

# Planning Committee

Notice of Meeting  
7 March 2017  
5.30pm

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



City of Perth

## Agenda

### ORDER OF BUSINESS AND INDEX

- 1 Declaration of Opening
- 2 Apologies and Members on Leave of Absence
- 3 Question Time for the Public
- 4 Confirmation of minutes – 7 February 2017
- 5 Correspondence
- 6 Disclosure of Members' interests
- 7 Matters for which the meeting may be closed  
Nil
- 8 Reports
  - 8.1 65, 76, 78 And 79-81 (Lots 2, 14, 15 And Y148) John Street and Adjacent Graham Farmer Freeway Road Reserve – Proposed Charles Street Bus Bridges Layover Area
  - 8.2 93-101 (Lot 123) Milligan Street, Northbridge - Reconsideration of Conditions for Approved Telecommunications Tower and Associated Infrastructure ('Unlisted Use') for 'Vodafone'
  - 8.3 379 (Lot 31) Wellington Street, Perth – Proposed Third Party Variable Content Wall Sign
  - 8.4 City of Perth Submission - Design WA
- 9 Motions of which Previous Notice has been given
- 10 General Business
  - 10.1 - Responses to General Business from a Previous Meeting
  - 10.2 - New General Business
- 11 Items for consideration at a future meeting  
Outstanding Reports:  
Item transferred from Finance and Administration Committee – Land Value Capture Opportunities (raised at FA04/10/16, updated PL06/12/16)
- 12 Closure



**MARTIN MILEHAM**  
**CHIEF EXECUTIVE OFFICER**  
2 MARCH 2017

**This meeting is open to members of the public**

## PLANNING COMMITTEE

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

<b>Members:</b>	<b>1st Deputy:</b>	<b>2nd Deputy:</b>
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](mailto:governance@cityofperth.wa.gov.au).
- Question Sheets are also available on the City's web site: [www.perth.wa.gov.au](http://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](http://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.



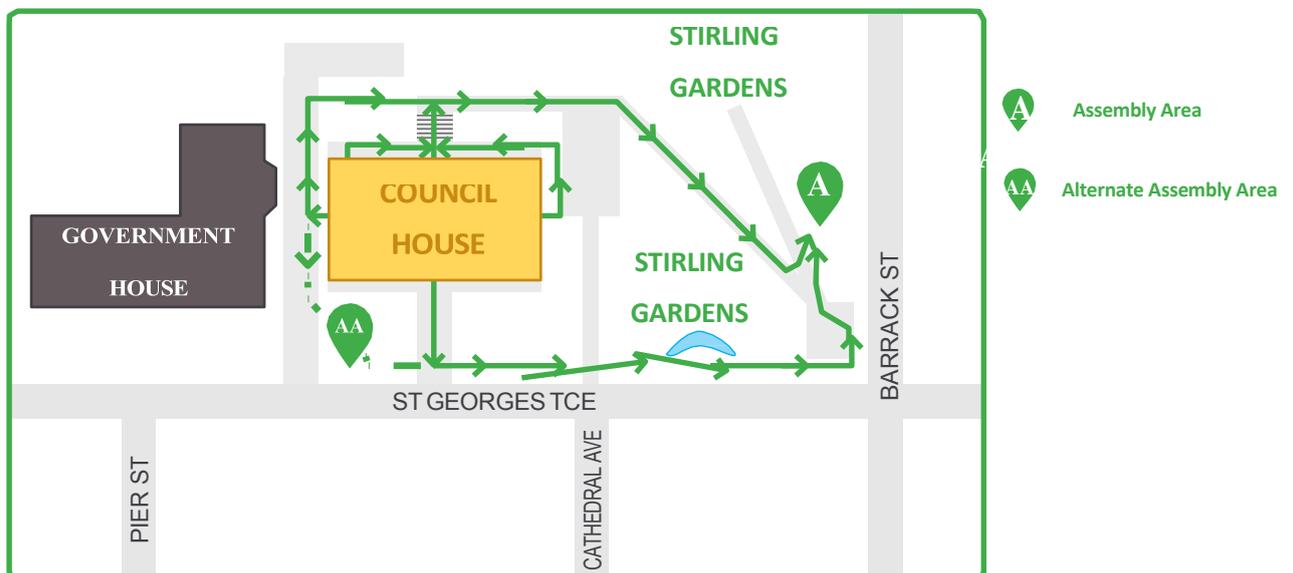
### EVACUATION ALARM / PROCEDURES

**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**            **65, 76, 78 And 79-81 (Lots 2, 14, 15 And Y148) John Street and Adjacent Graham Farmer Freeway Road Reserve – Proposed Charles Street Bus Bridges Layover Area**

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**That:**

- 1. in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application for the Charles Street bus bridges layover area at 65, 76, 78 and 79-81 (Lots 2, 14, 15 and Y148) John Street and Adjacent Graham Farmer Freeway Road Reserve as indicated on the Metropolitan Region Scheme Form One dated 16 January 2017 and as shown on the plans received on 18 January 2017 subject to:**
  - 1.1 increased perimeter landscaping including reticulation and/or alternative fencing to appropriately screen the bus layover area from view being submitted for approval by the City prior to the commencement of construction works;**
  - 1.2 mature trees being incorporated into perimeter landscaping and non-trafficable internal areas to provide screening from above and reduce heat within the bus layover area, with a detailed landscaping plan being submitted for approval by the City prior to the commencement of construction works;**
  - 1.3 acoustic attenuation measures to minimise nuisance and impacts on adjoining properties being incorporated into the design of the bus layover area with an acoustic report and final details of attenuation being submitted for approval by the City prior to the commencement of construction works;**
  - 1.4 final details and plans of the design of the amenities building, demonstrating an improved external appearance and presentation to the street being submitted for approval by the City prior to the commencement of construction works;**
  - 1.5 final details of the location, orientation and intensity of lighting demonstrating appropriate levels of security for the bus layover area and minimising nuisance and impacts on adjoining properties, being submitted for approval by the City prior to the commencement of construction works;**
  - 1.6 any changes to the operation of the bus layover area being subject to a separate approval with any upgrades required to the surrounding road network being the responsibility of the applicant;**

**(Cont'd)**

- 1.7 an updated Transport Assessment including analysis and evidence and management plans for the use and operation of the bus layover area which confirms the proposed development will result in less empty buses operating through city streets to the City's satisfaction being submitted for approval by the City prior to the commencement of construction works;**
- 1.8 the design of the adjacent James Street rotary access point from the road network to the bus layover area being finalised and approval to the City's satisfaction prior to the commencement of operation of the bus layover area;**
- 1.9 redesign of the John Street cul-de-sac to accommodate the City's standard street sweeping vehicle including relevant modifications to the stormwater infrastructure, crossovers and parking/loading bays resulting from the redesign with final details being submitted for approval by the City prior to the commencement of construction works;**
- 1.10 details of on-site stormwater disposal/management being to the City's specifications and submitted for approval by the City prior to the commencement of construction works; and**
- 1.11 a construction management plan for the proposal being submitted for approval by the City prior to the commencement of construction works, 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; and**
  - d) other matters likely to impact on the surrounding properties.**
- 2. the applicant be advised of the following technical design matters which will need to be addressed to the City's satisfaction prior to the commencement of construction works:**
- 2.1 clarification in relation to asset ownership within the James Street and John Street road reserves including drainage infrastructure;**
- 2.2 review of sight distances within James Street; and**
- 2.3 detailed directional road signage layout to be provided.**

FILE REFERENCE:	2017/5013
SUBURB/LOCATION:	65, 76, 78 and 79-81 John Street, Northbridge
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	27 February 2017

ATTACHMENT/S: Attachment 8.1A – Location Plan  
 3D MODEL PRESENTATION: N/A

LANDOWNER: Commissioner of Main Roads  
 APPLICANT: Main Roads WA  
 ZONING: (MRS Zone/Reserve) Central City Area and Primary Regional Roads  
 (City Planning Scheme Precinct) Northbridge (P1)  
 (City Planning Scheme Use Area) City Centre  
 APPROXIMATE COST: \$400,000

### **Legislation / Strategic Plan / Policy:**

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

### **Policy**

Policy No and Name: 2.2 – Public Notification/Advertising Procedure  
 4.1 – City Development Design Guidelines

### **Purpose and Background:**

On 15 December 2015, Main Roads Western Australia (MRWA) and the Public Transport Authority (PTA) attended a briefing session with Councillors and City staff in relation to the State Government's Charles Street Bus Bridge Project. Subsequent to the briefing, Council at its meeting held **16 February 2016** considered implications related to City land and assets as a result of the project. It was noted that the Project involves the construction of a new bus link bridge and associated bus priority measures to enable buses from Perth's northern and north-western suburbs to avoid congested roads and four sets of traffic signals in Northbridge. Council ultimately resolved to approve funding for modifications and improvements to the City's transport network to accommodate the Project.

At the time of Council's consideration the scope and deliverables of the Project were as follows:

- a dedicated busway including an approximately 110 metre bus bridge over the Graham Farmer Freeway to connect Charles Street to the existing James Street bus bridge;
- a new Mitchell Freeway off-ramp onto Roe Street, to replace the existing Mitchell Freeway James Street off ramp, inclusive of a new signalised intersection on Roe Street;
- an additional east bound through lane on Roe Street at the Roe Street/Fitzgerald Street intersection;
- a new signalised roundabout/turnaround at the west end of James Street to replace the existing turnaround;
- a new 20 - 25 bay bus layover area with entrances via James Street and John Street;
- an additional right turn pocket on the Charles Street freeway exit ramp;
- approx. 500m of bus lanes on Charles Street;

- reconfiguration of Charles/Carr Street intersection to provide bus priority;
- a shared path on the southern side of Roe Street;
- minor intersection improvements to the Newcastle/Cleaver Street intersection to allow bus only access to Cleaver Street; and
- replacement of pump station at Hamilton Lake, inclusive of remote monitoring and control system and improved access.

### **Details:**

The subject application proposes the development of a short-term bus parking facility referred to as a busy layover area in the above scope of works. The proposal specifically includes the:

- demolition of all buildings and structures located at 65 and 76 John Street, Northbridge;
- establishment of an at grade bus parking area approximately 7000m<sup>2</sup> in area constructed of sealed and drained bitumen to accommodate 40 bus parking/holding bays and five car parking bays;
- construction of an amenities building for staff associated with the layover area; and
- installation of perimeter open style 'palisade' fencing and landscaping on the northern and southern extents of the project area.

The applicant has provided the following explanation with regards to how the layover area is proposed to function:

- buses will enter the layover area, travel in an anticlockwise manner around the site before parking on a layover bay in a south facing position;
- most buses will enter via the James Street gate on the south side of the layover however up to 30 buses will enter from John Street gate each day with all buses exiting via the James Street Gate and none via John Street;
- five car parking bays are provided for Public Transport Authority (PTA) vehicles (or their contractors) use only, when attending to Transperth operational business within the layover area;
- speed will be restricted to 15 kilometres per hour;
- in accordance with Transperth policy, buses will only be allowed to idle for up to three minutes.

The applicant advises the operational benefits of the layover include:

- *'reduction in out-of-service trips by buses having to leave and then return to the Busport via already congested city streets;*
- *allows buses to dwell close to the Busport due to variations in bus arrival times compared to the bus schedule;*
- *less traffic in and out of the city and fewer kilometres travelled leading to lower carbon emissions;*
- *allows bus drivers to take necessary toilet and rest breaks between trips;*
- *allows for pre-staging of out-of-service buses in advance of their scheduled departure times; and*
- *allows additional operational flexibility for Special Event and Rail Replacement services.'*

It is noted that the proposal now consists of 41 parking bays in lieu of the 20-25 bays originally forming part of the Project which has resulted in a greater development footprint being required.

### **Compliance with Planning Scheme:**

#### **Land Use**

The majority of the subject area is reserved for 'Primary Regional Roads' purposes under the Metropolitan Region Scheme (MRS) which is administered by the Western Australian Planning Commission (WAPC). Works within an MRS reserve ordinarily require determination by the WAPC upon the advice of affected authorities including local government. The WAPC however has delegated approval powers to the relevant local government for development on land which is within or abutting an MRS regional road reserve via Part 3 of the 'Instrument of Delegation Del 2011/02 Powers of Local Governments'. As such, Council is the determining authority in relation to the proposed works.

The remainder of the subject area is located within the City Centre Use Area of the Northbridge Precinct (P1) of the City Planning Scheme No. 2 (CPS2). The Precinct will remain Perth's primary entertainment and night life area and will provide a variety of residential and visitor accommodation and commercial services. Mixed residential and commercial developments will be encouraged throughout the Precinct to strengthen its residential component as well as creating employment opportunities.

The proposed development does not readily fall within any of the Use Groups contained within CPS2. As such the proposal is required to be considered in the context of the current and future amenity of the locality, the Precinct Statement of Intent, and Clause 43(4) of CPS2. Specifically, Clause 46 of CPS2 outlines the process of determination of an application for an unlisted use as follows:

- "(1) Subject to subclause (2), the Council may refuse or approve an application which involves an unlisted use.*
- (2) The Council cannot grant planning approval for a development which involves an unlisted use unless -*
- (a) the advertising procedure set out in clause 41 has been followed; and*
  - (b) it is satisfied, by an absolute majority, that the proposed development is consistent with the matters listed in clause 43(4)."*

#### **Development Requirements**

The Northbridge Precinct (P1) does not contain any specific criteria or requirements in relation to development of public transport related infrastructure. However the City's City Development Design Guidelines Policy (4.1) prescribes the following with regards to at grade car parking areas, of which the proposal has similar characteristics, within the city:

*"5.3.2(c) At-grade parking areas which are not enclosed should be screened from external views by landscaping and incorporate trees to provide shade, improve amenity and assist in visual screening from above. The car park should include appropriate lighting with no lighting directly spilling beyond the car park."*

## Comments:

### **Consultation**

In accordance with clauses 41 and 46 of CPS2, the proposal was advertised to the owners of surrounding properties for a period of 14 days, closing on 9 February 2017. These included the owners at:

- 1, 3, 5, 13, 31, 59 and 61 Fitzgerald Street, Northbridge;
- 55-59, 60, 63, 65, 76, 78 and 79-81 John Street, Northbridge; and
- 269, 264-274, 275-287, 276, 280, 294 and 295 James Street, Northbridge.

Two submissions raising objections to the proposal were received during the advertising period. The comments received from the adjacent property owners and City Officers responses to the matters raised are outlined below:

#### Owners of 269 James Street

*'The concern we have is the traffic build up on the James Street side of the traffic lights. Currently it is near impossible to enter the building when coming of the Graham Farmer exit due to the busses lining up in the bus lane during peak times. Our garage entrance obviously being on the James Street side.*

*There is currently a hatched out "Keep Clear" area in that bus lane but the drivers completely disregard this. But even if they did respect the "Keep Clear" section of their lane it doesn't actually span long enough that we can use it safely for our building.*

*We request clarification on whether the plan proposes the layover sites sole entry and exit point feed of James Street? And if so are there measures in place that will allow us to access our building safely with this increased flow of busses?'*

Noted, John Street is also proposed as an entry point to the layover area however James Street will be the sole point of exit. The applicant has advised that the layover facility has been designed for buses to travel between the new city Busport and the Charles Street busway via the layover using purpose built roads and ramps which will ultimately lead to a reduction in the frequency of buses traveling along the section of James Street located in front of the subject building and driveway.

#### Owners of 60 John Street

*'Our objections are based on the following-*

- *Noise , Pollution and Loss of amenity -*
  - *Despite assurances from MRWA that they would install a 3 metre high acoustic panel and post system on our boundary, this has not included been in the plans lodged with the City Of Perth.*

Noted however the plans provided as part of the development application do show the proposed installation of a three metre high screen wall abutting properties on the north east boundary of the project area. It is noted that there are limited details in terms of its design and additional plans will be required prior to the commencement of construction in this regard.

- *They are proposing 30 buses per day will be using John Street and driving past our building and offices. We wish to express concern that this number will increase as the need for public transport increases.*

Supported, any approval for the facility will be based on the transport assessment and management measures included as part of the application. Any proposed intensification will be need to be considered by the City in terms of any potential impacts on the road network and surrounding properties.

- *We own a Heritage Listed building and we do not wish to see this deteriorate due the pollution this additional traffic will cause.*

Noted however the proposed increase in traffic is not anticipated to generate substantial increases in emissions which could pose additional risk to surrounding buildings. Projected vehicle movements are consistent with the type and function of road classification applicable to John Street.

- *We note on the plan that John Street is to be resurfaced. We have not been informed of this, what the surface may be or the potential impact on our staff and Sisters.*

Noted however any resurfacing works will need to adhere to the City's design and construction requirements and it is the City's expectation that any works be undertaken in a manner which minimises impacts on adjoining properties. This is consistent with all maintenance and upgrading works within City managed road reserves. Appropriate traffic and construction management plans will be required to be submitted to and approved by the City prior to works commencing onsite with appropriate complaint procedures in place.

- *Loss of Parking*

*Five parking bays are to be removed. We note the loading bay is to be retained with a 'buses excepted' sign. We wish to express concern that this will become a pseudo bus parking bay. We also have concerns that the bus drivers will need to park their cars somewhere, and that John Street will suffer further congestion.*

Noted, whilst an increase in vehicle movements is forecast for John Street, as outlined above this are not projected to exceed what is considered manageable levels for the role and function of John Street. The intent of the layover area is for buses already in operation with drivers already within buses and not starting or finishing shifts therefore an increase in street parking demand is not likely to occur as a result of the project.

- *Impact on our ingress and egress; and safety*

*We have many elderly sisters of Mercy visiting this site. We wish to express concern for their safety. Our entrance is located close to the end of John Street. Clear access to our site is essential particularly if we wish to develop this site in the further. The state government has a caveat on our building dictating its use. This has ramifications for our master planning for this site.*

Noted. The applicant has advised that *'the design and traffic analysis on John Street , as with the remainder of the project has been undertaken by appropriate road, structure and traffic*

*management designers. The design has been verified by Main Roads and a third party certified design verification process to Australian Standards. The net effect of the site located at the Fitzgerald St end of John St is expected to be positive as approximately 1000 buses per day are to be removed from Fitzgerald St.'*

Should the operation of the facility result in adverse impacts in relation to the affected property, it is the City's expectation that the applicant undertakes the necessary steps to address and resolve the matters accordingly, in consultation with the City and affected parties.

- *Lack of Consultation and Timeliness of response*

*We had one meeting with MRWA staff and two or three emails since then which have not resolved the issue or provided further clarification on the matters raised.*

Noted. Whilst not directly related to the development application process or the City's separate advertising process, consultation is a key aspect of a project of this scale and the applicant is encouraged to liaise with affected landowners in an ongoing manner.

### **Transport Considerations**

A Transport Assessment was submitted in support of the application. City Officers, having reviewed the Assessment, consider that it contains limited information and typically provides only high level qualitative analysis. As such it is difficult for City Officers to ascertain what impact the proposal will have on the existing transport network. The flow on effect being it will be difficult to undertake a meaningful review post construction, whether the facility is being used for its stated purpose.

One potential outcome of the proposal is that, despite any improvements or reductions in traffic congestion, the City will continue to have a role as a terminus for bus services. The City has developed a Transport Strategy that aims to discourage this use. In this regard the City has previously sought from the PTA a bus strategy specific for the city. It is understood that this is currently under development however it has not been finalised and any implications are unable to be considered as part of the subject application which is not ideal.

Whilst the proposal does not generally align with the City's Strategy, the City can support the proposal subject to appropriate evidence being provided which confirms it will result in less empty buses operating through city streets. As this information has not been provided, there is some risk that this type of facility will see increased volumes of empty buses, particularly through key areas of the CBD. It is therefore recommended that the above be included as a condition of any approval.

It is also noted that the facility is dependent on the separate approval of the design of the adjacent James Street rotary which is the access point from the road network to the bus layover area. The functionality of the layover will be severely compromised without the finalisation of the associated rotary infrastructure. It is therefore recommended that any approval be subject to the commencement of operation of the facility not occur until such time as the James Street rotary has been approved and constructed.

## Land Use and Development Requirements

As outlined previously, there is no specific guidance within CPS2 or the MRS in relation to the appropriateness or design of the subject development. With regards to the proposed use, given the subject area is predominantly located within a MRS reserve for Primary Regional Roads, it is considered that the proposed use for public transport related purposes is generally consistent with the intent of the planning framework applicable to the site.

Within the city, at grade and open-air car parking areas are generally not supported given the negative impact they have on surrounding properties and streetscape. Such developments are recommended to be appropriately screened and landscaped in order to provide an acceptable level of amenity. In this regard, it is noted that only minimal landscaping with predominantly open style fencing is proposed as part of the development which is not considered to provide appropriate levels of screening and acoustic attenuation for the majority of surrounding properties. It is noted however that the design includes a three metre high screen wall on the north east boundary of the project area which will provide some benefit for adjoining properties in terms of acoustic attenuation. In addition the amenities building does not appear to be consistent with the design level of buildings required in the locality particularly given the lack of details included with regards to its design and external appearance.

It is therefore recommended that any approval incorporate conditions requiring further details and plans relating to:

- increased perimeter landscaping and/or alternative fencing to appropriately screen the parking area from view;
- tree planting to add to screening and reduce effects of heat loading;
- lighting and acoustic attenuation measures to minimise nuisance and impacts on adjoining properties; and
- additional details and plans of the design of the amenities building with its external appearance aligning with the requirements of CPS2,

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

## Technical Design Considerations

With regards to the technical design aspects of the facility and related works within the adjacent street network, City Officers have identified the following matters which require resolution prior to the commencement of construction:

- clarification in relation to asset ownership within the James Street and John Street road reserves including drainage infrastructure;
- redesign of the John Street culs-de-sac to accommodate the City's standard street sweeping vehicle including relevant modifications to the stormwater infrastructure, crossovers and parking/loading bays resulting from the redesign;
- sight distances within in James Street appear insufficient and require further review;
- directional road signage layout to be submitted; and
- stormwater drainage strategy report to be provided with appropriate drainage calculations and provision to retain stormwater.

It is recommended that appropriate conditions and advice relating to the above be included in any approval.

## **Conclusion**

The ultimate aim of the proposed bus layover facility is to reduce 'out-of-service' trips by buses leaving and returning to the Busport via already congested city streets. This aim is supported however further analysis and evidence is required in order for the City to confirm the proposal will not be contrary to its Transport Strategy which discourages use of the City as a terminus for bus services. In addition, there are a number of design matters which have been identified and need to be addressed as outlined in this report. It is recommended that any approval be subject to the above requirements.



**2017/5013 – 65, 76, 78 AND 79-81 (LOTS 2, 14, 15 AND Y148) JOHN STREET AND ADJACENT GRAHAM FARMER FREEWAY ROAD RESERVE, NORTHBRIDGE**

**Agenda Item 8.2**      **93-101 (Lot 123) Milligan Street, Northbridge - Reconsideration of Conditions for Approved Telecommunications Tower and Associated Infrastructure ('Unlisted Use') for 'Vodafone'**

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**Recommendation:**

***That:***

1. ***in accordance with Clause 77 of Schedule 2 – Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Scheme) Regulations 2015 and as detailed on the written request dated 13 February 2017, Council reconsiders its decision of 13 December 2016 relating to conditional approval for a telecommunications tower and associated infrastructure ('Unlisted Use') for 'Vodafone' at 93-101 (Lot 123) Milligan Street, Northbridge, and resolves to AMEND THE APPROVAL BY:***

***1.1 deleting Conditions 1 and 2; and***

***1.2 replacing Condition 3 with the following:***

***“final details of the design, materials, colours and finishes of the telecommunications tower and screening element being submitted by the applicant to the City for approval prior to applying for a building permit”;***

2. ***the applicant be advised that:***

***2.1 all other conditions, with the exception of conditions 1, 2 and 3, and requirements as detailed on the previous approval dated 20 December 2016 shall remain; and***

***2.2 they will be required to enter into an appropriate lease agreement with the City in relation to the use and development of the subject site and that this development approval should not be construed as approval to enter into a lease.***

FILE REFERENCE:	2016/5405
SUBURB/LOCATION:	93-101 Milligan Street, Northbridge
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	27 February 2017
ATTACHMENT/S:	Attachment 8.2A – Location Plan Attachment 8.2B – Amended Development Plans
3D MODEL PRESENTATION:	N/A

LANDOWNER: City of Perth Parking Fund  
 APPLICANT: Planning Solutions Pty Ltd  
 ZONING: (MRS Zone) Central City Area  
 (City Planning Scheme Precinct) Northbridge (P1)  
 (City Planning Scheme Use Area) City Centre  
 APPROXIMATE COST: \$180,000

### **Legislation / Strategic Plan / Policy:**

#### **Legislation**

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

#### **Policy**

Policy No and Name: State Planning Policy No. 5.2 – Telecommunications Infrastructure  
 4.1 – City Development Design Guidelines

### **Purpose and Background:**

At its meeting held **13 December 2016**, Council considered an application for the construction of a telecommunications tower and related infrastructure at the subject site and resolved to approve the development subject to:

- “1. *the approval being limited to a maximum period of 10 years from the date of the issue of approval, with the telecommunications structure and all associated servicing infrastructure being removed from the site and the site made good, at the applicant’s cost, to the satisfaction of the City within 28 days of removal or in the event of the site being redeveloped within the specified 10 year timeframe, any retention or adaptation of the telecommunications infrastructure within a future development being subject to a separate application;*
2. *the applicant entering into an appropriate lease agreement with the City in relation to the use of the subject site and agreeing to indemnify the City against any claims relating to adverse impacts from emissions from the telecommunications tower, with all arrangements being finalised to the City’s satisfaction prior to applying for a building permit including a condition that any retention or adaptation of the telecommunications infrastructure within a future development being undertaken at the applicant’s cost;*
3. *final details of the design and materials, colours and finishes of the development, including an alternative and appropriate method of screening which minimises the facility’s visual impact, being submitted by the applicant to the City for approval prior to applying for a building permit;*
4. *the relocation of the underground fibre cabling from its current proposed north/south alignment adjacent to the western boundary to an east/west alignment along the southern boundary to the satisfaction of the City; and*

5. *the existing trees and shrubs proposed to be removed as part of the installation being relocated and/or replaced to an appropriate alternative location within the site to the satisfaction of the City.”*

### **Details:**

The applicant has submitted a request to the City to remove Conditions 1 and 2 of the abovementioned approval in accordance with Clause 77 of Schedule 2 – Deemed provisions for local planning schemes of the Planning and Development (Local Planning Scheme) Regulations 2015. In addition, the applicant seeks confirmation that the requirements of Condition 3 have been satisfied by the revised plans submitted for approval in conjunction with the reconsideration request.

The removal of the conditions is based on the applicant’s assertion that they are not considered to be planning related matters and can be more appropriately addressed in the future tenure and leasing arrangements to be negotiated with the City. With regards to Condition 1 it is the applicant’s intention that matters of maximum lease period, potential site re-development within the lease period, and timetable for removal of facilities at the end of the lease period or earlier re-development of the site, be negotiated at that time.

In relation to Condition 2, the applicant has advised that Vodafone, as the future operator of the infrastructure, requests removal of the indemnity provision proposed, however is agreeable to a replacement clause being negotiated as part of lease arrangements, and provides the following suggested clause for consideration as part of any lease in due course:

*“The Lessee must operate the Premises lawfully and in a safe manner in accordance with such standards as are adopted by the Australian Communications Media Authority from time to time concerning safe electronic emission levels from facilities of a nature of the Lessee’s equipment. The Lessee will provide to the Lessor an electromagnetic emissions report following installation of the Lessor’s equipment demonstrating compliance with all such standards.”*

In order to address the requirements of Condition 3, the applicant has submitted an alternative monopole design for the tower, with antennas mounted on a small circular headframe, with ground level infrastructure contained within a Colorbond fenced compound. This is in contrast to the original structure which included a triangular telecommunications structure containing six panel antennas mounted on a triangular head frame within a shrouded triangular façade.

In addition to the above, the applicant has also separately submitted an application for review to the State Administrative Tribunal (SAT). The request for review relates to the same conditions as outlined above. A mediation meeting between relevant parties has been scheduled by the SAT to be held on 27 March 2017. It is the applicant’s preference in this case for the matter to be considered by Council and should the review be received favourably, the SAT application for review be vacated.

## **Comments:**

Conditions 1 and 2, limiting the time frame for the approval to 10 years and requiring the applicant to enter into a lease with the City and to indemnify the City against any claims relating to adverse impacts from emissions from the telecommunications tower, were imposed on the approval in recognition of the site having a high level of strategic and economic importance for the City. It was considered that the installation of above and subsurface infrastructure would likely add encumbrances on the land and reduce its development potential if and when the City decided to either offer the site for sale or undertake a proposed development. For these reasons the conditions were imposed to limit the period of approval and require removal and/or adaptation of the infrastructure as part of any future development of the site. These factors are still relevant to the site and the proposed development however the future outcomes are not necessarily bound only by the development approval and relevant planning legislation.

It is noted that the conditions were included on the approval as negotiations with the City in relation to the leasing of the subject parcel of land had not commenced in detail and it was considered appropriate at the time to outline and protect the City's interests via the planning conditions in lieu of any separate lease arrangement. Similar to other developments on City owned and controlled land, matters relating to tenure and period of occupation are included as part of lease arrangements which are ultimately considered and determined by Council.

The SAT considers that it is an important consideration for a planning approval to offer confidence, certainty and continuity to the recipient of the approval. In this respect, a temporary approval represents a substantial uncertainty which will limit tenure and compromise commercial viability. Planning case law has established that time-limited consents are generally only appropriate where there is likely to be some change in the planning framework or in the character of a locality or where there are management issues that are appropriate to monitor after a certain period of time. It would therefore, be considered an onerous requirement to retain Condition 1 in this case.

SAT has also determined that it is not usual planning practice that an indemnity be included with a properly conditioned planning approval. In *Telstra Corporation Limited and Shire of Murray* [2009] WASAT 117, a case involving an application for a mobile phone tower, the Tribunal held that "... it is disingenuous to demand a guarantee of no adverse health impact when all the currently available expert material in this field suggests that the issue simply does not arise on the basis of present knowledge and research". Therefore, if Condition 2 was to be retained, incorporating the requirement for indemnity against any claims relating to adverse impacts from emissions from the telecommunications tower, it is likely that SAT would find in the applicant's favour and have this requirement removed.

It is further noted that the applicant could not erect the approved telecommunications tower and related infrastructure without first entering into a lease with the City and as this is a requirement under other legislation, it need not be covered by a condition of development approval. It could, however, remain as an advice note to the applicant so that it is clear that the development approval does not constitute approval to enter into a lease.

It is therefore considered acceptable in this case that Conditions 1 and 2 be removed from the approval given the matters are more closely aligned to the property leasing process rather than the development approval phase. Support is also based on the likelihood of the SAT review process resulting in a similar outcome with additional costs both in legal representation and staff time being incurred by the City.

In relation to the revised plans that have been submitted to address the requirements of Condition 3, it is considered that the amended design does not represent an improvement on the original proposal. The amended design, whilst providing a more discrete alternative than the original proposal, is considered to align more closely to a standard suburban design response than what would be expected in an urban environment. In this regard, rather than provide its 'clearance' of Condition 3, it is recommended that Council amend the wording of the condition to provide greater clarity and certainty for the applicant with final details to be provided at the building permit stage.

### **Conclusion**

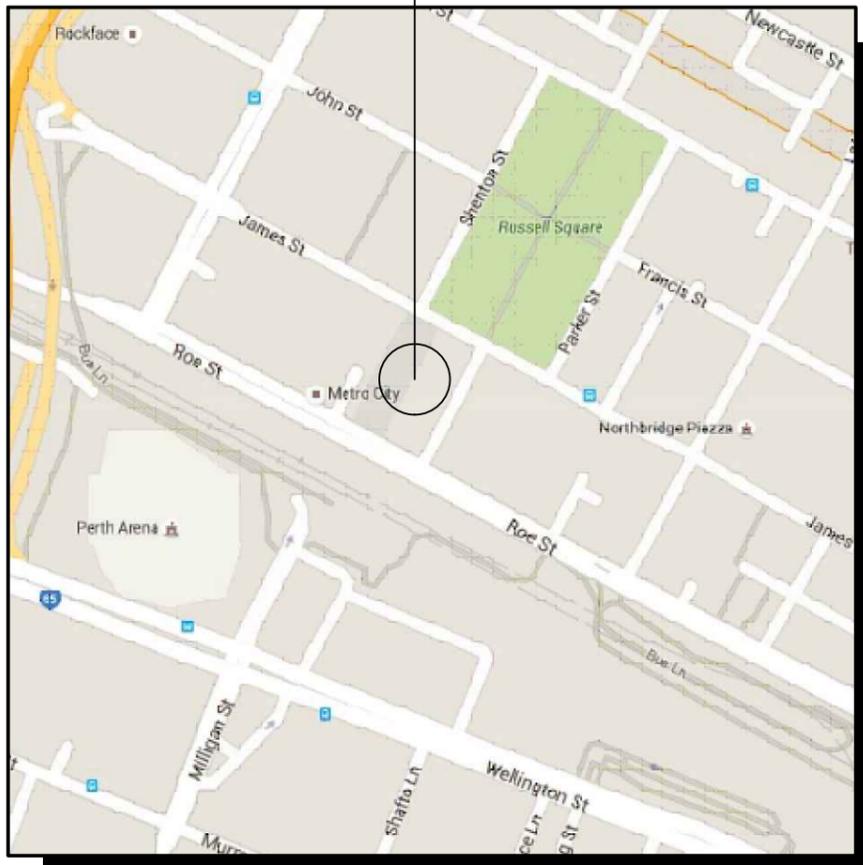
The City considers that the objectives and intent of the original conditions imposed on the approval of the telecommunications infrastructure will not be compromised should they be removed from the relevant development approval in accordance with the Applicant's request. Matters relating to future redevelopment of the site and indemnity against adverse impacts can be managed and the City's interests protected via any future leasing arrangements. On this basis it is recommended that the removal of Conditions 1 and 2 be supported and Condition 3 be reworded to provide greater clarity and certainty for the applicant.



**93-101 (LOTS 123) MILLIGAN STREET, NORTHBRIDGE**



VODAFONE SITE 640044



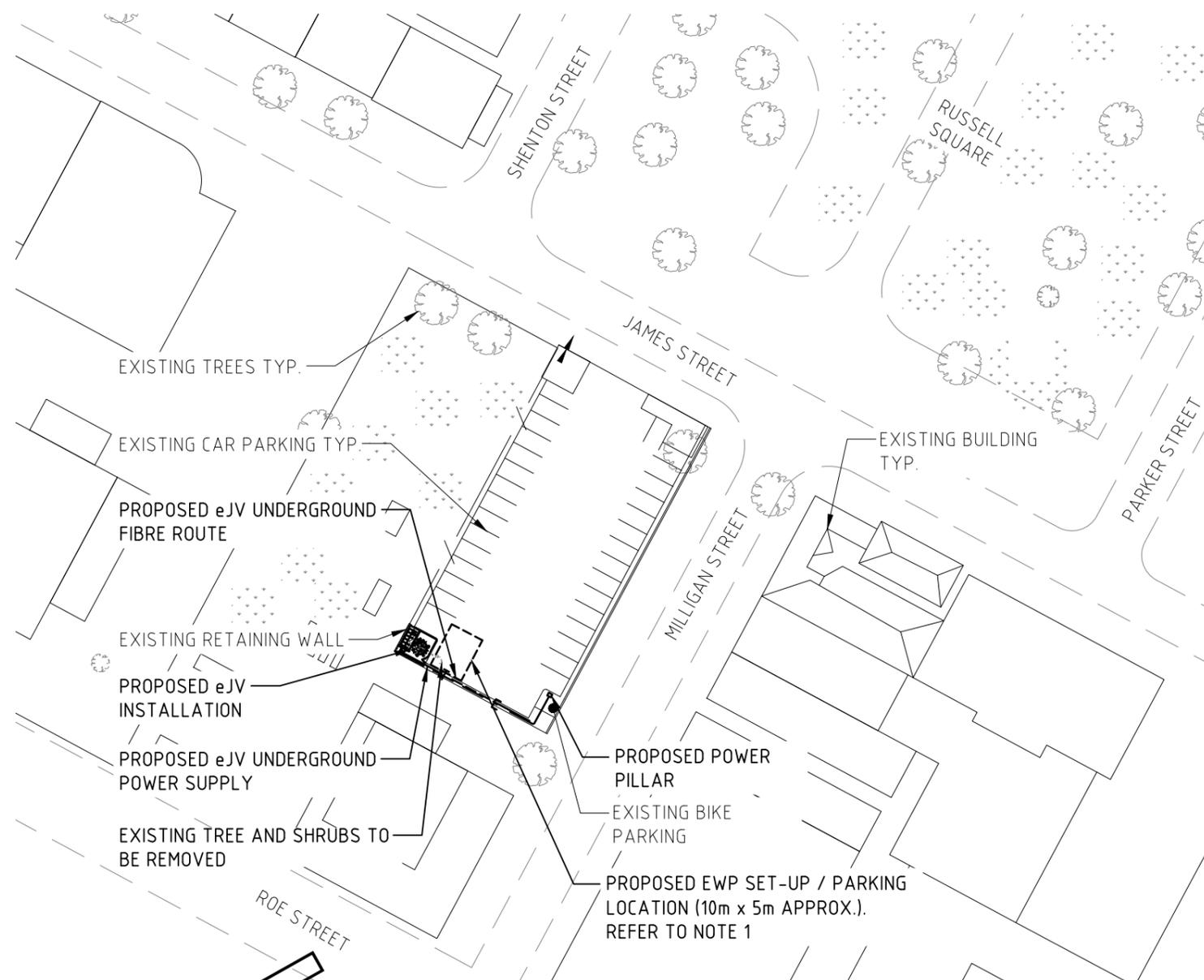
COPYRIGHT © GOOGLE MAPS

**SITE LOCALITY PLAN**

NOT TO SCALE

RFNSA NUMBER: 6003011

CARRIER	SITE NAME	SITE ID
OPTUS	NORTHBRIDGE CENTRAL -V	P8374
VODAFONE	NORTHBRIDGE CENTRAL	640044



**SITE ACCESS**

SCALE 1:1000

**DRAFT**

**NOTES:**

- EWP/CRANE FOR CONSTRUCTION ONLY, CONSTRUCTION CONTRACTOR TO CONFIRM SUITABILITY OF NEW EWP SET-UP / PARKING LOCATION ON SITE PRIOR TO WORK COMMENCING.

JOINT VENTURE NO: JP9457

TITLE: SITE AND LOCALITY PLANS



**vodafone**  
 VODAFONE SITE 640044  
 NORTHBRIDGE CENTRAL  
 93 MILLIGAN STREET  
 NORTHBRIDGE, WA 6003

eJV PROJECT

REV	DATE	REVISION DESCRIPTION	VENDOR	DRAWN	DESIGNED	APPROD
A	10.08.16	PRELIMINARY ISSUE (eJV PROJECT)	SSMC	KD	AG	ST

DRAWING STATUS	DRAWING No.	REV
PRELIMINARY	640044 - G1	A

A3



DATUM POINT	GDA94 CO-ORDINATES		GROUND LEVEL
●	LATITUDE	-31.947408	A.H.D. RL. 12.60m
	LONGITUDE	115.854228	EL 0.00m

**LEGEND:**

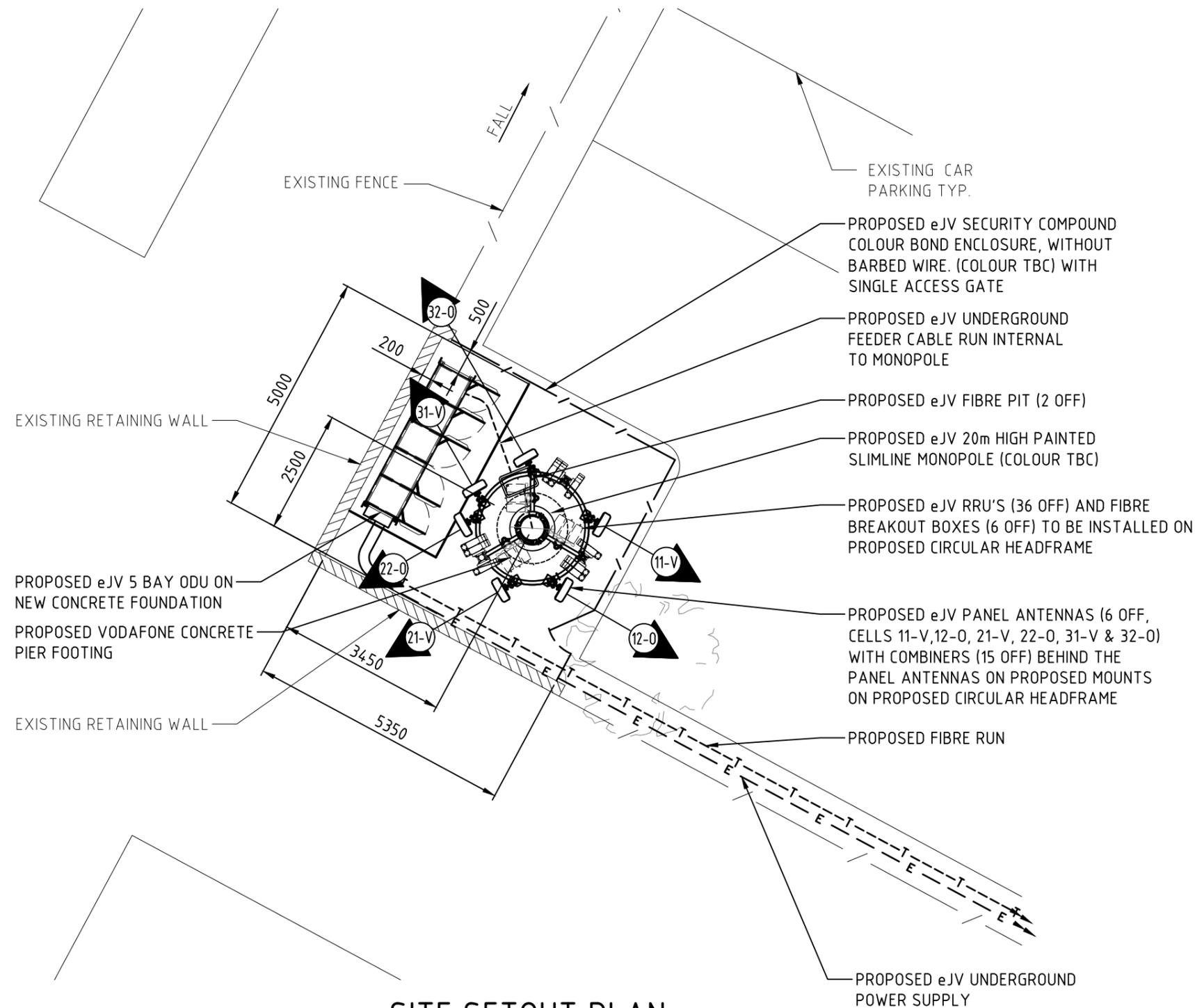


-----T-----T-----T----- UNDERGROUND POWER SUPPLY

-----E-----E----- UNDERGROUND FIBRE ROUTE

**NOTES:**

1. ALL DIMENSIONS IN mm UNLESS STATED OTHERWISE.
2. FOR ANTENNA CONFIGURATION TABLES REFER DRAWING 640044-G4.



**SITE SETOUT PLAN**

SCALE 1:100

**DRAFT**

REV	DATE	REVISION DESCRIPTION	VENDOR	DRAWN	DESIGNED	APPROD
A	10.08.16	PRELIMINARY ISSUE (eJV PROJECT)	SSMC	KD	AG	ST

**servicestream**  
MOBILE COMMUNICATIONS  
40 Hasler Road, Osborne Park WA 6017  
T +61 8 9355 7500 | F +61 8 9355 5100 | www.servicestream.com.au

**vodafone**  
VODAFONE SITE 640044  
NORTHBRIDGE CENTRAL  
93 MILLIGAN STREET  
NORTHBRIDGE, WA 6003

eJV PROJECT

JOINT VENTURE NO:		JP9457
TITLE SITE SETOUT PLAN		
DRAWING STATUS	DRAWING No.	REV
PRELIMINARY	640044 - G2	A



**Agenda Item 8.3**      **379 (Lot 31) Wellington Street, Perth – Proposed Third Party Variable Content Wall Sign**

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**Recommendation:**

***That, in accordance with the provisions of the City Planning Scheme No. 2 and the Metropolitan Region Scheme, Council REFUSES the application for the proposed third party variable content sign at 379 (Lot 31) Wellington Street, Perth as indicated on the Metropolitan Region Scheme Form One dated 8 November 2016 and as shown on the plans received on 21 December 2016 for the following reasons:***

***1. the proposed sign does not comply with City Planning Scheme No. 2 Policy 4.6 Signs given that:***

***1.1 ‘variable content’ signs shall only be considered for approval where they face or are in a public space where the viewing area is designed and intended for pedestrians to linger for an extended period of time, oriented for viewing within the public space and not from adjacent streets;***

***1.2 the ‘variable content’ sign will detrimentally impact on local amenity, the streetscape and the adjacent Barrack Street Conservation Area;***

***1.3 the ‘variable content’ sign is considered to be inappropriately located as it is intended to be viewed by passing motorists and pedestrians entering an intersection, where it could create a safety hazard; and***

***1.4 the ‘variable content’ sign will result in increased visual clutter on the building and within the streetscape as a result of frequently changing imagery associated with the sign.***

FILE REFERENCE:	2016/5553
SUBURB/LOCATION:	379 Wellington Street, Perth
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	27 February 2017
ATTACHMENT/S:	Attachment 8.3A – Location Plan Attachment 8.3B – Perspectives
3D MODEL PRESENTATION:	N/A
LANDOWNER:	Central City Pty Ltd
APPLICANT:	Urbis Pty Ltd
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Citiplace (P5) (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	\$700,000

## **Legislation / Strategic Plan / Policy:**

### **Legislation**

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

### **Policy**

Policy No and Name: 4.6 - Signs

## **Purpose and Background:**

The subject site is located on the southern side of Wellington Street and is approximately 25 metres east of the Wellington Street and Barrack Street intersection. The site is currently occupied by the 'Akara Hotel' (formerly known as the Grand Central Backpackers).

At its meeting held **24 September 2002**, Council granted conditional approval for the erection of a structure to facilitate the display of large format banner signs on the western elevation of the existing building on the subject site. The approval was conditional on signs being installed for a maximum period of six months and any content changes requiring separate approval from the City.

In 2015, the subject sign was identified by the City as not complying with all of the conditions of approval. An application was subsequently submitted seeking to remove the conditions imposed on the original approval relating to the time limitations and changes to advertising content requiring approvals from the City. This was on the basis that the change of content and maintenance of the sign could be managed through the relevant guidelines and codes of conduct. This application was conditionally approved by Council at its meeting held **13 October 2015**.

The City recently issued on 23 February 2017 retrospective conditional approval for eight signs on the subject building including four awning fascia signs, two wall signs and two window signs for the 'Akara Hotel'. The approval included the requirement for an overall consolidation and reduction of the existing unauthorised signage to comply with the City's Signs Policy 4.6.

Related to the subject site and application, it is noted that at its meeting held **22 September 2015**, Council refused an application for a variable content above roof sign with third party advertising content at the adjacent property at 146-152 Barrack Street, Perth. That application is currently the subject of a review by the State Administrative Tribunal (SAT) however a decision is still pending.

## **Details:**

The application proposes to convert the existing static large banner third party advertising sign into a digital format sign. The proposed sign is proposed to be of the same dimensions and located in the same position as the existing static sign. The applicant advises intent of the conversion is to provide for additional visual interest and enhance the vibrancy of the area, consistent with that expected of a CBD environment.

The proposed sign comprises of the following key elements:

- digital screen measuring 5.3 metres (W) x 8.0 metres (H) totalling 42.4m<sup>2</sup> in area;

- illumination levels of 300cd/m<sup>2</sup> at night and 6,000 cd/m<sup>2</sup> during day;
- variable content with a proposed dwell time of not less than 25 seconds; and
- two support posts will be painted to match the wall of the existing building.

The applicant advises the future operator ('APN Outdoor') will manage the content of the sign through the following mechanisms:

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

This is based on the regulation of advertising content in Australia being managed by the ASB, who administers the AANA Code of Ethics and various other Codes. The AANA, together with the ASB, represent two halves of Australia's 'gold standard' system of self-regulation. The independent ASB adjudicates complaints under the codes. The operator will adhere to these guidelines and codes for advertising content and standards across all media.

The applicant suggests that the guidelines and codes of conduct provided by these national industry bodies are considered sufficient to manage the content of the sign and provide an appropriate avenue for addressing any potential complaints.

### **Compliance with Planning Scheme:**

#### **Development Requirements**

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

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

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

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

*Variable Content means static sign content that changes automatically by electronic or programmable methods on a specified time cycle. Where displaying variable content, a small sign is one that has a sign face with an area of 2m<sup>2</sup> or less and a large sign is one that has a sign face with an area of greater than 2m<sup>2</sup>.*

*Wall Sign means a sign that is fixed flat or parallel to, or painted upon, the surface of a wall of a building (including a glass wall or a decorative or screen material fixed flat or parallel to the wall), but not to a roof top plant room setback from the main elevation of the building or*

*to an architectural feature at the top of the building. It includes cabinets fixed to walls to display an advertisement.”*

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

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

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

## **Comments:**

### **Signs Policy**

As previously outlined, the existing large wall sign which contains static third party advertising content has a valid approval in place. Whilst the Policy has been revised since approval was granted for the existing sign, a review of the existing sign confirms it complies with the current general principles and provisions for signs and specific provisions for third party and wall signs prescribed by the Policy. As such the following assessment relates primarily to its proposed conversion to a digital variable content sign.

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

- ‘6.8 (c) Variable content on a large sign (>2m<sup>2</sup> sign face) shall only be considered for development approval:*
- i) facing or in a public space within the Entertainment Area, the Retail Core Area or The Terraces Area and where:*
    - A) the viewing area is designed and intended for pedestrians to linger for an extended period of time; and*
    - B) the sign is oriented for viewing within the public space and not from adjacent streets and can only be viewed by road users if:*
      - 1. it has content that is completely static without any motion, animation or special effects for the duration of its display;*
      - 2. it has a specified duration of display and a transition time between display that comply with standards specified by the State Government transport authority or another authority considered appropriate by the local government;*
      - 3. each display comprises no more than 20% of its area as text and the text is large scale so that it can be easily and quickly read by road users; and*

4. *it does not include any content that could be perceived to be providing public safety instructions to road users.*
- d) *Animated or variable content on a large sign facing or in a public space shall only be considered for development approval where the local government is satisfied that it:*
- i) *is compatible with the desired character of the public space;*
  - ii) *will enhance the visual quality of the public space; and*
  - iii) *will make a positive contribution to the public space and its activation, particularly at night.'*

The proposal is not considered to comply with the above criteria given that is located on the western elevation of the existing building which abuts a private property being 146-152 Barrack Street, Perth. Therefore it is not located within or facing a 'public space' which has been designed for pedestrians to linger for an extended period of time. The applicant contends however, that as the sign will be visible from the adjacent Wellington Street and Barrack Street road reserves, which are used by the public on an ongoing basis, the sign is compliant with respect to clause 6.8(c)(i)(A). This view is not supported by City Officers as the intent of this clause is for large format digital signs to be restricted to plazas, piazzas and gathering spaces of that nature and not standard street environments as specifically required under clause 6.8(c)(i)(B).

Whilst the sign could potentially be conditioned to comply with the requirements specified in subclauses 1. to 4. of clause 6.8(c)(i)(B), it is ultimately considered that as the sign is not oriented for viewing within a public space and is orientated to be viewed by users of the adjacent streets it does not comply with this clause. It is the applicant's view that whilst the sign does face the adjacent street environment, it faces a prominent intersection at Barrack Street and Wellington Street which has a high level of foot traffic and will be viewed by pedestrians waiting at the intersection or walking past. This justification is not supported by City Officers as the intent of the clause is to ensure this type of sign is appropriately located in or near public gathering spaces and not in an ad hoc manner adjacent to streets.

In accordance with the provisions of clause 6.8(d), approval of any large variable content sign is subject to Council being satisfied in regards to its potential to being compatible with, enhancing and making a positive contribution to a public space. Notwithstanding the proposed sign is not considered to be appropriately located within or adjacent to a public space in the first instance, it is City Officers view that it does not meet the criteria specified in the clause. In particular, it is difficult to speculate or quantify how the conversion of the existing sign to a digital format will improve its current contribution to the existing adjacent environment. In contrast, it is considered that modernising its current format may detract from its existing setting adjacent to Barack Street in particular, which is characterised by heritage buildings.

Based on the above it is considered that the variations proposed to the relevant Policy provisions should not be supported. Given the Policy has only recently been revised, it would also be contrary to orderly and proper planning to consider approving a format of sign which is non-compliant with respect to the siting requirements of the Policy. Approval of such significant variations is also likely to compromise the future performance of the recently revised Policy and undermine Council's position when considering applications of a similar nature.

Being near the primary retail area of the city, the locality contains a large number and variety of signs that generally advertise the businesses or products and services on offer within the buildings in the locality. The Signs Policy recognises that consideration should be given to the number and type of signs in the locality so as to avoid visual clutter.

The site already contains static third party advertising and numerous other signs advertising the hotel. It is noted that there are two large existing third party advertising signs located within the railway reserve land on the north-eastern corner of Barrack Street and Wellington Street (not within the City's planning jurisdiction) and that a SAT decision is pending on an application to have another variable content third party advertising sign at 146-152 Barrack Street. It is considered that the proposed digital sign, visible from the intersection, would compete for the viewer's attention with frequently changing displays of multiple advertisements, adding to the perception of a proliferation of signage in the area. When too many signs compete for the viewer's attention, this excessive or confusing messaging is considered 'visual clutter' and it is a general objective of the Signs Policy to prevent visual clutter caused by the unnecessary proliferation of signs that can detract from the visual amenity of the city. For these reasons the sign should not be supported.

### **Traffic Impact**

The applicant submitted a Traffic Assessment in support of the application noting the location of the proposed sign in the vicinity of the Wellington Street and Barrack Street intersection and its potential impact on vehicles and pedestrians. The report concludes that the proposed conversion of the existing static sign to a variable content sign will not pose a risk to motorists or pedestrians using Wellington Street or Barrack Street.

City Officers contend that there are potential risks associated with the proposed transition time of 25 seconds between displayed content on the sign. This is based on 25 seconds being a significant reduction compared with the 45 seconds transition period recommended by relevant Main Roads Western Australia guidelines. It is considered that the proposal has the potential to distract drivers at a critical time (high demand, decision making area) and will interfere with traffic control devices by distracting the focus of attentions of vehicle drivers from traffic signal aspects towards the sign. Of particular concern are the proposed frequency of sign transitions which are likely to occur during the traffic signals green phase thus representing a distraction for motorists.

It is noted that should the sign be considered for approval, there is scope for appropriate conditions to be imposed in regards to sign transitions and content to reduce any risks associated with the adjacent street environment. While limits on dwell and transition time and luminance levels would reduce the safety hazard created by the sign to some degree, this would reduce but not totally remove the risk.

### **Heritage**

Council at its meeting held **22 November 2016** resolved to include the subject building in the CPS2 Heritage List in accordance with Part 3 Clause 8 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. Council's resolution noted the requirement for consultation with the landowner with the matter to be determined at a future meeting. As the proposed listing has not been referred back to Council for consideration as yet, the status of the listing is not considered to be 'seriously entertained' at this stage. Therefore the heritage related provisions of the Policy are not relevant to the assessment and determination of the proposed sign in this case.

It is however relevant that the site abuts the Barrack Street Conservation Area which has been declared under Clause 31 of CPS2. It is recognised that any new external works to buildings within or adjacent to the Conservation Area has the capacity to disrupt and detract from the integrity of the Conservation Area if not managed appropriately. In this regard, it is considered that a large scale digital sign displaying third party advertising would be detrimental to the preservation of the amenity of the Conservation Area and is not supported. In particular, changing the sign from its current static form has the potential to dominate a key entry to the Barrack Street Conservation Area and detract from its existing visual qualities. This is based on the sign being modernised whilst retaining its large scale which is inconsistent and incompatible with the adjacent Barrack Street streetscape which comprises a visually cohesive collection of buildings developed between the 1890's and the inter-war period.

### **General Principles**

In consideration of scale, integration with architecture, rationalisation of signs contributing to visual clutter and inconsistency with the Signs Policy, the modification of the sign will adversely impact and further contribute negatively to the existing visual quality of the area. Particularly when considering the extensive signage already on the building and also existing signs on the nearby rail reserve (not within the City's jurisdiction) which comprises the area.

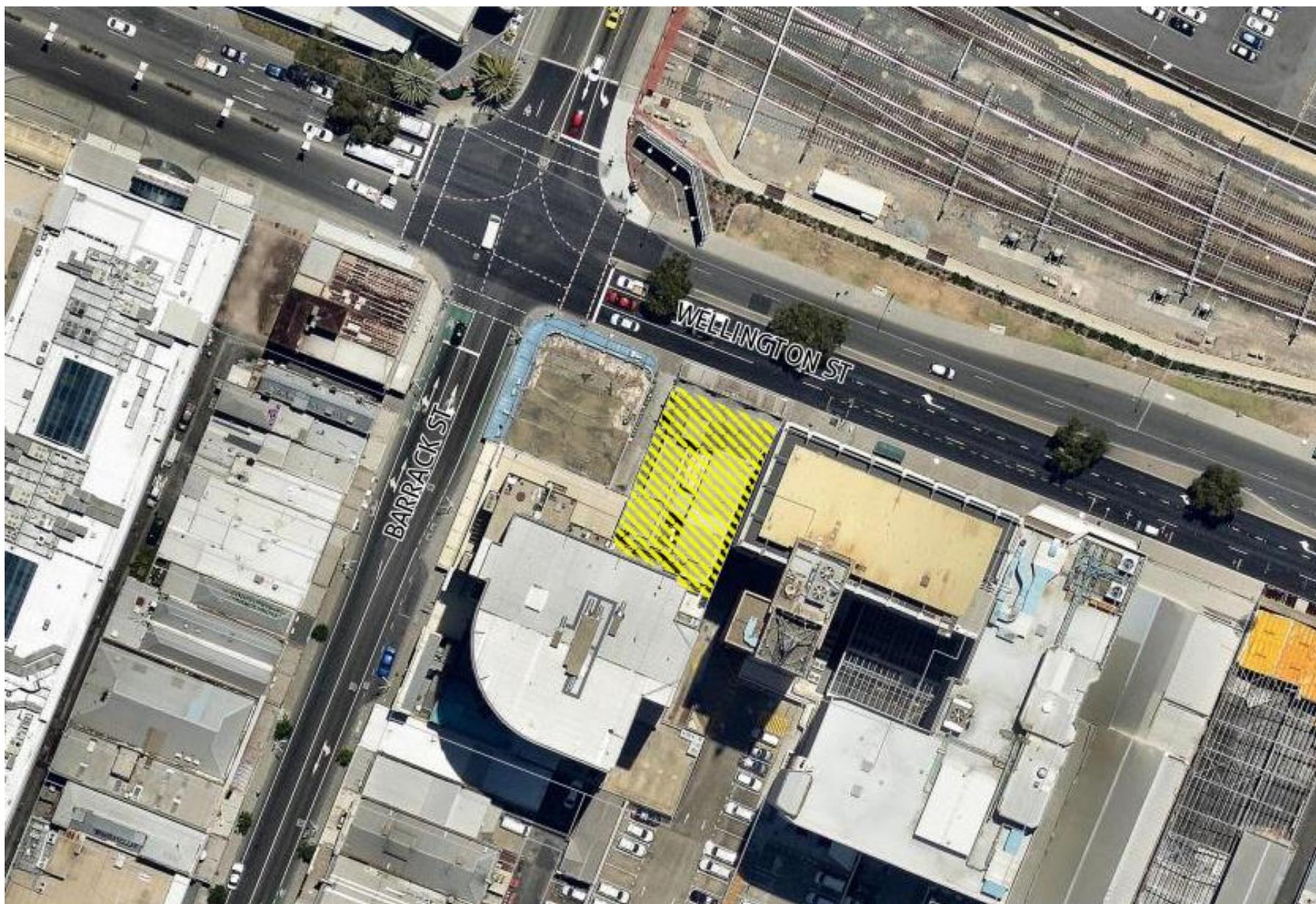
### **Community Expectations**

In recent times it has become apparent that community expectations regarding certain signage, particularly variable content and animated signs, has shifted. This has been extensively considered and reflected in the revised Signs Policy which includes greater scope for these types of signs in appropriate locations than the previous version of the Policy. It is therefore imperative that due consideration be given to any variations to the current Policy noting it already provides for greater flexibility.

In this regard it is noted that at its meeting held on **22 September 2015**, Council refused an application for a digital above roof sign with third party advertising content at 146-152 Barrack Street, Perth (corner of Wellington Street) which is adjacent to the subject site. Whilst the proposal was for an above roof sign and the site is located within the Barrack Street Conservation Area, the application was considered to be inappropriate for similar reasons to those raised in relation to this current application. That application is currently the subject of a review by the State Administrative Tribunal however a decision is still pending.

### **Conclusion**

The proposed conversion of the existing static wall sign does not meet the criteria for large 'variable content' signs applicable under the Policy. The modernisation of the sign is considered to be detrimental to the visual amenity and heritage character of the locality and will adversely impact on the amenity of the adjacent environment. It is therefore recommended that the application be refused for the reasons as outlined in the sections above.



**2016/5553 – 379 (LOT 31) WELLINGTON STREET, PERTH**



**2016/5553 – 379 (LOT 31) WELLINGTON STREET, PERTH  
(PERSPECTIVE SHOWING CONVERSION OF EXISTING SIGN TO INCLUDE VARIABLE CONTENT)**



**2016/5553 – 379 (LOT 31) WELLINGTON STREET, PERTH  
(VIEW OF CURRENT STATIC SIGN AND SURROUNDING STREETScape)**

**Agenda**      **City of Perth Submission - Design WA**  
**Item 8.4**

---

**Recommendation:**

*That Council endorses the submission to the Western Australian Planning Commission on the draft Design WA initiatives advising that:*

- 1. it supports their intent to promote the importance of design quality of the built environment in the planning process across the state;*
- 2. it supports the introduction of State Planning Policy 7 – Design of the Built Environment subject to it being amended to:*
  - 2.1 apply to the development of all buildings including alterations and additions;*
  - 2.2 provide objectives which focus on the goal of delivering good design; and*
  - 2.3 refine the design principles as outlined in Attachment 8.4A,*
- 3. in relation to the Apartment Design Policy it:*
  - 3.1 seeks confirmation that it will apply to the areas of the City of Perth in the same way as the Residential Design Codes at present, or otherwise the Department of Planning works with the City to ensure any alternative approach has positive and practical applications for the city;*
  - 3.2 seeks clarification on how it will affect existing local planning policies and provisions, that apply varying built form controls responding to precinct planning and context;*
  - 3.3 considers that the proposed Primary Controls are not appropriate for high density and mixed use areas such as the city centre and should not be applied to these areas;*
  - 3.4 recommends that it be refined and modified to address the issues outlined in Attachment 8.4A; and*
  - 3.5 recommends that Clause 61(1)(b) of the Deemed Provisions be amended to ensure that development approval is required for internal building works that are not consistent with the requirements and standards of local planning schemes as in its current form it will compromise interior design measures as proposed within the Policy and applied through those schemes,*

*(Cont'd)*

4. *it supports the introduction of state wide guidance on design review but seeks flexibility within this guidance for variations depending upon the nature and size of developments and Local Governments, noting that the City currently has a design review model in place that is efficient and effective;*
5. *it recommends that the Design Review Guide be modified to address the issues outlined Attachment 8.4A;*
6. *it supports in principle the introduction of policy/legislation to require designers of new buildings and additions or alterations over a certain threshold in the city to be qualified architects or have equivalent qualifications and industry based expertise as agreed in consultation with the Australian Institute of Architects to assist the delivery of the State Planning Policy 7 objectives; and*
7. *seeks the opportunity for its Officers to discuss the issues raised in this report and Schedule A with the Department of Planning prior to any of the initiatives being finalised and implemented.*

FILE REFERENCE: P1023743  
 REPORTING UNIT: City Planning  
 RESPONSIBLE DIRECTORATE: Planning and Development  
 DATE: 24 February 2017  
 ATTACHMENT/S: Attachment 8.4A – Issues Table  
 Attachment 8.4B – R Coded Areas within the City of Perth

### **Legislation / Strategic Plan / Policy:**

**Legislation** *Part 3 - State Planning Policies of the Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes) Regulations 2015*  
 City of Perth City Planning Scheme No. 2  
 Former City of Subiaco Town Planning Scheme No. 4

### **Integrated Planning and Reporting Framework Implications**

#### **Strategic Community Plan**

Council Four Year Priorities: Council Four Year Priorities:  
 Major Strategic Investments and Living in Perth  
 S1 Ensure that major developments effectively integrate into the city with minimal disruption and risk.  
 S9 Promote and facilitate CBD living

### **Policy**

Policy No and Name: City of Perth City Planning Scheme No. 2 – 4.9 Residential Design Policy

## **Financial Implications:**

The City's costs to date relate to Officer time to consider the Design WA initiatives. Further detail and clarification is required before the costs of implementation of the initiatives can be forecast.

## **Purpose and Background:**

On 19 October 2016, the Western Australian Planning Commission (WAPC) released Stage One of the proposed Design WA initiatives for public comment. The intent of the initiatives is to provide mechanisms to improve the design quality of development across Western Australia (WA). The purpose of this report is to provide the Council with a summary of the Stage One initiatives and their implications for the City and to seek the Council's endorsement of the administration's submission to the WAPC.

## **Details:**

The Design WA draft Stage One documents include:

- State Planning Policy 7 – Design of the Built Environment;
- Apartment Design Policy - to form Volume 2 of State Planning Policy - Residential Design Codes;
- Design Review Guide; and
- Design Skills Discussion Paper.

A State Planning Policy is a policy adopted by the WAPC to which all local governments must have due regard when preparing or amending local planning schemes and when making decisions on planning matters. The State Administrative Tribunal is also required to have due regard to these policies when determining appeals.

The Stage One Design WA documents are summarised as follows:

**State Planning Policy 7 - Design of the Built Environment (SPP7):** This is the lead policy that will establish the principles, processes and considerations that apply to the design of the built environment in WA. It is proposed to apply to structure planning, subdivision, major public works and development applications.

The objectives of the Policy are listed as:

1. *'A rigorous and consistent process for considering design quality within the planning, design development and construction industries.*
2. *Good design outcomes that meet government and community expectations through a coordinated strategy of design quality mechanisms:*
  - *Design Principles – Performance-based approach to policy*
  - *Design Review – Skilled evaluation expertise*
  - *Design Skills – Skilled design expertise.*
3. *Consistency across jurisdictions and provide an appropriate framework for local and regional settings/variations.*
4. *Timely and efficient assessment of applications for planning and development where this policy applies through a scalable design review process.'*

Ten design principles have been identified to guide the consistent design, review and decision making process for planning proposals. These principles will form a Schedule to SPP7 and are summarised as follows:

1. Context and Character - good design responds to and enhances the distinctive characteristics of a local area and contributes to a sense of place.
2. Landscape Quality - good design recognises that together landscape and buildings operate as an integrated sustainable system within a broader ecological context.
3. Built Form and Scale - good design provides massing and height appropriate to setting and successfully negotiates between existing built form and the intended future character of an area.
4. Functionality and Build Quality - good design meets the needs of users efficiently and effectively, balancing functional requirements to deliver optimum benefit and performing well over the life cycle.
5. Sustainability - good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.
6. Amenity - good design optimises internal and external amenity for occupants, visitors and neighbours, contributing to living and working environments that are comfortable and productive.
7. Legibility - good design results in buildings and places that are legible, with clear connections and memorable elements to help people find their way around.
8. Safety - good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and uses.
9. Community - good design responds to local community needs as well as the wider social context, providing buildings and spaces that support a diverse range of people and facilitate social interaction.
10. Aesthetics - good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

**Apartment Design Policy** (the Policy): This comprises planning and design standards for residential apartments and mixed-use developments to be applied across WA. It is intended to replace Part 6 of State Planning Policy - Residential Design Codes (R Codes) which currently deals with apartments (referred to as multiple dwellings). It will sit alongside SPP7 with the intent that further Policies will follow in the future to address the design of other development types.

The Policy is modelled on the NSW Apartment Design Guide with modifications to allow for WA circumstances. It proposes a performance based approach with design element provisions divided into intent, objectives, design criteria where applicable, and design guidance. The design elements are grouped into three key sections:

1. Primary Controls - corresponds to current R Code standards with some additional standards. They include building envelopes, plot ratio, building height, depth and separation, setbacks and optional development based incentives. They identify two streetscape character types, detached and attached, which are further divided into neighbourhood, medium density and higher density. The detached streetscape types will apply as the default setting, except in activity centres and mixed use areas where the attached streetscape type will apply. It is indicated that local governments are encouraged to undertake precinct planning to refine the controls.

2. Siting of the building - relates to the context, the interface to neighbours and the public domain and deals with the provision of open space and pedestrian and vehicle access. Whilst they modify the current provisions in the R Codes, they also include new initiatives such as tree retention and deep soil areas.
3. Designing of the building - deals with building form, layout, functionality, landscape design, environmental performance and residential amenity. New initiatives include natural ventilation, direct sunlight and daylight access, apartment layouts and mix, minimum ceiling heights, energy efficiency and water management and conservation.

**Design Review Guide** (the Guide): This provides a model for local governments to establish and operate design review panels, and to improve the consistency of design review processes already in operation across WA. It deals with timing of reviews, membership and appointment, remuneration, member induction, meeting procedures, design review modes and thresholds.

**Design Skills Discussion Paper:** This discussion paper seeks submissions on whether the State Government should introduce policy/legislation to require skilled design practitioners to design complex developments in order to improve the quality of design outcomes.

The paper provides three options as follows:

1. Threshold based regulation - where apartment and mixed-use developments above a certain threshold are required to be prepared or certified by a registered architect. The threshold could relate to development size or development cost.
2. Competency based standards - to be oriented to project types and applied equitably to architects and building designers. This would likely involve an industry association undertaking assessment against performance based requirements for design skills (i.e. an accreditation process).
3. No additional regulation - relying on the Apartment Design Policy and design review panels to improve design outcomes, applying design principles and design review to the development approval process.

### **Comments:**

Design WA aims to promote the importance of design quality of the built environment in the planning process across the state and this is commended. The City has long promoted and facilitated a high standard of design quality within the local government area through the application of best practice principles and methods, an effective process of pre-application negotiations with the City's technical specialists and design review by the Design Advisory Committee. The Design WA initiatives, and in particular SPP7, will give the City greater power to ensure good design and promote design excellence.

Comments on the elements of the Design WA initiatives that are considered to be of major significance to the City are provided below. Detailed comments are also included in Attachment 8.4A

### **State Planning Policy 7**

SPP7 will require building designers and developers to apply a consistent set of design principles to the built environment across WA. It will also provide decision makers, including the Council, with a clear and enforceable mandate to insist on good design when

determining development applications. However, the draft Policy requires modification to ensure its effectiveness as follows:

1. Whilst it is suggested that SPP7 will apply to the built environment and all levels of the planning hierarchy, Section 4 – Application of Policy, includes a list that only references residential and institutional development. The urban environment is mixed use by nature with a variety of interacting development types, including commercial, industrial, recreational and community development. To improve the quality of the urban environment, it is important that the principles of good design are applied comprehensively to all development types. Therefore it is recommended that the wording of Section 4 be revised to clarify the Policy’s application to the development of all new buildings including additions and alterations.

Section 4 indicates that the Policy will apply to public works, however it is not clear if this is only major public works. It is also not clear how this would be implemented given that public works are exempt from local planning scheme requirements to gain development approval. It is important that new buildings, including alterations and additions, proposed by public authorities are subject to the same design principles and review as the private sector given that their impact on the environment can be equally as significant or greater. Further clarification is therefore required on this aspect of SPP7.

2. The objectives focus on processes rather than goals and require review. They refer to a rigorous and consistent process, coordinated mechanisms, an appropriate framework and timely and efficient assessment of applications for planning and development with a scalable design review process.

The fundamental objective of the Policy should focus on ensuring new development delivers good design that makes a positive contribution to the urban environment, benefits the community and leaves a positive legacy for future generations, as referenced in Section 3 - Background. It is important that these goals are clearly articulated at a State level, to give good design appropriate weight in design development and decision making. The processes to achieve this should more appropriately be addressed under Section 6 - Measures.

3. The ten design principles intended to provide a consistent framework for the design process (i.e. context and character, landscape quality, built form and scale, functionality and build quality, sustainability, amenity, legibility, safety, community, and aesthetic) are comprehensive. However, the descriptions that accompany the principles require further refinement to adequately cover key issues. Specific details are provided in Attachment 8.4A and include:

- Built form and scale focuses on form and lacks detail in relation to scale;
- Sustainability should reference adaptability to changing uses and conditions and robust design to extend building life;
- Amenity should promote good design to enhance the health and well-being of building occupants; and
- Aesthetics have a critical interrelationship to all of the principles that should be emphasised.

## Apartment Design Policy

The Apartment Design Policy is a positive step towards ensuring improved and more desirable levels of design and amenity in the increasing number of apartment developments in Perth and across the state. However, it is important to note that apartments have been the predominant form of residential development in the city centre for many years and a large number of the design criteria and guidance now proposed within the Policy are already being implemented by the City when assessing apartment developments.

Whilst the Policy is intended to apply to all multiple dwellings/apartment developments and residential components in mixed-use developments and activity centres, it is to be implemented as part of the R Codes, replacing the current Part 6 that deals with the design of multiple dwellings in areas coded R40 or greater. This would limit their application in the city as the R Codes only apply to limited areas as follows and as indicated on Attachment 8.4B:

- In the CPS2 Scheme Area they apply to residential development on land to which the Scheme or a Precinct Plan designates a density coding and these are the Terrace Road Design Policy Area, the Goderich Design Policy Area, the Mount Street Design Policy Area and Crawley.
- In the portion of the City of Subiaco Town Planning Scheme No. 4 (TPS4) Scheme Area now administered by the City of Perth they also only apply to land which has a coding applied to it on the Scheme map and comprises the majority of the University Precinct and the Hollywood Precinct.

This matter has been raised with the Department of Planning (DoP), who have suggested that an alternative, such as an additional Scheme provision, may be necessary to ensure its wider application to apartment development generally. Possible alternatives and their implications would need to be thoroughly considered by the City.

The Policy indicates that where an adopted local planning policy is in operation prior to the Policy's gazettal and is inconsistent with it, the latter will prevail. This has significant implications for the R Coded areas within the CPS2 and TPS4 Scheme areas. Major variations to the R Codes apply under CPS2, including to plot ratio, building height and setbacks. Under TPS4 fewer variations apply, but they include reduced building height in the University Precinct R80 areas. The implications would be greater again if the WAPC were to require the wider application of the Policy to apartment development generally within the city.

Whilst many elements of the Policy are supported, the suitability of many of the design criteria to the city centre built environment, particularly the primary controls, is questioned as follows.

Part 2 of the Policy comprises primary controls such as building envelopes, building heights, plot ratio, setbacks, building separation and building depth. These are generally separated into either detached or attached streetscape patterns of neighbourhood, medium or high density. The detached streetscape pattern is generally the default setting unless otherwise designated by the local government but it is not clear if this designation would require a Scheme Amendment and how this would be managed in the interim.

Difficulty arises in identifying two streetscape patterns that are representative of residential built form across the state. The CPS2 controls within the Terrace Road, Mount Street and

Goderich Design Policy Areas are each refined to relate to the unique desired character in these areas.

The specified limits on the primary controls would not be appropriate within the city centre, particularly in relation to heights and setbacks. They are designed for suburban and regional locations and may be generally appropriate in Crawley and the TPS4 Scheme Area but not the other R Coded areas in the city. This is illustrated in the following table which compares the CPS2 provisions applicable in the Terrace Road Design Policy Area to the Policy. If the Policy were to apply more broadly across the city, rather than only to the R Coded areas, the differences would be greater again.

	<b>CPS2 – Terrace Road Design Policy</b>	<b>Higher Density Detached Streetscape Pattern</b>	<b>Higher Density Attached Streetscape Pattern</b>
<b>Maximum Plot Ratio</b>	<b>2.0:1.0</b>	<b>2.0:1.0</b>	<b>3.0:1.0</b>
<b>Maximum Building Height</b>	14m at street (≈4 storeys) <b>52m overall</b> (≈15 storeys)	5 storeys (≈8 metres)	6 storeys (≈21 metres)
<b>Maximum Boundary Wall Height</b>	NA	1 storey	4 storeys
<b>Minimum Street Setbacks</b>	<b>Nil</b>	<b>4m</b>	<b>2m or nil where commercial</b>
<b>Minimum Side Setback</b>	<b>Nil within 10m of street</b> , and then within a <b>75 degree angle</b> measured from the property boundary but no less than <b>3m</b>	<b>3m</b> (Note: building separation <b>9 to 18m</b> and privacy view cones of <b>3 to 6m</b> apply)	<b>Nil</b> (Note: building separation <b>9 to 18m</b> and privacy view cones of <b>3 to 6m</b> apply)
<b>Minimum Rear Setback</b>	<b>Nil within 10m of street</b> , and then within a <b>75 degree angle</b> measured from the property boundary but no less than <b>3m</b>	6m (Note: building separation <b>9 to 18m</b> and privacy view cones of <b>3 to 6m</b> apply)	Nil (Note: building separation 9 to 18m and privacy view cones of 3 to 6m apply)

The detail of a number of the controls also requires further consideration as detailed in Attachment 8.4A. In particular:

- Building envelopes are overly prescriptive and can restrict alternative design solutions that may equally meet Policy objectives. Given their site specific nature identifying them for all sites in the state where the R Codes apply is also likely to be unwieldy;
- The combination of building setbacks, building separation and visual privacy cones is considered unnecessarily complicated when these controls have overlapping

objectives. The standards should vary depending upon context with reduced levels of separation in city centre and high density areas; and

- Building depth provisions require further clarification and refinement.

Parts 3 and 4 of the Policy relate to the siting and detailed design of buildings. Much of the guidance within these sections would be appropriate within the city centre and the Crawley and TPS4 areas.

Some of the provisions for the detailed design of a building relate to internal design, such as natural ventilation and daylight, noise attenuation and apartment sizes and layouts. While the provisions may be met when development approval of the building is granted, Clause 61 of the Deemed Provisions allows for any internal works to be undertaken to buildings (other than those affected by heritage provisions) at a later stage without development approval. This clause potentially compromises good interior design delivered by the Policy, reducing the internal amenity for the existing or future occupants of the affected buildings. An amendment to the Deemed Provisions to overcome this is recommended and would be consistent with previous advice to the DoP.

There are a number of elements of Parts 3 and 4 that require refinement. Whilst these matters are detailed in Attachment 8.4A, of particular concern are the solar and daylight access provisions, the car parking requirements and the environmental design considerations as follows.

#### Solar and Daylight Access

The Policy includes design criteria to maximise direct solar access to apartments. In the southern areas of WA, including Perth, the living rooms and private open spaces of at least 70% of apartments in a building will be required to receive at least two hours of direct sunlight between 9am and 3pm in mid-winter. In communal open spaces 50% direct sunlight is required for a minimum of two hours at these times.

These requirements are not feasible in high density areas such as the city centre due to overshadowing from adjacent buildings. Tall buildings in high density areas often overshadow each other in the morning and afternoon regardless of setbacks. The requirements are also problematic where views are to the south, such as from the city centre to the river. Optimising daylight access to and outlook from habitable rooms is considered to be more critical. The Policy prescribes minimum window sizes that, along with appropriate building separation, appropriately address this.

While access to sunlight in winter is important, it should also be acknowledged that in Perth, for significant periods of the year, building design should aim to minimise direct sunlight access to apartments, particularly in the afternoon. The Bureau of Meteorology records show that the mean maximum temperature in the Perth metropolitan area in 2016 was greater than 20°C for eight out of 12 months with the highest maximum being 42.5°C. Design to address this and the trend towards hotter temperature generally should be given greater emphasis within the Policy.

The use of mid-winter as a benchmark for measuring sunlight access into public spaces is not appropriate as this is when shadows are at their longest and overcast days are most common (in Perth in June an average of 19 days are overcast). The CPS2 Building Heights and Setbacks Policy requires that development maintains moderate to high levels of sunlight

penetration between August and April, 10.00am to 2.00pm into key public spaces. This is considered a more appropriate benchmark.

### Car Parking

As per the R Codes, the Policy divides car parking requirements across WA into two categories, Location A applying to developments located in an activity centre or close to public transport, and Location B applying to all others. In Location A, a minimum of 0.75 bays would be required per one bedroom dwelling and one bay per two bedroom dwelling or greater. Maximums would be double these figures. Under CPS2 in R Coded areas, car parking requirements are in accordance with the R Codes while in other areas requirements vary depending on proximity to the city centre. In the core of the city centre no minimum and a maximum of 1.5 spaces apply per dwelling.

The Policy requirements for Location A are generally considered to be too high and in particular, it is recommended that minimum car parking requirements be removed. 21% of households in the City of Perth do not own a car and there is a growing trend for developments in the city to include apartments without car parking allocation, reducing the cost of the apartments and thus improving affordability. It also has positive sustainability outcomes in terms of vehicles in the city and reduced parking infrastructure on site.

The specified visitor parking requirements do not vary depending upon location and are one bay per four dwellings up to 12 dwellings and one bay per eight dwellings above this. Further refinement is required to address the wide range of contexts across the state, from country towns through to metropolitan suburbs and the city centre. The specified numbers are not warranted in the city centre due to good access to public transport and public parking.

Based on 2011 dwelling sizes and resident population forecasts, the Policy's resident and visitor car parking requirements would result in a minimum of ≈11,700 and a maximum of ≈22,100 additional car parking spaces in the City of Perth by 2036. This equates conservatively to a minimum of 29 hectares and a maximum of 55 hectares of car parking bays. These numbers have major implications for construction costs, building form, housing affordability, traffic movement and the amenity of the city environment generally.

### Environmental Design

Appropriately, the Policy introduces guidance on various elements of environmental design. However, the provisions in relation to energy and water efficiency require further consideration.

The National Construction Code tests the energy efficiency of building applications across Australia using the NatHERS rating tool. The Policy requires that targeted NatHERS ratings be disclosed at development application stage and that development comprising ten or more apartments or more than three storeys in height seeks to achieve a reduction in energy consumption of 25% using this tool. The Policy also requires that these developments seek a 40% reduction in Scheme water usage relative to Water Corporation published average per person figures.

While these measures are a positive step forward, they are not mandatory requirements and do not necessarily reflect best practice. In particular, the NatHERS tool rates thermal comfort rather than energy efficiency. Whilst some local governments have prescribed

minimum standards for energy efficiency within planning policy, it is considered preferable for the State Government to identify consistent mandatory standards for environmental design across WA. This would be similar to the approach in NSW where legislation mandates the use of the BASIX sustainability rating tool to measure both energy and water efficiency of buildings.

It is therefore recommended that best practice measures to deliver energy and water efficiency be further investigated for application on a consistent state wide basis.

### **Design Review Guide**

The documentation suggests that the Guide is intended as a best practice model for the establishment and operation of design review panels. It recognises that different modes of design review are appropriate depending upon the range and scale of development types and the nature of the local government. It is important that this is reflected in any measures to make design review panels mandatory.

The Guide promotes design review twice prior to development application lodgement, at the concept design stage and when the design has further progressed, and a further review after lodgement. It also suggests that the Design Review Panel Chair or a delegate undertake a check at the building application stage. This process has significant time and cost implications for local governments and applicants which need to be carefully considered. Difficulties arise in the remuneration of costs from applicants for review at the pre-application stage, particularly when proposals do not proceed to lodgement. Requiring checks of building applications by the Design Review Panel Chair or a delegate may not be feasible given they are often otherwise employed and their availability is limited, whilst tight statutory building application timeframes need to be met.

The City has a design review model that differs significantly from that recommended. The City employs Officers who have significant technical expertise in design review, including a City Architect. These Officers operate a pre-application process that most building designers take advantage of and it is effective in significantly reducing design issues prior to development application lodgement. CPS2 also mandates the appointment of a Design Advisory Committee to advise on design matters and the awarding of bonus plot ratio. This Committee reviews development applications after lodgement and prior to their determination by the Council or the Local Development Assessment Panel.

This model of design review is efficient, timely, effective and well regarded by the industry. The pre-application process removes the need for involvement of the Design Advisory Committee prior to lodgement. Once lodged, applications are generally only presented to the Design Advisory Committee once, reducing time and expense for all parties. While this system works for the City, it is clear that it would not be appropriate for all local governments across the state. Any move to regulate the establishment of the design review processes should provide flexibility as indicated in the Guide, to allow for the variety of design and other technical expertise within local governments across the state.

The Guide should more clearly indicate that design review panels make recommendations only and do not have a decision making function. Design review can have a tendency to focus on the architectural merit of a development. Design review panel's recommendations need to be considered along with all relevant land use planning considerations identified under the Deemed Provisions and Local Planning Schemes. A positive recommendation by a design review panel should not be assumed to be development approval.

The Guide includes a Design Review Threshold Table that recommends the mode of design review best suited to a particular development type. It includes thresholds to apply to a proposed State Design Review Panel for projects of state significance and public works of state and regional significance. This table requires refinement to address all types of major development and to assure a consistent approach at both local and state government levels.

Further detailed issues are listed in Attachment 8.4A.

### **Design Skills Discussion Paper**

The Discussion Paper identifies possible policy/legislation options to ensure that designers of development in WA have appropriate design skill expertise to deliver quality design outcomes. The City would support legislation to require designers of new buildings or major alterations or additions within the city to be qualified architects or have equivalent qualifications and industry based expertise.

The City is constantly assessing a range of multi storey residential and commercial developments of differing scales and complexities in a high density environment. A key priority is to ensure that these developments are of a high architectural and design quality appropriate to the capital city. While appropriate design policies and design reviews are important, the expertise of the designer is fundamental to delivery of high quality outcomes that reflect policy well. While requiring minimum qualifications would not guarantee this, it would provide an appropriate baseline.

The City would be keen to be involved in discussions on the development thresholds to which this would apply. How the industry-based expertise is determined would need to be determined in consultation with the relevant Industry Associations.

### **Conclusion**

The intent of the Design WA initiatives to improve the design of development across Western Australia is strongly supported. In particular SPP7 will give provide greater direction to proponents on critical principles that must be addressed when undertaking development design and provide appropriate weight to these principles in the planning decision making and appeal processes. Notwithstanding this, there are a number of matters that require further clarification and refinement prior to implementation as detailed in this report.

## Design WA – Issues Table

Abbreviations:

City – City of Perth, CPS2 – City of Perth City Planning Scheme No. 2, LG – Local Government

LPS – Local Planning Scheme, R Codes – Residential Design Codes

No.	Document	Issue	Recommendation
<b>State Planning Policy</b>			
1.	Application of Policy	<p>While the Policy indicates that it will apply to all development, the list provided on page 5 only references residential and institutional development. Given the mixed-use nature of the built environment, to be effective the Policy should apply to the development of all buildings, including alterations and additions.</p> <p>The Policy references ‘major public works’ and ‘public works’. It is important that this is clarified and works, particularly buildings, by public authorities are subject to the same design principles and review as private sector development given their impacts can be equally as significant or greater.</p> <p>Given that public works are exempt from planning approval under local planning schemes, a protocol for implementation of the SPP by public authorities needs to be established.</p>	<p>Extend list to include the development of all buildings including alterations and additions.</p> <p>Clarification required.</p> <p>Clarify protocol for application by public authorities.</p>
2.	Objectives	<p>The objectives focus on processes rather than goals. The fundamental objective of the Policy should focus on ensuring new development delivers good design which makes a positive contribution to the urban environment, benefits the community and leaves a positive legacy for future generations (i.e. similar to the wording in background).</p> <p>Clear articulation of the objectives of good design is critical to the</p>	Revise objectives.

		effectiveness of the SPP.	
3.	Schedule 1 - Design Principles	First Sentence - Ideally the number of design principles should be reduced to provide clarity and enhance usability. The reduced number of design principles could then have sub-headings.	Consider reducing the number of design principles.
4.	Context and Character	<p>Rather than just contributing to a sense of place, good design should 'positively' contribute.</p> <p>The requirement for the delivery of densities consistent with projected population growth should be simplified. Densities should be consistent with the local planning scheme and the intended character. These would reflect desired population growth.</p> <p>Climate change should be referenced when referring to the need to respond to the future character of an area.</p>	<p>Amend wording.</p> <p>Amend wording.</p> <p>Amend wording.</p>
5.	Landscape Quality	The requirement to balance consideration of environment factors with social, cultural and economic conditions is not appropriate. These factors do not need to compete, but rather can be symbiotic.	Amend wording.
6.	Built Form and Scale	Despite being included in the heading, scale is not dealt with in the detail. The scale of development in relation to surrounding development and intended character is important.	Add wording.
7.	Functionality and build quality	Projects should be resilient to the wear and tear expected from its intended use 'and from the environment'.	Amend wording.

8.	Sustainability	<p>This section should include reference to to adaptability to changing uses and conditions, re-use, and robustness of design to extend building life.</p> <p>Sustainable landscape and urban design should <i>'aim to protect and enhance important'</i> natural features and ecological processes rather than <i>'minimise negative impacts'</i> on them.</p>	<p>Add wording.</p> <p>Amend wording.</p>
9.	Amenity	<p>This section should include stronger emphasis on good design for health and well being. Consideration should be given to access to nature and green space, and biophilic design and WELL building principles generally.</p>	<p>Amend wording.</p>
10.	Legibility	<p>Reference to existing movement networks should be extended to include developing and proposed networks.</p>	<p>Amend wording.</p>
11.	Aesthetics	<p>Aesthetics has a critical interrelationship with all of the other principles and their achievement and this should be stated.</p> <p>The key elements of good architecture should be referenced – e.g. symmetry, proportion, rhythm, articulation, innovation and being fit for purpose.</p>	<p>Amend wording.</p> <p>Amend wording.</p>
<b>Apartment Design Policy</b>			
12.	Policy Objectives	<p>Use of 'encourage' in several objectives lacks certainty and is open to misuse.</p> <p>The objectives do not reference the need to achieve appropriate amenity for residents and neighbours.</p>	<p>Replace 'encourage' with 'ensure'.</p> <p>Add an objective that requires apartments and mixed use development to deliver a high level of</p>

		<p>The objectives do not adequately address the need for apartment designs to be sustainable. As part of this, designs should be responsive and adaptive to climate change.</p>	<p>amenity for the residents and neighbours.</p> <p>Give greater emphasis to sustainability in the objectives.</p>
13.	Images	<p>A number of the photos within the Policy document are poor examples of design and would not be encouraged or permitted in the City.</p>	<p>Review all photos and replace as necessary.</p>
14.	Application	<p>The Design Policy states that it applies to multiple dwelling/apartment developments and residential components in mixed-use developments and activity centres.</p> <p>Under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, the R-Codes apply to an area if the area has a coding.</p> <p>CPS2 states that the R Codes apply only to a residential development on land to which the Scheme or a Precinct Plan designates a density code. The portion City of Subiaco Town Planning Scheme No. 4 now administered by the City states that the R Codes apply to an area if the area has a coding number applied to it on the Scheme Map.</p> <p>Clarity is needed on mixed-use development to be assessed under the Apartment Policy. The majority of apartments within the city centre are part of mixed-use developments. The Policy does not indicate if, as per the R Codes, only certain sections apply to mixed-use</p>	<p>Confirm that the current application of the R Codes will apply to the city. Alternatively work with the City to find a method and level of application that will be appropriate and practical for the City.</p> <p>Clarify how the Apartment Guide will apply to mixed-use development.</p>

		<p>development in R Coded areas.</p> <p>Many elements of the Policy, such as primary controls, may not be relevant to mixed-use development state-wide or where the apartments may be only a minor use within the development. However ideally some of the internal design guidance would apply to all residential development within a mixed use development, e.g. apartment sizes, ventilation and day light access.</p>	
15.	Variations to Apartment Design Guide	<p>It is not clear how the Design Guide will affect existing local planning provisions and policy.</p> <p>It is indicated that local provisions may vary primary controls and design criteria with WAPC approval. The Policy also states that <i>'If a properly adopted local planning policy which came into effect prior to the gazettal of this policy is inconsistent with this policy, this policy prevails over the pre-existing local policy to the extent of inconsistency.'</i></p> <p>Major variations to the R Codes apply under CPS2, including to plot ratio, building height and setbacks. Under TPS4 fewer variations apply, but they include reduced building height in the University Precinct R80 areas. The implications would be greater again if the WAPC were to require the wider application of the Policy to apartment development generally within the city.</p>	<p>Clarification on this matter is required.</p> <p>It would not be appropriate as a general rule for existing local planning policies to be superceded or require further approval where they vary from the Policy and in particular primary controls. This has significant implications for the City.</p>
	<i>Primary Controls</i>		
16.	Streetscape Patterns	<p>Whilst the detached streetscape pattern is intended to generally be the default setting unless designated otherwise by a LG, it may</p>	<p>Clarification required.</p>

		<p>be inappropriate in many areas. It is not clear if this designation would require a Scheme Amendment and how this would be managed in the interim.</p> <p>Difficulty arises in identifying two streetscape patterns that are representative of residential built form across the state. The CPS2 controls within the Terrace Road, Mount Street and Goderich Design Policy Areas are each refined to relate to the unique desired character in these areas.</p>	
17.	Primary Controls Table	<p>The settings under the detached and attached primary controls would not be appropriate in large areas of the city centre given the higher intensity of development.</p> <p>The City already has recently reviewed plot ratio, building heights and setbacks in place across the city including in residential use areas. These settings are significantly different to those in the Table and are refined to relate to the unique desired character in the specific areas.</p> <p>The issues with variations to the Design Guide as raised under Item 15, are particularly relevant. It would not be appropriate for the Design Guide to supercede existing CPS2 planning provisions and policies that specify these types of controls.</p>	<p>The application of the settings within the table to the R Coded areas within the city requires further consideration as the settings are not appropriate.</p>
18.	Building Envelopes	<p>Building envelopes are not appropriate in the city. They are overly prescriptive and can restrict alternative design solutions that may equally meet Policy objectives.</p> <p>Given their site specific nature</p>	<p>The introduction of building envelopes is not supported.</p>

		By nature, building envelopes are site specific and implementing them over all R Coded sites across the state is also likely to be unwieldy.	
19.	Building Height	Using storeys rather than metres to measure building height can lead to uncertainty as what constitutes a storey can be open to interpretation and floor to ceiling heights can vary depending on use and quality of development.	Review methodology.
20.	Building Depth	Building depth is not defined. Fig2.7(b) suggests it is depth and width. Table 3 is lacking detail and the wording is unclear. The table only applies to one configuration and the prescribed depth is not specified as a maximum.	Provide definition and revise table to be user friendly and clear.
21.	Building Separation	The combination of building separation distances, side and rear setbacks and visual privacy view cones is unnecessarily complicated. Building setbacks and separation address visual privacy.  The identification of one set of default building separation distances to apply across the whole of WA is overly simplistic. Reduced levels of separation should be anticipated in the city centre and high density areas generally.  Building separation requirements assume that existing development on adjoining sites will remain into the future and is appropriate.  Increasing setback distances by 3m where a site borders a lower density zone is inappropriate and impractical on the many narrow lots in the city centre.	Review and reduce number of controls.  Review building separation and provide variable standards depending upon context.  Rather than specifying 3m, the setback should be closer to / reflect that applicable in the bordering lower density zone.

22.	Side and Rear Setbacks	As indicated under Issue 21 the combination of building separation distances, side and rear setbacks and visual privacy view cones is unnecessarily complicated and often couldn't be achieved in the city.	Review and reduce number of controls.
23.	Incentive based development standards	CPS2 has incorporated bonus plot ratio incentives for many years. This experience has shown that the number of incentives adopted by a LG should be limited and targeted to be successful in achieving strategic objectives. Too many options dilute the benefits.  Removing existing vehicular access from a major road should be required and not incentive based.	Provide additional guidance.  Remove from list.
24.	Co-ordinating Local Policies - Utility Services  -Water Sensitive Urban Design	Utility providers do not necessarily prioritise good design outcomes when determining minimum building service requirements. Many requirements are outdated and inflexible, and particularly problematic where nil street setbacks apply. Of primary concern is the percentage of frontages taken up by services.  Apartment developments should adopt water sensitive urban design principles as part of the design process.	While LG can assist, there is a need for State Government to undertake a co-ordinated review of minimum building utility service requirements to ensure that they are sustainable and conducive to good design.  Reference water sensitive urban design in the list of matters to be considered.
<i>Siting the Building</i>			
25.	Site Analysis	The site analysis legend should include existing vegetation, views and outlook.	Require further information.
26.	Orientation	Objective 3.2.1 proposes to optimise solar access within development. While access to sunlight in winter is important, it should also be acknowledged that in large areas of	Review and give increased emphasis to the need to minimise direct solar access in warm months/climates.

		<p>WA, including Zones 4 and 5, minimising solar access for large parts of the year is a greater priority. The Bureau of Meteorology records show that the mean maximum temperature in the Perth metropolitan area in 2016 was greater than 20 degC for 8 out of 12 months with the highest maximum being 42.5 degC.</p> <p>Whilst Objective 3.2.1 requires buildings to face the street, it is important that tall buildings are four sided.</p> <p>The guidance does not reference properties that orientate to enjoy significant views or outlooks to the south.</p> <p>Objective 3.2.2 Minimising overshadowing of neighbouring properties as specified, and in particular living rooms, private open spaces and communal open spaces is difficult to achieve in the city centre because of the density and height of development. Tall buildings often overshadow each other in the morning and afternoon regardless of setbacks.</p>	<p>Review wording to consider all elevations of tall buildings.</p> <p>Add wording to acknowledge orientation to address views.</p> <p>Review wording to recognise high density areas.</p>
27.	Existing Tree Retention	<p>3.3.2 DC1 allows for existing trees identified for retention to be retained, or replacement or offset cost paid to LG. For significant large/mature trees, retention should be a priority unless tree health is an issue.</p>	<p>Review wording of DC1 to prioritise retention of significant trees.</p>
28.	Deep Soil Areas	<p>Objective 3.4.1 Whilst reference to the positive outcomes of rainwater infiltration, passive irrigation and biodiversity is made in the intent, they are not referenced in the objectives or design criteria.</p>	<p>Address in objective and design criteria.</p>

		<p>Appropriate design and location of planting on structures is critical to ensure there long term success. (e.g. orientation, light access, wind conditions).</p>	<p>Address in design guidance.</p>
29.	Communal Open Space	<p>Intent In addition to the functions listed, public open space has a drainage and stormwater management function.</p> <p>Objective 3.5.1 DC1 should encourage provisions for developments with up to 10 dwellings rather than not require.</p> <p>DC2 The direct sunlight requirements for communal open space are not appropriate or feasible in the city centre.</p> <p>Mid winter is not an appropriate benchmark as this is when the space is least likely to be used, the shadows are at their longest and in June an average of 19 days are overcast.</p> <p>In high density area where there are multiple tall buildings it is not a feasible requirement.</p>	<p>Add wording.</p> <p>Amend wording</p> <p>Amend criteria. Moderate to high levels of sunlight penetration between August and April, 10am to 2pm is considered to be a more appropriate benchmark.</p>
30.	Visual Privacy	<p>As indicated under Issue No. 21, the combination of building separation distances, side and rear setbacks and visual privacy view cones is unnecessarily complicated.</p> <p>Objective 3.6.1, DC1 Visual privacy cones are overly complicated and are not warranted or practical in the city centre due to the density of development and the small size of many lots. Reduced levels of privacy should be anticipated in high density city centre areas.</p>	<p>Review and reduce number of controls.</p> <p>Remove these requirements.</p>

		Increasing setback distances by 3m where a site borders a lower density zone is inappropriate and impractical.	Rather than specifying 3m the setback should be closer to/reflect that applicable in the lower density zone.
31.	Public Domain Interface	<p>Objective 3.7.1 Design Guidance- Direct entry to apartments from the street in the city centre is often not desirable for safety and amenity reasons. In high density mixed-use areas, the CPS2 does not permit residential uses to front the street at street level.</p> <p>Objective 3.7.1 and 3.7.2 Design Guidance- Protrusion of car parking above ground level within street setbacks should be discouraged. Similarly, the location of car park vents within streets setbacks or venting to the street should not be permitted.</p>	<p>Review wording.</p> <p>Review wording.</p>
32.	Pedestrian Access and Entries	<p>Objective 3.8.1 Design Guidance – While the need to consult early with relevant authorities regarding fire and service access these authorities do not necessarily prioritise good design outcomes. Firefighting and service access such as gas, electricity and water meters requires careful consideration in the design of the street façade and this should be done in consultation with the LG.</p> <p>Access should cater should for furniture delivery/removal.</p> <p>Objective 3.8.3 The provision of pedestrian links on large sites is not always desirable. It can inappropriately reduce pedestrian numbers on the street and conflict with CPTED principles.</p>	<p>Reword to consult early with ‘Local Government and’ relevant service authorities.</p> <p>As indicated under Issue 24, there is a need for State Government to undertake a co-ordinated review of minimum building utility service requirements to ensure that there is consideration of good design.</p> <p>Add design guidance.</p> <p>Clarify objective. Provide pedestrian links where there is a strategic need, required link to achieve walkability, etc and it will not lead to an inappropriate reduction in</p>

			pedestrian numbers on the street.
33.	Vehicle Access	<p>Objective 3.9.1 Design Guidance Doors or gates at car park entries are often visually permeable. Where this is the case the visible interior should also reflect the façade design and building services should be concealed.</p> <p>Inset gates to allow space for a waiting car are not always a good outcome for the streetscape or pedestrian safety and may conflict with CPTED principles.</p> <p>Minimising excavation is a cost issue rather than a design issue. Excavation is encouraged in the city centre to accommodate basement car parking.</p>	<p>Review wording.</p> <p>Review wording.</p> <p>Review wording.</p>
34.	Car and bicycle parking	<p>Objective 3.10.1 DC1 The car parking ratios in table 3.10.1 – Location A are not appropriate in the city. They are generally considered to be too high and in particular it is recommended that minimum car parking requirements be removed. 21% of households in the City of Perth do not own a car and there is a growing trend for developments in the city to include apartments without car parking allocation, reducing the cost of the apartments and thus improving affordability. It also has positive sustainability outcomes in terms of vehicles in the city and reduced parking infrastructure on site.</p> <p>The prescribed visitor car parking requirements are not warranted in the city centre due to good access to public transport and public parking.</p>	<p>Review table.</p> <p>Review wording.</p>

		<p>Based on 2011 dwelling sizes and ID forecasts, the Policy's resident and visitor car parking requirements would result in a minimum of ≈11,700 and a maximum of ≈22,100 additional car parking spaces in the City of Perth by 2036. This equates conservatively to a minimum of 29 hectares and a maximum of 55 hectares of car parking bays. These numbers have major implications for construction costs, building form, housing affordability, traffic movement and the amenity of the city environment generally.</p> <p>DC2 Australian Standards AS2890.1 are not always appropriate as they don't allow for smaller cars.</p> <p>Objective 3.10.2 DC1 The requirement of 0.5 bicycle parking spaces per dwelling is too low.</p> <p>The City is currently reviewing CPS2 bicycle parking provisions and considers that a minimum of 1 bicycle parking space per apartment and 1 bicycle space per 10 apartments is more consistent with requirements in city centres in other states and generally more appropriate.</p> <p>DC2 Motorcycle and scooter parking should not directly relate to car parking numbers. The use of motorcycles and scooters should reduce the demand for car parking.</p> <p>Objective 3.10.4 Design Guidance Excavation to accommodate basement car parking is encouraged in the city centre as above ground parking can lead to significant amenity problems. Guidance to avoid underground parking in high</p>	<p>Review wording.</p> <p>Increase requirement to at least a minimum of 1 bicycle parking space per apartment and 1 bicycle space per 10 apartments. The exception would be where an apartment's store is of an appropriate size and dimension to accommodate a bicycle.</p> <p>Review requirement. Motorcycle and scooter parking should relate to apartment numbers.</p> <p>Review wording.</p>
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		<p>water table locations is cost based rather than design based.</p> <p>Objective 3.10.6 Design Guidance. Above ground parking should generally not front the street as it reduces the potential for passive surveillance and reduces the amenity of the streetscape. Ideally above ground car parking should be located to the rear of the site and/or sleeved with active uses. Screening is not an appropriate solution as it provides minimal passive surveillance of the street and is not effective at night.</p> <p>Rather than reducing the impact of open car parking decks on adjacent apartments with shade structures or landscaping, in the City car parking should not be visible from the public realm or adjacent properties.</p>	<p>Review wording.</p> <p>Review wording.</p>
<i>Designing the Building</i>			
35.	Solar and Daylight Access	<p>Intent and Objective 4.1.1 As indicated under Issue 26 in large areas of WA, including Zones 5 that covers Perth, building design should minimise direct sunlight access to apartments at certain parts of the year.</p> <p>Designing to minimise direct afternoon sun can be particularly difficult and should be addressed.</p> <p>As indicated under Issue 29 mid-winter is not an appropriate benchmark for measuring sunlight access into public spaces in Perth, as this is when shadows are at their longest and overcast days are most common (in Perth in June an average of 19 days are overcast).</p> <p>Objective 4.1.1 DC1 A requirement for 70% of</p>	<p>Review and emphasise the need to minimise solar access in warm months/climates.</p> <p>Review measure. In Perth moderate to high levels of sunlight penetration between August and April, 10am to 2pm is a more appropriate benchmark.</p> <p>Review wording.</p>

		apartments in a building to receive 2 hours of direct sunlight in mid-winter is not feasible in high density areas such as the city centre due the overshadowing from adjacent buildings.	
36.	Natural Ventilation	<p>Objective 4.2.3 DC1 The provisions are overly prescriptive, particularly in high density areas and on constrained sites. Alternative design solutions should be considered.</p> <p>In the upper levels of tall buildings wind mitigation measures need to be incorporated into design.</p>	<p>Simplify provisions.</p> <p>Add guidance.</p>
37.	Apartment Sizes and Layouts	<p>Under Clause 61 of the Deemed Provisions, internal works that do not materially affect the external appearance of a building do not require development approval. The exception to this is where works are to a heritage building or a building in a heritage area.</p> <p>As a result, while apartment sizes and layouts may comply with the Policy when constructed, these sizes and layouts could be altered without development approval later. This applies to other internal design considerations contained within the Policy and undermines its intent.</p> <p>Objective 4.4.3 A number of the apartment layouts depicted are not good examples and would not be encouraged within the city.</p> <p>Design Guidance - Avoiding direct access from living areas to bedrooms, bathrooms and laundries is often not achievable and not warranted in an apartment. It is also not reflected in some examples</p>	<p>Review the Deemed Provisions to correct the conflict and ensure good design outcomes are maintained over the life of a development.</p> <p>Review examples.</p> <p>Remove guidance.</p>

		provided.	
38.	Storage	<p>Objective 4.7.1 DC1 and Design Guidance. Requiring only 50% of prescribed storage areas to be separate from the apartment is a significant change from the current situation where 100% of the storage area is separate. This provides space to accommodate bulky objects more appropriate in a shed than an apartment.</p> <p>Allowing storage areas to be divided to will create inefficient and impractical spaces.</p> <p>Objective 4.7.2 Design Guidance Anecdotal evidence indicates the use of cages for storage creates security issues for residents.</p> <p>In developments where large numbers of stores are located together, design should address safety for residents and avoid entrapment areas.</p>	<p>Revise guidance.</p> <p>Remove relevant wording.</p> <p>Add guidance.</p>
39.	Noise and Pollution	<p>Intent In the city centre and mixed-use areas designing to address noise emitting land uses such as entertainment uses, is an increasing challenge.</p> <p>The City is currently preparing a noise planning policy to provide clear and consistent noise attenuation requirements for the development of residential, special residential and entertainment uses.</p> <p>In particular current noise regulations focus on A- weighted noise frequencies and do not have sufficient regard to low frequency C-weighted noise commonly</p>	<p>Add wording and give greater consideration to measures to address noise emitting land uses.</p>

		generated by entertainment uses. This will be addressed in the policy.	
40.	Ground Floor Apartments	Objective 4.11.1 Design Guidance As indicated under Issue 32 direct entry to apartments from the street in the city centre is often not desirable. Under the CPS2, in high activity city centre areas apartments are not permitted to front the street at ground floor level.	Review wording.
41.	Facades	Objective 4.12.1 Design Guidance The use of public artwork or treatments as a solution for blank walls is not good design.  Large sections of blank wall should be avoided and where they are provided they should make sense as part of the overall design and form of the building with appropriate detailing.	Remove wording.
42.	Roof Design	Objective 4.13.1 Design Guidance to break down the massing of roofs to avoid bulk is not necessarily good design. Strong roof elements with bulk can create good design depending upon context.  Encourage roof design to allow for rainwater harvesting for toilets, landscape reticulation and to accommodate renewable energy installations (e.g. wind turbines, solar PV's and solar hot water).	Revise wording.  Add wording.
43.	Landscape Design	Intent The use of landscape to mitigate bulk and scale should not be necessary if good design is implemented. Rather landscaping is important to create better and healthier spaces and to assist in creating micro-climates, biodiversity and habitat.	Remove wording.

		Green roofs and walls need to be well located and designed to ensure their sustainability.	Expand wording.
44.	Planting on Structures	Objective 4.15.1 Appropriate design and location of planting on structures is critical to ensure their long term success. (e.g. orientation, light access, wind conditions).  Planting on structures also needs to be well located to benefit residents and the public.	Review wording and expand guidance.
45.	Universal Design	Objective 4.16.1 The rationale for the 20% benchmark of apartments required to meet the essential design features checklist is not clear. The cost implications need to be considered.	Provide rationale.
46.	Adaptive Reuse	Objective 4.17.1 This objective is overly prescriptive as there are numerous design solutions for additions to buildings.  Objective 4.17.2 Design guidance should encourage re-use of building materials where appropriate.	Review wording.
47.	Mixed Use	Intent If the Design Guide applies to all mixed-use development incorporating one or more apartments, more guidance is required around the design of the commercial element.  Objective 4.18.2 Design Guidance Separate lifts should be encouraged in smaller mixed-use developments and mandated in larger mixed-use	Clarify and provide greater guidance.  Add guidance.

		developments.	
48.	Awnings	4.19.1 Design Guidance should address the appearance of awnings from above and the need for this to be neat and non-reflective.	Add guidance.
49.	Energy Efficiency	<p>Objective 4.20.1 and 4.20.2 NatHERS measures thermal comfort rather than energy efficiency. Thorough investigation is required to determine the most appropriate and practical rating tool to measure the latter along with water efficiency, and ensure optimal outcomes into the future.</p> <p>The NSW Government has legislated the use of BASIX as a measure of sustainability. BASIX measures both water and greenhouse gas reduction. It is one of a number of tools that warrant consideration.</p> <p>Flexibility is required if tools are to be specified to allow for improvements in technology and best practice over time.</p> <p>Objective 4.20.2 The use of higher performance glazing should be required in medium to large scale developments unless its exclusion can be appropriately justified in the Sustainability Report.</p>	<p>Investigate alternative best practice tools for measuring the energy and water efficiency and the general sustainability of developments and apply require minimum standards on a consistent statewide basis.</p> <p>Amend wording.</p>
50.	Water Management and Conservation a	<p>Refer to Issue 49 above.</p> <p>Objective 4.2.1 Design Guidance Demonstration of sustainability commitments would need to be completed prior to the lodgement of the building permit application. Issuing of a building permit application cannot be delayed on the basis of a condition of development approval.</p>	<p>Refer to Issue 49 above.</p> <p>Amend wording.</p>

51.	Waste Management	<p>Intent The intent and overall section should incorporate design measures to minimise waste generation and encourage re-use and recycling.</p> <p>Objective 4.22.1 Design Guidance The need to demonstrate the practical accommodation of proposed bin numbers in the streetscape suggests that their location adjoining a street is appropriate. The City generally does not permit bin stores or collection points to adjoin the street frontage.</p> <p>Right of ways where available and accessible should be the first option for access for waste collection.</p> <p>Objective 4.22.2 Design Guidance Chute systems are preferable to waste and recycling cupboards.</p>	<p>Review section to address design that facilitates sustainable waste management.</p> <p>Amend guidance.</p> <p>Add guidance that prioritises alternative access.</p> <p>Amend wording.</p>
<b>Design Review Guide</b>			
52.	Application	<p>The documentation suggests that the Guide is intended as a best practice model for the establishment and operation of design review panels.</p> <p>The recommended design review process twice before lodgement and checks at building application stage has significant time and cost implications for LGs and applicants that need to be carefully considered. Difficulties arise in the remuneration of costs from applicants for review at the pre-application stage, particularly when proposals do not proceed to lodgement. Availability of Design Review Panel members may cause delays. This is especially problematic and building application stage when tight</p>	<p>Review the cost and time implications of pre lodgement and building application review.</p> <p>Any measures to regulate the establishment of design review panels should incorporate appropriate flexibility to allow for the varying size and nature of LGs and level of technical expertise available to LGs across the state.</p>

		<p>statutory timeframes apply.</p> <p>The City's Statutory Planners and Architect operate a pre-application process for applicants and ongoing design advice during the assessment and processing of applications. The CPS2 also mandates the appointment of a Design Advisory Committee to advise on design matters and the awarding of bonus plot ratio. This Committee reviews development applications after lodgement and prior to them being determined by the Council or the Local Development Assessment Panel.</p> <p>This model of design review is efficient, timely, effective and well regarded by the industry. Applications are generally only presented to the Design Advisory Committee once, reducing time and expense for all parties.</p>	
53.	Role	<p>The Guide should more clearly indicate that design review panels make recommendations only and do not have a decision making function.</p> <p>Design review panel's recommendations need to be considered along with all relevant land use planning consideration identified under the Deemed Provisions and Local Planning Schemes. Design review has a tendency to focus on the architectural merit of a development. A positive recommendation by a design review panel should not be assumed to be development approval.</p>	Review wording.
54.	Timing	Design review by a panel at concept design stage is not appropriate for the City. As indicated above, the	Review at concept design stage not appropriate for City.

		City has a pre-application process and relevant planning and architectural expertise in place that work well.	
55.	Funding and Remuneration	<p>Design review may have significant financial implications for LGs, depending upon its implementation, and changes to planning fees and charges should reflect this.</p> <p>Difficulties arise in the recovery of costs from a proponent for review at the pre-application stage.</p>	Thoroughly assess the financial implications of the implementation of design review panels for LG.
56.	Design review thresholds –	<p>The Design Review Threshold Table requires further refinement.</p> <p>Design review should be required for all types of major development rather than focussing on apartment development.</p> <p>State Government projects and public works of both state and regional significance should be subject to a design review process rather than just the former.</p> <p>Definitions should accompany the table.</p>	Revise Design Review Threshold Table.

# R-Coded Areas in the City of Perth

