

11.2 Final Adoption of Amendment No. 50 to City Planning Scheme No. 2 (New Special Control Area)

Responsible Officer	Dale Page – General Manager Planning and Economic Development
Voting Requirements	Simple Majority
Attachments	Attachment 11.2A – Scheme Amendment No. 50 - Report and Precinct Plan Map

Purpose

To present the outcomes of advertising of Amendment No. 50 to City Planning Scheme No. 2 (CPS2) and resolve whether to support the amendment for submission to the Western Australian Planning Commission (WAPC) for a final decision by the Minister for Planning.

Recommendation

That Council:

1. SUPPORTS Amendment No. 50 to City Planning Scheme No. 2 without modification as per Attachment A, pursuant to Regulations 50(3) and 50(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 2. ADOPTS the amended Precinct Plan Map, in accordance with the Deemed Provisions Clause 4 and Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and subject to the gazettal of Amendment No. 50.
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Background

1. At its Ordinary Meeting held on 29 August 2023, Council resolved to prepare Amendment No. 50 to CPS2 and advertise the associated precinct plan map modification.
2. The Environmental Protection Authority did not require environmental assessment of the amendment and the Department of Planning, Lands and Heritage approved the amendment for advertising.
3. The amendment will establish a Special Control Area (SCA) over Lot 2 (618), Lot 3 (612-616) Hay Street Mall, Lot 4 (69-75), Lot 5 (77-85), Lot 6 (87-93), and Lot 7 (95-99) Barrack Street, Perth.
4. The SCA will allow for the lots to be treated as one site for the purposes of allocating plot ratio and parking. It will also allow the calculation and sharing of bonus plot ratio across the entire site and introduce provisions to guide future redevelopment.
5. The SCA has been requested to facilitate a Local Development Assessment Panel approval which was granted 9 September 2022 for the:
 - a. Demolition, conservation, and adaptive re-use of the existing heritage buildings
 - b. Construction of a 23-level office tower with 40 commercial tenant car parking bays
 - c. Construction of a new public laneway and a pocket park.

Discussion

6. Council Policy 3.5 (CP 3.5) provides a framework to assess the appropriateness of preparing scheme amendments ahead of the new Local Planning Scheme No.3 (LPS 3). Council resolved to prepare Amendment No. 50 as it met the provisions of CP 3.5.
7. There were no submissions received during the advertising period.
8. It is recommended the amendment be supported without modification.

Consultation

9. The amendment was advertised for a period of 42 days in accordance with Clause 47 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Advertising concluded on 1 December 2023.
10. The method of advertising included a notice being placed in the local newspaper, a notice being placed in the Council House foyer window and City of Perth Library, and information being displayed on the *Engage Perth* website.
11. There were no submissions received.

Decision Implications

12. Council has the option to support Amendment No. 50, with or without modifications, or not support the amendment.
13. If Council supports the recommendation:
 - a. the amendment will be forwarded to the WAPC for its consideration and recommendation to the Minister for Planning for a final decision.
 - b. The amended precinct plan map will be updated following the Minister's approval of the amendment.

14. If Council does not support the recommendation:

- a. the amendment will be forwarded to the WAPC for its consideration and recommendation to the Minister for Planning for a final decision.
- b. the precinct plan map will not be amended.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable, Prosperous
Related Documents (Issue Specific Strategies and Plans):	Strategic Community Plan 2022-2032 Amendment No.50 aligns with the 'Liveable' and 'Prosperous' pillars of the Strategic Community Plan 2022-2032, as the creation of the special control area (SCA) provides opportunities for a coordinated redevelopment of the lots. The redevelopment of Barrack Street will provide opportunities for urban regeneration and improved street and upper floor activation. Local Planning Strategy 2023 The vision for Central Perth Area is to be the heart of the city and the busiest day time area with the highest economic output and greatest development intensity. The proposed SCA will facilitate a coordinated redevelopment of Barrack Street, which is currently underutilised. This is consistent with the vision of the Strategy.

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Planning and Development Act 2005</i> Clauses 75, 81, 84 and 87 outline the process for amending a local planning scheme. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • Regulation 47, 50 and 53 outline the process for a standard amendment to a local planning scheme. • Regulation 4(1) specifies the requirements for advertising local planning policy amendments. <i>City of Perth Act 2016</i> 4 (a) to recognise, promote and enhance - i. The special, economic, cultural, environmental and civic role that the City of Perth plays because Perth is the capital of Western Australia; and ii. The important role that the City of Perth plays in representing the broader Perth area and the State of Western Australia on both a national and international level. 8(1)(f) - Ensuring Perth's role as a thriving business, cultural and entertainment centre.

	City Planning Scheme No. 2 • Clause 39 refers to Special Control Areas. • Clauses 3A of Schedule A - Supplemental Provisions refers to amending Precinct Plans.
Authority of Council/CEO:	The <i>Planning and Development Act 2005</i> and <i>Planning and Development (Local Planning Schemes) Regulations 2015</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 a Local Planning Scheme by Council resolution.
Policy:	City Planning Scheme No.2 Planning Policy Manual Part 1 - Section 4.10 – Heritage The proposed amendment incorporates provisions to ensure the heritage considerations of the site are respected and appropriately conserved through the redevelopment of the area. City of Perth City Planning Scheme No.2 Precinct Plan 5 (P5) – Citiplace Precinct Amendment No. 50 is consistent with the statement of intent for Precinct No.5 - Citiplace Precinct as the SCA will facilitate a coordinated redevelopment of the subject site, supporting the continued development focus of business, administration, commerce, retail, tourist, civic, cultural and entertainment activities. Council Policy 3.5 (CP 3.5) Amendment No. 50 satisfies the criteria of CP 3.5 which provides a framework to guide the preparation of scheme amendments ahead of the new local planning scheme.

Financial Implications

15. In accordance with the *Planning and Development Regulations 2009* and *Planning and Development (Local Planning Schemes) Regulations 2015* the costs associated with the assessment, advertising and gazettal of the scheme amendment are met by the applicant.

Further Information

16. Nil.

Council Resolution (OCM-24/02-006)

Mover: Lord Mayor Basil Zempilas

Seconded: Councillor Brent Fleeton

That Council:

1. SUPPORTS Amendment No. 50 to City Planning Scheme No. 2 without modification as per Attachment A, pursuant to Regulations 50(3) and 50(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. ADOPTS the amended Precinct Plan Map, in accordance with the Deemed Provisions Clause 4 and Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and subject to the gazettal of Amendment No. 50.

CARRIED EN BLOC (9/0)

For : Lord Mayor Basil Zempilas; Deputy Lord Mayor Clyde Bevan; Councillors Brent Fleeton, Liam Gobbert, Viktor Ko, Catherine Lezer, Raj Doshi, David Goncalves and Bruce Reynolds

Against : Nil



Amendment No. 50

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City of Perth

City Planning Scheme No. 2

Amendment No. 50

To insert Special Control Area 34 over Lots 2 – 3 Hay Street Mall, and Lots 4-7 Barrack Street.

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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.50

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

1. Inserting a new Special Control Area under clause 39(1) as follows:

(Hoh) Barrack Street Special Control Area

2. Inserting the following as Special Control Area 34 in Schedule 8:

34.0 Barrack Street Special Control Area

34.1 Special Control Area

The following provisions apply to the land marked as Figure 34 – Barrack Street Special Control Area:

34.2 Objectives

- a) Facilitate development in a coordinated manner and to enable applicable development standards and requirements to be applied to the site as though it was a single lot.
- b) Ensure future development respects the cultural heritage of the Barrack Street Heritage Area, which includes the Moana Buildings and the Connor Quinlan Building.
- c) To coordinate vehicle access to the Special Control Area to minimise the impact on pedestrians, cyclists, and public transport.

34.3 Heritage

- a) The State listed heritage building (Lot 3) shall have all work undertaken in a manner guided by a Heritage Retention and Conservation Plan prepared in accordance with State Heritage Office Guidelines.
- b) Conservation works being undertaken on Lots 2 to 5 in accordance with current Conservation Management Plans.
- c) Conservation works shall enable the reinstatement of use of the heritage buildings, including the reinstatement of access to any upper or lower levels which have been removed.

34.4 Plot Ratio

- a) For the purpose of determining plot ratio, the total area of Lot 2 (618) and Lot 3 (612-616) Hay Street Mall, and Lots 4 (69-75), Lot 5 (77-85), Lot 6 (87-93), and Lot 7 (95-99) Barrack Street Special Control Area shall be treated as one lot.
- b) For the purpose of calculating bonus plot ratio, the Special Control Area shall be treated as one site and in accordance with the Maximum Bonus Plot Ratio Plan.
- c) All development applications that propose to utilise bonus plot ratio shall provide the City with a draft Heritage Agreement between the landowner and the City (and the Heritage Council for State heritage listed places).
- d) The Heritage Agreement shall require the landowner to complete the conservation works detailed in the Conservation Management Plan prior to the issue of an occupancy permit.

34.5 Car Parking

- a) For the purpose of determining the tenant car parking allowance under the Perth Parking Policy for any redevelopment as may be identified in the Perth Parking Policy, the Barrack Street Special Control Area shall be treated as one lot.
- b) The tenant parking facilities in one building within the Special Control Area may be leased or used by tenants of other buildings within the Special Control Area.



Figure 34 – Barrack Street Special Control Area Map

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

- (i) The amendment is consistent with the objectives of the 'City Centre' scheme use area and 'Citiplace Precinct'.
- (ii) The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Commission.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

SCHEME AMENDMENT REPORT

1. INTRODUCTION

This scheme amendment report (report) has been prepared by Hames Sharley (WA) Pty Ltd on behalf of Humich Group, the registered proprietor of Lot 2 (618) Hay Street Mall, Lot 3 (612-616) Hay Street Mall, Lot 4 (69-75) Barrack Street, Lot 5 (77-85) Barrack Street, Lot 6 (87-93) Barrack Street, Lot 7 (95-99) Barrack Street, Perth (subject site). Refer to Figure 1 for the site plan and Table 1 for further details on ownership.

Hames Sharley has prepared the following report in support of a request to amend the City of Perth City Planning Scheme No. 2 (CPS2), to enable the applicable development standards and requirements to be applied to the site as though it was a single lot. This is in response to Advice Note 3 imposed as part of the Local Development Assessment Panel (LDAP) approval received on 9 September 2022. The purpose of Scheme Amendment No. 50 is to allow sharing of plot ratio and car parking across the subject site through creation of a new Special Control Area (SCA).

This report will discuss various issues pertinent to the proposal, including:

- Site details and amendment area.
- Town Planning and Heritage Considerations.
- Proposed scheme amendment.



Figure 1: Site Plan

2. SITE DETAILS & AMENDMENT AREA

The amendment area is proposed over six lots, primarily located on Barrack Street between Hay Street and Murray Street Mall, with a total combined site area of 3,352m². The subject site is included in the 'City Centre' scheme use area and is within the 'P5 – Citiplace Precinct', which generally covers the existing CBD retail core and the west end.

The intent of the Citiplace Precinct is to be the retail focus of WA, providing a range of general and specialised retail uses, as well as to accommodate a mix of other uses such as residential and visitor accommodation, entertainment, commercial, medical, service industry, and office.

The following parcels of land as shown in Figure 1 are to be included with Amendment No. 50 of CPS2:

LOT	LOT ID	SITE AREA	STREET ADDRESS	OWNERSHIP
2	P003847 Vol:4000 Folio: 318	443 m ²	618 Hay Street Mall	Far Super Pty Ltd
3	P003847 Vol: 4000 Folio:320	503 m ²	612 – 616 Hay Street Mall	Supa Server Pty Ltd
4	P003847 Vol: 4000 Folio: 321	497 m ²	69-75 Barrack Street	Navi Investments WA Pty Ltd

5	P003847 Vol:4000 Folio:304	680 m ²	77-85 Barrack Street	Souther Cross Properties WA Pty Ltd
6	P003847 Vol:4000 Folio: 322	526 m ²	87-93 Barrack Street	Race-Wina Pty Ltd
7	P003847 Vol:4000 Folio323	703 m ²	95-99 Barrack Street	Race-Wina Pty Ltd and Southern Cross Properties WA Pty Ltd

Table 1: Site Ownership

Note: The subject site is owned in freehold by the Humich Group. Appendix 1 includes the Certificates of Title for all lots and a letter of consent which demonstrates that each lot is owned by the same group of company directors.

2.1 HERITAGE STATUS

The properties within the proposed Special Control Area have Heritage value. The Heritage listing status of these properties are included below in descending order of importance in terms of listing:

State Register of Heritage Places

- Connor Quinlan Building, formerly Swan Buildings and Swan Chambers (1891; 1988) 612-616 (Lot 3) Hay Street Mall, Perth, Heritage Place Number 01991.

City of Perth City Planning Scheme No.2 Planning Policy Manual - Part 1 - Heritage List

- Connor Quinlan Building - 612-616 (Lot 3) Hay Street Mall
- Moana Building - 618 (Lot 2) Hay Street Mall

Barrack Street Heritage Conservation Area

- 69-75 (Lot 4) Barrack Street,
- 77-85 (Lot 5) Barrack Street - Liberty Cinema,
- 87-93 (Lot 6) Barrack Street - fmr. Albany Bell Tea Rooms,
- 95-99 (Lot 7) Barrack Street,
- 612-616 (Lot 3) Hay Street Mall – Quinlan Swan Building, and
- 618 (Lot 2) Hay Street Mall - Moana Building.

City of Perth Local Heritage Survey

Street Address	Place Name	Inherit Place
69-75 Barrack Street Perth	Commercial Buildings	26671
77-85 Barrack Street Perth	Liberty Cinema	15975
87-93 Barrack Street Perth	Commercial Buildings	1955
95-99 Barrack Street Perth	Hotel Perth (fmr)	14889
612-616 Hay Street Mall Perth	Connor Quinlan Building	01991
618 Hay Street Mall Perth	Moana Building	25958

3. BACKGROUND

Conditional development approval was granted by the City of Perth LDAP on 9 September 2022 for the proposed demolition, conservation, and adaptive reuse of the existing heritage buildings, the construction of a 23 level office tower with 40 basement tenant car parking bays, and new public laneway including a pocket park.

The subject site has a base maximum plot ratio of 5:1 with the possibility for a bonus plot ratio of up to 20% based on the City's nominated categories of public facilities, residential and heritage. The development received a maximum plot ratio of 6:1 (20,112m² of plot ratio floor area) inclusive of 20% bonus plot ratio (3,352m² plot ratio floor area) for the retention, enhancement and maintenance of places of cultural heritage significance. Additional plot ratio was granted in accordance with Clause 28 of City Planning Scheme No. 2 and the requirements of the Bonus Plot Ratio Policy 4.5.1.

To ensure applicability of the sharing of plot ratio and parking between Lots 2-7 Barrack Street mentioned above, the advice note provided with the aforementioned conditional approval set out the following, which necessitated the need for this amendment:

"The applicant is advised that the approved development will require all sites to be amalgamated or an amendment to City Planning Scheme No. 2 to create a special control area over the site, in order to ensure the car parking and plot ratio provisions for the respective lots comply with the City Planning Scheme No. 2 and Perth Parking Policy 2014".

This scheme amendment has been lodged by Hames Sharley to satisfy a requirement of the development approval. The following sections of this report consider the strategic and statutory planning frameworks as relevant to the subject site, and their alignment with the proposed scheme amendment.

4. STATE & REGIONAL PLANNING CONTEXT

This section focuses on the State planning framework's planning and development requirements, as they relate to the City, and this amendment.

4.1 PERTH AND PEEL @ 3.5 MILLION

Perth and Peel @ 3.5 million (Perth and Peel) is a strategic land use planning document, which sets the vision to guide future growth in the Perth and Peel Metropolitan Area, with a focus on increased urban consolidation, better connectivity, and development of employment areas.

The scheme amendment area is located within the Central Business District (CBD) as defined under Perth and Peel. The future vision, objectives, and principles for the development of the CBD is captured within the Central Sub-regional Planning Framework and the Capital City Planning Framework.

The scheme amendment supports the vision for the CBD by facilitating the redevelopment of the subject site. It will achieve direct and indirect employment opportunities and provide entertainment options to revitalise a part of the CBD that is currently underutilised, has high vacancy rates, low levels of activation, and does not positively contribute to the CBD despite its strategic location.

4.2 CENTRAL SUB REGIONAL PLANNING FRAMEWORK

The Central Sub-regional Planning Framework aims to establish a long term integrated planning framework for land use and infrastructure, with a focus on guiding future infill growth in the Central sub-region.

The scheme amendment supports the aim of the Central Sub-regional Planning Framework by facilitating a redevelopment of the subject site. The creation of the SCA will provide an opportunity for a coordinated redevelopment of the subject site.

4.3 CAPITAL CITY PLANNING FRAMEWORK

The Capital City Planning Framework, sets out a vision, key objectives, and principles to support the development and growth of Perth as the State's capital city. The Framework aims to support the development of a capital city which is *'a world class liveable central city; green, vibrant, compact and accessible with a unique sense of place.'*

The scheme amendment supports the vision set out in the Capital City Planning Framework by facilitating a redevelopment of the subject site that provides employment and entertainment opportunities.

4.4 MRS CLASSIFICATION

The approved development seeks a range of uses inclusive of office, entertainment, and cultural land uses which are consistent with the Metropolitan Region Scheme's 'Central City Area' zone.

The proposed Special Control Area is consistent with the MRS and does not propose any land use requirements.

4.5 STATE PLANNING POLICY 4.2 – ACTIVITY CENTRES FOR PERTH AND PEEL

State Planning Policy 4.2 identifies Perth as the Capital City Activity Centre, which is the highest order activity centre in the State's hierarchy.

"Perth Capital City is the largest of the activity centres, providing the most intensely concentrated development in the region. It has the greatest range of high order services and jobs, and the largest commercial component of any activity centre."

A SCA which enables the applicable development standards to apply will catalyse economic growth and activation in the City of Perth, and will provide enhanced opportunities to support growth of the performing arts industry in the CBD.

The approved development on the subject site will activate Barrack Street to support businesses and reduce the number of vacancies in the area through increased foot traffic and capture of expenditure.

4.6 STATE PLANNING POLICY 3.5 – HISTORIC HERITAGE CONSERVATION

State Planning Policy 3.5 sets out the principles of sound and reasonable planning of the conservation and protection of Western Australia's historic heritage.

The objectives of the policy are:

- To conserve places and areas of historic heritage significance.

- To ensure that development does not adversely affect the significance of heritage places and areas.
- To ensure that heritage significance at both the state and local levels is given weight in planning decision-making.
- To provide improved certainty to landowners and the community about the planning processes for heritage identification, conservation and protection.

A SCA which enables the applicable development standards to apply will ensure the conservation of areas identified of heritage significance within the Barrack Street Precinct. The scheme amendment will ensure that future development will not adversely affect the significance of areas identified and that proper due-diligence and consideration will be undertaken to provide certainty to landowners and key stakeholders about the planning processes for heritage identification, conservation and protection.

5 LOCAL PLANNING CONTEXT

The City's local planning framework comprises all strategic, statutory, and policy planning documents which collectively outline the planning requirements for the subject site.

5.1 CITY OF PERTH ACT 2016

The *City of Perth Act 2016* (Act) came into effect on 1 July 2016. The objectives of the Act relevant to this report are outlined below:

4. (a) *to recognise, promote and enhance:*
- (i) *The special, economic, cultural, environmental and civic role that the City of Perth plays because Perth is the capital of Western Australia; and*
 - (ii) *The important role that the City of Perth plays in representing the broader Perth area and the State of Western Australia on both a national and international level.*

Clause 8 of the Act outlines further objectives namely:

- To initiate and promote the continued growth and environmentally sustainable development of the City of Perth and ensure its continued role as a thriving centre of business with vibrant cultural and entertainment precincts, while enhancing and protecting its natural environment and having due regard to the flow-on impact on the Perth metropolitan area.
- To maintain and strengthen the local, national and international reputation of the Perth metropolitan area as an innovative, sustainable and vibrant global city that attracts and welcomes everyone.
- To nurture and support the initiatives of the diverse precincts of the City of Perth.
- To develop and maintain collaborative inter-governmental relationships at regional, state, national and international levels with a view to develop and implement strategies for the continued improvement of Perth city.

It is considered that the proposed SCA will assist to facilitate the role of the city as an 'innovative, sustainable and a vibrant global city' with 'cultural and entertainment precincts'.

5.2 CITY OF PERTH LOCAL PLANNING STRATEGY

The City's Local Planning Strategy (the Strategy) was approved by the WAPC in May 2023 and is a key strategic urban planning document for the growth of the City over the next 15 years. It will provide the strategic basis for the preparation of Local Planning Scheme No. 3 and subsequent supporting local planning policies.

The Strategy sets the vision of Perth becoming a place of commerce and enterprise, culture and artistic endeavour, recreation and entertainment. In the Central Perth neighbourhood, the priority is to support the capital city commercial, retail, entertainment, cultural, and civic functions of Central Perth and increase the residential population to encourage a stronger weekend and night time economy.

The Strategy identifies the following planning directions for the Central Perth Neighbourhood:

- Ensure the primacy of the Capital City Office Area.
- Reinvigorate the Capital City Retail Area with life during the day and night and on weekends.
- Strengthen creative, cultural and tourism activities.
- Create a thriving residential community in the heart of the City.
- Improve connections to and use of the Swan River.
- Protect and integrate the unique heritage and character elements of the area into urban renewal.
- Develop an appropriate planning framework and plans for transit orientated development catchments, rail line and rail station interfaces.
- Increase the supply of public open space.
- Deliver neighbourhood priorities.

The SCA is located within the 'Barrack Street Heritage Area' and an 'Improved Connectivity Area.'

This scheme amendment supports the directions of the Strategy by facilitating the redevelopment of the subject site which shall:

- Provide modern and strategically located office space.
- Activate the Barrack Street Precinct with a combination of different uses.
- Reactivate and strengthen the City's creative, cultural and tourism activities through adaptive re-use of currently vacant spaces.

- Protect and enhance the unique heritage and character elements of the Barrack Street Precinct through appropriate heritage upgrades.

5.3 CITY OF PERTH CITY PLANNING SCHEME NO. 2

CPS2 was gazetted on 9 January 2004, predating the LPS Regulations. Over 46 amendments to CPS2 have been adopted to keep the scheme current and to guide land use and development.

ZONING AND OTHER CLASSIFICATIONS

The subject site is currently zoned City Centre under CPS2.

The objectives within the 'Precinct Plan No.5 – Citiplace' under CPS2 are:

- Building heights should be tailored to ensure adequate levels of sunlight into key pedestrian areas.
- New development shall also have regard to the height and scale of buildings within the street.
- The restoration and maintenance of buildings, groups of buildings and other places which have substantial historical or other significance will be encouraged
- Building facades will incorporate interesting architectural elements thereby contributing to a lively, colourful and stimulating environment.
- A continuous, safe, attractive and clearly identified network of pedestrian paths, spaces and facilities, linking adjacent precincts, will be provided throughout the precinct.

The proposed scheme amendment will facilitate the outcomes of the development approval, which will deliver outcomes sought by the Precinct Plan No.5 – Citiplace through:

- Carefully considering the bulk and scale of the development and how it relates to surrounding buildings.
- Facilitating the restoration of heritage buildings to encourage activation and tenancies in the vacant and underutilised upper levels of the Special Control Area, which will bring new life into the precinct.
- The Precinct will offer a wide range of general and specialised retail uses as well as a mix of other uses such as residential and visitor accommodation, entertainment, commercial, medical, service industry and office. Uses at street and pedestrian level will mainly be shops, restaurants (including cafes), taverns and other uses, that have attractive shop fronts and provide activity, interest and direct customer service.
- Through conservation of heritage facades, it promotes a human scale environment.

LAND USE PERMISSIBILITY

The City Centre is the State's primary location for business and administration, commercial, civic, cultural, entertainment and retail activity. As such, land uses that support this intent should be promoted.

Table 2 demonstrates the land uses that were approved under the LDAP approval and their land use permissibility classification under Precinct Plan No.5 – Citiplace.

APPROVED LAND USE	P5 PERMISSIBILITY	CONSISTENT - Y/N?
ENTERTAINMENT	Preferred	Yes
COMMUNITY AND CULTURAL	Contemplated	Yes
APPROVED OFFICE	Contemplated (not permitted at pedestrian level)	Yes
RECREATION AND LEISURE	Contemplated	Yes

Table 2: Approved Land Use Permissibility and Consistency with Precinct Plan No.5

Office is classified under Precinct Plan No.5 – Citiplace as a 'C' or 'Contemplated' use, with a note that it is:

"prohibited where it fronts the street at pedestrian level in the main "retail core" (centred on Hay and Murray Street Malls)".

The LDAP approved office land use on Lot 7. This is consistent with the strategic intent as the building provides an interactive interface with Barrack Street / Murray Street Mall at ground level. It keeps office functions off the ground level, with the ground plane on Murray Street Mall / Barrack Street encompassing a fine grain, with retail tenancies, entrance lobby, and a cafe.

The scheme amendment will facilitate the outcome of the development approval, which will deliver land use outcomes consistent with the Citiplace Precinct.

DEVELOPMENT STANDARDS

There are no proposed modifications to applicable development standards.

6 PROPOSED SCHEME AMENDMENT

The purpose of Amendment No. 50 is to establish a SCA over the subject site, in order to ensure the car parking and plot ratio provisions for the respective lots comply with the City's CPS2 and the Perth Parking Policy 2014. Specifically, to facilitate the sharing of future car parking bays within the SCA and the plot ratio bonus for heritage purposes.

6.1 BACKGROUND AND KEY ISSUES

PLOT RATIO

Under the City's Planning Policy Manual Section 4.5.1 - Bonus Plot Ratio 1, the City may consider varying any site or development requirements for heritage purposes.

To achieve a plot ratio bonus for heritage purposes, any proposed development is required to exhibit architectural design excellence to achieve a built form, height and scale that is

appropriate to the amenity, streetscape, and locality, whilst retaining the intent of the variation clause to facilitate good heritage outcomes.

CAR PARKING

Under the Perth Parking Policy 2014 (the Policy), the approved development is classified as Category 1 street in the Policy.

Table 1 of the Policy identifies the site with a maximum tenant parking allowance of 120 bays per ha or replacement of existing tenant bays, whichever is the lesser. The subject site, given its age, has no existing tenant bays and as such the tenant parking is zero.

Therefore, while the number of existing licenced tenant parking bays is effectively zero, this should not reasonably limit the future on-site supply of future supply to a nil provision. This was the position of the City during the assessment of the development application and was hence supported by the LDAP with the development being approved with 40 car parking bays.

6.2 PLANNING JUSTIFICATION

PLOT RATIO

The City's Planning Policy Manual Section 4.5.1 - Bonus Plot Ratio sets out performance requirements that must be met. The site area for the subject site is 3,352m² with a base permissible plot ratio of 5:1 and a base permissible floor area of 16,760m² or 20,112m², if a 20% heritage bonus is achieved and applied to the entire site. An amendment to the Scheme or an amalgamation of the subject site is therefore required to enable 'full use' of the 20% heritage plot ratio bonus.

CAR PARKING

In order to be achieve integrated access under the Policy, vehicle access to parking on or in two or more lots or buildings utilises a shared vehicle crossover. Car parking for the approved development is accessed through a single two-way crossover off Barrack Street, providing car parking for all lots across the subject site.

6.3 AMENDMENT TYPE

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

- i. The amendment is consistent with the objectives of the 'City Centre' scheme use area and 'Citiplace Precinct'.
- ii. The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Commission.

7 CONCLUSION

The City has received a request to amend CPS2 to create a SCA over Lot 2 (618) and Lot 3 (612-616) Hay Street Mall, Lot 4 (69-75), Lot 5 (77-85), Lot 6 (87-93) and Lot 7 (95-99) Barrack Street, Perth.

The proposed scheme amendment has been requested by Hames Sharley in response to Advice Note 3 imposed on a conditional development approval for a redevelopment of the subject site.

The SCA would facilitate the coordinated redevelopment of the subject site by allowing the calculation and sharing of base and bonus plot ratio, and vehicle access and egress across the SCA. The scheme amendment introduces provisions to address the heritage and land use planning considerations over the subject site.

The scheme amendment would facilitate the landowner to deliver the strategic outcomes envisioned for Central Perth under the Local Planning Strategy. The subject site has development approval for the demolition, conservation and adaptive reuse of the heritage buildings and construction of a new office tower, public laneway, and pocket park. Therefore, the proposed scheme amendment is likely to result in a tangible outcome.

APPENDIX 1 – Letter of Consent

Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT TO
LOCAL PLANNING SCHEME**

City of Perth

CITY PLANNING SCHEME NO.2

AMENDMENT NO.50

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1. Inserting a new Special Control Area under clause 39(1) as follows:

(hh) Barrack Street Special Control Area

2. Inserting the following as Special Control Area 34 in Schedule 8:

34.0 Barrack Street Special Control Area

34.1 Special Control Area

The following provisions apply to the land marked as Figure 34 – Barrack Street Special Control Area:

34.2 Objectives

- a) Facilitate development in a coordinated manner and to enable applicable development standards and requirements to be applied to the site as though it was a single lot.
- b) Ensure future development respects the cultural heritage of the Barrack Street Heritage Area, which includes the Moana Buildings and the Connor Quinlan Building.
- c) To coordinate vehicle access to the Special Control Area to minimise the impact on pedestrians, cyclists, and public transport.

34.3 Heritage

- a) The State listed heritage building (Lot 3) shall have all work undertaken in a manner guided by a Heritage Retention and Conservation Plan prepared in accordance with State Heritage Office Guidelines.
- b) Conservation works being undertaken on Lots 2 to 5 in accordance with current Conservation Management Plans.
- c) Conservation works shall enable the reinstatement of use of the heritage buildings, including the reinstatement of access to any upper or lower levels which have been removed.

34.4 Plot Ratio

- a) For the purpose of determining plot ratio, the total area of Lot 2 (618) and Lot 3 (612-616) Hay Street Mall, and Lots 4 (69-75), Lot 5 (77-85), Lot 6 (87-93), and Lot 7 (95-99) Barrack Street Special Control Area shall be treated as one lot.
- a) For the purpose of calculating bonus plot ratio, the Special Control Area shall be treated as one site and in accordance with the Maximum Bonus Plot Ratio Plan.
- b) All development applications that propose to utilise bonus plot ratio shall provide the City with a draft Heritage Agreement between the landowner and the City (and the Heritage Council for State heritage listed places).
- c) The Heritage Agreement shall require the landowner to complete the conservation works detailed in the Conservation Management Plan prior to the issue of an occupancy permit for the building.

34.5 Car Parking

- a) For the purpose of determining the tenant car parking allowance under the Perth Parking Policy for any redevelopment as may be identified in the Perth Parking Policy, the Barrack Street Special Control Area shall be treated as one lot.
- b) The tenant parking facilities in one building within the Special Control Area may be leased or used by tenants of other buildings within the Special Control Area.



Figure 34 – Barrack Street Special Control Area Map

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

- (iii) The amendment is consistent with the objectives of the 'City Centre' scheme use area and 'Citiplace Precinct'.
- (iv) The amendment is consistent with the City of Perth Local Planning Strategy that has been endorsed by the Commission.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

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 of _____, 20__.

.....
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 of _____, 20__, 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 ____ day of _____, 20__ 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.....