

## 11.2 Final adoption of Amendment No. 54 to City Planning Scheme No. 2 (Additional Uses)

|                     |                                                                                                                                                                                                                                |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Responsible Officer | Amanda Mannolini – Acting General Manager Planning and Sustainability                                                                                                                                                          |
| Voting Requirements | Simple Majority                                                                                                                                                                                                                |
| Attachments         | Attachment 11.2A – Scheme Amendment Report<br>Attachment 11.2B – Location Plan - Hyatt Centre<br>Attachment 11.2C – Proposed Modification to Precinct Plan Policy - P13 Adelaide<br>Attachment 11.2D – Schedule of Submissions |

### Purpose

For Council to:

- consider the submission received on Amendment No. 54 to City Planning Scheme No. 2 (CPS2) and resolve whether to support the scheme amendment.
- consider whether to adopt the amendment to Precinct Plan Policy – P13 Adelaide.

### Recommendation

That Council:

1. SUPPORTS Amendment No. 54 to City Planning Scheme No. 2 without modification, as detailed in Attachment A.
2. ADOPTS the amended Precinct Plan Policy No. 13 – Adelaide as detailed in Attachment B subject to gazettal of Amendment No. 54.
3. NOTES the submission received during the formal consultation period as detailed in Attachment C.

## Background

1. At its Ordinary Council Meeting held on 9 December 2025, Council resolved to prepare Amendment No. 54 to the City Planning Scheme No. 2 (CPS2) and advertise the proposed modification to Precinct Plan Policy – P13 Adelaide.
2. The purpose of the amendment is to include the additional land use groups 'Entertainment' ('Amusement Parlour' and 'Small Bar'), 'Business Services' and 'Education 2' over the southern portion of 99 (Lot 10) Adelaide Terrace, East Perth.
3. 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.
4. The landowner 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).
5. The Environmental Protection Authority did not require environmental assessment of the amendment. The Western Australian Planning Commission (WAPC), on behalf of the Minister for Planning, provided consent to advertise the amendment without modification.

## Discussion

6. The subject site is across two scheme use areas under CPS2. The northern portion of the site is located within the Office/Residential scheme use area and the southern portion is located within the Residential scheme use area. Under CPS2, 'Entertainment' and 'Education 2' are 'Contemplated' uses and 'Business Services' is a 'Permitted' use in the Office/Residential scheme use area. All are 'Prohibited' land uses in the Residential use area.
7. Amendment 54 is to amend Schedule 5 of CPS2 to include the additional land use 'Entertainment' ('Amusement Parlour' and 'Small Bar'), 'Business Services' and 'Education 2' over the southern portion of the site.
8. Clause 19 of CPS2 specifies the criteria that must be considered when initiating an amendment to Schedule 5. Amendment No. 54 satisfies the criteria, as presented to Council at the Ordinary Meeting held on 9 December 2025.
9. *Council Policy 3.5 – Initiation of Local Planning Scheme Amendments* (CP 3.5) provides a framework to assess the appropriateness of preparing scheme amendments ahead of the draft *Local Planning Scheme No. 3* (LPS3). The amendment satisfies the provisions of CP 3.5 as presented at the Ordinary Council Meeting held on 9 December 2025.
10. As a result of advertising, one submission was received, generally supporting the amendment, subject to 'amusement machines' are not "pokies" (poker machines).
11. CPS2 defines 'Amusement parlour' as '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.'
12. CPS2 does not define the term 'amusement machine'. However, poker machines would not be permitted on the site under Section 42 of the *Gaming and Wagering Commission Act 1987*. This Act prohibits the use or possession of "unlawful gaming machines," which includes poker machines, throughout the state.

13. The advertised modification to Precinct Plan Policy No.13 – Adelaide, ensures the development application process considers the potential impacts on surrounding properties by requiring the land uses of ‘Amusement Parlour’ and ‘Small Bar’ to be advertised in accordance with clause 64 of the Deemed Provisions.
14. No changes are proposed to the amendment as a result of the submission.

## Consultation

15. The amendment and modification to Precinct Plan Policy – P13 Adelaide were advertised for a period of 49 days in accordance with Clause 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations). An extra 7 days was required to be added to the standard 42 days as the consultation period occurred over the Easter holiday period.
16. The method of advertising included a notice placed in the newspaper, a notice placed in the Council House foyer, information displayed on the Engage Perth website, and letters to neighbouring landowners (via the strata management bodies).
17. One submission was received. The submission and the Administration’s response is provided in Attachment C.

## Decision Implications

18. Council has the option to either support the scheme amendment with or without modifications or not support the amendment.
19. If Council supports the recommendation:
  - a. the amendment will be forwarded to the WAPC for consideration and recommendation to the Minister for Planning for a final decision.
  - b. the precinct plan will be updated followed the Minister’s approval of the amendment.
20. 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 will not be amended.

## Strategic, Legislative and Policy Implications

| Strategy                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| Strategic Pillar (Objective)                             | Prosperous                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Related Documents (Issue Specific Strategies and Plans): | <p><b>Strategic Community Plan 2022-2032</b><br/>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.</p> <p><b>Local Planning Strategy 2023</b><br/>“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</p> |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|  | <p><i>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></p> <p>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.</p> |
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| Legislation, Delegation of Authority and Policy |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Legislation:                                    | <p><b><i>Planning and Development Act 2005</i></b></p> <ul style="list-style-type: none"> <li>Section 75 provides legislative power to the Council to prepare changes to its local planning scheme.</li> <li>Section 81 requires referral of scheme amendments to the Environmental Protection Authority prior to advertising.</li> <li>Section 84 sets out advertising requirements.</li> </ul> <p><b><i>City of Perth Act 2016</i></b></p> <p>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.</p> <p><b><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></b></p> <ul style="list-style-type: none"> <li>Regulations 49 and 50 outline the process for the consideration of submissions on a standard amendment to a local planning scheme.</li> <li>Regulation 53 outlines the information required to be provided to the WAPC for the Minister’s consideration of a standard amendment to a local planning scheme.</li> </ul> <p><b><i>City Planning Scheme No. 2 (CPS2)</i></b></p> <ul style="list-style-type: none"> <li>Clause 19 sets out the criteria for Additional Land Uses.</li> <li>Schedule 5 refers to Additional Land Uses.</li> <li>Clause 3A of Schedule A – Supplemental Provisions refers to amending Precinct Plans.</li> </ul> <p><b><i>Minor Town Planning Scheme No. 14 - Withernsea (MTPS14)</i></b></p> <p>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.</p> |
| Authority of Council/CEO:                       | <p>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 be by Council resolution.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Policy:                                         | <p><b>City of Perth City Planning Scheme No.2 Precinct Plan No. 13 (P13) – Adelaide Precinct</b></p> <p>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</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|  | <p>Statement of Intent as the addition of proposed additional land uses provides employment opportunities that support an increased residential population.</p> <p><b>Terrace Road Design Policy</b></p> <p>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.</p> <p><b>Council Policy 3.5 (CP 3.5)</b></p> <p>Amendment No. 54 satisfies the criteria of CP 3.5 which provides a framework to guide consideration of scheme amendments ahead of the new local planning scheme.</p> |
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## Financial Implications

21. Should the Minister approve the amendment and in accordance with the *Planning and Development Regulations 2009* and the LPS Regulations, any costs associated with the advertising of the gazettal of the amendment are met by the applicant.

## Further Information

22. Questions and Responses forming part of the Agenda Briefing Session on 23 June 2026 are as follows:

|    | Question                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 1. | <p>Can admin advise whether the landowner has received any expressions of interest from education providers for the proposed Education 2 use, and if so, what type of provider is being contemplated, for example a tertiary institution, private business college, employment training centre, academy etc... The distinction may be important because different education uses may generate different levels of day and evening activity, student numbers, transport demand, and contribution to local activation.</p> | <p>The owners have advised that they have had interest from several training organisations, most have been vocational training, business training and various other trade schools enquiring on the property. Conversations are also occurring with tertiary education institutions, with varying degrees of interest.</p> <p>After the scheme amendment has been considered by Council and ultimately determined by the Minister for Planning, the landowner will have greater certainty to explore the opportunities presented by these land uses with prospective tenants.</p> <p>Once the landowner has a clear indication from a prospective tenant, they will engage with the City ahead of lodging an application for development approval. It is at the development approval phase that matters such as hours of operation, student numbers, transport and opportunities for activities are considered and incorporated into the conditions of development approval.</p> |

## Council Resolution (OCM-30/06-013)

**Mover:** Councillor Catherine Lezer

**Seconded:** Councillor Raj Doshi

That Council:

1. SUPPORTS Amendment No. 54 to City Planning Scheme No. 2 without modification, as detailed in Attachment A.
2. ADOPTS the amended Precinct Plan Policy No. 13 – Adelaide as detailed in Attachment B subject to gazettal of Amendment No. 54.
3. NOTES the submission received during the formal consultation period as detailed in Attachment C.

**CARRIED UNOPPOSED (7/0)**

**For:** Lord Mayor Bruce Reynolds; Deputy Lord Mayor David Goncalves; Councillors Raj Doshi, Liam Gobbert, Catherine Lezer, Adam Pacan and Chris Patton

**Against:** Nil.

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## **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\_\_\_\_

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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 25,826m<sup>2</sup>. 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).

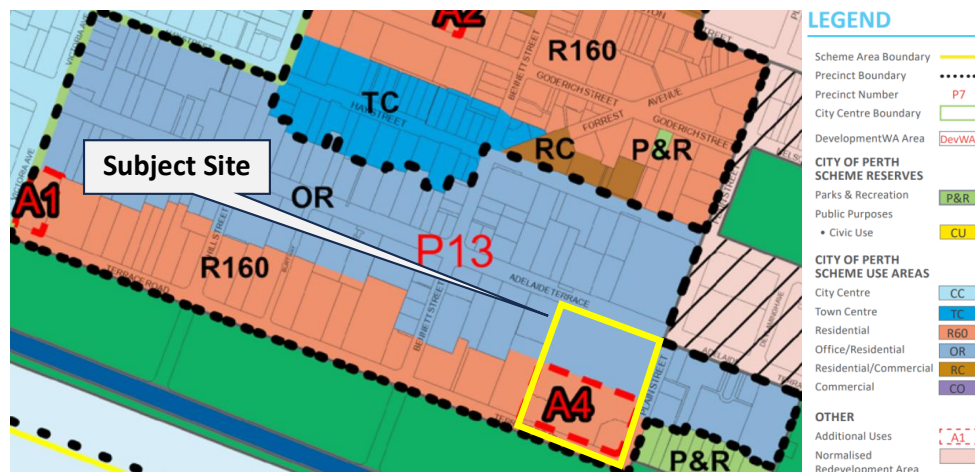


Figure 2: City Planning Scheme No. 2 Scheme Map

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).

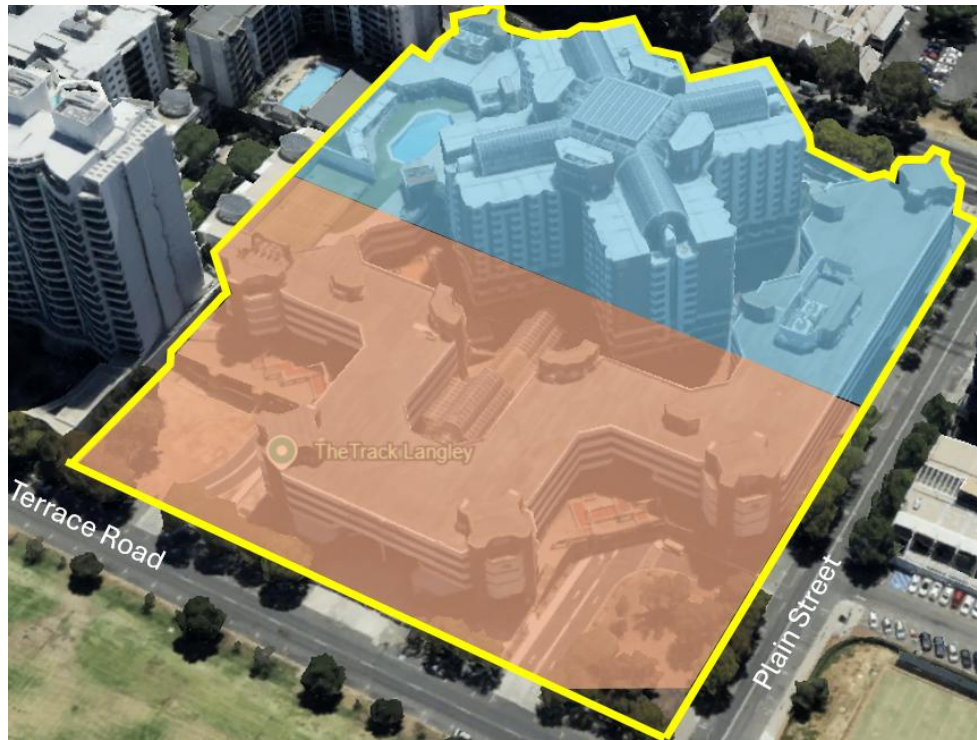


Figure 3: 3D aerial view of the site (showing zoning boundary across the site)

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).

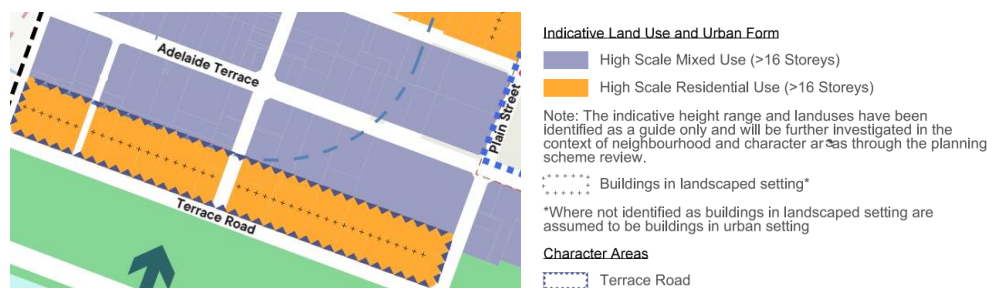


Figure 4: Extract from Local Planning Strategy East Perth Neighbourhood Map

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-AC0 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).

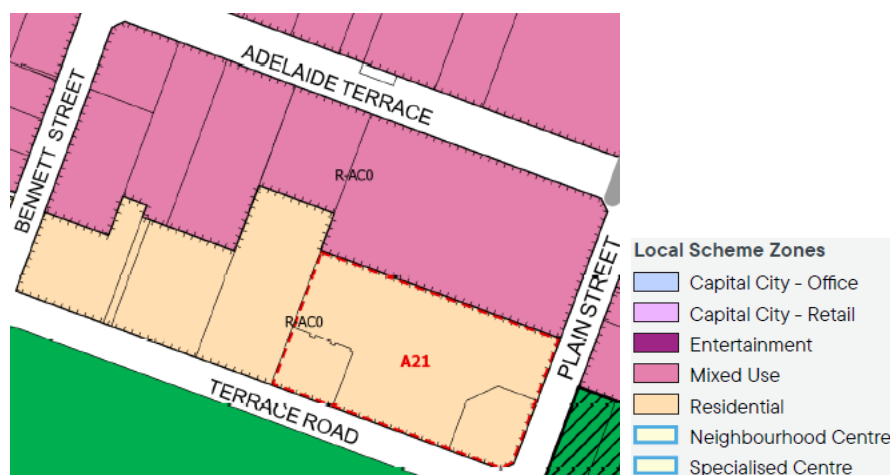


Figure 5: Draft Local Planning Scheme No. 3

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.<br><br>Lot 11 on Certificate of Title Volume 1835 Folio 883.<br><br>Lot 12 on Certificate of Title Volume 1835 Folio 884. | Entertainment - limited to Amusement Parlour and Small Bar on Lot 10.<br><br>Small Bar is not permitted within 30 metres of the western boundary.<br><br>Business Services limited to Lot 10<br><br>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 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.....**

Attachment B – Hyatt Centre Location Plan







## Precinct Plans

# Precinct Plan No.13 Adelaide

NOTE: Proposed amendments are shown in red – page 5



## Precinct Plans

### Precinct Plan No. 13 - Adelaide

| 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  |

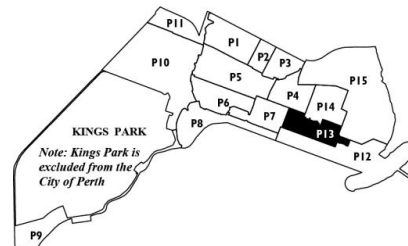


## Precinct Plans

### 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.

**ATTACHMENT B: SCHEDULE OF SUBMISSIONS**

**SCHEME AMENDMENT NO. 54**

| No. | SUBMITTER                              | SUBMISSION                                                                                                                                                                                                                                                                                                                                                 | ADMINISTRATION RESPONSE                                                                                                                                                                                                                                                                                                              |
|-----|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | David Wheeler                          | Support/Comment                                                                                                                                                                                                                                                                                                                                            | The CPS2 does not define the term "amusement machine". However, poker machines are not proposed and would not be permitted on the site under Section 42 of the Gaming and Wagering Commission Act 1987. This Act prohibits the use or possession of "unlawful gaming machines," which includes poker machines, throughout the state. |
|     | 58/131 Adelaide Terrace,<br>East Perth | Please let it this go through. A cool bar nearby would be amazing. The pseudo shopping centre/food area at this location would be a great place for one. There isn't really a "local" bar down this end of East Perth and it would add life to the area.<br><br>So long as "amusement machines" does not mean pokies. If that's the case, strongly oppose. |                                                                                                                                                                                                                                                                                                                                      |