

Planning Committee

Notice of Meeting
27 June 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 – 30 May 2017
- 5 Correspondence
- 6 Disclosure of Members' interests
- 7 Matters for which the meeting may be closed
Nil
- 8 Reports
 - 8.1 - 24 – 28 (Lots 19 and 20) Coolgardie Street, West Perth – Proposed demolition of existing two storey brick and iron commercial building
 - 8.2 – 9 and 15 (Lots 5 and 6) The Esplanade, Perth – 'In Principle' Approval for a Proposed 19 and 54 Storey Mixed-Use Development at Elizabeth Quay
 - 8.3 – 28 (Lot 743) St Georges Terrace and 501 (Lots 563 and 744) Hay Street, Perth – Amended Application for the Construction of a 13-level Mixed-Use Building for the RSLWA Club and Offices Commercial Officers and Dining Tenancies.
 - 8.4 – 621 (Lot 1) Wellington Street, Perth – Installation of a Wall Sign Displaying Third Party Advertising Content
- 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:
 - Historic Heart of Perth Grant (Notice of Motion – Council – 11/04/17)
- 12 Closure

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

A handwritten signature in black ink, appearing to read 'Martin Mileham', enclosed within a thin black rectangular border.

MARTIN MILEHAM
CHIEF EXECUTIVE OFFICER
22 JUNE 2017

This meeting is open to members of the public

PLANNING COMMITTEE

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

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

Quorum: Two

Terms Expire: October 2017

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

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

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

INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE MEETINGS

Question Time for the Public

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

Deputations

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

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

Disclaimer

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

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EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



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

BUILDING ALARMS

Alert Alarm and Evacuation Alarm.

ALERT ALARM

beep beep beep

All Wardens to respond.

Other staff and visitors should remain where they are.



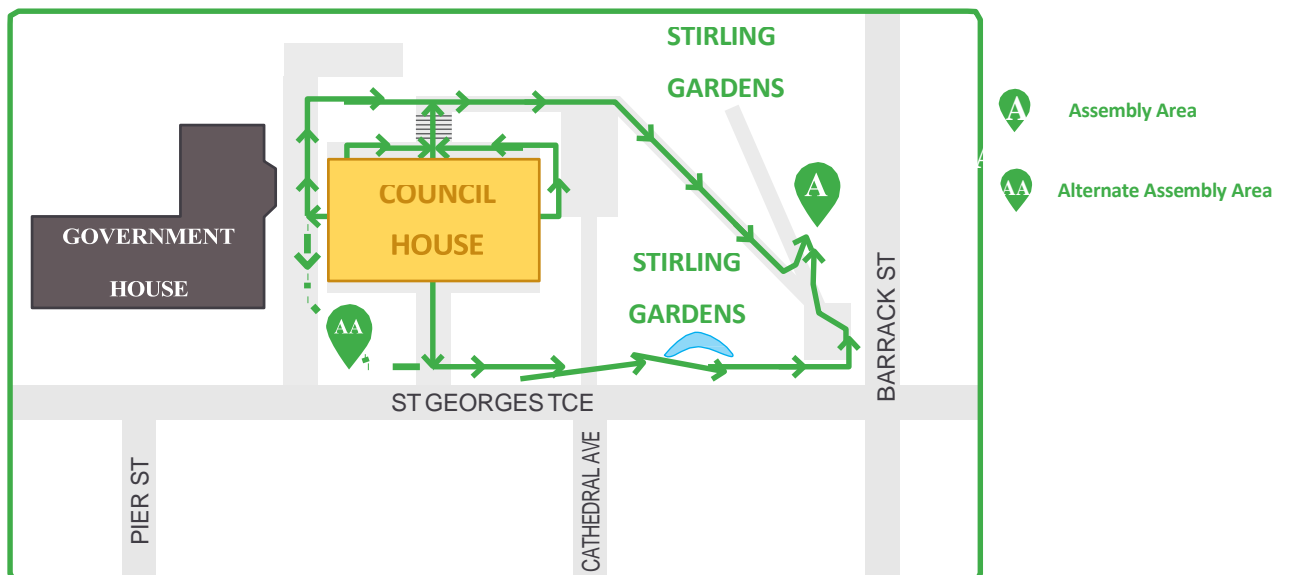
EVACUATION ALARM / PROCEDURES

whoop whoop whoop

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

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

EVACUATION ASSEMBLY AREA



Agenda Item 8.1 **24 – 28 (Lots 19 and 20) Coolgardie Street, West Perth – Proposed demolition of existing two storey brick and iron commercial building**

Recommendation:

That: in accordance with Clause 37 of the City Planning Scheme No. 2 and Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions) the Council REFUSES the request for the demolition of the existing two storey brick and iron commercial building at 24 – 28 (Lots 19 and 20) Coolgardie Street, West Perth received on the 12 April 2017 for the following reasons:

- 1. the demolition of the existing commercial building will result in the site remaining vacant for an extended period of time, noting that Council has not granted development approval for the subsequent development of the site and that this would have a detrimental impact upon the environment, character, streetscape and amenity of the area having regard for Clause 67(n) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions);***
- 2. the demolition of the building will be contrary to the general objectives of City Planning Scheme No. 2 whereby the resulting vacant site will not enhance the physical environment of the area); and***
- 3. the demolition of the building will be contrary to the orderly and proper planning of the locality).***

FILE REFERENCE:	2017/5147
SUBURB/LOCATION:	24 – 28 (Lots 19 & 20) Coolgardie Street, West Perth
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	13 June 2017
ATTACHMENT/S:	Attachment 8.1A – Location Map and Photos of existing building
3D MODEL PRESENTATION:	No
LANDOWNER:	PFJ Investments (WA) Pty Ltd
APPLICANT:	Burgess Design Group
ZONING:	(MRS Zoning) Urban (City Planning Scheme Precinct) West Perth (P10) (City Planning Scheme Use Area) Commercial
APPROXIMATE COST:	\$120,000

Legislation / Strategic Plan / Policy:

Legislation

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

Policy

Policy No and Name: 4.1 City Development Design Guidelines

Purpose and Background:

The 504m² site is located on the eastern side of Coolgardie Street in West Perth. The site is currently occupied by a two storey brick and iron building that is currently vacant and straddles both lots 19 and 20.

The City recommended approval to the WA Planning Commission on 22 March 2017 for the proposed amalgamation of eight lots, including lots 19 and 20 into the freehold subdivision of two separate lots of 1,843m² and 2,293m² respectively. The existing building will be incorporated into proposed lot 1 (1,843m²), with the remainder of the site to the rear of the building being occupied by an at grade car park.

Details:

Approval is sought to demolish the existing two storey warehouse to facilitate the sale of the newly created lot as vacant land. The applicant has stated that the existing building is a significant underutilisation of the development potential of the site permitted under the City Planning Scheme and is no longer reflective of the changing character of the area.

The applicant has advised that the site will be cleared and made good to the satisfaction of the City.

Compliance with Planning Scheme:

Development Requirements

In considering an application for or involving demolition, the Council is to have regard to the matters listed in clause 37(1) 'Determination of Application for Demolition' of City Planning Scheme No. 2 (CPS2) which states that:

"(1) In considering and application for or involving demolition, which is not exempt under clause 61 of the Deemed Provisions, the local government is to have regard to the matters listed in clause 67 of the Deemed Provisions and may refuse the application where the local government has not granted approval for the subsequent development of the relevant site."

Clause 67 of the Deemed Provisions 'Matters to be considered by local government' requires, among other things, that the aims and provisions of the Scheme, the requirements of orderly and proper planning and the amenity of the locality be taken into consideration when determining an application.

Comments:

The purpose of clause 37 'Determination of Applications for Demolition' of CPS2 is to avoid situations where buildings are demolished and sites are then left vacant for extended periods, detracting from streetscapes, and impacting on local amenity and city vitality. Generally the Council has refused to approve applications for demolition unless there is a degree of certainty in regard to the timely redevelopment of the site, or where the building may pose a danger on structural grounds.

Sufficient planning justification for the demolition has not been provided in support of the application. The applicant has advised that the demolition is being sought to facilitate the sale of the site as a vacant and unencumbered site and to allow for the future redevelopment of the site. The demolition of the existing building in the current economy is likely to result in the property remaining vacant for a significant length of time given there is no development approval for a replacement building in the foreseeable future.

The demolition of the warehouse building will result in a significant break in the continuity of the Coolgardie Street streetscape. Coolgardie Street is a relatively short street, being approximately 125 metres in length, with the demolition of the 28 metre wide warehouse building significantly impacting on the established streetscape and amenity of the area.

The City Development Design Guidelines requires that at grade car parks be screened from external views to improve amenity. The demolition of the building will result in the existing carpark to the rear of the building being made visible to the street. This is something that should strongly be discouraged and hence any demolition of the existing building should not be supported until such time a replacement development is approved for the site.

The existing warehouse building appears to be in good condition and is not considered to adversely impact on the existing streetscape whilst providing screening to the rear at grade carpark. Similar warehouse style buildings within close proximity to the site have been successfully retrofitted for other uses in recent years. While the condition of the interior of the building is unknown, it has been identified by the City's Officers that such a building could be attractive for use by Event Management companies looking for unique and exclusive venues to host events for their clients, use by Arts companies looking for spaces to exhibit or use as workshops, and so forth. It is therefore, recommended that the application for the demolition of the building without a replacement development not be supported.

Conclusion

While it is understood that the owner wishes to sell the site without the encumbrance of an existing vacant building, the proposed demolition of the existing building without an approval for a replacement development will result in a large vacant site that is considered to be contrary to the orderly and proper planning of this locality as it will detract from the existing streetscape and remove the screening to the existing at-grade car park located at the rear of the building. In order to protect the amenity of the City, Council has generally discouraged or refused to approve applications for demolitions in the past unless it is likely the site will be redeveloped in a timely manner. The justification for the demolition is considered insufficient to warrant the demolition and therefore it is recommended that the application be refused.



2017/5147 - 24 - 28 (LOTS 19 AND 20) COOLGARDIE STREET, WEST PERTH



2017/5147 - 24 - 28 (LOTS 19 AND 20) COOLGARDIE STREET, WEST PERTH



2017/5147 - 24 - 28 (LOTS 19 AND 20) COOLGARDIE STREET, WEST PERTH

Agenda Item 8.2 **9 and 15 (Lots 5 and 6) The Esplanade, Perth – ‘In Principle’ Approval for a Proposed 19 and 54 Storey Mixed-Use Development at Elizabeth Quay**

Recommendation (Advice to Metropolitan Redevelopment Authority):

That Council advises the Metropolitan Redevelopment Authority that it notes that the proposed 19 and 54 storey mixed-use development at 9 and 15 (Lots 5 and 6) The Esplanade, Perth, within the Elizabeth Quay Project Area proposes significant variations to the development standards under the Elizabeth Quay Design Guidelines with respect to the maximum building height and required podium and tower form, however Council is generally supportive of recommending ‘in principle’ approval for the 19 and 54 storey mixed-use development and provides the following comments:

- 1. The architect is commended on the high standard of design and architectural expression, noting the importance of the final materials and detailing to the external facades which will be crucial to the quality and success of the overall outcome for the development.*

- 2. The impact of the significant variations to the height and setback requirements of the buildings on Lots 5 and 6 including the lack of any podium element is generally offset by the design providing the following:*
 - 2.1 the 19 storey tower on Lot 6 is one storey less than the minimum height requirement;*
 - 2.2 the overall development is considered to demonstrate design excellence;*
 - 2.3 the development will provide a positive contribution to the city in terms of providing significant public open space between the towers and to the south adjacent to The Landing; and*
 - 2.4 the development will provide improved pedestrian connectivity/permeability between the towers on Lots 5 and 6 and vistas through the site, between Elizabeth Quay and The Esplanade;*

(Cont’d)

3. *Further investigation/modelling is required in terms of the final location of the towers, the design of the 'Plus' element and the design and location of the canopies/awnings at the ground floor level to increase access to sunlight on The Landing, noting the extent of non-compliance with the solar access requirements of the Elizabeth Quay Design Guidelines, and to ensure any existing and proposed vegetation is not adversely impacted in terms of the overshadowing, wind or radiated heat impacts of the development;*
4. *The design of the ground floor level lacks clarity and detailing in terms of the pedestrian environment/experience. Further details of the ground floor should be provided in order to ensure the 'tower to ground' response achieves adequate levels of ground floor activation, human scale and creates a comfortable pedestrian environment, particularly in terms of wind impact and solar access;*
5. *Vehicle access to the building should be modified to provide a single vehicle access point from either Duchess or Enchantress Way to a combined basement carpark, in compliance with the Elizabeth Quay Design Guidelines. The carpark for Lots 5 and 6 should be designed to service both buildings and allow for sufficient height clearance and space for large waste collection and delivery vehicles to enter and exit in forward gear, noting that no details of the basement level carpark have been provided at this preliminary stage;*
6. *The quantum and allocation of car parking within the development should be provided in accordance with the Elizabeth Quay Design Guidelines and Perth Parking Policy, noting the site's immediate proximity to various modes of public transport;*
7. *The design of the internal office space with generous lobbies and efficient floor plates is generally supported however further consideration should be given to the internal configuration of these large spaces;*
8. *The design of the hotel rooms and residential apartments is generally supported however further consideration should be given to providing natural light into the internal corridors; and*

(Cont'd)

- 9. Council supports the proposed mix of land uses, comprising of retail, office, hotel and residential land uses within the building on Lot 5 and retail and offices in the building Lot 6, noting that the land uses proposed as part of the 'in principle' approval are indicative only and will be subject to finding appropriate tenants/operators at a later stage. The final design of the building must ensure that measures are taken to ameliorate any potential conflict between land uses, with particular attention to adequate noise attenuation for all residential apartments and hotel rooms.**
- 10. The formal development application will be required to include:**
- 10.1 A waste and servicing management plan;**
 - 10.2 An acoustic report demonstrating proposed measures to mitigate noise impacts within and external to the development;**
 - 10.3 A detailed transport impact assessment addressing all matters related to traffic management, vehicular and pedestrian access to and from the site;**
 - 10.4 A wind impact assessment that informs the final wind amelioration canopy design; and**
 - 10.5 Preliminary consideration of construction management that specifically addresses the constrained access to the sites and the risks associated with constructing basements in relation to dewatering the site and the management of associated environmental impacts;**
- 11. Noting that the development is proposed to be built in stages, any portion of the site that is left temporarily vacant must be appropriately landscaped and maintained by the owner(s) of the land and be made available to the public as a passive or active recreational and/or entertainment space consistent with the current use of Lots 5 and 6 and that any revisions to the later stage of the development must reflect the form, massing and architectural intent of the 'completed development'.**

FILE REFERENCE:	2017/5177
SUBURB/LOCATION:	9 and 15 (Lots 5 and 6) The Esplanade, Perth
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	19 June 2017
ATTACHMENT/S:	Attachment 8.2A - Map and Perspectives
3D MODEL PRESENTATION:	A 3D Model for this application will be available at the Committee meeting
LANDOWNER:	Metropolitan Redevelopment Authority
APPLICANT:	Brookfield Office Properties Australia
ZONING:	(MRS Zone) Redevelopment Scheme/Act Area (MRA Central Perth Redevelopment Scheme Precinct) Elizabeth Quay – Inlet (P39)
APPROXIMATE COST:	\$400 million

Legislation / Strategic Plan / Policy:

Legislation

Metropolitan Redevelopment Authority Act 2011
Metropolitan Redevelopment Regulations 2011
 Central Perth Redevelopment Scheme No. 2

Policy

Policy No and Name: Metropolitan Redevelopment Authority's Elizabeth Quay Design Guidelines

Purpose and Background:

The Metropolitan Redevelopment Authority (MRA) has referred an application for the City to comment on an 'in principle' approval for the construction of a 19 and 54 storey mixed-use development at Lots 5 and 6 at the Elizabeth Quay site. The design by REX Architects is the winner of an international design competition held by Brookfield Property Partners, the preferred developers of the site.

Clause 5.32 of the MRA Central Perth Redevelopment Scheme allows an applicant to obtain 'in principle' development approval on a proposal prior to lodging a formal development application. An 'in principle' approval may deal with the following matters;

- The proposed built form of the proposal;
- The response to the site and streetscape context;
- The response to relevant environmental, transport, heritage and public realm considerations;
- Compliance with or proposed variations to Scheme, Design Guideline or Development Policy Provisions; and
- Any other important considerations or aspects of the development, as determined by the Authority, or as requested by the applicant.

Brookfield is seeking the MRA's 'in principle' approval specifically for the proposed built form and its response to the site context including the following:-

- Tower to ground form, without a podium element;
- The height and footprint of the proposed towers on Lot 5 and Lot 6;
- The setback variations at the ground and above podium level;
- The separation of buildings and consideration of view corridors;
- The impact on solar access to the The Landing;
- The architectural expression of the building, internal layout and orientation; and
- The provision of communal open space at the ground floor level.

Details:

The proposed development includes buildings on each of the lots that are integrated in terms of the architectural design and response to the site. More specifically the application proposes the following:

- A 54 storey mixed-use tower on Lot 5 with retail uses on the ground and first floor levels, eleven levels of office space above, a 'PLUS' element comprising of three levels of amenities including a restaurant, bar, ballroom, gymnasium and meeting rooms, 9 levels of hotel accommodation (23 rooms per level) and 27 levels of residential accommodation (9 apartments per level).
- A 19 storey mixed-use tower on Lot 6 incorporating retail uses on the ground and first floor levels and 17 levels of office space above.
- Communal spaces including an area of public space earmarked for alfresco dining along the northern boundary adjacent to The Esplanade, a 22.3 metre wide public space (main street) between the towers on Lots 5 and 6 and an event space to the south of the towers adjacent to The Landing.

Compliance with Planning Scheme & Design Guidelines:

The MRA is responsible for planning and development control within the Central Perth Redevelopment Area (CPRA). The Elizabeth Quay project area is subject to the provisions of the MRA's Central Perth Redevelopment Scheme No. 2 (CPRS2). The general land use intent of the CPRS is to create diverse mixed land use urban environments, including creating high quality spaces for people through an activated and interesting public realm.

The form and function of development within Elizabeth Quay is guided by the MRA's associated Elizabeth Quay Design Guidelines. The vision of the Elizabeth Quay Project is to transform the relationship between the city and the river and enhance the identity of central Perth. Elizabeth Quay will be a highly interactive civic space, accessible to the whole region and within walking distance of all major facilities within central Perth.

Land Use

The site is located with the MRA's Inlet Precinct (Precinct 39) of the Elizabeth Quay Project Area under CPRS2. The land uses in the Inlet Precinct will include a mix of permanent and transient residential, commercial, retail, dining and entertainment land uses. 'Commercial', 'Retail', 'Residential' and 'Dining and Entertainment' land uses are preferred uses within the Inlet Precinct, whilst 'Culture and Creative Industry' and 'Community' land uses are contemplated uses within the Precinct under CPRS2.

The application proposes a mixed-use development comprising of retail, office, hotel and residential land uses within the building on Lot 5 and retail and offices in the building Lot 6. This is consistent with the Elizabeth Quay Design Guidelines for Lots 5 and 6 which encourages active uses including shops, restaurants, café and small bars at the ground floor level; offices, shops, café, residential serviced apartments and hotel within the upper podium levels; and office, residential, serviced apartments and a hotel in the tower levels. It is noted that the land uses proposed as part of the 'in principle' approval are indicative only and will be subject to finding appropriate tenants/operators at the development approval stage. The final design of the building must ensure that measures are taken to ameliorate any potential conflict between land uses.

Development Requirements

The MRA's Elizabeth Quay Design Guidelines recognises the potential for sites 5 and 6 to be amalgamated should a developer wish to propose an integrated development solution for the combined site.

Where sites 5 and 6 are to be amalgamated the future development on the combined sites will be designed to ensure that the towers do not negatively impact on the city skyline, view corridors or the public realm. The towers will be designed and proportioned in such a way as to minimise apparent size from surrounding view points and excessive overshadowing of the adjacent public realm.

Towers should not present a 'wall' of development to the north of the Inlet and the extent of area between Howard Street and Sherwood Court occupied by a single tower should be minimised through an appropriate design response.

The lower levels will be highly activated with a fine grain architectural response incorporating multiple openings at grade and opportunity for integrated pedestrian connections in the form of retail arcades.

The developments compliance with the MRA's building requirements for the amalgamated Lots 5 and 6 is summarised below:

Development Standard	Lots 5 & 6 Amalgamated	Proposed
Podium Height:	Minimum: 2 storeys up to 8 metres Maximum: 6 storeys up to 24 metres	No podium level proposed for the buildings on Lots 5 or 6
Tower Height:	Minimum: 20 storeys Maximum: 30 storeys	Lot 5 – 54 storeys Lot 6 – 19 storeys
Lot Setbacks:	Nil to lot boundary at ground level	Nil to eastern and western boundary 5 metres to northern boundary 14 metres to southern boundary
Setbacks Above Podium:	Minimum: 5 metres north and south Minimum: 10 metres east and west	5 metres to north and 14 metres to south Nil to 8.7 metres to eastern boundary and Nil to western boundary
Minimum Residential Dwellings, Hotel Rooms or Short Stay Serviced Apartments	Nil	243 residential apartments and 207 hotel rooms
Green Building Policy Classification	Minimum Tier 2	Not specified
Vehicle and Service Access	Single access point only from either Howard Street or Sherwood Court	Vehicle access shown from both Howard Street (Enchantress Way) and

Development Standard	Lots 5 & 6 Amalgamated	Proposed
		Sherwood Court (Duchess Way)
Solar Access	Maintain 80% minimum solar access to the Landing at 12pm on 1 September	28% solar access at 12pm 1 September to overall Landing and 46% to Lower Landing

Architectural Expression and Building Design

Elizabeth Quay represents the opportunity to create an iconic urban destination which will signify Perth in the 21st century and set the benchmark for future developments. Developers are to create architecture and public spaces that are exemplary in design quality at all levels of detail. Buildings within the Elizabeth Quay Project Area are to demonstrate exemplary design quality of an international standard, generating interesting, innovative and creative architectural expression whilst remaining respectful to the Perth context. Lots 5 and 6 are located on the central axis of the Elizabeth Quay waterfront and will form a highly prominent landmark site.

Brookfield Property Partner's main objective is to achieve a landmark, mixed-use development set within the new world class location of Elizabeth Quay. In order to achieve its objective Brookfield held a design competition and invited four internationally acclaimed architects to submit a design response. REX Architecture, the internationally acclaimed architecture and design firm based in New York City, and the winner of the design competition, was later appointed as the project architect to progress the design of Lots 5 and 6.

The architectural expression of the building is considered to demonstrate a high standard of design excellence and a world class development for the Elizabeth Quay waterfront. The proposed design with its simplicity of architectural form, an iconic cantilevered structural element ('PLUS') and the juxtaposition of the tower heights will create a landmark development for the site. It is noted that due to its simple massing, the design will need to rely heavily on the careful detailing of the external facades of the towers to achieve an elegant result.

With respect to the internal layout, the simple and efficient layout of the office levels is generally supported. Further consideration however should be given to the internal fit-out and layout of these large spaces. The design of the residential and hotel levels are also generally supported however natural daylight should be achieved into the internal corridors. The internal design of the ground floor plane is also lacking clarity and detail which will be vital at the development application stage in terms of ensuring an appropriate level of activation is achieved.

Built Form, Heights and Setbacks

The Elizabeth Quay Design Guidelines sets out the design intent of the general development form envisaged for the project area. Elizabeth Quay is to be organised around mid-rise podiums with tower elements above that are setback from the street. The podium tower design is to facilitate the breaking up of the visual presence of the towers and to provide view lines between the buildings. The podiums present an opportunity for diversity of use with scale differentiation to the towers above, providing a sense of human scale to the streetscape and an appropriate built form response to the street context. Podiums also

importantly assist in reducing the wind impact of towers at street level. All developments are to provide fine grain human scale at the podium and street level to ensure a quality street edge and reduce building bulk and massing.

The proposed development includes a substantial variation in terms of the maximum building height specified under the guidelines whereby a minimum of 20 storeys and maximum of 30 storeys is required with 54 storeys proposed for the tower on Lot 5 and 19 storeys for the proposed on Lot 6. It is also proposed that the tower on Lot 5 will have a three level projecting structural element at levels 15 to 17 (referred to as the 'PLUS'). It is considered that whilst the guidelines allow for flexibility, the recommended building heights and envelopes were formulated based on a rigorous analysis of the site context and overall vision for Elizabeth Quay and there is an inherent expectation that development will proceed generally in accordance with the prescribed requirements. Further, it is noted that the proposed height of the taller tower is in direct conflict with the City's Urban Design Framework that recognises that the city's built form has an influence over many aspects of the city's social and economic life. Built form controls, such as height, *"provide a higher degree of certainty for developers, regulators and the community on the city's capacity for growth, development potential, land values, access to views, overshadowing of public spaces, and access to light and sunshine. Control of the built form also enables the scale and proportion of streets and other public spaces to be set at levels that encourage an appropriate degree of intimacy or grandeur depending on the role of the space and the surrounding buildings"*.

The proposed design also seeks a significant departure from the design intent specified in the guidelines in terms of the podium and tower effect. Both towers on Lots 5 and 6 are designed without podiums.

With respect to setbacks the guidelines specify a nil setback to all lot boundaries for the podium, and a 5 metre setback to the north and south and a 10 metre setback to the east and west for the towers above. The proposed design through its tower to ground form is also seeking variations to the lot boundary setbacks. The towers propose setbacks of 5 metres to the northern boundary, 14 metres to the southern boundary and nil to the eastern and western boundaries.

Although the development does not achieve the tower and podium design intent of the guidelines, there are numerous benefits to the design approach. The setback between the towers of 22.3 metres will for example enable a significant public space to be created in the form of a main street or pedestrian mall, improving permeability and opening up vistas through the site. The setback of the towers to the south at 14 metres, together with The Landing and Geoffrey Bolton Avenue will also create a substantial event space.

With respect to the impact of the towers at street level, further details should be provided to demonstrate that human scale and a comfortable pedestrian environment can be achieved. This may include the incorporation of canopies and awnings at ground level to provide protection from the elements, particularly the impact of wind. The 'in principle' application has included a study into various designs for wind amelioration canopies that will need to be addressed as part of any formal development application for the sites. The MRA will also need to consider how public access to the areas of open space within the lot boundaries can be reserved for public purposes.

With respect to the impact of the development on solar access it is noted that only 28% solar access will be achieved to The Landing area at 12.00pm on 1 September which is well

below the minimum 80% requirement for solar access specified under the guidelines. The proposed development with the lower tower of 19 metres on Lot 6 will however comply with the solar access requirements to The Island (100% minimum) and The Promenade (80% minimum). The applicant advises that solar access to the lower section of The Landing is 46% which is considered significant as this is the area in where people will sit and walk along the waters edge. The solar access percentage also improves before and past 12.00pm and by 1.00pm it is at approximately 40% and by 2.00pm 80%. Overall the development therefore will achieve an annual average of 75.8% solar access to The Landing and will provide a public space in the form of a main street or pedestrian mall between the towers which will improve the amount of solar access to the public realm during the day.

Some concerns are also raised regarding the impact of the overshadowing of the towers and proposed awning/canopy structures on any existing and new vegetation to the south as well as any excessive heat load impacts of the towers to the north.

It is considered that the amount of solar access achieved at The Landing area at 12.00pm on 1 September could be improved in terms of the design and position of the towers and the 'PLUS' structural element. It is recommended that further investigation of the design of the 'PLUS' structural element, the canopies/awning and the design and setback of the towers should take place to improve the amount of sunlight access to The Landing area and to ensure there is no detrimental impact to the surrounding vegetation in terms of overshadowing or radiated heat impacts.

Traffic and Carparking

The 'in principle' proposal does not provide any details regarding the basement level carpark however it does indicate two crossovers from the internal roads Enchantress Way and Duchess Way. The Elizabeth Quay Design Guidelines specifies that the amalgamated site should include only a single access point from either of the internal roads. It is considered that the improved pedestrian outcome achieved by the design should not be discounted and lost by providing an additional crossover and associated vehicle impacts. The basement level carpark should be designed to service both buildings including and to allow sufficient height clearance so that large vehicles for waste collection and deliveries can enter the carpark and exit in forward gear.

It should also be recommended that the quantum of car parking should comply with the maximums prescribed by the Elizabeth Quay Design Guidelines and Perth Parking Policy, noting the proximity of the sites to various modes of public transport.

Technical Reports

In recognition of the subject location, the scale of the development proposed and potentially constrained nature of the sites, it is recommended that early consideration be given by the applicant in relation to waste management and servicing, wind impacts, noise impacts and amelioration (noting potential conflict between the activation of Elizabeth Quay and residential uses) and future construction management with specific consideration for dewatering and associated environmental impacts.

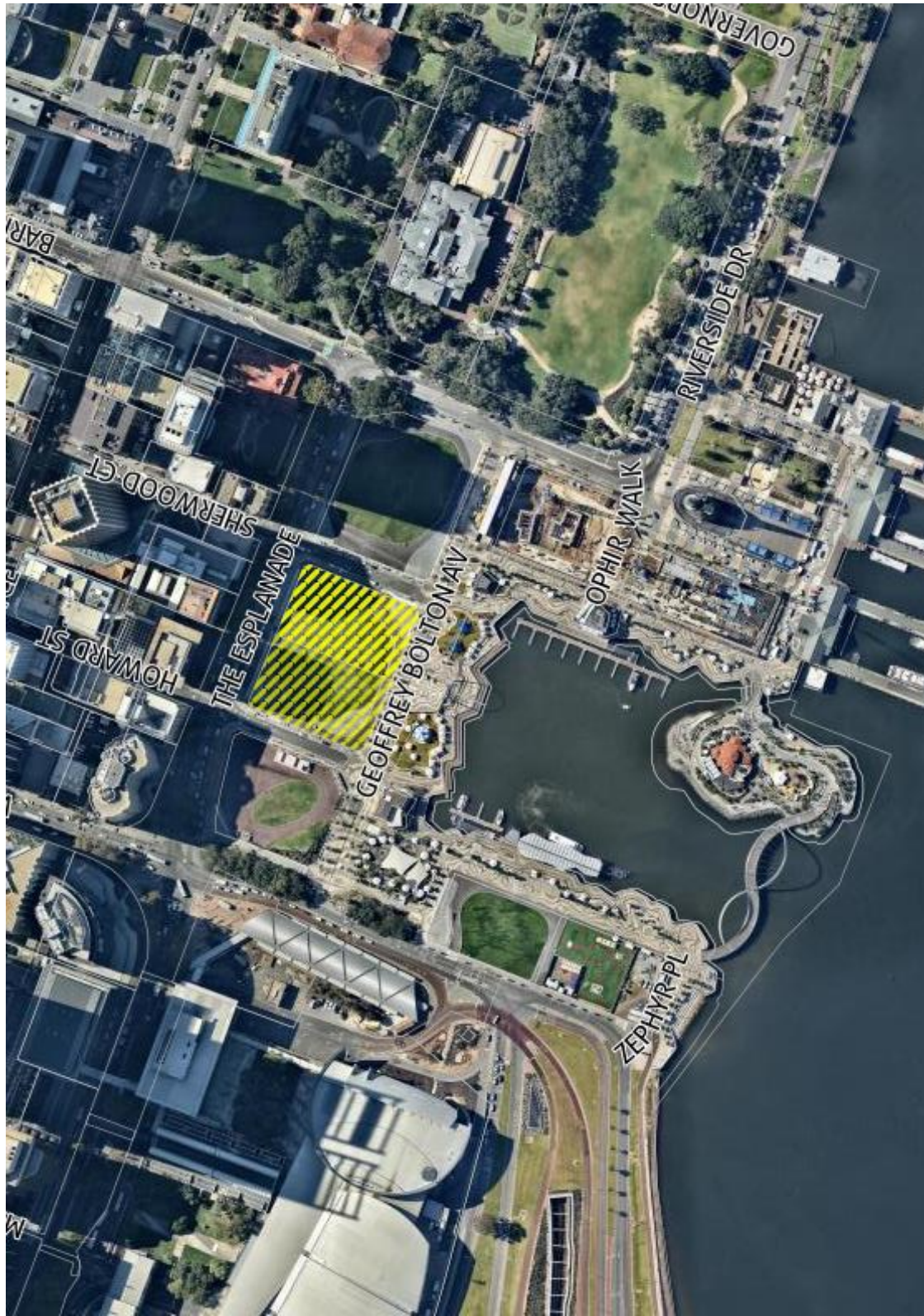
Staging

The submitted plans indicate that the 54 storey 'Plus' tower will be constructed as the first stage of the development with the 19 storey tower being developed at a later stage. If this is

to occur then it should be advised that the City's expectations would be that any portion of the site that is left temporarily vacant must be appropriately landscaped and maintained by the owner(s) of the land and be made available to the public as a passive or active recreational and/or entertainment space consistent with the current use of Lots 5 and 6. Given that the development is being assessed as a whole, any later stage of development should reflect the form, massing and architectural intent of the 'completed development', noting that changes in the market could result in the design and use of the building being revised.

Conclusion

The development of Lots 5 and 6 at Elizabeth Quay presents an opportunity to showcase world class buildings of an exemplary design quality at the central axis of the Perth waterfront. The proposed development includes significant variations to the MRA's Elizabeth Quay Design Guidelines and together with the 52 storey development proposed for Lots 2 and 3 at Elizabeth Quay, the height and form of the development within this precinct will also depart substantially from the City's own Urban Design Framework. However, it is considered that the design for Lots 5 and 6 has the potential to create a landmark development for the city. The development will also contribute to the precinct in terms of providing significant areas of public space between the towers and to the south adjacent to The Landing. Provided it can be demonstrated that tower form can still achieve a high quality urban environment and experience at the pedestrian level in terms of human scale and protection from the elements, and that solar access to The Landing area can be improved, it is considered that the Council should advise the MRA that the overall development, incorporating variations to the built form, height and setback requirements, is generally supported 'in principle'.



2017/5177 – 9 AND 15 (LOTS 5 AND 6) THE ESPLANADE, PERTH



Stage 1

2017/5177 – 9 AND 15 (LOTS 5 AND 6) THE ESPLANADE, PERTH



Complete Development

2017/5177 – 9 AND 15 (LOTS 5 AND 6) THE ESPLANADE, PERTH



2017/5177 – 9 AND 15 (LOTS 5 AND 6) THE ESPLANADE, PERTH



2017/5177 – 9 AND 15 (LOTS 5 AND 6) THE ESPLANADE, PERTH

Agenda Item 8.3 **28 (Lot 743) St Georges Terrace and 501 (Lots 563 and 744) Hay Street, Perth – Amended Application for the Construction of a 13-Level Mixed-Use Building for the RSLWA Club and Offices, Commercial Offices and Dining Tenancies**

Recommendation:

*That, in accordance with the provisions of the City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes and Metropolitan Region Scheme, the Council **APPROVES BY AN ABSOLUTE MAJORITY**, an amended application for the construction of a 13-level mixed-use building for the RSLWA Club and Offices as well as commercial offices, dining and retail tenancies at 28 (Lot 743) St Georges Terrace and 501 (Lots 563 and 744) Hay Street, Perth subject to Conditions 1, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15 as detailed on the approval letter dated 20 February 2017 remaining.*

FILE REFERENCE:	2017/5157
SUBURB/LOCATION:	28 (Lot 743) St Georges Terrace and 501 (Lots 653 and 744) Hay Street
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	21/06/2017
ATTACHMENT/S:	Attachment 8.3A – Map and Perspectives Attachment 8.3B – Council Approval Letter dated 20/02/2017
3D MODEL PRESENTATION:	A 3D Model for this application will be available at the Committee meeting
LANDOWNER:	State of WA – Department of Lands
APPLICANT:	MacCormac Architects
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Civic Precinct 7 (P7) (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	\$5.366 million

Legislation / Strategic Plan / Policy:

Legislation *Planning and Development Act 2005*
City Planning Scheme No. 2

Policy

Policy No and Name: 4.1 – City Development Design Guidelines
4.4 – Building Heights and Setbacks
4.5 - Plot Ratio
4.6 – Signs Policy
5.1 – Parking Policy
5.2 – Loading and Unloading
5.3 – Bicycle Parking and End of Journey Facilities

Purpose and Background:

The subject site is located on the north-west corner of the St Georges Terrace and Irwin Street intersection. The existing site contains the Central Law Courts building and the existing ANZAC House building with a total site area of 4,061m². The site consists of Lots 563, 743 and 744 and the two buildings currently traverse the lot boundaries. The applicant advises that the site will be subdivided to reflect the boundaries of the new RSLWA building as well as creating separate lots and Certificates of Title for the RSLWA Club and the Central Law Courts building in due course. The applicant has confirmed that compliance with City Planning Scheme No. 2 (CPS2) development standards in terms of plot ratio and car parking will be achieved on the proposed new lots without the requirement for the creation of a special control area under CPS2.

At its meeting held on **14 February 2017**, Council approved an application for the demolition of the existing ANZAC House and Club Building and the construction of a 10-level mixed-use building for the RSLWA Club and offices, commercial offices and dining tenancies. During the Council's consideration of the proposal, some Elected Members commented that the applicant could consider additional height for the new RSLWA building, noting the underdevelopment of the site in terms of the maximum plot ratio and maximum building height, and the opportunity to take further advantage of the views across to the Government House gardens and to the Swan River. On this basis, the applicant has submitted an amended development application proposing an additional three levels to the building.

On **18 May 2017** the City issued a building permit for forward works at the site including alterations to the bin storage area, service area and egress route from the Central Law Courts Building. On **8 June 2017** the City issued a permit for the demolition of the existing ANZAC House building.

Details:

Approval is sought to amend the existing approval to construct a 13-level mixed-use building for the RSLWA Club and Offices.

The building has been designed to represent the RSLWA as an organisation as well as giving reference to the earlier Art Deco building of 1934 on the site. The building seeks to capitalise on the views across to the Government House gardens and to the Swan River by designing the building with large expanses of glass to the southern elevation and large balcony/deck areas to the commercial offices and members bar and restaurant from levels 7 to 9.

As noted above the main amendment to the current approval is to construct an additional 3 floor levels for use by the RSLWA Club and Offices. The other proposed modifications to the building are outlined below:

- minor reconfiguration of the toilet and end of journey change and shower facilities at the ground floor level;
- a proposed new RSLWA shop ('Retail-General) in the commercial tenancy (105m²) at the western end of the ground floor level;

- a small reduction in the size of the approved coffee shop ('Dining') at the ground floor level (96m²);
- minor changes to the design of the toilet and storage facilities and the addition of a small bar to the prefunction/function space at level 1;
- the reconfiguration and additions to the number of commercial office tenancies including five tenancies at levels 2 to 6 (73m², 2 x 77m², 91m² and 170m²) with the RSLWA occupying level 2 and organisations allied to the RSLWA at levels 3 to 6;
- a new members lounge bar (111m²), restaurant (83m²), kitchen (87m²) and meeting rooms (23m² and 38m²) at level 7; and
- three commercial tenancy office spaces at level 8 (102m², 85m² and 84m²) and level 9 (42m², 50m² and 57m²).

Compliance with Planning Scheme:

Land Use

The subject site is located in the City Centre Use Area of the Civic Precinct 7 under CPS2. The Civic Precinct will maintain its present functions as the focal point of the city's open space and parkland system, an area of heritage interest and the principal centre for civic and judicial activities.

The development includes a mixture of uses including function, administration and office space for the RSLWA Club ('Entertainment' and 'Offices') and commercial office space ('Offices') from levels 1 to 9 and a café/restaurant ('Dining') and RSLWA shop ('Retail-General') at the ground floor level. Both 'Entertainment' and 'Office' uses are preferred uses ('P') in the Civic Precinct. 'Dining' and 'Retail-General' are also preferred uses ('P') in the Civic Precinct however are contemplated ('C') uses where they front onto St Georges Terrace.

The revised application is not proposing to change the land uses which were previously approved at the site. The additional 'Retail-General' use at the ground floor level will allow for the sale of products of the RSLWA and for organisations allied with the RSLWA. It is considered that the additional retail use will provide for pedestrian interest and activity at the ground floor level.

Development Requirements

The amended application has been assessed against the City Planning Scheme requirements and the revised proposal's compliance with the City's development standards is summarised below:-

Development Standard	Proposed	Permitted / Required
Maximum Plot Ratio:	3.75: 1.0 (15,240m ² inclusive of the Central Law Courts Building)	5.0: 1.0 (20,305m ²)
Building Height: <u>St Georges Terrace</u>	27 metres at the street frontage with minor encroachment of the	Maximum street building height of 21 metres with a 5 metre setback up to a height

Development Standard	Proposed	Permitted / Required
<p><u>Irwin Street</u></p>	<p>building into 5 metre street setback at levels 5 to 7 with the building stepping back from the street up to a total height of 50.45 metres</p> <p>Varying height of 27 metres to 44.4 metres with varying setbacks along street frontage of 1.8 metres to 4.5 metres and encroachments into the 5 metre street setback from level 3 to 10 and with the eleventh floor element setback 9.6 metres up to a total height of 50.45 metres</p>	<p>of 65 metres and a 10 metre setback above this up to a height of 100 metres</p> <p>Maximum street building height of 14 metres with a 5 metre setback up to a height of 65 metres and a 10 metre setback above this up to a height of 100 metres</p>
<p>Setbacks:</p> <p><u>Side (West)</u></p> <p>Lower building level</p> <p>Upper building level</p> <p><u>Rear (North)</u></p> <p>Lower building level</p> <p>Upper building level</p>	<p>3 metres – 5.8 metres (with openings)</p> <p>3 metres – 5.8 metres</p> <p>1 metres (no openings – future northern boundary)</p> <p>1 metre (no openings – future northern boundary)</p>	<p>Nil (no openings), 3 metres (with openings)</p> <p>3 metres</p> <p>Nil (no openings), 3 metres (with openings)</p> <p>3 metres</p>

In accordance with the provisions of Clause 36 of the CPS2:-

“(3) The Council cannot grant planning approval for a non-complying application unless -

- (c) the Council is satisfied by an absolute majority that:-*
- (i) if approval were to be granted, the development would be consistent with:-*
 - (A) the orderly and proper planning of the locality;*
 - (B) the conservation of the amenities of the locality; and*
 - (C) the statement of intent set out in the relevant precinct plan; and*
 - (ii) the non-compliance would not have any undue adverse effect on:-*
 - (A) the occupiers or users of the development;*

- (B) *the property in, or the inhabitants of, the locality; or*
(C) *the likely future development of the locality.”*

Comments:

Consultation

As the amended application is proposing further variations to the maximum street building height and setbacks along Irwin Street and St Georges Terrace, as specified under CPS2, the application was re-advertised for a period of 14 days expiring on 19 May 2017. No submissions were received during this period.

Design Advisory Committee

As the amended application is not proposing any significant departure from the original design and form of the building and is still within the maximum plot ratio permitted at the site, there was no requirement for the application to be reconsidered by the City's Design Advisory Committee. It is noted that the City's Design Advisory Committee previously supported the design in terms of its incorporation of symbolism and historical references and its recessive form.

Building Height and Setbacks

The building is located on a corner site where there are different provisions in terms of the street frontage height and setback requirements. The proposed additional three levels still results in a building height which is well below the maximum height requirement in this location (100 metres permitted, 50.45 metres proposed). Given the additional three levels the revised application proposes further variations to the street frontage height and setback requirements along Irwin Street and St Georges Terrace (where there was previously no variation). Along Irwin Street a varying street frontage height of 27 metres to 44.4 metres is proposed (14 metres maximum required) with encroachments into the five metre street setback from level 3 to 10. Along St Georges Terrace a street frontage height of 27 metres is proposed (21 metres maximum required) with encroachments into the five metre street setback at levels 5 to 7.

The proposed street building height and setbacks along St Georges Terrace and Irwin Street are, however, still considered to meet the principles of the City's Building Heights and Setback Policy 4.4 in terms of providing for pedestrian scale, being respectful to the heights of buildings along the street and maximising sunlight penetration into the street. The recessive form of the building and the additional street building height is also considered appropriate in terms of its prominent corner location and is consistent with the built form principles outlined in the City Development Design Guidelines 4.1. The proposed further variations to the street frontage height and setback requirements along St Georges Terrace and Irwin Street should therefore be supported.

With respect to the side and rear setbacks there are no variations sought in terms of the current boundaries, however as noted in the original report the RSLWA Club is to be subdivided from the Central Law Courts site. This will result in a variation to the future northern (rear) boundary at the upper floor levels (3 metres required, 1 metres proposed). The additional height will therefore increase the amount of the upper floor level building which does not comply with the northern setback requirement. The applicant has however confirmed that the variation to the northern boundary is acceptable to the owners of the

adjacent building, noting the setback will permit sufficient light to reach the existing narrow slit windows of the Central Law Courts building to the north. The proposed additional height of the new RSLWA club building will also be well under the maximum height limit in this location (100 metres permitted, 50.45 metres proposed) and therefore is considered to have an acceptable level of amenity impact on the adjacent Central Law Courts building, particularly given the constraints of the site and its inner city context. It is considered that the proposed further variation to the future northern lot boundary can therefore be supported in accordance with the City's Building Heights and Setbacks Policy 4.4 and clause 36 of CPS2.

Conclusion

The revised application proposes an additional three floor levels to the approved new RSLWA Club and Offices building. This will allow for additional commercial tenancies and an RSLWA members lounge bar and restaurant to be accommodated within the building. The additional height will also enable the building to fully capitalise on views across to the Government House gardens and to the Swan River. The building is generally compliant with the CPS2 development standards in terms of the maximum plot ratio and overall building height. Aside from the additional height, there are no changes proposed to the external design and presentation of the building to the street, noting this design was previously commended by the City's Design Advisory Committee in terms of its historical references and recessive form.

The further variations sought in terms of the maximum street frontage height and setbacks along Irwin Street and St Georges Terrace and to the setback of the future northern boundary with the Central Law Courts Building are minor in nature and do not raise any undue adverse amenity impacts and can be supported in accordance with the City's Building Heights and Setbacks Policy and clause 36 of CPS2.

Based on the above it is recommended that the application for a 13-level mixed-use development for the RSLWA Club and offices, commercial offices and retail and dining tenancies should be approved subject to relevant conditions, taking into account a number of the planning conditions have already been addressed to the City's satisfaction at the forward works and demolition permit stages.



2017/5157 - 28 (LOT 743) ST GEORGES TERRACE AND 501 (LOTS 653 AND 744) HAY STREET, PERTH



2016/5473 - 28 (LOT 743) ST GEORGES TERRACE AND 501 (LOTS 653 AND 744) HAY STREET, PERTH



2016/5473 - 28 (LOT 743) ST GEORGES TERRACE AND 501 (LOTS 653 AND 744) HAY STREET, PERTH

Planning and Development Act 2005
City of Perth

Notice of determination on application for development approval

Application Ref No. **DA-2016/5473**
Location: **28 St Georges Terrace and 501 Hay Street, Perth**
Lots: **743, 563 and 744** Plan/Diagram: **150091 and 29924**
Vol. No: **LR3126** Folio No: **725 and 726**
Application date: **18 November 2016** Received on: **16 January 2017**

Description of proposed development: ***Demolition of the existing ANZAC House and Club Building and the construction of a 10-level mixed-use building for the RSLWA Club and Offices as well as commercial offices and dining tenancies***

The application for development approval is **GRANTED BY AN ABSOLUTE MAJORITY (By the Council at its meeting held on 14 February 2017)** in accordance with the provisions of City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes and the Metropolitan Region Scheme:

Conditions:

- 1. the amalgamation and re-subdivision of the subject lots into two separate lots on two Certificates of Titles to accommodate the new RSLWA Club building and Central Law Courts building, in compliance with the City's maximum plot ratio and car parking requirements, as well as any required vehicle access and servicing easements prior to occupancy of the new RSLWA Club building;***
- 2. an interpretation strategy and archival record of the existing ANZAC House building being prepared in consultation with the State Heritage Office and being submitted for approval by the City prior to applying for a demolition permit;***
- 3. an archaeological management strategy being prepared by a suitably qualified historical archaeologist, to inform demolition and redevelopment works at the site, in consultation with the State Heritage Office and being submitted to the City for approval prior to applying for a demolition permit;***
- 4. final details of the design and a sample board of the high quality and durable materials, colours and finishes for the building, including the treatment to the vehicle entrance on Irwin Street,***

- being submitted for approval by the City prior to applying for a building permit;*
- 5. final details of the design and finishes to the western courtyard and display space, including security and surveillance measures to ensure the area is safe during and after operating hours, being submitted for approval by the City prior to its installation;*
 - 6. any proposed external building plant, lift overruns, piping, ducting, water tanks, transformers, air condensers and fire booster cabinets shall be located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street, including any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted for approval by the City prior to applying for a building permit;*
 - 7. a final Waste Management Plan, identifying a permanent storage and wash down facility for bins both recyclables and general waste and including a waste disposal/collection strategy demonstrating how these facilities will be serviced by the City or a private operator, being submitted for approval by the City prior to applying for a building permit;*
 - 8. details of on-site stormwater disposal/management being to the City's specifications and being submitted for approval by the City prior to applying for a building permit;*
 - 9. the proposed floor levels of the pedestrian and vehicle entrances into the building being designed to match the current levels of the adjacent footpaths, to the City's satisfaction, with details being submitted for approval by the City prior to applying for a building permit;*
 - 10. thirteen car parking bays (including one universal access car parking bay) being provided on-site within the new RSLWA Club and Offices building, with all on-site parking being for the exclusive use of the tenants of the development and their customers/guests;*
 - 11. in the event that the approved development has not been substantially commenced within six months of the demolition of the existing building on site, the site is to be landscaped and*

aesthetically screened at the owner's cost, with details being submitted for approval by the City prior to installation, in order to preserve the amenity of the area and to prevent dust and sand being blown from the site, with the site being maintained in a clean and tidy state to the City's satisfaction;

- 12. the works referred to in Condition 11, shall be secured by a bond/deed of agreement between the applicant and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant;***
- 13. any signage for the development being integrated into the design of the building and any signs which are not exempt from approval under the City's Signs Policy 4.6 requiring a separate application;***
- 14. the ground floor commercial tenancies being restricted to 'Dining' (café or restaurant), 'Office' or 'Retail (General)' uses with any other proposed uses not listed above or any external alterations to the tenancies requiring a separate application for approval;***
- 15. a construction management plan for the development being submitted to the City for approval prior to applying for a building permit, detailing how it is proposed to manage;***
 - 15.1 the delivery of materials and equipment to the site;***
 - 15.2 the storage of materials and equipment on the site;***
 - 15.3 the parking arrangements for the contractors and subcontractors;***
 - 15.4 any dewatering of the site;***
 - 15.5 any impacts on city infrastructure and street trees in the surrounding streets and footpaths; and***
 - 15.6 other matters likely to impact on the Central Law Courts and surrounding properties.***

Date of determination: **20 February 2017**

Note 1: This is a planning determination and NOT a building permit. This approval cannot be acted on without obtaining any required building or health approval from the City.

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

- Note 3: Where an approval has so lapsed, no development must be carried out without the further approval of the City having first been sought and obtained.
- Note 4: If an applicant or owner is aggrieved by this determination an application may be made in writing to the Council to revoke or amend this planning approval and there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

20 February 2017

MANAGER DEVELOPMENT APPROVALS
For and on behalf of the City of Perth





Enquiries to:
Contact:
Our Reference: DA-2016/5473

20 February 2017

MacCormac Architects
Suite 3/1329 Hay St
WEST PERTH WA 6005

Dear Sir/Madam

28 (LOT 743) ST GEORGES TERRACE AND 501 (LOTS 563 AND 744) HAY STREET, PERTH – DEMOLITION OF THE EXISTING ANZAC HOUSE AND CLUB BUILDING AND THE CONSTRUCTION OF A 10-LEVEL MIXED-USE BUILDING FOR THE RSLWA CLUB AND OFFICES AS WELL AS COMMERCIAL OFFICES AND DINING TENANCIES

Thank you for your application dated 18 November 2016 and for the plans received on 16 January 2017 for the demolition of the existing ANZAC House and Club Building and the construction of a 10-level mixed-use building for the RSLWA Club and Offices as well as commercial offices and dining tenancies.

This proposal was considered by the Council at its meeting held on 14 February 2017 where in accordance with the provisions of the City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes and the Metropolitan Region Scheme it was resolved to grant conditional approval. The attached Approval to Commence Development outlines the conditions applied.

Please note that building works cannot proceed prior to the City issuing a building permit. You are advised that where a condition of approval is required to be satisfied "prior to applying for a building permit", it is the developer's responsibility to address these matters in a timely manner. To assist applicants in obtaining the City's clearance of all relevant planning conditions, together with addressing any preliminary building, health or engineering advice notes (as attached) the City offers a free 'Pre-Permit Clearance' service. To take advantage of this service, please complete the attached application form and submit it to the City with a written statement advising how each of the relevant conditions and advice notes have been satisfied, together with two sets of final architectural drawings for the development where appropriate. The City will issue written confirmation that the conditions and

plans have been cleared to the City's satisfaction, which can then be included in your application for a building permit as evidence of the necessary approvals being in place.

You are then required to submit an application for an Occupancy Permit (BA9) to the City. _____ is available on _____ to assist with any queries you may have in relation to these applications.

Preliminary building and health advice is also enclosed for your information and compliance.

_____ of the City's Development Approvals Unit is available on _____ to assist you with any further queries you may have relating to this matter.

Yours faithfully

MANAGER DEVELOPMENT APPROVALS

Encl. Planning determination
Approved plans
Preliminary advice

PRELIMINARY ADVICE

DA-2016/5473 'ANZAC CLUB', 28 St Georges Terrace, PERTH WA 6000,
'CENTRAL LAW COURTS', 501 Hay Street, PERTH WA 6000

BUILDING ADVICE

BPR Building permit required

A building permit is required to be submitted and approved prior to undertaking building work.

AN02 Disability Discrimination Act

The building owner/developer is hereby notified that in addition to the disabled access and facility requirements of the BCA, it is the responsibility of the building owner/developer to ensure the development complies with the Disability Discrimination Act 1992 and the Disability (Access to Premises - Buildings) Standards 2010. Further information may be obtained from the Disability Services Commission.

BG07 Occupancy Permit

The building or any part thereof, shall not be occupied until this Council has issued a Occupancy Permit to the owner.

HEALTH CONDITIONS

HMISC Health Miscellaneous
Legislation

The proposed development is satisfactory subject to compliance with the following Environmental Health and other legislation:

- Food Act 2008;
- Food Regulations 2009;
- Food Safety Standards 3.2.3 *Food Premises and Equipment*;
- **Health (Public Buildings) Regulations 1992**
- Occupational Health, Safety and Welfare Act/Regulations;
- Sewerage (Lighting, Ventilation & Construction) Regulations 1971;
- City of Perth Health, Health Local Law 2000;
- Metropolitan Water Supply, Sewerage and Drainage Board by-laws 1981;
- Environmental Protection (Noise) Regulations 1997;
- Liquor Licensing Act 1988.

Toilets

- Sanitary conveniences to be provided in accordance with the provisions of Table F2.3 of the Building Code of Australia.

Exhaust Canopy

- Cooking equipment with energy input over 8kW or 29 MJ/h to be provided with an exhaust canopy in accordance with AS 1668.2-2012.

Grease Trap

- A grease trap is to be provided in accordance with the Water Corporation Trade Waste Section.

Bin Area

The premises to be provided with access to a bin area with:

- A tap connected to a water supply;
- Smooth impervious walls minimum 1.5 metres in height;
- An access way minimum 1 metre wide fitted with a self-closing door;
- Smooth impervious floor minimum 75mm thick, graded and drained to a 100mm industrial grade floor waste.

Public Building

- As it is intended to use parts of this development as a Public Building as defined in Section 173 of the Health Act 1911 it will be necessary to make application for a Certificate of Approval/Maximum Accommodation Notice before commencing use as a public building operation.
- Provide detailed plans and specifications of the public building to the Approval Environmental Health Officer of the Environment and Public Health Unit prior to construction or alternations.

Public Building Step Treads and Risers

Step treads and rises to public building areas shall have treads not less than 280mm wide and risers not exceeding 180mm in height.

Agenda Item 8.4 **621 (Lot 1) Wellington Street, Perth – Installation of a Wall Sign Displaying Third Party Advertising Content**

Recommendation:

*That, in accordance with the provisions of the City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes and the Metropolitan Region Scheme, the Council **REFUSES** the application for the installation of a wall sign displaying third party advertising content at 621 (Lot 1) Wellington Street, Perth, as indicated on the Local Planning Scheme Form and Metropolitan Region Scheme Form One dated 14 March 2017 and the plans received on 19 April 2017 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 the sign is contrary to clause 6.6 c) i) as it is not located within or facing onto a public space where it is oriented for viewing within the space and not from adjacent streets;**
 - 1.2 the sign is contrary to clauses 5.0 c), 6.6 c) i) b) and 7.11 b) as it is not designed as an integral element of building and is out of proportion with the building’s eastern façade, detrimentally impacting on the character and appearance of the existing building and the streetscape;**
 - 1.3 the third party advertising content is contrary to clause 5.0 h) as it will not enhance or make a positive contribution to the visual quality, amenity and vibrancy of the area;**
 - 1.4 the sign is contrary to clause 6.6 c) iv) as the third party advertising content of the sign is not limited to products, brands and events within the local government boundaries; and**
 - 1.5 noting 1.1, 1.2, 1.3 and 1.4 above, the sign is considered to be contrary to orderly and proper planning.**

FILE REFERENCE:	2017/5150
SUBURB/LOCATION:	621 (Lot 1) Wellington Street, Perth
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	19 June 2017
ATTACHMENT/S:	Attachment 8.4A – Map and Perspective for 621 Wellington Street

3D MODEL PRESENTATION:	N/A
LANDOWNER:	Mode Modular Systems Pty Ltd (Mantra Hotels)
APPLICANT:	Adventure Outdoor Advertising Pty Ltd
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Citiplace Precinct 5 (P5) (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	\$10,000

Legislation / Strategic Plan / Policy:

Legislation Planning and Development Act 2005
City Planning Scheme No. 2

Policy
Policy No and Name: 4.6 Signs Policy
Precinct Plan 5 - Citiplace

Details:

The application proposes the installation of a wall sign at the upper floor levels of the eastern elevation of the Peppers Hotel development. The wall sign is proposed to display third party advertising content. The sign will measure approximately 7.4 metres in width by 15.5 metres in height and will project 0.8 metres beyond the existing wall into the adjacent property at 613-619 Wellington Street, Perth. The applicant has received consent from the adjacent property owner at 613-619 Wellington Street for the encroachment of the sign into their property.

In addition the applicant has provided the following details in relation to the content and quality of the sign:

- Advertisers will only use high quality graphics and vibrant artistic content that maintains or improves the visual amenity of the locality consistent with the applicant's GR8 Media Advertising Policy.
- No advertisement will contain corporate markings, logos or branding exceeding more than 10 per cent of the total billboard area.
- No individual advertisement will be displayed for a period exceeding six calendar months.
- New advertisements will be installed immediately after the removal of the previous advertisement.
- All advertising is to conform to the standards outlined in the applicant's GR8 Media Social Policy and in accordance with the Outdoor Media Association's Code of Ethics.

Compliance with Planning Scheme:

Development Requirements

The subject site is located in the City Centre Use Area of the Citiplace Precinct 5 (P5) under City Planning Scheme No. 2 (CPS2). The Citiplace Precinct will be enhanced as the retail focus of the State providing a range of retail and related services more extensive than

elsewhere in the metropolitan region. The site is also located in the 'Retail Core Area' under the City's Signs Policy 4.6 whereby signs should contribute to a lively, colourful and stimulating pedestrian environment with the character of the signage reflecting the intended predominance of retail uses in the area.

The proposed sign is defined as a 'wall sign' with 'third party advertising content' under the City's Signs Policy 4.6 as outlined below:-

“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.”

“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.”

The applicant is seeking variations to the City's Signs Policy 4.6 which will be discussed in further detail under the comments section of this report. Variations to the Signs Policy can only be granted by an absolute majority decision of Council, in accordance with Clause 36 of the City Planning Scheme No. 2 and provided Council is satisfied that:

“36(3)(c)(i) if approval were to be granted, the development would be consistent with:

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

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

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

Comments:

Location

Signage should be predominantly located at ground, first floor or the top of the building identifying principle tenants of the building. Signage at other locations on a building should be limited and may only be supported where the building has been designed to specifically accommodate signage at that location and where the purpose and viewing audience of the signage is clear and justified.

The City's Signs Policy 4.6 which was adopted by Council on 13 December 2016 provides specific guidance on where third party advertising content should be located within the city. Under clause 5.0 h), third party advertising content should only be permitted in limited locations within the city where it can be demonstrated that it will enhance and not adversely affect the visual quality, amenity, vibrancy and safety within the city. In addition clause 6.6 c) i) a) limits third party advertising to signs which face or are located within a public space within the Entertainment Area, the Retail Core Area, the Town Centre Area or The Terraces Area where the sign is oriented for viewing from within the space and not from adjacent streets.

With respect to the location of wall signs, clause 6.6 c) i) b) of the City's Signs Policy restricts these signs to buildings within the Entertainment, Retail Core Area or Town Centre Area where the subject building has a valid development approval granted prior to June 2014 and the wall sign is proposed to be installed upon a large section of the blank wall that would be enhanced by its addition.

The proposed wall sign which will display third party advertising content will be located on the eastern elevation of the Peppers Hotel, where it is primarily oriented for viewing from Wellington Street. Whilst the wall sign will be located within the Retail Core Area and on a building granted development approval prior to June 2014, it is inconsistent with clause 6.6 c) i) a) which requires third party advertising signs to be oriented for viewing from within a public space and not from adjacent streets.

The applicant's reference to the City's Thoroughfares and Public Places Local Law in terms of the definition of a footpath as a public space is not relevant in terms of what is intended as a public space under the City's Sign's Policy. Whilst it is understood that the preference of advertising companies is to locate third party advertising in highly visible locations, primarily adjacent to main roads for viewing by passing motorists, the intent of the Policy is to provide a controlled approach and prevent it from becoming excessive or dominant in the City. For this reason third party advertising is limited to active public spaces designed for people to gather, where it will complement and enhance the nature and vibrancy of the space, including public plazas and pedestrian malls.

The applicant has also referred to the Metropolitan Redevelopment Authority's (MRA) Perth City Link Masterplan in justifying the Wellington Street footpath as a public space. Whilst it is acknowledged that the Masterplan seeks to encourage pedestrian activity along Wellington Street through alfresco dining and the provision of street furniture, the footpath is part of the road reserve and is not a public gathering space as envisaged by the Policy. There are many streets in the City that have alfresco dining and street furniture however it was never the intention of the Policy that third party advertising content be oriented towards these spaces. Signage in the streetscape should principally be for the purpose of numbering and naming buildings and businesses along the ground floor level. It is also noted that the southern side of Wellington Street (including the southern footpath) falls within the City's jurisdiction and not within the MRA Perth City Link Area.

Based on the above it is considered that the proposed wall sign which will display third party advertising content is contrary to clause 6 c) i) of the City's Signs Policy 4.6 as it is not located within or facing onto a public space where it is oriented for viewing within the space and not from adjacent streets and, therefore, the proposed location of the sign should not be supported

Sign Content and Vibrancy

Clause 6.6 c) iv) of the City's Signs Policy 4.6 further requires third party advertising content to be related to products, services or events available within the city boundaries. It should also be demonstrated that the third party advertising content will enhance and not adversely affect the visual quality, amenity, vibrancy and safety of the place in accordance with clause 5.0 h). The advertising strategy submitted with the application sets out the general advertising standards that will be applied however does not indicate the type of content that will be displayed or that it will be limited to products, services or events within the City. Whilst the sign is considered to have no detrimental impacts on road safety, the

use of general third party advertising content in this location does not result in a positive contribution to the visual quality, amenity or vibrancy of the area.

Based on the above it is considered that the sign is contrary to clause 5.0 h) and 6.6 c) iv) of the Sign's Policy 4.6 as the third party advertising content of the sign is not proposed to be limited to products, brands and events within the local government boundaries and will not result in a positive contribution to the area in terms of visual quality, amenity or vibrancy.

Design and Scale

Clause 5.0 c) of the City's Signs Policy 4.6 requires that signs are compatible in scale and are integrated into the architectural design of the building, having regard to the form, materials, finishes, colours and fenestration of the building and the architectural features of a building should not be obscured. The scale of signs should be compatible with the form of buildings they are on. Furthermore appropriate dimensions are achieved by using structural lines or material panels as a guide. This ensures that the architectural character of the building remains dominant.

In addition clause 7.11 b) of the Signs Policy requires that wall signs located at the top of the building should have a maximum vertical dimension equal to one tenth of the building's height, but not more than the combined height of two typical floors of a building. Wall signs should also only be installed on large sections of blank walls which are enhanced by its addition in accordance with clause 6.6 c) i) b).

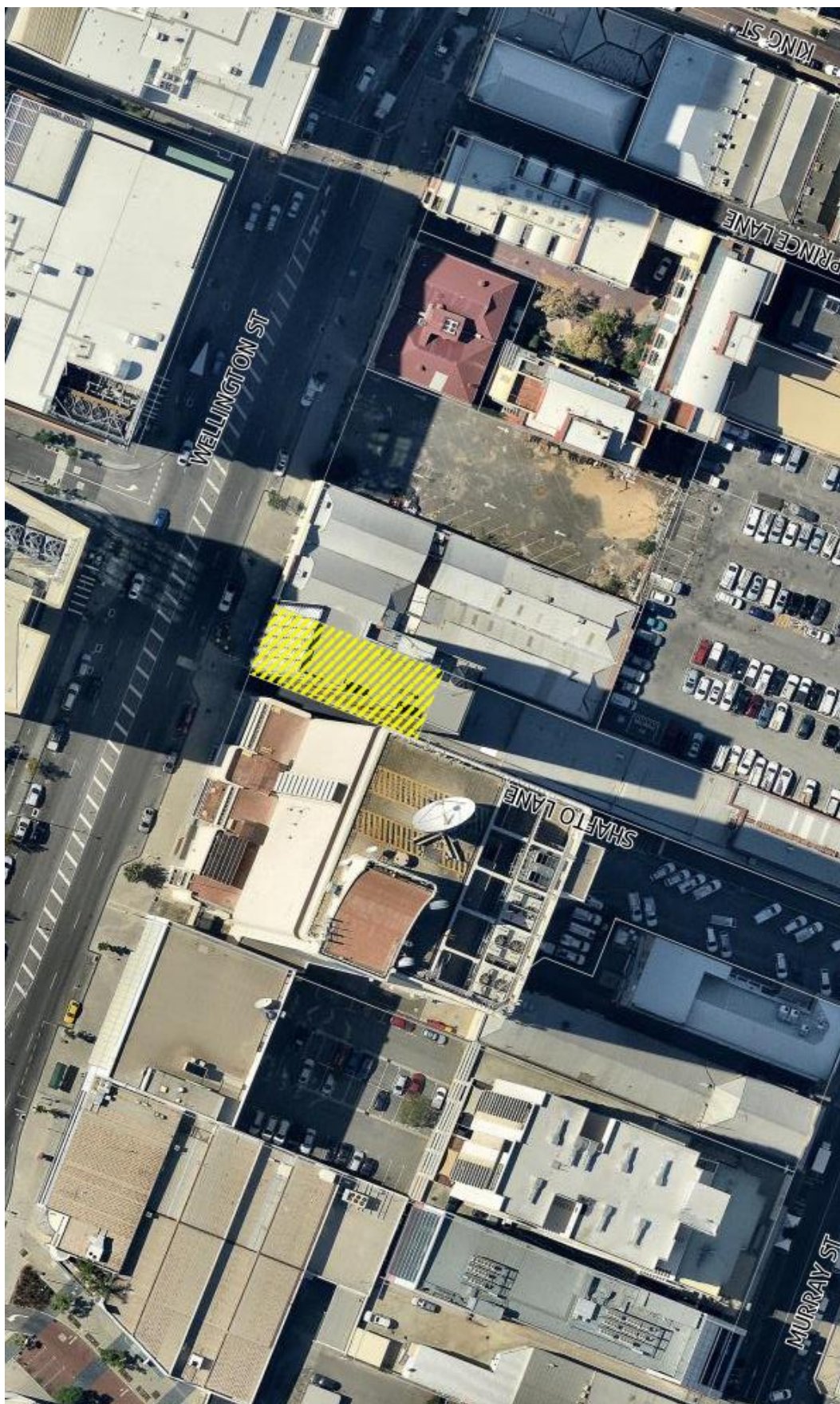
It is considered that the proposed wall sign has not been integrated into the design of the building and does not enhance the appearance eastern elevation wall. The position of the sign is not contained within the existing panels and does not make any reference to the pattern behind. This will result in a sign which appears as an ad hoc addition to the building. The height of the sign is also excessive in relation to the height of the overall building (29% of the height of the building), is greater than the maximum vertical dimension permitted under clause 7.11 b) and will therefore appear out of proportion with the building's eastern elevation.

Based on the above it is considered that the sign has not been designed as an integral element of the building, does not enhance the eastern elevation wall and will appear out of proportion with the scale of the existing building, detrimentally impacting on the external appearance of the building and streetscape and contrary to clauses 5.0 c), 6.6 c) i) b) and 7.11 b) of the City's Signs Policy 4.6.

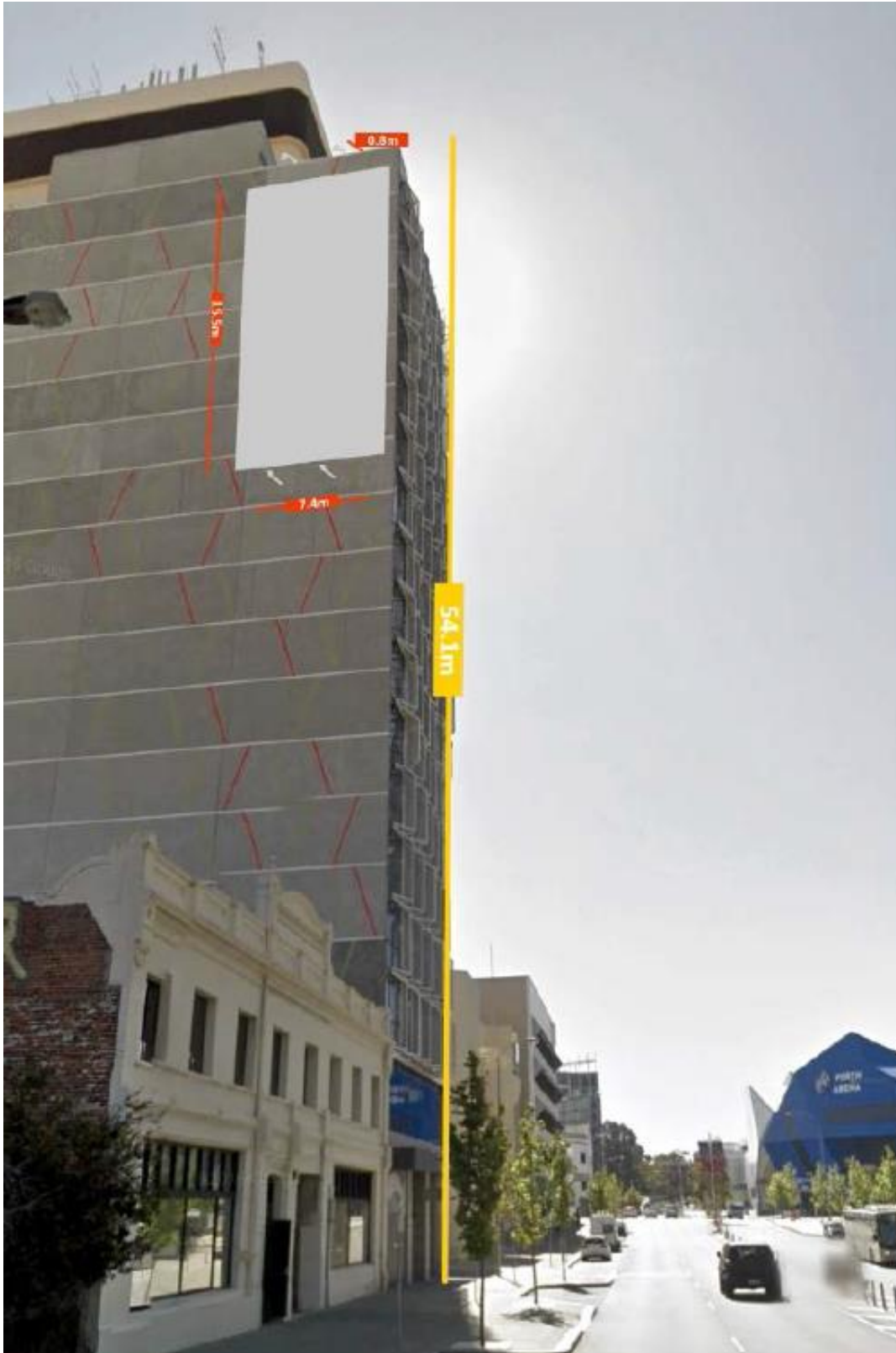
Conclusion

The new Peppers Hotel at 621 Wellington Street is a highly visible location that would enable third party advertisements to be viewed from major roads and from a considerable distance where it would have a large audience in terms of motorists and pedestrians. This however is not necessarily a good outcome for the visual appearance of the locality or the city generally. Third party advertising, if not carefully managed, can create visual noise and detract from the visual amenity of the city, from general way-finding and from the advertising of the local city businesses and their goods and services. There is a danger that it can become the dominant element of the urban environment, rather than the buildings, spaces and business making and forming the city's character.

For these reasons the City's Signs Policy 4.6 seeks to ensure that signage is well designed and positioned, innovative, responds to its setting and makes a positive contribution to the visual appeal of the public realm and the city as a whole. The proposed permanent display of a larger third party advertising wall sign on the eastern elevation of the Peppers Hotel at 621 Wellington Street is contrary to the intent and specific requirements of the City's Signs Policy and will have a negative impact on the streetscape and character of the area. Therefore, it is recommended that this application be refused.



2017/5150 - 621 (LOT 1) WELLINGTON STREET, PERTH



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