

**Recommendation:**

***That Council, in accordance with the provisions of the City Planning Scheme No. 2 and the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed provisions for local planning schemes, APPROVES the application for the demolition of buildings at 105 (Lots 1-15) Lord Street, Perth as indicated on the Metropolitan Region Scheme Form One dated 1 August 2018 and as shown on the plans received on 20 August 2018 subject to:***

- 1. the site being stabilised, landscaped and secured with appropriate perimeter bollards or permeable fencing to prevent unauthorised car parking, to the City's satisfaction and at the cost of the landowner if construction for an approved redevelopment of the site has not commenced within 6 months of the completion of demolition of the buildings on-site. Final details of the landscaping and works must be submitted to the City for approval prior to being installed and thereafter maintained by the landowner to the satisfaction of the City;***
- 2. the works referred to in Condition 1, shall be secured by a bond/deed of agreement between the applicant and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant prior to the demolition of the existing buildings on site;***
- 3. a demolition management plan for the proposal in accordance with the City's Construction and Demolition Management Plan proforma being submitted and approved by the City prior to any demolition works occurring on site;***
- 4. all stormwater being contained on-site; and***
- 5. no vehicle parking being permitted on the site.***

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| FILE REFERENCE:          | DA-2018/5303  |
| REPORTING UNIT:          | Development Approvals   |
| RESPONSIBLE DIRECTORATE: | Planning and Development  |
| DATE:                    | 10 September 2018   |
| ATTACHMENT/S:            | Attachment 13.1A – Location plan<br>Attachment 13.1B – Demolition plan<br>Attachment 13.1C – Landscaping plan |
| 3D MODEL PRESENTATION:   | N/A   |
| LANDOWNER:               | NEXTDC Ltd  |
| APPLICANT:               | NEXTDC Ltd c/- Urbis Pty Ltd  |

ZONING: (MRS Zone) Central City Area  
(City Planning Scheme Precinct) Stirling (P3)  
(City Planning Scheme Use Area) City Centre

APPROXIMATE COST: \$170,000

**Council Role:**

- Advocacy *When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, town planning schemes and policies*
- Quasi-Judicial *When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*
- Information *For the Council/Committee to note.*

**Legislation / Strategic Plan / Policy:**

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

**Integrated Planning and Reporting Framework Implications**

**Strategic Community Plan**  
Goal 2 - An exceptionally well designed, functional and accessible city

**Policy**

Policy No. and Name: 4.1 - City Development Design Guidelines

**Purpose and Background:**

The subject site is bound by Newcastle Street to the north, Lord Street to the east and Aberdeen Street to the south and consists of 15 strata lots totalling 6,368m<sup>2</sup>. The subject site is currently occupied by a single level commercial development known as the Westrade Centre which houses 15 tenancies (some of which have been consolidated) and associated at-grade

car parking. At the time of lodgement, all tenants have vacated or are in the process of vacating the subject site.

Lord Street is approximately 1m to 3.5m higher than the subject site, increasing in a north to south direction. The footpath of Lord Street is also setback from the subject site, with the gap between the carriageway and subject site lot line used for retaining, bunding and landscaping.

There is a 5.689m wide right of access easement burdening the subject site, in favour of lot 36, which abuts the subject site at its Aberdeen Street frontage. The easement runs parallel to the adjacent lot, extending from Aberdeen Street to the northern edge of that lot. There is a 5m sewerage easement in favour of the Water Corporation that partially runs under the above right of access easement.

The owner of the site is NEXTDC Ltd which provides data storage and communications solutions across Australia via a national network of data centre facilities. NEXTDC operates its existing 'P1' data centre in Malaga, with other facilities in Brisbane, Sydney, Canberra, and Melbourne.

On 17 July 2018, the City of Perth approved under delegated authority a development application for a portion of the site for the 'development of communications infrastructure' (DA-2018/5219). This proposal was limited to the establishment of some lead infrastructure required for a future data centre that the applicant has advised will occupy the whole site. The works include the establishment of a communications pod, and ancillary small office and back-up power generators. This involves the demolition of a portion of the existing building, fronting Newcastle Street.

The communications 'pod' provides a connection to the new Singapore-Perth undersea cable and the applicant advised that these essential advance works need to be in operation prior to the end of 2018.

The City has received and is currently assessing a 10-level office building and a 9 level data centre tower development for determination by the City of Perth Local Development Assessment Panel (LDAP) which requires the demolition of the remainder of the building on the site.

The development is proposed to be broken down into three stages, stage 1 of the development has already commenced with the installation of the communications pod and temporary infrastructure already approved. Stage 2 of the development will include the office tower and northern portion of the data hall including the lobby spine of the data hall, building services and loading dock, with stage 3 forming the southern portion of the data hall. The applicant has advised that foundations for stage 3 may also be built during construction of stages 1 and 2, to minimise disruption to the existing facility during construction, and to enable speedy delivery of stage 3 when required.

### **Details:**

To be able to deal with the staging and tight time-lines for the proposed redevelopment of the site, approval is sought for the demolition and clearing of the remaining buildings on the subject site pre-empting the consideration of the proposed data centre by the Perth Local Development Assessment Panel (LDAP). The site is proposed to be secured with a temporary 2.4-metre-high garrison style fence to match the approved fence for the 'pod' development.

The remainder of the site is proposed to be landscaped with a mixture of plants and mulch for aesthetic purposes.

A partial demolition of the site has already been approved (units 1-4) to accommodate the approved 'Pod' that is associated with communications infrastructure on-site to connect to the new Singapore-Perth undersea cable. The remainder of the site will be demolished as part of the redevelopment of the site which is currently being assessed by the City and will likely be presented to the City of Perth LDAP for determination in October this year.

The applicant has advised that due to the isolated location of the site and the poor visibility and informal surveillance opportunities created by the level difference of the Lord Street bridge the vacating of the buildings has resulted in a significant number of people trespassing and accessing the buildings for unlawful accommodation. As the partial demolition and site works associated with the Pod building are about to commence, the applicant has explained that the presence of unknown people on the site represents an unacceptable safety risk. In addition to this, the buildings are in a poor state. The applicant has advised that in the very unlikely occurrence that the data centre does not proceed or development is delayed, the existing buildings will not be returned to their previous use or be adapted for a new use and the retention of the buildings offer no benefit.

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

#### Land Use

N/A

#### Development Requirements

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

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

In addition, Clause 67 'Matters to be considered by local government' of the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed provisions for local planning schemes (Deemed Provisions) requires, among other things, that the aims and provisions of the Scheme, the requirements of orderly and proper planning and the amenity of the locality be taken into consideration when determining an application.

### **Comments:**

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

As noted, the City is currently assessing an application to redevelop the site which the applicant has advised is likely to proceed in the near future, with the first stage of the development already being undertaken on a portion of the site. It is considered likely that the next stage of the development will occur within the short term. The current development application includes the demolition of the remainder of the building on site, and as such this application is seeking to expedite the demolition of the building.

It is therefore considered appropriate that any approval be made subject to a condition requiring the site to be landscaped within six months of demolition and maintained in the event of no further immediate development progressing on the site after demolition. This would assist in the preservation of the local amenity and reduce the likelihood of the site being used for unauthorised car parking while awaiting redevelopment. The applicant has provided landscaping plans demonstrating the treatment, maintenance and securing of the site post demolition.

**Safety/Security**

Since vacating the building, there has been a marked increase in anti-social behaviour on-site. The property has been used by vagrants/squatters and the property owner has been unable to effectively maintain and secure the site. The applicant has advised that the condition of the building is untenable which results in any restoration or refurbishment of the building to accommodate interim uses being unfeasible and impractical. The applicant has also provided incident reports demonstrating ongoing antisocial behaviour on the site, along with images of squatting, rubbish and syringes resulting in an unsightly and unsafe area.

The demolition of the building and placement of appropriate boundary fencing and landscaping are therefore considered to be appropriate measures in resolving the safety and security, health and hygiene issues for the property until such time that it is redeveloped. Noting the age and condition of the building it is also considered appropriate to ensure any demolition management plan address matters related to the removal of hazardous materials and asbestos should the application be approved.

**Consultation**

N/A

**Design Advisory Committee**

N/A

**Building Height and Setbacks**

N/A

**Building Design, Materials and Finishes**

N/A

**Heritage**

N/A

## **Bicycle Parking**

N/A

## **Conclusion**

Recognising the current security issues associated with the site and the likelihood of future redevelopment in the short-term, it is recommended the application be approved in accordance with Clause 37 of CPS2 subject to appropriate conditions related to landscaping, dust management and the site remaining unused/vacant until further development approvals are granted.