



City of Perth

**Planning Committee
Minutes**

**25 July 2017
5.30pm**

**Committee Room 1
Level 9
Council House**

APPROVED FOR RELEASE

**MARTIN MILEHAM
CHIEF EXECUTIVE OFFICER**



City of Perth

**Planning Committee
Minutes**

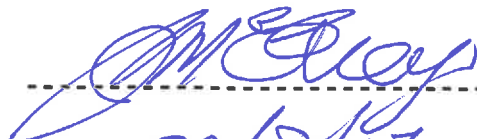
**25 July 2017
5.30pm**


**Committee Room 1
Level 9
Council House**

Minutes to be confirmed at the next **Planning** meeting.

**THESE MINUTES ARE HEREBY CERTIFIED AS
CONFIRMED**

PRESIDING MEMBER'S SIGNATURE



DATE: -----

Minutes of the **Planning** meeting of the City of Perth in Committee Room 1, Ninth Floor, Council House, 27 St Georges Terrace, Perth on Tuesday, 25 July 2017.

Members in Attendance:

Cr McEvoy - Presiding Member
Cr Adamos (entered the meeting at 5.33pm)
Cr Yong

Officers:

Mr Mileham - Chief Executive Officer
Ms Barrenger - Director Planning and Development
Ms Smith - Manager Development Approvals
Mr Ridgwell - Manager Governance
Mr High - Manager Economic Development
Mr Smith - City Architect
Mr Close - Place Development Officer
Ms Best - Governance and Risk Officer

Guests and Deputations:

Ben Carter
Behnam Bortar
Anna Vanderbom
Patricia de Kobbe

Eight members of the public.

1. Declaration of Opening

5.31pm The Presiding Member declared the meeting open.

2. Apologies and Members on Leave of Absence

Nil

3. Question Time for the Public

Question received from Anna Vanderbom (TRIM 160703/17) in relation to Item 8.2 on the Agenda – 35 (Lot 88) Megalong Street, Nedlands - Two 2 Storey Grouped Dwellings

Question:	While the City of Subiaco initially had a policy of approving developments fronting onto laneways, rather than battle axing onto main streets in the Hollywood precinct, but abandoned it over a decade ago, due to an obligation at very high cost to provide in these laneways full street amenities such as street lighting, proper road surfaces, signage, traffic control, proper safety measures and full services such as rubbish collection and streetscaping, does the City of Perth, with its apparent intention to approve residential frontage onto laneways, therefore intend to provide all these street amenities in all Hollywood laneways?
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Response	The proposed subdivision and development of this site incorporates a pedestrian access leg providing access from Megalong Street to the rear lot/dwelling, whereby postal deliveries, waste collection and access by visitors will still be able to occur from Megalong Street. The right of way will provide access to a double garage on this site, which could ordinarily occur if there was just a single house on the site and does not change the function or overall use of the right of way. Therefore, approval of a second dwelling on this site in accordance with the permitted dwelling density in this locality does not trigger any requirement to upgrade the right of way to the same standards as a gazetted public road.
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5.33pm Cr Adamos entered the meeting.

4. Confirmation of Minutes – 27 June 2017

Moved by Cr McEvoy, seconded by Cr Adamos

That the minutes of the meeting of the Planning Committee held on 27 June 2017 be confirmed as a true and correct record.

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

5. Correspondence

Nil

6. Disclosures of Members' Interests

Nil

7. Matters for which the Meeting may be Closed

The Chief Executive Officer advised that in accordance with Section 5.23(2) of the *Local Government Act 1995*, should an Elected Member wish to discuss the content of the confidential attachment/s listed below, it is recommended that the Committee resolve to close the meeting to the public prior to discussion of the following:

Attachment No.	Item No. and Title	Reason
Confidential Attachment 8.3D	Item 8.3 – East End – Application of Improvement Model	S5.23(2)(e)(iii)
Confidential Attachment 8.5B	Item 8.5 – Amended Council Policy 9.2 - Heritage Rates Concession	S5.23(2)(e)(iii)

8. Reports

DEPUTATION: Item 8.1 – 30 (Lot 50) Elder Street, Perth - Proposed Sculptural Tower Structure Including a Variable Content Third Party Advertising Sign and a Café and ‘Tourist Hub’ Facilities

The Presiding Member approved a Deputation from Mr Ben Carter and Mr Behnam Bortar (TRIM 161111/17).

5.35pm Mr Carter commenced the deputation and provided an overview of the proposed application and sought the approval of the Planning Committee. Mr Bortar provided an update around the traffic safety of the following Item 8.1.

5.44pm The deputation concluded.

Item 8.1 30 (Lot 50) Elder Street, Perth - Proposed Sculptural Tower Structure Including a Variable Content Third Party Advertising Sign and a Café and ‘Tourist Hub’ Facilities

Moved by Cr McEvoy, seconded by Cr Yong

That:

1. in accordance with the provisions of the City Planning Scheme No. 2 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 sculptural tower structure providing various uses and facilities EXCEPT FOR AND EXCLUDING the proposed variable content third party sign at 30 (Lot 50) Elder Street, Perth as indicated on the Metropolitan Region Scheme Form One dated 2 May 2017 and as shown on the plans received on 4 May and 5 July 2017 subject to:

1.1 final details of the design if the structure including design modifications to the elevation of the structure where the proposed sign is to be removed, and a sample board of the high quality and durable materials, colours and finishes for the development being submitted for approval by the City prior to applying for a building permit;

(Cont'd)

- 1.2 any fitout and provision of services to the building being designed and installed to maintain the original design intent of providing predominantly 'transparent building' that does not detract from the architectural integrity of the structure;***
- 1.3 a lighting plan for the development including details of how the architectural elements will be illuminated to provide an attractive building at night and ensuring the lighting meets the relevant standards and does not result in any nuisance in terms of light spill with details being submitted for approval by the City prior to applying for a building permit;***
- 1.4 any proposed external building plant, piping, ducting, water tanks, transformers, air condensers and fire booster cabinets shall be located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street, with details of the location and screening of such plant and services being submitted for approval by the City prior to the submission of an application for a building permit;***
- 1.5 the bin store being designed to be level with the external floor levels and the Waste Management Strategy received 5 July 2017 being modified to the City's satisfaction in accordance with the City's Waste Policy with final details being submitted for approval by the City prior to applying for a building permit;***
- 1.6 public toilet facilities being provided in the development, with revised plans and a management plan detailing maintenance and accessible times being submitted for approval by the City prior to applying for a building permit;***
- 1.7 a detailed disabled access report addressing the requirements of the Disability Discrimination Act 1992 and 'Access to Premises' standards being prepared at the applicant's cost with any modifications to the development being submitted for approval by the City and the development being certified to comply with the requirements of the legislation prior to the development being occupied and the sign becoming operational;***

(Cont'd)

- 1.8 any other signage which are not exempt from approval under the City's Signs Policy 4.6 being integrated into the design of the building and requiring a separate application for approval;**
- 1.9 any works shown outside the lot boundaries (with the exception of the architectural encroachment of the tower structure of no more than 250mm) not forming part of this approval;**
- 1.10 a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:**

 - a. the delivery of materials and equipment to the site;**
 - b. the storage of materials and equipment on the site;**
 - c. the parking arrangements for the contractors and subcontractors;**
 - d. the protection of street trees and other City assets;**
 - e. any dewatering of the site; and**
 - f. other matters likely to impact on the surrounding properties**
- 2. the proposed sign being excluded from this approval as the sign does not comply with City Planning Scheme No. 2 Policy 4.6 – Signs and therefore does not comply with City Planning Scheme No. 2 clause 36(3)(c)(i)(A) requiring the development to be consistent with the orderly and proper planning of the locality given that:**

 - 2.1 the third party advertising content is contrary to clause 5.0 h) as it will potentially impact on traffic (including pedestrian) safety within the area;**
 - 2.2 the sign is contrary to clause 5.0 j) 'General Principles' and clause 6.3 e) 'Safety' as the sign has the potential to cause a distraction to road users;**
 - 2.3 the sign is contrary to clause 6.6 c) i) A) 'Sign Content' as it is not facing or in a public space and is not located within the Entertainment Area, the Retail Core Area, a Town Centre Area or The Terraces Area (as identified in Figure 2) where the sign is oriented for viewing within the space and not from adjacent streets;**

(Cont'd)

- 2.4** *the sign is contrary to clause 6.8 c) i) 'Variable Content' as the sign is not facing or in a public space and is not located within the Entertainment Area, the Retail Core Area or The Terraces Area (as identified in Figure 2) where the viewing area is designed and intended for pedestrians to linger for an extended period of time;*
- 3.** *the application be referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme as it is located within the Inner Precinct of the Parliament House Precinct Policy Area, and advising the Commission of the Council's determination.*

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

DEPUTATION: Item 8.2 – 35 (Lot 88) Megalong Street, Nedlands - Two 2 Storey Grouped Dwellings

The Presiding Member approved a Deputation from Ms Patricia de Kobbe and Ms Anna Vanderbom (TRIM 159301/17).

5.56pm Ms de Kobbe and Ms Vanderbom addressed the Planning Committee providing an overview and summary of the written submissions made to the City in relation to following Item 8.2.

6.08pm The deputation concluded.

Item 8.2 35 (Lot 88) Megalong Street, Nedlands - Two 2 Storey Grouped Dwellings

Moved by Cr McEvoy, seconded by Cr Adamos

That in accordance with the provisions of the City of Subiaco Town Planning Scheme No. 4, 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 two 2 storey grouped dwellings as indicated on the Metropolitan Region Scheme Form One dated 11 January 2017 and as shown on the plans received on 28 June and 6 July 2017 subject to:

- 1. the development being constructed with high quality and durable materials and finishes and to a level of detailing that is consistent with the elevations received on 28 June 2017, with the final details of the materials, colours and finishes being submitted for approval by the City prior to applying for a building permit;*
- 2. The lot being subdivided in accordance with the proposed indicative subdivision plan, prior to occupancy of the development.*
- 3. air conditioner condensers not being permitted on the balconies, or where they can be viewed from the street and right of way and any proposed external building plant, piping and ducting being located or screened so that they cannot be viewed from the street and to minimise any visual and noise impact on the adjacent developments, 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;*
- 4. visual privacy screening being provided to a minimum height of 1.6 metres along the entire southern side of the proposed unit 1 balcony;*
- 5. all stormwater being contained on-site with details of the stormwater drainage being submitted for approval by the City prior to applying for a building permit;*
- 6. in the event of the development not proceeding within six months of the demolition of the existing building on the site, the site is to be aesthetically fenced or landscaped in order to preserve the amenity of the area, prevent unauthorised car parking and reduce dust and sand being blown from the site and maintained in a clean and tidy state to the satisfaction of the City;*

(Cont'd)

7. *prior to the demolition of the existing buildings the works referred to in Condition 5, being secured by a bond/deed of agreement between the landowner/applicant and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant;*
8. *the existing mature street trees located in the road verge abutting or adjacent to the subject site not being damaged or removed as a result of demolition or development works. If, during the course of the development, any existing street tree is damaged or destroyed, the owner/applicant shall repair or replace the street tree at their cost to the satisfaction of the City with reference to the City's 'Policy No. 20.8 – Street Trees – Planting, Pruning and Removal'.*
9. *a detailed landscaping and reticulation plan being submitted by the applicant to the City for approval prior to applying for a building permit, with the approved landscaping being installed prior to the occupation of the development and thereafter maintained to a high standard;*
10. *the approved side and rear parapet walls and footings abutting the adjacent boundaries being constructed wholly within the subject site, with the external surface of the parapet walls being finished to a high quality standard with details being submitted for approval by the City prior to applying for a building permit; and*
11. *a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:*
 - a) *the delivery of materials and equipment to the site;*
 - b) *the storage of materials and equipment on the site;*
 - c) *the parking arrangements for the contractors and subcontractors;*
 - d) *the protection of street trees and other City assets; and*
 - e) *other matters likely to impact on the surrounding properties.*

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

MOTION TO CLOSE THE MEETING

Moved by Cr Adamos, seconded by Cr McEvoy

That Council resolves to close the meeting to the public to consider Confidential Attachment 8.3D of Item 8.3 in accordance with Section 5.23(2)(e)(ii) of the Local Government Act 1995.

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

6.32pm The meeting was closed to the public.

MOTION TO RE-OPEN THE MEETING

Moved by Cr Adamos, seconded by Cr McEvoy

That Council resolves to re-open the meeting to the public.

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

6.40pm The meeting was re-opened to the public with three members of the public returning.

Item 8.3 East End – Application of Improvement Model

Moved by Cr McEvoy, seconded by Cr Adamos

That Council:

1. ***APPROVES the extension of the Trial Improvement Model applied to Barrack Street (2014 – 2017) to the areas of Barrack Street, Hay Street, Murray Street and Pier Street identified in Attachment A and Confidential Attachment 8.3D;***
2. ***provides APPROVAL for the grants and improvements shown in the Preliminary Improvement Snapshot (Confidential Attachment 8.3D), to commence formal negotiation, grants, incentives and compliance activities in the 2017/18 financial year; and***
3. ***NOTES that the grants identified under the Preliminary Improvement Snapshot (Confidential Attachment 8.3D) will require separate application to and consideration of Council, in accordance with Council Policy and Guidelines.***

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

Item 8.4 Exemption to Policy 1.6 – Commemorative Works

Moved by Cr McEvoy, seconded by Cr Adamos

That Council APPROVES an exemption to Policy 1.6 – Commemorative Works, to allow an additional star to be added to the Fashion Walk of Fame in King Street, Perth.

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

Item 8.5 Amended Council Policy 9.2 - Heritage Rates Concession

Moved by Cr Adamos, seconded by Cr Yong

That Council:

1. *pursuant to Section 2.7(2)(b) of the Local Government Act 1995, APPROVES the amended Council Policy 9.2 – Heritage Rates Concessions, as detailed in Attachment 8.5A;*
2. *NOTES that amended Council Policy 9.2 – Heritage Rates Concessions includes provisions to apply a five year rates concession on the adaptive reuse of heritage buildings principally located with the Malls area of the city, and particularly those with vacant upper floors and underutilised spaces, via a five year rolling concession (reduction) of the base general rates applicable to the subject property, based on the GRV immediately prior to any improvements, whereby the City will continue to receive general rates during the five year concession based on the Gross Rental Value (GRV) uplift (above the original base) resulting from the adaptive reuse works; and*
3. *NOTES the ‘Business Case Heritage Concession – Adaptive Reuse’ as detailed in Confidential Attachment 8.5B, which provides the rationale and justification for ‘Heritage Rates Concessions – Adaptive Reuse’, as an incentive for the activation of upper floors and underutilised spaces around the Malls, pursuant to Council’s resolution of 14 February 2017, including delivery of Council’s sought net benefit to the City and the community.*

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

Item 8.6 Heritage Rates Concession – Adaptive Reuse of Piccadilly Theatre and Arcade at 700 – 704 Hay Street Mall, Perth

Moved by Cr Adamos, seconded by Cr McEvoy

That Council, pursuant to Section 6.47 of the Local Government Act 1995, provides ‘in-principle’ APPROVAL for a maximum rates concession of \$665,575 (being \$133,114 the current general rates levied for five years) for Piccadilly Arcade and Theatre at 700-704 Hay Street Mall, Perth, spread over five rates years, subject to formal application and signed heritage agreement in compliance with amended Council Policy 9.2 – Heritage Rates Concessions.

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

9. Motions of which previous notice has been given

Nil

10. General Business

10.1 Responses to General Business from a Previous Meeting

Nil

10.2 New General Business

Nil

11. Items for consideration at a future meeting

Outstanding Reports:

The item below has been provided as Item 8.3 of this agenda and can therefore be removed from the outstanding reports list.

- Historic Heart of Perth Grant (Notice of Motion – Council – 11/04/17)

12. Closure

7.14pm The Presiding Member declared the meeting closed.