenance of the external walls, roof or façade of the Criterion Hotel currently requires funding from the Strata Body Corporate and an approving resolution of the owners of the Strata Scheme. The removal of Lot 1 from the Strata Scheme will permit the required maintenance to precede more smoothly, without the need for contributions or approval from the strata owners of Zenith Apartments.

The proposed boundary alignment ensures all existing structures can be retained on site, however, a portion of the balconies at various levels, in addition to the upper level architectural features of the Zenith Apartments are proposed to extend into the new southern lot accommodating the Criterion Hotel. The proposed encroachments are to be accommodated by way of a three dimensional subdivision.

Preliminary discussions between the applicant and the City of Perth indicate that any potential Building Code of Australia (BCA) and setback issues can be resolved and will be addressed through a condition of subdivision approval.

6.2 Setbacks

Development approval for the Zenith Apartments was granted prior to significant amendments to the CPS2 Building Heights and Setbacks Policy (18 July 2014) which introduced additional side/rear setback controls across the majority of the city. It is noted that if the subdivision of the site proceeds, the Zenith Apartments and the Criterion Hotel will be non-compliant with this policy in relation to rear setbacks. At ground level through to level 4 (approximately), the Criterion Hotel and Zenith Apartment buildings are within 50 mm of one another, with the proposed subdivision boundary to generally follow the southern façade of the Zenith Apartments building. Accordingly a provision is proposed stipulating that any future development of the proposed southern lot will need to provide a minimum setback (outlined above) from the façade of the existing building (Zenith Apartments) on the proposed northern lot. This will assist to ensure a number of the objectives of the Building Heights and Setback Policy are achieved including ensuring a high level of amenity within buildings and assisting to conserve places of cultural heritage significance.

6.3 Heritage

The proposed SCA will facilitate the subdivision which in turn will remove the current cumbersome administrative approval process associated with the Strata Management Plan and will enable the necessary maintenance and upgrading/repairs of the state heritage listed building (Criterion Hotel) to occur. This will ensure that the state heritage listed building is maintained in good condition.

Any proposed works to the state heritage listed building will require an Application for Development Approval in addition to a current Conservation Plan for major works or a Heritage Impact Statement for minor repair/upgrade works.

7.0 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015

The Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations 2015) were gazetted on 25 August 2015 and came into effect on 19 October 2015.

Under the *Regulations 2015* it is considered that the proposed amendment would represent a Standard amendment for the following reasons:

- 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.

8.0 CONCLUSION

A SCA is proposed to apply to 560 Hay Street and 101 Murray Street, Perth to assist in facilitating the subdivision of the site. Overall, it is considered that the SCA will assist the City to meet its objectives in that it will:

- allow for the subdivision of the subject land into two freehold lots whilst maintaining compliance with the provisions of the CPS2, specifically plot ratio and tenant car parking;
- ensure a high level of amenity within buildings; and
- assist to ensure the retention, restoration and maintenance of a significant heritage building.

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

CITY PLANNING SCHEME NO. 2

AMENDMENT NO. 38

The City of Perth under and by virtue of the power conferred upon it in that behalf by the Planning and Development Act 2005 hereby amend City Planning Scheme No. 2 by:

1. Inserting after clause 39(1):

(y) 560 Hay Street and 101 Murray Street Special Control Area.

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

25. 560 Hay Street and 101 Murray Street Special Control Area

25.1 Special Control Area

The following provisions apply to the land marked as Figure 25 being the 560 Hay Street and 101 Murray Street Special Control Area.

25.2 Objectives

- (a) To facilitate the subdivision of the 560 Hay Street and 101 Murray Street Special Control Area, whilst ensuring compliance with the Scheme and associated planning policies in relation to plot ratio and tenant car parking;
- (b) To facilitate the ongoing maintenance of the state heritage listed building (Criterion Hotel) in a good condition.

25.3 Plot Ratio

- (a) For the purpose of determining plot ratio within the Special Control Area, the Special Control Area shall be treated as one site and in accordance with the Maximum Plot Ratio Plan.
- (b) Any bonus plot ratio granted within the Special Control Area shall be distributed as per the Maximum Bonus Plot Ratio Plan.

25.4 Heritage

- (a) The state heritage listed building (Criterion Hotel) situated on the southern lot shall be maintained in good condition in a manner guided by a current Conservation Management Plan prepared in accordance with State Heritage Office guidelines.

- (b) Subject to clause 25.4(c), an Application for Development Approval for the southern lot accommodating the state heritage listed building (Criterion Hotel) shall be guided by a current Conservation Management Plan prepared in accordance with State Heritage Office guidelines.
- (c) Clause 25.4(b) does not apply to an Application for Development Approval which is limited to:
 - (i) a change of use which involves no physical development of the state heritage listed building (Criterion Hotel); or
 - (ii) physical development of a minor nature which does not increase plot ratio, however a Heritage Impact Statement shall be submitted.

25.5 Built Form

- (a) Any future development on the southern lot shall be setback from the south facing façade of the existing building on the northern lot as follows:

(i) Residential and Special Residential Use Groups

Building Elevation Condition	Minimum Setback	
	<i>Lower Building Levels</i>	<i>Upper Building Levels</i>
No Openings or Balconies	4 metres	7 metres (up to 65 metres in building height). 14 metres (over 65 metres in building height).
Openings and/or Balconies	8 metres	8 metres (up to 65 metres in building height). 16 metres (over 65 metres in building height).

(ii) Other Use Groups

Building Elevation Condition	Minimum Setback	
	<i>Lower Building Levels</i>	<i>Upper Building Levels</i>
No Openings or Balconies	4 metres	7 metres (up to 65 metres in building height). 14 metres (over 65 metres in building height).
Openings and/or Balconies	7 metres	7 metres (up to 65 metres in building height). 14 metres (over 65 metres in building height).

Refer to the City's *Building Height and Setback Policy* regarding the definitions of 'upper' and 'lower' building levels.

25.6 Car Parking

- (a) 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.
 - (b) 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.
- 3. Amending the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly.
 - 4. Inserting Figure 25 – 560 Hay Street and 101 Murray Street Special Control Area into Schedule 8 – Special Control Areas of the Scheme.

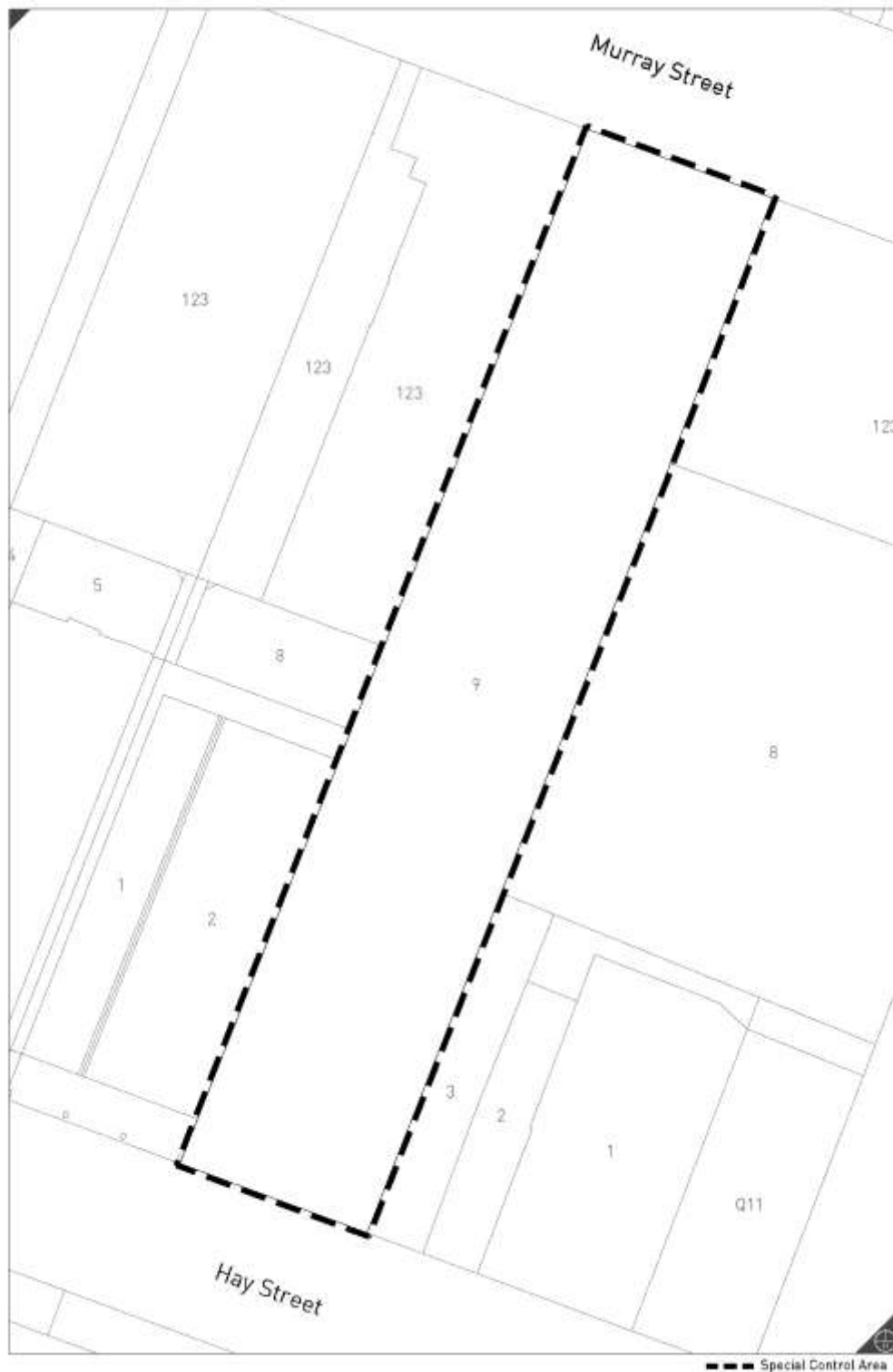


Figure 25 – 560 Hay Street and 101 Murray Street Special Control Area

ADOPTION

Adopted by resolution of the City of Perth at the Ordinary Meeting of the Council held on the
xxth day of xxxx 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 _____ 2017, 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 (P1 TO 8)



SCHEDULE 2

PROPOSED CITY CENTRE PRECINCTS PLAN (P1 TO 8)



Agenda Item 8.5 **Initiation of Amendment No. 39 to City Planning Scheme No.2 to Introduce a Special Control Area Over 553 and 565-579a Hay Street, 38a St Georges Terrace and 28 Barrack Street, Perth**

Recommendation:

That Council:

- 1. pursuant to section 75 of the Planning and Development Act 2005 (the Act), resolved to initiate Amendment No. 39 to the City Planning Scheme No. 2, as detailed in Attachment 8.5B – Proposed Scheme Amendment No. 39;***
- 2. pursuant to regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), resolves that Amendment No. 39 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. 39 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. 39 to the City Planning scheme No.2 for public inspection in accordance with regulation 47 of the Regulations.***

FILE REFERENCE:	P1034515
REPORTING UNIT:	City Planning
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	28 August 2017
ATTACHMENT/S:	Attachment 8.5A – Location Plan Attachment 8.5B – Scheme Amendment Report

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 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*

**Integrated Planning and Strategic Community Plan
 Reporting Framework Implications**

Goal 2: An exceptionally well designed, functional and accessible city.
 Goal 6: A city that celebrates its diverse cultural identity.

Policy

Policy No and Name: Civic Precinct Plan (P7)
 Perth Parking Policy

Purpose and Background:

A request has been received from Rowe Group on behalf of the owners of 553 (231) and 567-579A (Lot 21) Hay Street, 38A (Lot 251) St Georges Terrace and 28 (Lot 555) Barrack Street, Perth to amend City Planning Scheme No. 2 (CPS2) to introduce a Special Control Area (SCA) over those lots (commonly known as the Cathedral Square area). SCAs provide a mechanism to prescribe development standards for specific sites or areas within the Scheme Area.

Cathedral Square has an area of 19,078m² and is bound by Hay Street to the north, Pier Street to the east, St Georges Terrace to the south and Barrack Street to the west. Refer to Attachment 8.5A – Location Plan. The SCA comprises of four separate lots. Situated on these lots are:

- The State Buildings;
- The David Malcom Justice Centre;
- The City of Perth Library and History Centre;
- The State Administrative Tribunal Building;
- The Public Trustees Building;
- Church House;
- St Georges Cathedral;
- Burt House; and
- Burt Memorial Hall.

Development Approvals

Various tenant and special purpose car parking has been approved on the lots within the Cathedral Square area for either:

- The exclusive use of the tenants (and their customers) of the development and not being leased or otherwise reserved for use by tenants or occupants of other buildings or sites; or
- Off-site tenant parking for the use of the tenants (and their customers) of a development on another lot within the precinct and not being leased or otherwise reserved for use by tenants or occupants of other buildings or sites.

No reciprocal (shared) parking has been approved.

Details:

A SCA over the subject area is proposed to facilitate the sharing of existing car parking bays within the SCA amongst tenants and their guests as the different uses within the area generate parking demand at different times. The sharing of car parking bays is intended to occur at the discretion of the tenants within the SCA through a private agreement.

No changes are proposed to the number or use of the existing car parking bays.

Refer to Attachment 8.5B – Scheme Amendment Report.

Financial Implications:

Staff costs to progress and finalise the proposed Scheme Amendment have been calculated at \$6,249.37 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 facilitate the sharing of existing car parking bays by tenants of the developments and their guests within the Cathedral Square area. It should be noted however that the SCA does not provide approval for the sharing of car parking bays to occur. The applicants will also need to:

- lodge a development application with the City to allow for the sharing of bays as the existing development approvals do not allow for sharing of bays across the lots to occur; and
- Confirm with the Department of Transport if their existing parking bay licences need to be amended to allow for the sharing of car parking bays across the lots to occur.

The *Perth Parking Policy* also requires owners of sites which contain combined, reciprocal or off-site tenant parking arrangements to develop and maintain an up to date Parking Management Plan, as outlined in Clause 13. This will need to be submitted as part of the above development applications. The City will also need to be assured that the shared access and use of the car parking bays across the lots within the SCA is, as outlined in Clause 7.3 of the City's Parking Policy.

Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations)* were gazetted on 25 August 2015 and came into effect on 19 October 2015.

The Regulations introduce a risk based approach to amending Local Planning Schemes including three new categories of amendments; 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.

It is considered that the proposed SCA will facilitate improved utilisation of existing car parking bays within the Cathedral Square area and therefore should be supported.



Location Plan



City of Perth
City Planning Scheme
No. 2

Amendment No. 39



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

CITY OF PERTH

CITY PLANNING SCHEME NO. 2

AMENDMENT NO. 39

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) 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area.
2. Inserting the following in Schedule 8 Special Control Areas:

26. 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area.

26.1 Special Control Area

The following provisions apply to the land marked as Figure 26 being the 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area.

26.2 Objectives

To facilitate the sharing of existing car parking bays within the Special Control Area amongst the tenants and their guests.

26.3 Car Parking

- (a) For the purpose of determining the 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.
 - (b) 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.
3. Amending the City Centre (CC) Precinct Plan Map (P1 to 8) accordingly.
4. Inserting Figure 26 – 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area into Schedule 8 – Special Control Areas of the Scheme.

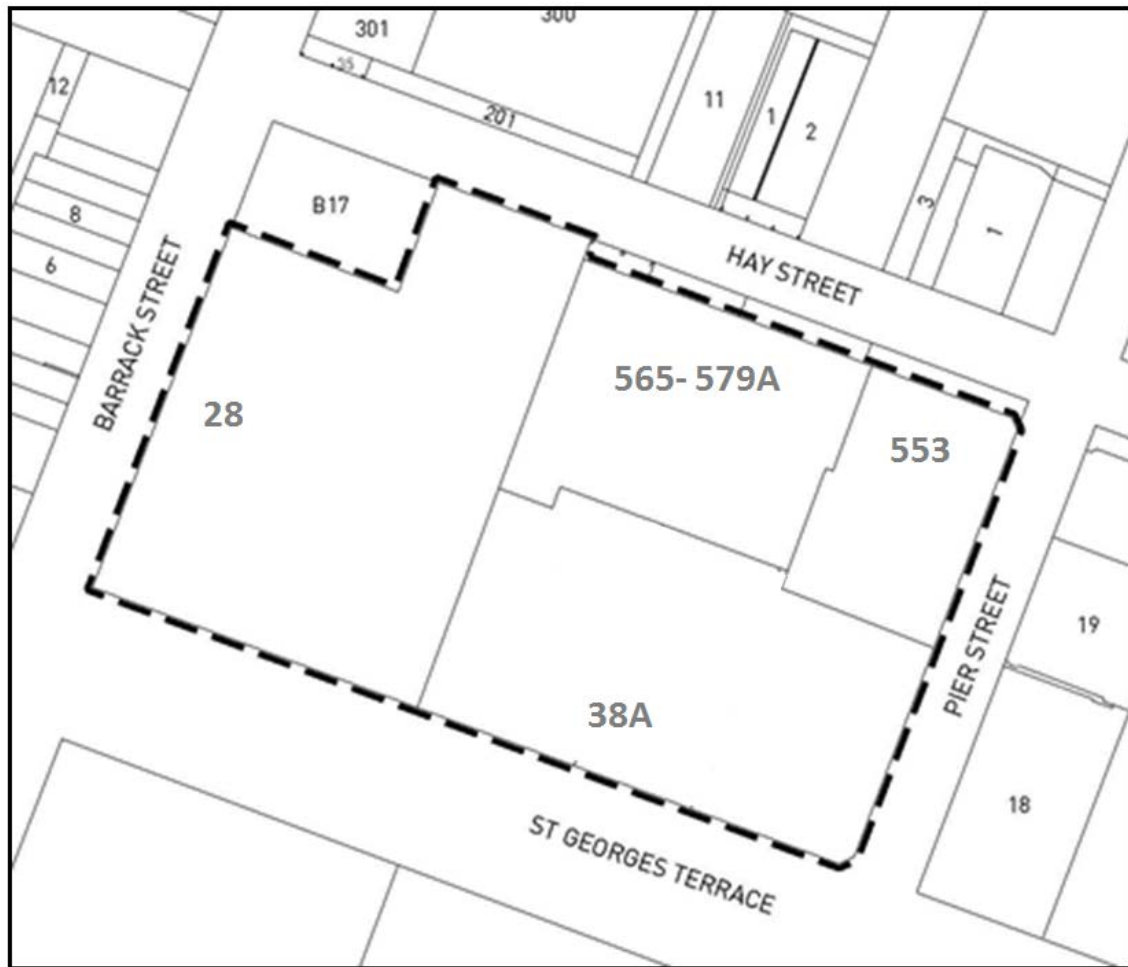


Figure 26 - 553 and 565-579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area.

Dated this __th 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 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street, Perth.

The SCA over the subject area is proposed to facilitate the sharing of existing car parking bays within the SCA amongst tenants and their guests as the different uses within the area generate parking demand at different times. The sharing of car parking bays is intended to occur at the discretion of the tenants within the SCA through a private agreement.

No changes are proposed to the number or use of the existing car parking bays.

2.0 BACKGROUND

The site has an area of 19,078m² and is bound by Hay Street to the north, Pier Street to the east, St Georges Terrace to the south and Barrack Street to the west. Refer to Attachment A – Location Plan. The SCA comprises of four separate lots. Situated on these lots are:

- The State Buildings;
- The David Malcom Justice Centre;
- The City of Perth Library and History Centre;
- The State Administrative Tribunal Building;
- The Public Trustees Building;
- Church House;
- St Georges Cathedral;
- Burt House; and
- Burt Memorial Hall.

3.0 SUBJECT SITE

The SCA is depicted in Figure 1 below.

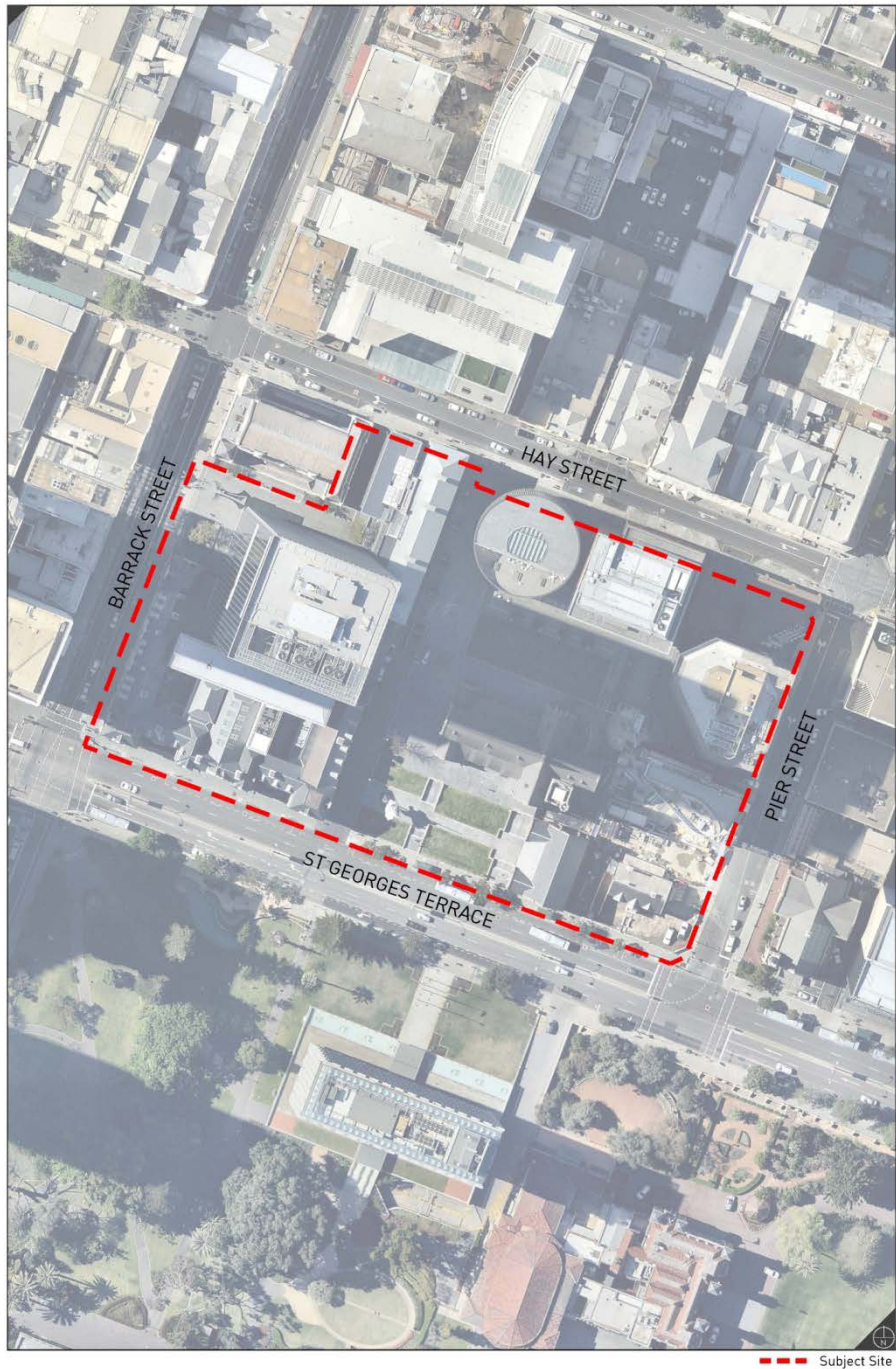


Figure 1 – Aerial Photograph of Subject Site

4.0 PLANNING FRAMEWORK

4.1 Metropolitan Region Scheme

The subject site is zoned 'Central City Area' under the Metropolitan Region Scheme (MRS).

4.2 City Planning Scheme No. 2

4.2.1 Use Area and Precinct

The land is located in the 'City Centre Scheme Use Area' and the 'Civic Precinct' (P7) as provided by CPS2. The intent of the 'Civic Precinct' is to:

"maintain its present functions as the focal point of the city's open space and parkland system, an area of heritage interest and the principal centre for civic and judicial activities. Office development will be permitted in the north eastern section of the Precinct, however, use of office buildings at street level should stimulate pedestrian interest and activity. Residential and visitor accommodation is also encouraged within the northern and eastern portions of the Precinct. Further development of this Precinct is to fully acknowledge and enhance the links between Perth Water, the foreshore and the city centre, thereby promoting the Precinct as one of central Perth's major assets."

An extract of the CPS2 Scheme Use Area map is provided below.

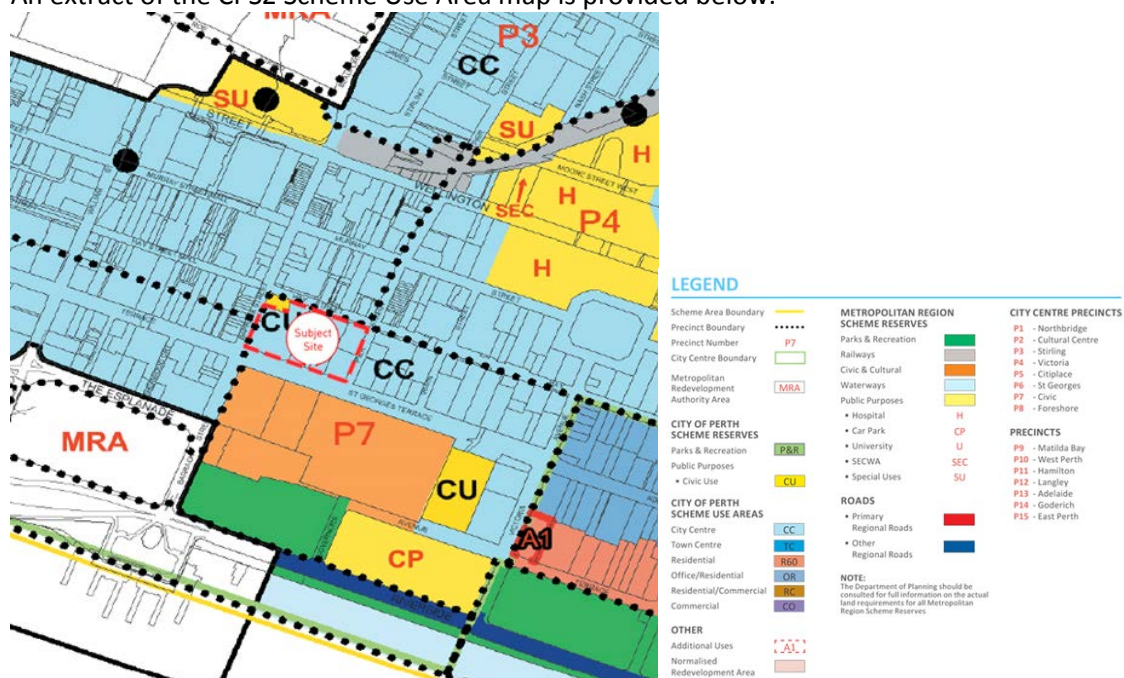


Figure 2 – Extract from City Planning Scheme No.2 Scheme Map

4.2.2 Preferred and Contemplated Uses

Preferred Uses within Precinct 7 are 'Business Services', 'Civic', 'Community and Cultural', 'Dining', 'Entertainment', 'Healthcare 1', 'Office', 'Retail (General)', 'Retail (Local)' and 'Special Residential' (prohibited where it fronts the street at pedestrian level unless it provides interest and activity).

Contemplated Uses include 'Dining' (where a property fronts St Georges Terrace), 'Education 1' (prohibited where it fronts the street at pedestrian level), 'Education 2', 'Entertainment' (where a property fronts St Georges Terrace), 'Healthcare 2', 'Home Occupation', 'Industry – Cottage' (prohibited where a property fronts St Georges Terrace), 'Mixed Commercial', 'Recreation and Leisure', 'Residential' (prohibited where it fronts the street at pedestrian level), 'Retail (Central)', 'Retail (General)' (where a property fronts St Georges Terrace) and 'Retail (Local)' (where a property fronts St Georges Terrace).

5.0 THE PROPOSAL

The purpose of this Scheme Amendment is to introduce a SCA into CPS2, for 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area to facilitate shared access to existing parking bays.

6.0 PLANNING CONSIDERATIONS

The SCA will facilitate the sharing of existing car parking bays within the SCA whilst maintaining the provisions of CPS2 and tenant car parking allowance over the site. The overall quantum of parking bays within the Cathedral Square area will not be affected.

7.0 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015

The Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations 2015) were gazetted on 25 August 2015 and came into effect on 19 October 2015.

Under the *Regulations 2015* it is considered that the proposed amendment would represent a Standard amendment for the following reasons:

- 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.

8.0 CONCLUSION

The SCA is proposed to apply to 553 and 565–579A Hay Street, St Georges Terrace and 28 Barrack Street, Perth to facilitate the sharing of existing car parking bays within the SCA amongst tenants and their guests as the different uses within the area generate parking demand at different times.

The sharing of car parking bays is intended to occur at the discretion of the tenants within the SCA through a private agreement and will require a development application to be lodged with the City.

The proposed SCA is consistent with the relevant statutory planning framework provided by CPS2 and the intent of the City's strategic planning policies.

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

CITY PLANNING SCHEME NO. 2

AMENDMENT NO. 39

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) 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area.

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

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The following provisions apply to the land marked as Figure 26 being the 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area.

26.2 Objectives

To facilitate the sharing of existing car parking bays within the Special Control Area amongst the tenants and their guests.

26.3 Car Parking

- (c) For the purpose of determining the 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.
 - (d) 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.
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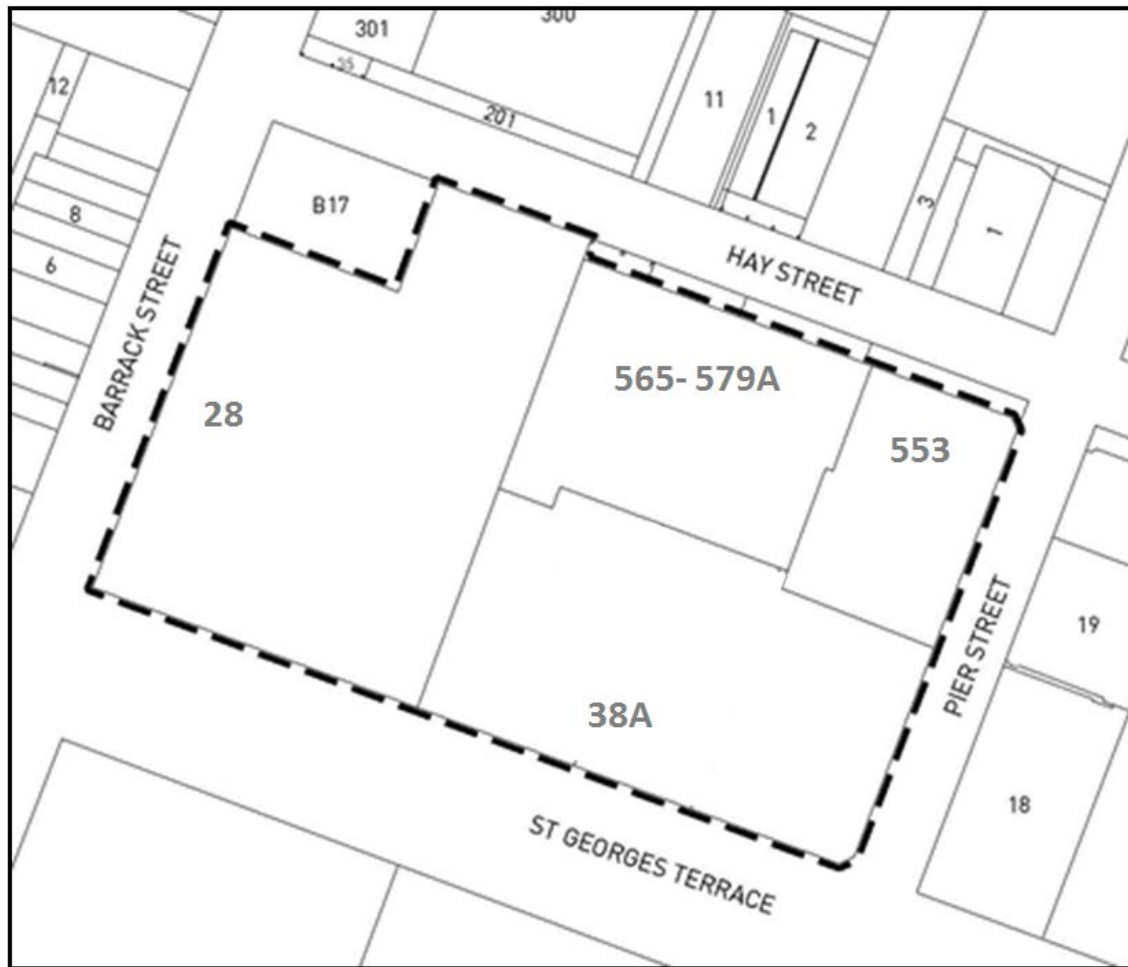


Figure 26 - 553 and 565–579A Hay Street, 38A St Georges Terrace and 28 Barrack Street Special Control Area.

ADOPTION

Adopted by resolution of the City of Perth at the Ordinary Meeting of the Council held on the
__th 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

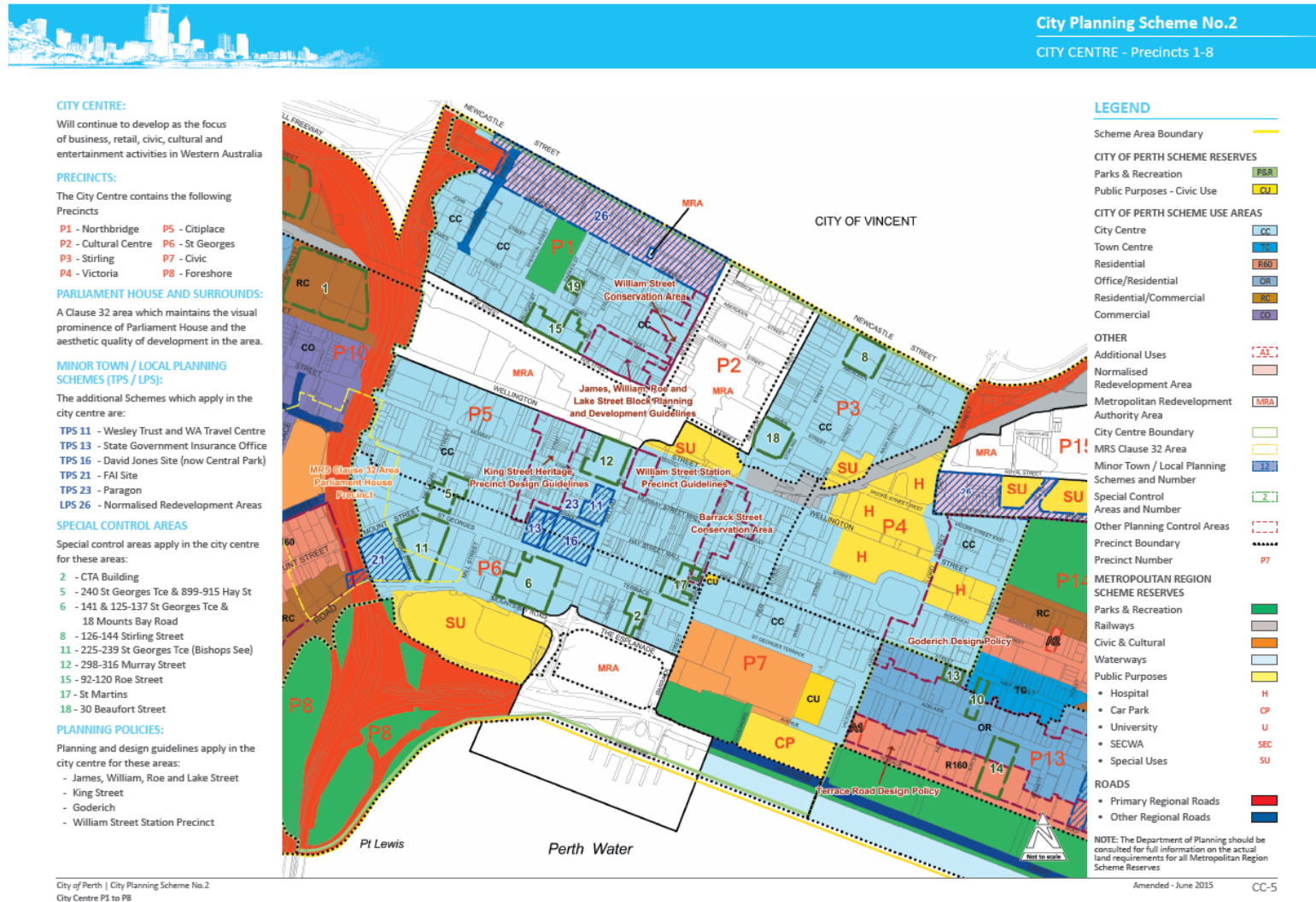
 DATE

FINAL APPROVAL GRANTED

 MINISTER FOR PLANNING

 DATE

SCHEDULE 1 EXISTING CITY CENTRE PRECINCTS PLAN (P1 TO 8)



SCHEDULE 2

PROPOSED CITY CENTRE PRECINCTS PLAN (P1 TO 8)

City Planning Scheme No.2

CITY CENTRE - Precincts 1-8

CITY CENTRE:

Will continue to develop as the focus of business, retail, civic, cultural and entertainment activities in Western Australia

PRECINCTS:

The City Centre contains the following Precincts

- | | |
|----------------------|-----------------|
| P1 - Northbridge | P5 - Citipace |
| P2 - Cultural Centre | P6 - St Georges |
| P3 - Stirling | P7 - Civic |
| P4 - Victoria | P8 - Foreshore |

PARLIAMENT HOUSE AND SURROUNDS:

A Clause 32 area which maintains the visual prominence of Parliament House and the aesthetic quality of development in the area.

MINOR TOWN / LOCAL PLANNING SCHEMES (TPS / LPS):

The additional Schemes which apply in the city centre are:

- TPS 11 - Wesley Trust and WA Travel Centre
 TPS 13 - State Government Insurance Office
 TPS 16 - David Jones Site (now Central Park)
 TPS 21 - FAI Site
 TPS 23 - Paragon
 LPS 26 - Normalised Redevelopment Areas

SPECIAL CONTROL AREAS

Special control areas apply in the city centre for these areas:

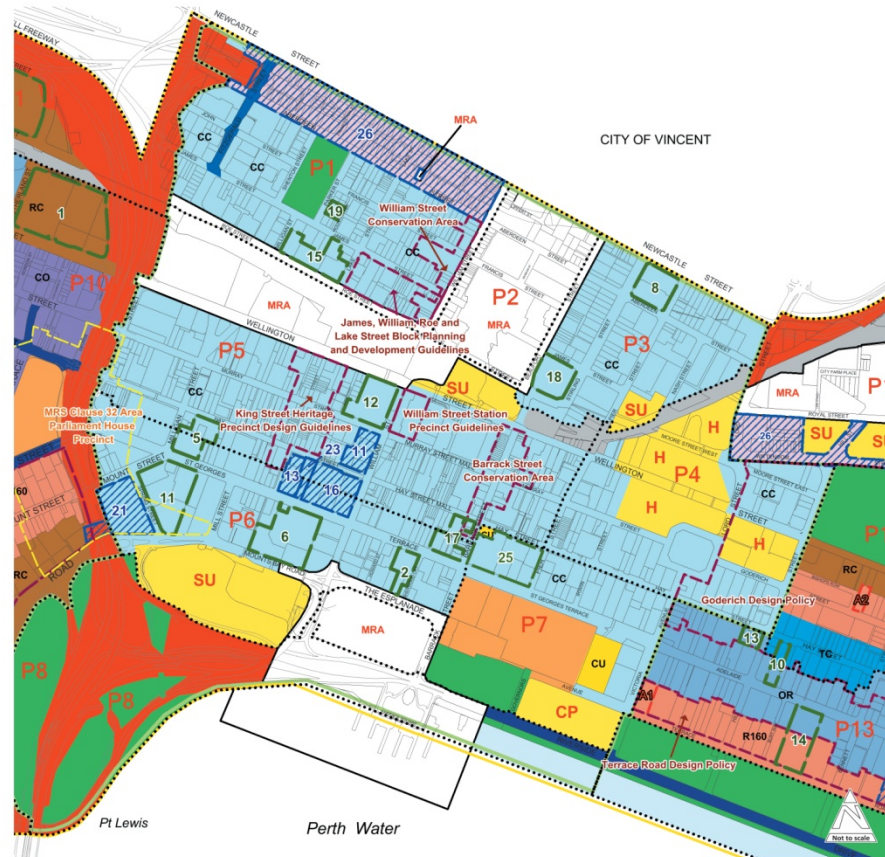
- 2 - CTA Building
 5 - 240 St Georges Tce & 899-915 Hay St
 6 - 141 & 125-137 St Georges Tce & 18 Mounts Bay Road
 8 - 126-144 Stirling Street
 11 - 225-239 St Georges Tce (Bishops See)
 12 - 298-316 Murray Street
 15 - 92-120 Roe Street
 17 - St Martins
 18 - 30 Beaufort Street
 25 - All the land comprised in Lot 557 on Deposited Plan 73153, inclusive of all Subsidiary Titles, 553 (Lot 231) and 565 - 579 (Lot 221) Hay Street, 3 (Lot 24) Pier Street, 38A (Lot 25) St Georges Terrace and 2 (Lot 26) Cathedral Avenue

PLANNING POLICIES:

Planning and design guidelines apply in the city centre for these areas:

- James, William, Roe and Lake Street
- King Street
- Goderich
- William Street Station Precinct

City of Perth | City Planning Scheme No.2
 City Centre P1 to P8

**LEGEND**

Scheme Area Boundary

CITY OF PERTH SCHEME RESERVES

Parks & Recreation

Public Purposes - Civic Use

CITY OF PERTH SCHEME USE AREAS

City Centre

Town Centre

Residential

Office/Residential

Residential/Commercial

Commercial

OTHER

Additional Uses

Normalised Redevelopment Area

Metropolitan Redevelopment Authority Area

City Centre Boundary

MRS Clause 32 Area

Minor Town / Local Planning Schemes and Number

Special Control Areas and Number

Other Planning Control Areas

Precinct Boundary

Precinct Number

P7

METROPOLITAN REGION SCHEME RESERVES

Parks & Recreation

Railways

Civic & Cultural

Waterways

Public Purposes

Hospital

Car Park

University

SECWA

Special Uses

ROADS

Primary Regional Roads

Other Regional Roads

NOTE: The Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves

Amended - June 2015

CC-5