

6:40pm Councillor Liam Gobbert disclosed a Proximity Interest in Item 11.4 (as detailed at Item 5) and departed the meeting accordingly.

6:40pm Councillor Viktor Ko disclosed a Proximity Interest in Item 11.4 (as detailed at Item 5) and departed the meeting accordingly.

6:40pm Councillor Adam Pacan disclosed a Proximity Interest in Item 11.4 (as detailed at Item 5) and departed the meeting accordingly.

Councillor Raj Doshi disclosed an Impartiality Interest in Item 11.4 (as detailed at Item 5)

11.4 Preparation of Amendment No. 54 to City Planning Scheme No. 2 to introduce the Additional Uses 'Entertainment' (Amusement Parlour and Small Bar), 'Business Services' and 'Education 2' to 99 (Lot 10) Adelaide Terrace, East Perth

Responsible Officer	Maria Cooke – General Manager Planning and Sustainability
Voting Requirements	Simple Majority
Attachments	Attachment 11.4A – Scheme Amendment Report Attachment 11.4B – Location Plan - Hyatt Centre Attachment 11.4C – Modifications to Precinct Plan Policy No. 13 Adelaide

Purpose

For Council to consider the preparation of Amendment No. 54 to City Planning Scheme No. 2 (CPS2) to allow 'Entertainment' ('Amusement Parlour' and 'Small Bar'), 'Business Services' and 'Education 2' as additional land use groups at 99 (Lot 10) Adelaide Terrace, East Perth.

Recommendation

That Council:

1. RESOLVES to prepare Amendment No. 54 to City Planning Scheme No. 2 to allow the Additional Uses of 'Entertainment' ('Amusement Parlour' and 'Small Bar'), 'Business Services' and 'Education 2' at 99 (Lot 10) Adelaide Terrace, East Perth as detailed in Attachment A – Scheme Amendment Report;
2. RESOLVES that Amendment No. 54 to City Planning Scheme No. 2 is a Standard Amendment for the following reasons, pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
 - b. The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Western Australian Planning Commission.
3. RESOLVES to amend Precinct Plan Policy No. 13 – Adelaide as detailed in Attachment C, in accordance with Schedule 2 - Deemed Provisions Clauses 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Background

1. The City has received a request from PTS Planning on behalf of Grand Hotel Management Pty Ltd to prepare a scheme amendment to include 'Entertainment' ('Amusement Parlour' and 'Small Bar'), 'Business Services' and 'Education 2' as additional land use groups to the southern portion of 99 (Lot 10) Adelaide Terrace, East Perth.
2. The site forms part of the 'Hyatt Centre' buildings comprising 99 (Lot 10) Adelaide Terrace, 10 and 40 (Lots 11 and 12) Terrace Road, East Perth. It is bound by Plain Street to the east, residential apartments to the west, Adelaide Terrace to the north, and Terrace Road to the south. A location plan is provided as Attachment B.
3. The northern portion of the site is located within the Office/Residential scheme use area of CPS2, while the southern portion is located within the Residential scheme use area (refer to Attachment C). The boundary between these two scheme use areas traverses the existing Hyatt Centre buildings, resulting in the building being divided across two different scheme use areas.
4. The original planning approval for the site was for a hotel, retail, office, residential health club and squash courts.
5. In 2017, the site received planning approval for a mixed-use redevelopment. This approval comprised a supermarket, retail and restaurant tenancies, a community theatre, gallery, performance venues, child-care centre, health and wellness centre, and a medical centre.
6. At the Ordinary Council Meeting held on 27 February 2024, Council resolved to support Amendment No. 51 to CPS2, to add the Additional Use 'Healthcare 2' to the southern portion of site..
7. The landowner now seeks the option to develop the existing podium buildings for a mix of entertainment (limited to an amusement parlour and small bar), business services and education facility (comprising tertiary institution, business college or employment training centre). These would replace the existing squash courts and commercial floor space in the southern half of the podium building. A copy of the Scheme Amendment Report is included in Attachment A, which includes further details of the proposal and site context.
8. This scheme amendment does not give development approval to the land uses, it provides the ability for the landowner to apply for development approval.

Discussion

City Planning Scheme No. 2

9. The relevant land uses as they currently apply to Lot 10 and how they would apply as a result of this scheme amendment are as follows.

Use Group	Use Symbol		Use Symbol
	Office/ Residential	Residential R160	Proposed Additional Uses for southern portion of Lot 10
Business Services	P	X	C *
Education 2	C	X	C *

Entertainment (Amusement Parlour and Small Bar)	C	X	C
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NOTE: * denotes that an application for development approval involving this land use would require to be advertised for consultation.

10. The 'Entertainment' use group means *'premises used for the purpose of amusement, entertainment or similar purposes and operated generally on a commercial basis including: amusement parlour, betting agency, cinema/theatre, club, function centre, nightclub, tavern.'*

The term 'Amusement parlour' means *'premises - (a) that are open to the public; (b) the predominant use of which are for amusement by means of amusement machines; and (c) that have at least 3 amusement machines operating within the premises during operating hours.'*

The term 'Small Bar' means *'premises - (a) used to sell liquor for consumption on the premises; and (b) that are the subject of a small bar licence under the Liquor Control Act 1988.'* Under the Liquor Control Act, a small bar is limited to a maximum of 120 people.

11. The 'Business Services' use group means *'premises used for the provision of services which are predominantly administrative in nature and which – (a) are dependent on direct access to the public; and (b) generally have a retail shop front, and includes a bank or building society, post office, real estate agency and travel agency.'*

12. The 'Education 2' use group means: *'Educational facility – upper' premises used for – (a) a secondary school; or (b) post-secondary education, including a tertiary institution, business college, employment training centre or academy'.*

13. 'Entertainment', 'Business Services' and 'Education 2' are classified as Prohibited land uses in the Residential scheme use area. Under the existing planning framework, there is no ability for the City to consider issuing planning approval for these uses.

14. Schedule 5 of CPS2 allows for additional land uses to be considered where the land use would otherwise be prohibited. Clause 19 (1)(c) specifies that an Additional Use listed in Schedule 5 is treated as a 'Contemplated' land use for that lot. A local government can either approve (with or without conditions) or refuse a contemplated land use.

15. Clause 19 (3) of CPS2 specifies the criteria the local government must consider when initiating an amendment to Schedule 5 – Additional Uses. Amendment No. 54 is considered to satisfy the provisions of Clause 19 (3) of CPS2 as outlined below:

- a. **Orderly and proper planning:** The site is not typical of a residential area, given the existing commercial development across the site. The site comprises an existing four-storey building developed with offices, food outlet, supermarket, gym, shops and medical centres/consulting rooms. A restaurant and childcare premises are due to open.

The objectives for the Residential scheme use area support a limited range of complimentary non-residential land uses provided the amenity of the surrounding residential area is preserved. However, the southern portion of the site has never operated as a residential development nor included residential land uses.

The proposed additional land uses of 'Entertainment' (limited to 'Amusement Parlour' and 'Small Bar'), 'Business Services' and 'Education 2' are considered to generally have a similar impact on amenity to that of the existing commercial uses. The inclusion of these further additional uses within a mixed-use development is consistent with the principles of orderly and proper planning.

The development approval process provides the opportunity to consider the amenity impact of a specific proposal. This would include the location of the land use and operating hours.

- b. **Conservation of local amenities:** These land uses are not considered to negatively impact local amenity that would warrant not considering them.
- c. **Precinct Plan:** The statement of intent for Precinct Plan Policy No. 13 – Adelaide is to develop the precinct as a *“residential quarter accommodating a wide range of residential and visitor accommodation and employment opportunities serviced by activities which support these uses”*. The proposal is consistent with the intent of the Precinct as the proposed additional land uses would provide employment opportunities and commercial services that will support an increased residential population.
- d. **Clause 67 of Deemed Provisions:** The ‘Entertainment’, ‘Business Services’ and ‘Education 2’ use groups are capable of being appropriately developed on the subject site. There is merit in allowing these uses to be assessed through the development approval process.

Noting that the adjoining property contains a residential apartment building, a condition of the ‘Small Bar’ additional use will be that it must not be located within 30 metres of the western boundary. The development approval process will determine if any proposal is suitable for its setting in accordance with clause 67 of the Deemed Provisions.

- e. **Undue adverse effect:** The proposed additional uses are not considered to have an undue adverse effect on the users of the development or properties within the locality, as the site is already developed as a mixed-use commercial centre. As stated above, the land use ‘Small Bar’ must not be located within 30 metres of the western boundary to provide separation to the existing residential development to the west to reduce any potential impact on those residents.
16. To ensure appropriate consideration for any future development for the use group ‘Entertainment’, the following modification is proposed to the ‘Residential Area’ of the Precinct Plan Policy No.13 – Adelaide (refer to Attachment B):
- a. Insert the requirement for an application for development approval for the land use of ‘Amusement Parlour’ and ‘Small Bar’ to be advertised in accordance with clause 64 of the Deemed Provisions.

Council Policy 3.5 Initiation of Local Planning Scheme Amendments

17. Council Policy 3.5 (CP 3.5) provides a framework to assess the appropriateness of initiating scheme amendments ahead of the draft Local Planning Scheme No. 3 (LPS3). Amendment No. 54 satisfies the provisions of CP 3.5 for the following reasons:
- a. The Local Planning Strategy (Strategy) continues the split zoning of the subject site with the northern portion designated high scale mixed use and the southern portion high scale residential.
- The addition of ‘Entertainment’, ‘Business Services’ and ‘Education 2’ at the subject site was not directly anticipated by the Strategy. Nevertheless, the proposal will assist in delivering the outcomes envisioned for the East Perth neighbourhood.
- Although the Strategy seeks to maintain the residential nature of Terrace Road, the site has never been developed for residential purposes. The proposed additional uses align with the nature of the existing commercial development on the site.
- The proposed additional uses align with the action of the Strategy to review land use permissibility to activate underutilised properties and landholdings.

- b. The amendment does not propose any significant changes to the existing development controls or result in any significant change to the development potential of the subject site.
- c. Consultation on the draft LPS3 has not yet commenced. Nevertheless, the proposal forms part of the redevelopment of the site and is considered unique and site specific. As the proposal is for additional uses to the site and not the greater Residential scheme use area, the proposal would not set an undesirable precedent for the Residential scheme use area ahead of the new scheme.

Draft Local Planning Scheme No. 3 (LPS3)

18. Draft LPS3 continues the split zoning across the site (in line with the Strategy) with the northern portion zoned 'Mixed Use' and the southern portion zoned 'Residential'.
19. Draft LPS3 identifies the southern portion of the site as Additional Use 21. This allows a Child Care Premises, Consulting Rooms, Office and Shop-Supermarket as 'D' uses, and a Hospital and Medical Centre as 'A' uses.
20. In relation to the additional uses proposed by this amendment and draft LPS3:
 - 'Amusement Parlour' is no longer a defined land use. However, 'Recreation - Private' includes amusement and is an 'A' use. That is, discretionary land use that requires community consultation.
 - 'Small Bar' is a 'D' use. That is, a discretionary land use.
 - 'Business Services' is not defined. However, it falls within the 'Office' definition. 'Office' is a 'D' use (Additional Use 21).
 - 'Education 2' is not a defined land use. The equivalent land use 'Educational Establishment' is a 'X' use.
21. Draft LPS3 was considered by the Council in April 2024. It is with the Department of Planning, Lands and Heritage and is yet to be presented to the Statutory Planning Committee and Minister for Planning for approval to commence consultation.
22. Given the context of the existing development, there is merit in reviewing the zoning of the site under draft LPS3, following consultation. The site contains a single building that straddles two different scheme use areas, yet operates as one integrated development. Aligning the zoning of the southern portion with the northern portion will provide a consistent planning framework and reflect the established development pattern. This would bring the site more closely into line with its existing approval and current use, supporting flexibility for future redevelopment while maintaining strategic planning objectives.

Precinct Plan Policy No. 13 - Adelaide

23. It is proposed to amend this policy to specify that the Amusement Parlour and Small Bar land uses would require consultation as part of seeking development approval. This proposed policy amendment would be advertised alongside the scheme amendment.

Scheme Amendment Classification

24. The *Planning and Development (Local Planning Schemes) Regulations 2015* includes three categories for amending local planning schemes - basic, standard, and complex. Amendment No. 54 is classified as a Standard Amendment as:
 - a. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

- b. The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Commission.

Consultation

25. Following a Council decision to prepare Amendment No. 54, the City is required to refer the scheme amendment to the Environmental Protection Authority (EPA) to determine whether formal assessment is required. The EPA has 30 days to make this determination.
26. The *Planning and Development Act 2005* requires the City to obtain approval from the Minister for Planning to commence formal consultation. If approval is granted, the City is required to advertise the scheme amendment for public comment for a period of 42 days. The amendment will be advertised online, via letters in the mail to adjoining landowners and a notice displayed in the Council House foyer.
27. Following consultation, the consultation outcomes and recommendation on progression of the amendment will be put back to Council for a decision.

Decision Implications

28. The decision to prepare Amendment No. 54 rests with the Council. The final decision on the Amendments rests with the Minister for Planning.
29. Should Council choose not to prepare Amendment No. 54, there is no right of review of this decision through the State Administrative Tribunal. However, the applicant may approach the Minister for Planning who has the power to invoke Part 5, Division 2 Section 76 of the *Planning and Development Act 2005* and order the local government, within such time specified in the order, to prepare and submit for the approval of the Minister an amendment to the local planning scheme.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Prosperous
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan 2022-2032 The proposed scheme amendment aligns with the 'Prosperous' pillar of the Strategic Community Plan 2022-2032, as the proposed additional land uses would provide employment opportunities that support an increased residential population. Local Planning Strategy 2023 <i>"East Perth is situated on the doorstep of the Swan River. It is the eastern gateway to the Central Perth. East Perth is a vibrant neighbourhood with a bustling neighbourhood centre, community facilities and beautiful parks. East Perth offers diverse housing options and is well placed to accommodate a larger resident population."</i> The proposed additional land uses will support the increased residential population through offering employment opportunities and commercial services in East Perth. This is consistent with the vision of the Strategy.

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Planning and Development Act 2005</i> - Section 75 provides legislative power to the Council to prepare changes to its local planning scheme. - Section 81 requires referral of scheme amendments to the Environmental Protection Authority prior to advertising. - Section 84 sets out advertising requirements. <i>City of Perth Act 2016</i> 8(1)(d) - Ensuring Perth continuously improves the services and facilities that the City of Perth provides to the community and to local, interstate and international visitors and tourists. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> - Regulations 34 and 35(2) require an amendment to be classified as basic, standard or complex. - Regulation 47 specifies requirements for advertising a Standard Amendment. Regulation 76A specifies requirements for making documents available to public. Schedule 2, Part 2, Cl 4(1) specifies the requirements for advertising local planning policy amendments. <i>City Planning Scheme No. 2 (CPS2)</i> - Clause 19 sets out the criteria for Additional Land Uses. - Schedule 1 refers to Scheme Use Areas. - Schedule 5 refers to Additional Land Uses. <i>Minor Town Planning Scheme No. 14 - Withernsea (MTPS14)</i> The subject site is located within the MTPS14 area. MTPS14 allows a permissible plot ratio of 4.0:1.0 within the subject site to be shared across the lots. MTPS14 does not include any provisions that relate to land use. Therefore, Amendment No. 54 does not impact or require amendment to this scheme.
Authority of Council/CEO:	The <i>Planning and Development Act 2005</i> gives local governments powers in relation to Local Planning Schemes and Local Planning Policies. The above provisions of the <i>Planning and Development Act 2005</i> require a decision to amend via Council resolution.
Policy:	City of Perth City Planning Scheme No.2 Precinct Plan No. 13 (P13) – Adelaide Precinct The intent for the Adelaide Precinct is to develop the Precinct as a “residential quarter accommodating a wide range of residential and visitor accommodation and employment opportunities serviced by activities which support these uses”. The proposal is consistent with the Statement of Intent as the addition of proposed additional land uses provides employment opportunities that support an increased residential population. Terrace Road Design Policy The subject site is located within the Terrace Road Design Planning Policy Area which guides the built form outcomes of the area. Amendment No. 54 relates to land use and does not propose any built

form modifications. Therefore, the Terrace Road Design Policy is unaffected by the scheme amendment.

Council Policy 3.5 (CP 3.5)

CP 3.5 provides a framework to assess the appropriateness of initiating scheme amendments ahead of the new local planning scheme (refer assessment above).

Financial Implications

30. In accordance with the *Planning and Development (Local Planning Scheme) Regulation 2015*, local government costs associated with the assessment, advertising and gazettal of the scheme amendment are met by the applicant.

Further Information

31. Questions and Responses forming part of the Agenda Briefing Session on 2 December 2025 are as follows:

	Question	Response
1.	Given that this amendment seeks to introduce two new commercial uses (small bar and amusement parlour) within a mixed-use complex where parking is already shared between the IGA supermarket, retail tenancies, and residential apartments. Could the Administration please clarify if any parking or traffic impact assessment was undertaken, and whether the City has baseline data on current parking utilisation and/or vehicle movements to demonstrate that the existing bays and surrounding streets can accommodate any additional demand without affecting residential amenity or local traffic conditions?	This scheme amendment, if supported by the Council and ultimately approved by the Minister for Planning, provides the ability for the landowner to submit an application for Development Approval (DA). It is considered that the development application stage is the appropriate mechanism to assess and determine whether the size and scale of a proposed land use is appropriate and considers matters such as amenity, traffic and car parking.

Council Resolution (OCM-25/12-009)

Mover: Councillor Raj Doshi

Seconder: Councillor Lisa Ma

That Council:

1. RESOLVES to prepare Amendment No. 54 to City Planning Scheme No. 2 to allow the Additional Uses of 'Entertainment' ('Amusement Parlour' and 'Small Bar'), 'Business Services' and 'Education 2' at 99 (Lot 10) Adelaide Terrace, East Perth as detailed in Attachment A – Scheme Amendment Report;
2. RESOLVES that Amendment No. 54 to City Planning Scheme No. 2 is a Standard Amendment for the following reasons, pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
 - a. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
 - b. The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Western Australian Planning Commission.
3. RESOLVES to amend Precinct Plan Policy No. 13 – Adelaide as detailed in Attachment C, in accordance with Schedule 2 - Deemed Provisions Clauses 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED UNOPPOSED (6/0)

For: Lord Mayor Bruce Reynolds; Deputy Lord Mayor David Goncalves; Councillors Raj Doshi, Catherine Lezer, Chris Patton and Lisa Ma

Against: Nil.



Amendment No. 54



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City of Perth
City Planning Scheme No. 2
Amendment No. 54

To amend Schedule 5 – Additional Uses A4 to add the following additional uses to the southern portion of 99 (Lot 10) Adelaide Terrace, East Perth:

- *Entertainment (limited to Amusement Parlour and Small Bar) on Lot 10, with Small Bar not permitted within 30 metres of the western boundary.*
- *Business Services limited to Lot 10.*
- *Education 2 limited to Lot 10.*

FORM 2A

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT

TO LOCAL PLANNING SCHEME

City of Perth

City Planning Scheme No. 2

Amendment No. 54

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. In 'Schedule 5 – Additional Uses', A4:
 - A. Insert the following uses into the Use column:
 - (a) Entertainment (limited to Amusement Parlour and Small Bar) on Lot 10.
Small Bar is not permitted within 30 metres of the western boundary.
 - (b) Business Services limited to Lot 10.
 - (c) Education 2 limited to Lot 10.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

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

Dated this _____ day of _____ 20____

CHIEF EXECUTIVE OFFICER

SCHEME AMENDMENT REPORT

1.0 Introduction

The purpose of this amendment to City Planning Scheme No. 2 (CPS2) is to amend 'Schedule 5 – Additional Uses A4' to introduce additional uses over the southern portion of 99 (Lot 10) Adelaide Terrace, East Perth.

'Additional Use A4' currently includes 'Healthcare 2' over the southern portion of Lot 10 (99) Adelaide Terrace, Lot 11 (10) and Lot 12 (40) Terrace Road, East Perth. This amendment does not impact the additional use 'Healthcare 2'.

This amendment seeks to include the following additional uses over Lot 10 only:

- 'Entertainment' (limited to Amusement Parlour and Small Bar) with a Small Bar not permitted within 30 metres of the western boundary.
- 'Business Services' on Lot 10.
- 'Education 2' on Lot 10.

The Amendment to the Additional Use A4 will allow the Entertainment (limited to Amusement Parlour and Small Bar), Business Services and Education 2 to be considered on the site.

The 'Entertainment' use group category means: *'Premises used for the purpose of amusement, entertainment or similar purposes and operated generally on a commercial basis including: amusement parlour, betting agency, cinema/theatre, club, function centre, nightclub, tavern.'* It is proposed to limit the Entertainment land use to Amusement Parlour and Small Bar, with the Small Bar not permitted within 30 metres of the western boundary. These land uses could occur indoor or outdoor and may also operate at night.

The 'Business Services' use group category means *'Premises used for the provision of services which are predominantly administrative in nature and which (a) are dependent on direct access to the public; and (b) generally have a retail shop front, and includes a bank or building society, post office, real estate agency and travel agency.'* The nature of this category means that the use of the land would remain indoors and predominantly operate during business hours.

The 'Education 2' use group category means: *'Educational facility – upper' premises used for – (a) a secondary school; or (b) post-secondary education, including a tertiary institution, business college, employment training centre or academy'*. The nature of this category means that the use of the land would remain indoors and predominantly operate during business hours, with possible evening classes.

2.0 Location and Ownership

The subject site consists of three lots being 99 (Lot 10) Adelaide Terrace and 10 (Lot 12) and 40 (Lot 11) Terrace Road, East Perth. The site has a total land area of 25,826m². The site is bound by Adelaide Terrace, Plain Street and Terrace Road. All three lots are owned by Grand Hotel Management Pty Ltd.

3.0 Subject site

The subject site has frontages to three public roads, being Adelaide Terrace to the north, Plain Street to the east and Terrace Road to the south (refer to Figure 1).

A two-level car park is accessed from Terrace Road and Adelaide Terrace with a ground-level car park and a basement carpark located below. The car park accommodates tenant and public car parking.

The northern portion of Lot 10 accommodates a Hotel/Service Apartment building and includes associated function rooms, amenities, restaurant and bar. To the west of the hotel is an office building with ground floor food outlet plus three levels fronting Adelaide Terrace.

To the east and south of the hotel are retail, dining and office podium buildings. The podium buildings are located above the car parking, being one level above the Plain Street and Terrace Road footpath level. The podium level currently contains a supermarket, gymnasium, food outlet, shops and offices. The levels above contain offices.



Figure 1: Aerial view of the site

4.0 Background

The original development on the subject site, being the hotel and podium buildings, were approved in 1981.

The City of Perth Local Development Assessment Panel approved the redevelopment of the podium buildings on the subject site at its meeting held on 15 August 2017. There have been several applications to amend the design since the original application, however, these have not changed the intent of the approval. The southern portion of the site has only been used for commercial purposes including offices, retail and restaurants.

A scheme amendment was approved in 2024 to add the additional use of 'Healthcare 2' to the southern portion of site. The landowner is currently undertaking staged works associated with the approved plans which includes the completion of a childcare centre, gymnasium, supermarket, retail, restaurants and office on the southern portion of the site.

5.0 State Planning Context

5.1 Metropolitan Region Scheme

The subject site is zoned 'Central City Area' under the Metropolitan Region scheme (MRS). The site is not affected by any reservations under the MRS.

6.0 Local Planning Context

6.1 City Planning Scheme No. 2

The subject site is located within the Adelaide Precinct (P13) of CPS2 (refer Figure 2).

The subject site is split into two separate scheme uses areas, the northern portion is located within the Office/Residential Scheme Use Area and the southern portion is located within the Residential Scheme Use Area (refer to Figure 2).

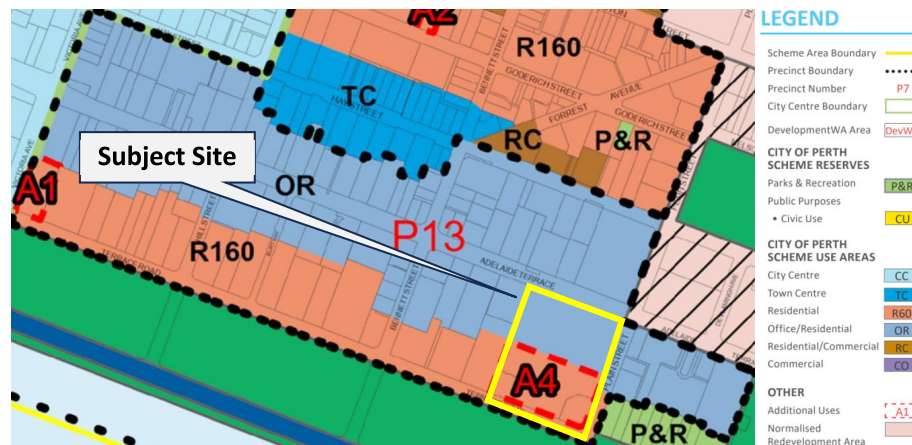


Figure 2: City Planning Scheme No. 2 Scheme Map

Approval was granted for the development to extend across the zoning boundary with the existing buildings located partially in the Office/Residential scheme use area and partially in the Residential scheme use area (refer to Figure 3).

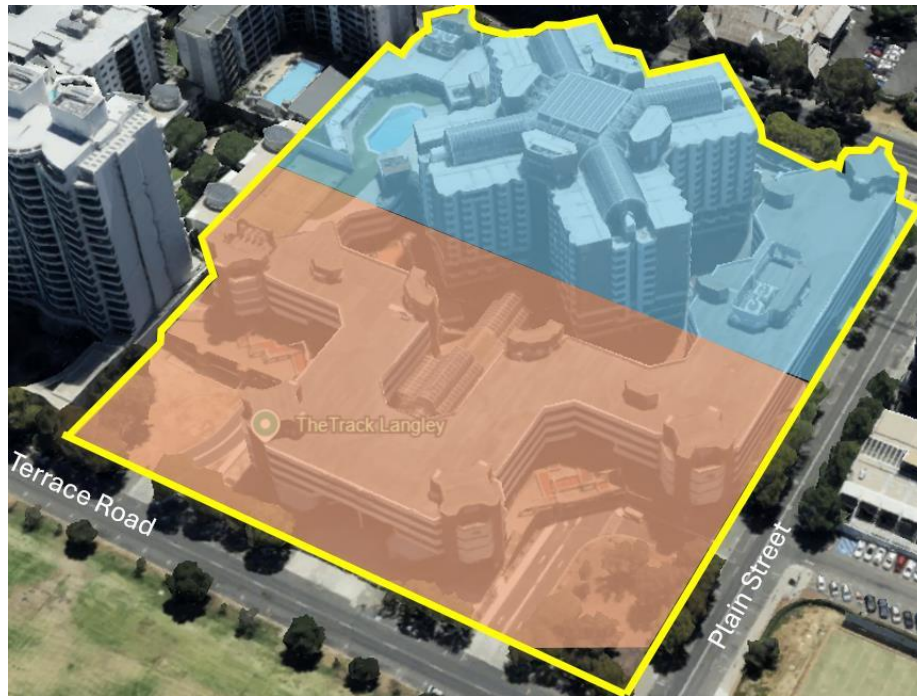


Figure 3: 3D aerial view of the site (showing zoning boundary across the site)

The land use permissibility of the two scheme use areas under CPS2 is:

- 'Entertainment' is a 'contemplated' (C) land use in the Office/Residential area and a 'prohibited' (X) land use in the Residential area.
- 'Business Services' is a preferred' (P) land use in the Office/Residential area and a 'prohibited' (X) land use in the Residential area.
- 'Education 2' is a 'contemplated' (C) land use in the Office/Residential and a 'prohibited' (X) land use in the Residential area.

6.2 Local Planning Strategy

The Local Planning Strategy (Strategy) was endorsed by the Western Australian Planning Commission (WAPC) on 30 May 2023. It sets out the strategic direction for the future planning and development of the city.

The subject site is located within the East Perth Neighbourhood. The Strategy continues the split zoning of the subject site with the northern portion designated high scale mixed use and the southern portion high scale residential (refer to Figure 4).

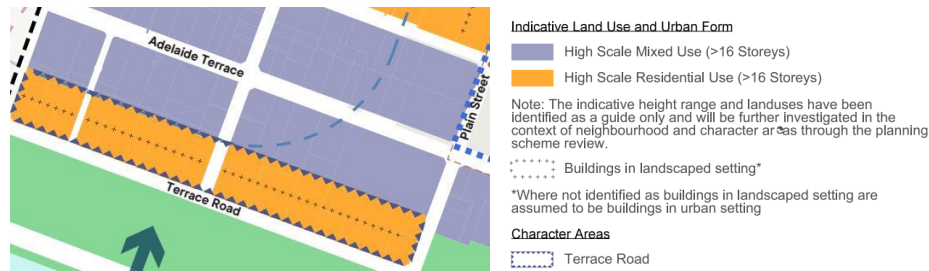


Figure 4: Extract from Local Planning Strategy East Perth Neighbourhood Map

The Strategy provides a range of planning directions and actions at a city wide and neighbourhood level that seek to:

1. Create a liveable city of neighbourhoods where people love to live, work and play.
2. Build a sustainable city that can meet growing economic, social and environmental challenges.
3. Strengthen Perth city as a prosperous globally competitive economic, social, cultural and civic centre.

The proposed additional uses meet one of the actions of the Strategy (Planning Direction and Action EE3) as they enable land use diversity to support the activation of underutilised properties, and increase activation, employment diversity and extended hour destinations.

The uses are for both its residents and the broader community which assists to create a liveable city while also assisting the economic development of the city. They also seek the adaptive reuse of the existing buildings including the former squash courts and office areas, leading to a sustainable outcome.

The site has unique attributes being its location, existing development, provision of car parking etc. to achieve the intent of the Strategy to promote liveability and economic development.

6.3 Precinct Plan No. 13 – Adelaide

The Statement of Intent for the Adelaide Precinct states:

The Adelaide Precinct will be developed as a residential quarter accommodating a wide range of residential and visitor accommodation and employment opportunities serviced by activities which support these uses. The Precinct will also accommodate offices, functioning as a secondary, less intensive, general office district and contain a mixture of general commercial activities of a kind that will contribute to residential amenity. A variety of uses which will serve the local workforce and resident and visitor population will be encouraged to locate in the Hay Street portion of the Precinct, while general business activities will concentrate on Adelaide Terrace.

The Residential Area is characterised by:

The Terrace Road residential area will remain an area for high density residential uses. Any new development will be in accordance with the Terrace Road Design Policy, the area for which is shown on the Precinct Plan Map. A wide variety of uses are to be accommodated

including visitor accommodation, such as hotels, serviced apartments and hostels as well as multiple dwellings.

6.4 Town Planning Scheme No. 14 – Withernsea

The site is subject to Town Planning Scheme No. 14 – Withernsea (TPS14). The general objects of the Scheme are to enable the comprehensive redevelopment of land in the scheme area to be affected and to control the development of land in the Scheme Area.

TPS14 specifically relates to plot ratio and therefore this amendment to add additional uses does not impact TPS14 nor require TPS14 to be amended.

6.5 Terrace Road Design Policy

The Terrace Road Design Policy provides matters to be considered within the Residential Scheme use Area along Terrace Road. In relation to land uses, the policy objectives seek to “actively encourage a wide variety of high-density residential development supported by a range of complimentary commercial uses along the Terrace Road frontage.”

As identified above, the existing and approved site works are entirely commercial, and the proposed additional uses seek to use existing and approved commercial floor areas.

6.6 Draft Local Planning Scheme No. 3

The City of Perth has adopted draft Local Planning Scheme No. 3 for the purposes of advertising. The proposed LPS3 is currently with the Western Australian Planning Commission for consent to advertise.

Consistent with CPS2 and the Strategy, draft LPS3 continues the split zoning across the site with the northern portion zoned ‘Mixed Use’ with a density of R-ACO and the southern portion zoned ‘Residential’ with a density of R-ACO.

Draft LPS3 also identifies the southern portion of site as ‘Additional Use 21’ which allows for Child Care Premises, Consulting Rooms, Office and Shop-Supermarket as ‘D’ uses, and a Hospital and Medical Centre as ‘A’ uses (refer to Figure 5).

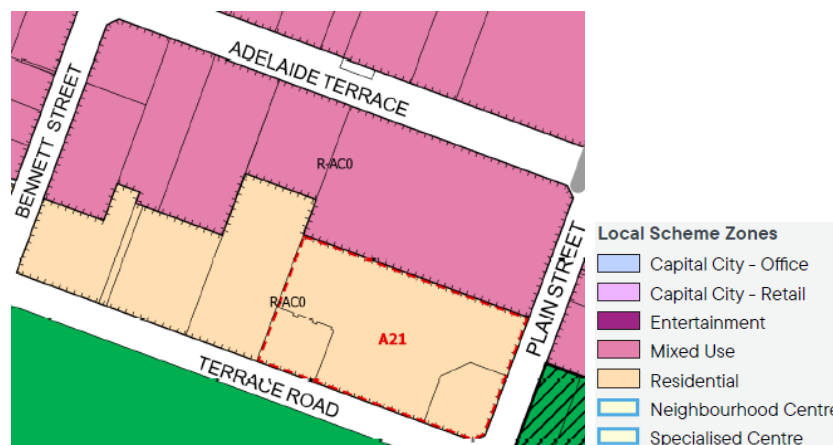


Figure 5: Draft Local Planning Scheme No. 3

In relation to the Additional Uses proposed by this amendment, the draft LPS3 states:

- 'Amusement Parlour' is not a defined land use. However, 'Recreation Private' includes amusement and is an 'A' use.
- 'Small Bar' is a 'D' use.
- 'Business Services' with respect to a bank or building society, post office, real estate agency and travel agency is not defined. However, would either fall within the office of shop definitions. 'Shop' is a D use and 'Office' is a 'D' use (additional use 21).
- 'Educational Establishment' is a 'X' use.

Therefore, under draft LPS3, apart from the land use 'Educational Establishment', the other uses proposed by this amendment could be considered on the site.

It is noted that as LPS3 has not been advertised, the permissibility of uses, including the provision of additional uses, may change.

7.0 Scheme amendment proposal

The amendment provides for additional uses to Lot 10 on the southern portion of the site being the Residential Scheme Use Area as provided in the following table.

Additional Use	Location	Particulars of Land	Use
A4	Southern portion of 99 Adelaide Terrace and 10-40 Terrace Road, East Perth located at the corner of Plain Street and Terrace Road.	Southern portion of Lot 10 on Certificate of Title Volume 1637 Folio 312. Lot 11 on Certificate of Title Volume 1835 Folio 883. Lot 12 on Certificate of Title Volume 1835 Folio 884.	Entertainment - limited to Amusement Parlour and Small Bar on Lot 10. Small Bar is not permitted within 30 metres of the western boundary. Business Services limited to Lot 10 Education 2 Limited to Lot 10

'Entertainment' provides for premises used for the purpose of amusement, entertainment or similar purposes and operated generally on a commercial basis including: amusement parlour, betting agency, cinema/theatre, club, function centre, nightclub, tavern. It is proposed to limit the 'Entertainment' use to 'Amusement Parlour' and 'Small Bar'.

'Business Services' means premises used for the provision of services which are predominantly administrative in nature and which (a) are dependent on direct access to the public; and (b) generally have a retail shop front, and includes a bank or building society, post office, real estate agency and travel agency.

‘Education 2’ which is referred to as ‘Educational Facility – Upper’ means premises used for (a) a secondary school; or (b) post-secondary education, including a tertiary institution, business college, employment training centre or academy.

8.0 Scheme amendment classification.

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

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

9.0 Planning justification

The hotel and podium buildings were approved in 1981. Approval has since been granted for the redevelopment of the podium buildings on the subject site. These works are currently being completed on a staged basis.

The approval for redevelopment included entertainment uses (function centre) associated with the hotel on the southern portion of the site and retail, restaurant/cafe, childcare, gymnasium and office land uses within the podium buildings. These are all commercial uses on the southern portion of the site within the Residential Area.

The proposed amendment is for additional land uses, that are to be located within the existing building, with no additional no built form proposed.

In relation to the ‘Entertainment’ (‘Amusement Parlour’) land use, the intent is for a family entertainment centre, which would include arcade games, play areas, and dining options for children and families. The proposal does not involve a liquor licence. The most appropriate location for the use it would be to adapt the existing squash courts for the facility. The squash courts have the space and roof height to accommodate this type of use. It is noted that under draft LPS3, the use would fall into recreation private which is a ‘A’ use.

In relation to the Entertainment (‘Small Bar’) land use, the intent is to locate this use within the existing podium buildings.

The additional use of ‘Entertainment’ has two proposed limitations. Firstly, it cannot be located on Lot 11 or 12, which is to ensure that the proposed use is not located within a new building adjacent to existing residential development, particularly Lot 11. The second limitation is that it is required to be a minimum of 30 metres from the western boundary to provide separation between the use and the residential property to the west. A detailed acoustic report and management plan would be required as part of any application for development approval to ensure the residential amenity of the adjoining property is maintained. It is noted that under draft LPS3, a Small Bar is proposed to be a D use. Notwithstanding, it is recommended that the Precinct plan is modified to require Amusement Parlour and Small Bar to be advertised for public comment prior to consideration.

In relation to the ‘Business Services’ land use, the use group enables uses such as a bank or building society, post office, real estate agency and travel agency. The podium buildings have been approved as offices and shops and therefore it is appropriate that the Business Service

use is also included. These types of uses would have no greater impact on the surrounding area than the existing approval commercial uses (such as office). Under draft LPS3, this would be considered an 'Office' land use which is a 'D' use.

In relation to the 'Education 2' land use, the main tenant of the office building has vacated the premises. Given the location on the periphery of the Central Business District, another major office tenant may not be able to be secured. An alternative land use could be a tertiary institution, business college, employment training centre or academy. These types of education facilities are generally located in office type buildings and do not have a significantly greater impact than an office building. The site has good public car parking, public transport and services to support such a land use. Under the draft LPS3, an 'Educational Establishment' is a 'X' use. However, the definition does not differentiate between primary, secondary and tertiary education which have significantly different functions and impacts. The proposed land use would be post-secondary education.

The additional uses are not considered to have any material environmental or amenity impacts given they are proposed to be located within the existing building. The current uses on the site are all commercial in nature. The proposed uses provide the ability to activate the podium buildings and occupy vacant tenancies.

It is noted that draft LPS3 may need to reconsider the zoning of the site in the context of the existing development. The site contains a single building that straddles two different scheme use areas, yet it operates as one integrated development. The southern portion of the site has never operated as residential development nor included any residential land uses. The northern portion of the site allows the proposed additional land uses. Modifying LPS3 to apply a consistent zoning across the site would rationalise the existing development and provide flexibility for future redevelopment within the existing building footprint.

10.0 Conclusion

The proposed amendment seeks to add additional uses to the southern portion of the site to support the activation of the podium buildings, which have been approved for commercial uses.

The proposed additional uses are limited to Lot 10. A small bar must be at least 30 metres from the western boundary. Amusement parlour and Small bar must be advertised for public comment prior to consideration.

The proposed additional uses are consistent with the Local Planning Strategy and the existing commercial development on site.

Appendices

None.

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

City of Perth

City Planning Scheme No. 2

Amendment No. 54

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. In 'Schedule 5 – Additional Uses', A4:
 - A. Insert the following uses into the Use column:
 - (a) Entertainment (limited to Amusement Parlour and Small Bar) on Lot 10.
Small Bar is not permitted within 30 metres of the western boundary.
 - (b) Business Services limited to Lot 10.
 - (c) Education 2 limited to Lot 10.

FORM 6A

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the City of Perth at the Ordinary Meeting of the Council held on the [day] day of [month], 20[year].

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Perth at the Ordinary Meeting of the Council held on the [day] day of [month], 20[year], proceed to advertise this Amendment.

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended _____ by resolution of the City of Perth at the Ordinary Meeting of the Council held on the [number] day of [month], 20[year] and the Common Seal of the City of Perth was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

FORM 6A – CONTINUED

WAPC ENDORSEMENT (r.63)

.....
**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

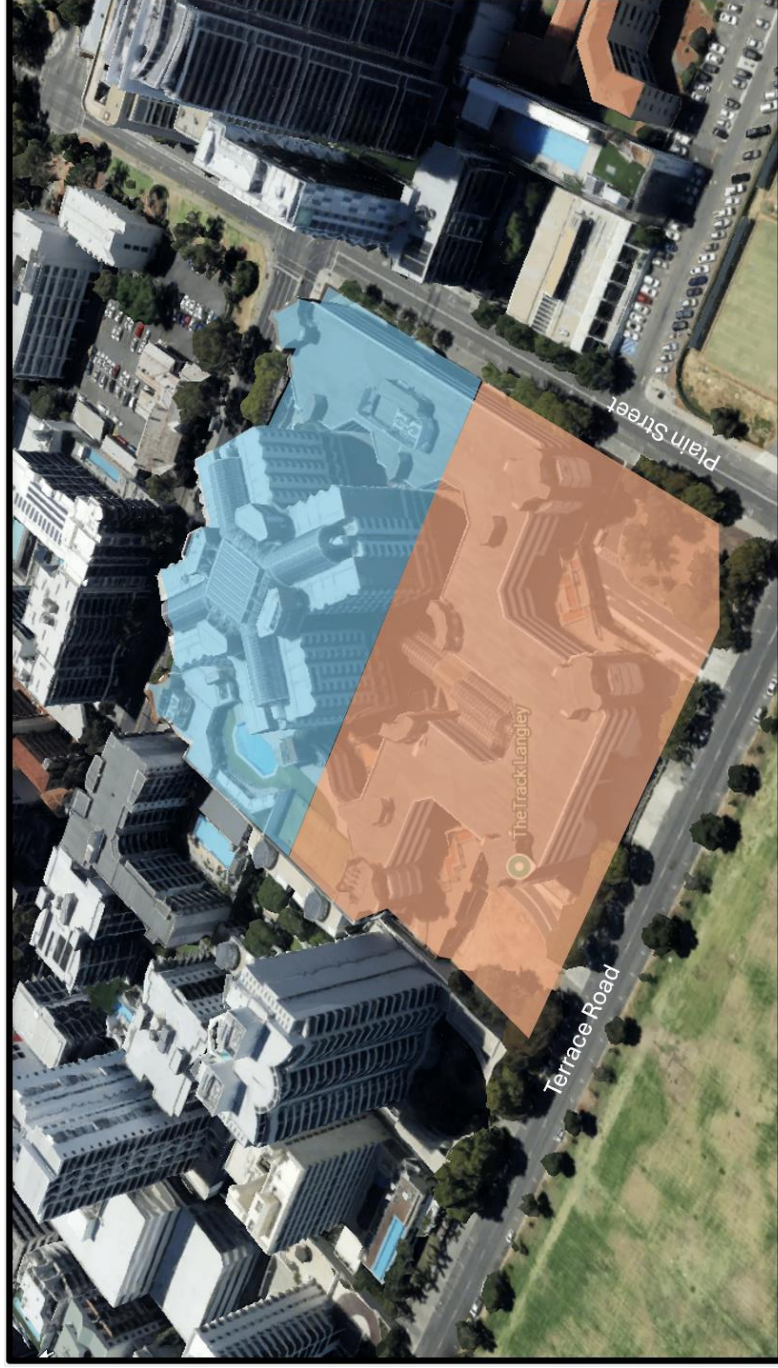
APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....

Attachment B – Hyatt Centre Location Plan







Precinct Plans

Precinct Plan No.13 Adelaide

NOTE: Proposed amendments are shown in red – page 5



Version #	Decision Reference	Synopsis
1	26 June 2001	Gazetted
2	26 February 2013	Amended
3	18 July 2014	Amended
4	17 March 2015	Amended
5	13 December 2016	Amended
6	11 April 2017	Amended
7	31 May 2024	Amended
8	To be inserted	Amended

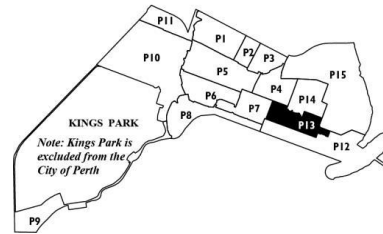


Precinct Plans

Precinct Plan No. 13 - Adelaide

STATEMENT OF INTENT

The Adelaide Precinct will be developed as a residential quarter accommodating a wide range of residential and visitor accommodation and employment opportunities serviced by activities which support these uses. The Precinct will also accommodate offices, functioning as a secondary, less intensive, general office district and contain a mixture of general commercial activities of a kind that will contribute to residential amenity. A variety of uses which will serve the local workforce and resident and visitor population will be encouraged to locate in the Hay Street portion of the Precinct, while general business activities will concentrate on Adelaide Terrace.



The Precinct will develop at an intensity markedly lower than the city centre. It will generally be characterised by medium scale buildings. Consistent with the Goderich and Terrace Road Design Policies, buildings will have a nil street setback and be of a low scale along the street frontage to provide a consistent and continuous urban edge. Additional building height will be set back from all lot boundaries. Buildings should be designed to a high standard and evoke a sense of prestige. This will be further enhanced by grand scale boulevard planting along Adelaide Terrace and Plain Street. Buildings, places and other objects having historical, architectural or other significance are to be preserved and maintained. Views to the Swan River from the streets in this and adjoining Precincts will be provided and preserved.

The Adelaide Terrace environment will be augmented to contribute to the landscaped Swan River foreshore and the Causeway gateway to the city. A continuous, safe, attractive and clearly identified network of pedestrian paths, spaces and facilities will be provided throughout the Precinct and linked to the city centre and the foreshore. The Precinct will continue to be well served by public transport and the major city roads. Entrances to new car parks are to be minimised, shared and grade-separated access points are to be encouraged. The local government will endeavour to regulate traffic flow in accordance with the functional road hierarchy plan for the Scheme area and require that new development and redevelopment take into consideration pedestrian access and safety, and make provision for cyclists.



Uses

The Use Group Table (refer to Schedule 3 of the Scheme text) lists the preferred, contemplated and prohibited uses within the Precinct. Any development proposal will only be approved where it complies with the Precinct Plan and the relevant planning policies.

Additional considerations for determining an appropriate use, as well as development standards for Scheme use areas, are listed below.



Precinct Plans

Precinct Plan No. 13 - Adelaide

OFFICE/RESIDENTIAL AREA

Business activities on Adelaide Terrace should be mixed with high density residential and visitor accommodation. Adelaide Terrace is also a prime location for other tourist, leisure and recreation oriented activities, as well as regional service functions.

Provision is to be made for sheltered recreation and relaxation areas in suitable locations. Buildings on the south side of Adelaide Terrace will be designed to minimise impact on the adjoining residential uses on Terrace Road, particularly in relation to overshadowing, privacy and wind deflection. The protection and enhancement of the amenity and general environmental standards of existing and future residential development in and around the Precinct is important. Ensuring the compatibility of office activities and residential uses is therefore necessary and building design will aim to avoid conflict between the two uses. Car parks will not visually detract from the public environment and preferably will not be visible from streets and public spaces. As such, below ground or undercroft parking is preferred.

The sensitive illumination of buildings, signs and gardens, particularly in the vicinity of the Causeway, is considered appropriate.



Uses

Appropriate uses for the Office/Residential Scheme Use Area are listed in the Use Group Table. The following additional requirement applies:

Where it is considered that a particular use could have a detrimental impact on the amenity of the surrounding area (mainly adjacent residential uses) it will be subject to the advertising procedure set down in clause 64 of the Deemed Provisions.

Note: 1. Processes for advertising are contained in clause 64 of the Deemed Provisions and the City Planning Scheme Policy Manual under the section Public Notification/Advertising Procedures.

Development Standards

Development shall be in accordance with the general planning policies contained in the City Planning Scheme Policy Manual concerning:

- Development and Design
- Residential Development
- Parking and Access

In addition to these the following standards apply:

- (1) Development within the Goderich Policy Area as shown on the Precinct Plan map will comply with the Goderich Design Policy.



Precinct Plans

Precinct Plan No. 13 - Adelaide

- (2) Mixed Development: Conflict between non-residential and residential uses will be minimised.

RESIDENTIAL AREA

The Terrace Road residential area will remain an area for high density residential uses. Any new development will be in accordance with the Terrace Road Design Policy, the area for which is shown on the Precinct Plan Map. A wide variety of uses are to be accommodated including visitor accommodation, such as hotels, serviced apartments and hostels as well as multiple dwellings. The outlook of this land over the foreshore and the river, as well as its proximity to Langley Park and the city centre, will be highlighted in its promotion as a residential locality. Non-residential uses such as kiosks, coffee shops, restaurants and local shops are appropriate provided they are small scale, serve the residents and visitors and are part of a residential or special residential development.



The area will have a high level of amenity and be characterised by:

- a constant urban edge which strengthens the legibility of the public domain;
- an active edge to Terrace Road;
- an articulated building form; and
- an interactive relationship between ground floor uses and the street.

Residential development standards will generally be applied to both private and tourist accommodation. Development will minimise wind and overshadowing effects on Langley Park and the impact on commercial and residential development to the north.

The streetscape will be further enhanced through improvements to paving and street furniture and planting of an appropriate scale. Pedestrian and cyclist facilities will be improved in this area. Better pedestrian access across Terrace Road, Hill Street and Bennett Street will be provided and adapted to incorporate attractive pedestrian paths linking the Precinct with areas to the north and Langley Park and to facilitate pedestrian connections to the foreshore. Pedestrians should have ease of access throughout the area. Design of residential development will take this into consideration.



Precinct Plans

Precinct Plan No. 13 - Adelaide

Uses

Appropriate uses for the Residential Scheme Use Area are listed in the Use Group Table. The following additional requirement applies:

Specialised forms of accommodation, ~~as well as~~ the Healthcare 2 use group and consulting rooms, **Amusement Parlour, and Small Bar** will be subject to the advertising procedure as set down in clause 64 of the Deemed Provisions.

Development Standards

Development shall generally be in accordance with the planning strategies and policies contained in the City Planning Scheme Policy Manual concerning:

- Development and Design
- Residential Development
- Parking and Access

In addition, the following standards apply:

- (1) Residential Density and Development: Residential development shall generally be in accordance with the Residential Design Codes R160 standards in relation to dwelling density. Variation of the Residential Design Codes, to accommodate heritage requirements or specific site and location circumstances, may be given favourable consideration.
- (2) Development and Design: Development must be in accordance with the Terrace Road Design Policy. The Policy Area is shown on the Precinct Plan map.
- (3) Mixed Development: Conflict between non-residential and residential uses will be minimised.

MINOR TOWN PLANNING SCHEME NO. 14

Town Planning Scheme No. 14 was initiated for the purpose of controlling development and enabling comprehensive redevelopment of the land delineated on the Precinct Plan Map. The primary controlling factor is to enable the Scheme area to be treated as one site for the purposes of plot ratio; the maximum plot ratio being 4.0:1.

All town planning schemes are subject to review under town planning legislation and as the local government reassesses development control policies. If further development of land within the Scheme area is contemplated then the local government should be contacted with regard to the current details of the Scheme.

FUNCTIONAL ROAD HIERARCHY

The local government has adopted a functional road hierarchy for all roads in the Municipality. This hierarchy classifies roads on the basis of their purpose and the destination of the traffic they carry. This will provide a framework for local area traffic management and assist in the assessment of development proposals for adjoining land. A map illustrating the functional road hierarchy is available from the local government.

Traffic impact assessment will be an important consideration for development of properties taking vehicular access from all city streets and laneways.