



CITY of PERTH

MINUTES

PLANNING COMMITTEE

15 NOVEMBER 2016

THESE MINUTES ARE HEREBY CERTIFIED AS
CONFIRMED

PRESIDING MEMBER'S
SIGNATURE


DATE: 6/12/16

PLANNING COMMITTEE

INDEX

Item	Description	Page
PL185/16	DECLARATION OF OPENING	1
PL186/16	APOLOGIES AND MEMBERS ON LEAVE OF ABSENCE	1
PL187/16	QUESTION TIME FOR THE PUBLIC	1
PL188/16	CONFIRMATION OF MINUTES	1
PL189/16	CORRESPONDENCE	2
PL190/16	DISCLOSURE OF MEMBERS' INTERESTS	2
PL191/16	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	2
PL192/16	5 (LOTS 2 AND 3) FRANCIS STREET, PERTH – NEW EXHIBITION CENTRE AND ALTERATIONS TO THE STATE LISTED HERITAGE BUILDINGS AT THE WESTERN AUSTRALIAN MUSEUM	3
PL193/16	43 (LOT 41) ARDEN STREET, EAST PERTH – PROPOSED ADDITIONS TO THE SECOND FLOOR AND NEW THIRD FLOOR TO THE EXISTING DWELLING	11
PL194/16	45 (LOT 110) FRANCIS STREET, NORTHBRIDGE – REFURBISHMENT OF THE EXISTING BUILDING, INSTALLATION OF TWO GLASS CANOPIES AND RECONFIGURATION OF CAR PARKING	18
PL195/16	5 (LOTS 2 AND 3 - PROPOSED) THE ESPLANADE, PERTH – 'IN PRINCIPLE' PROPOSAL FOR A 25 STOREY HOTEL/SERVICED APARTMENT BUILDING AND 50 STOREY RESIDENTIAL BUILDING	31
PL196/16	39 AND 39A (LOTS 52 AND 53) MOUNT STREET, WEST PERTH –MINOR AMENDMENT TO THE LIFT SERVICES OF AN APPROVED RESIDENTIAL DEVELOPMENT CONTAINING TWO, SEVEN-LEVEL DWELLINGS	41
PL197/16	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	45
PL198/16	GENERAL BUSINESS	45
PL199/16	ITEMS FOR CONSIDERATION AT A FUTURE MEETING	45
PL200/16	CLOSE OF MEETING	45

Minutes of the meeting of the City of Perth **Planning Committee** held in Committee Room 1, Ninth Floor, Council House, 27 St Georges Terrace, Perth on **Tuesday, 15 November 2016**.

MEMBERS IN ATTENDANCE

Cr McEvoy - Presiding Member
Cr Adamos
Cr Yong

OFFICERS

Mr Mianich - Acting Chief Executive Officer
Ms Barranger - Acting Director Planning and Development
Mr Ridgwell - Acting Director Corporate Services
Ms Smith - Manager Development Approvals
Mr Smith - City Architect
Ms Best - Governance and Risk Officer

GUESTS AND DEPUTATIONS

Mr Hajigabriel - Rowe Group
Mr Manios

Six members of the public.

PL185/16 DECLARATION OF OPENING

5.30pm The Presiding Member declared the meeting open.

PL186/16 APOLOGIES AND MEMBERS ON LEAVE OF ABSENCE

Nil

PL187/16 QUESTION TIME FOR THE PUBLIC

Nil

PL188/16 CONFIRMATION OF MINUTES

Moved by Cr Adamos, seconded by Cr Yong

That the minutes of the meeting of the Planning Committee held on 25 October 2016 be confirmed as a true and correct record.

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

PL189/16 CORRESPONDENCE

Nil

PL190/16 DISCLOSURE OF MEMBERS' INTERESTS

Nil

PL191/16 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

Meeting Note: The Planning Committee agreed that the order of business detailed in the agenda be amended to allow time for the proposed deputation for Item 1 to arrive and present, prior to the Committee considering that item, specifically:

1. Agenda Item 2 – 5 (Lots 2 and 3) Francis Street, Perth – New Exhibition Centre and alterations to the state listed heritage buildings at the Western Australian Museum;
2. Agenda Item 1 – 43 (Lot 41) Arden Street, East Perth – Proposed additions to the second floor and new third floor to the existing dwelling;
3. Agenda Item 3 – 45 (Lot 110) Francis Street, Northbridge – refurbishment of the existing building, installation of two glass canopies and reconfiguration of car parking;
4. Agenda Item 4 – 5 (Lots 2 and 3 - Proposed) The Esplanade, Perth – 'In Principle' proposal for a 25 storey hotel/serviced apartment building and 50 storey residential building; and
5. Agenda Item 5 – 39 and 39a (Lots 52 And 53) Mount Street, West Perth – Minor amendment to the lift services of an approved residential development containing two, seven-level dwellings.

PL192/16 5 (LOTS 2 AND 3) FRANCIS STREET, PERTH – NEW EXHIBITION CENTRE AND ALTERATIONS TO THE STATE LISTED HERITAGE BUILDINGS AT THE WESTERN AUSTRALIAN MUSEUM

BACKGROUND:

SUBURB/LOCATION:	5 (Lots 2 and 3) Francis Street, Perth
FILE REFERENCE:	2016/5363
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	31 October 2016
MAP / SCHEDULE:	Schedule 2 – A map and colour perspectives for 5 Francis Street
3D MODEL PRESENTATION:	A 3D Model for this application will be available at the Committee meeting.
LANDOWNER:	State of Western Australia – Department of Culture and the Arts

The subject site is located within the Metropolitan Redevelopment Authority Area in the Culture Centre Project Area Precinct. The site is bounded by James Street pedestrian mall to the south, Beaufort Street to the east, Francis Street to the North and the Museum Street pedestrian mall to the west. The site contains four heritage buildings which are listed on the State Register of Heritage Places including the Old Perth Gaol Building, Hackett Hall, the Jubilee Building and the Beaufort Street Wing building.

DETAILS:

The Metropolitan Redevelopment Authority (MRA) has referred to the City for comment an application for the new museum project at the existing Western Australian Museum site including a new exhibition centre building and alterations to the existing heritage buildings. The application is a State Government initiated project together with Brookfield Multiplex and Hassell and Oma Architects to provide a world class museum and exhibition space. The key objectives of the new museum project are 'People First; Western Australia; Design Excellence; and an Activated Museum.'

The new museum will be designed around an outdoor civic space at the centre of the site called 'City Room' which together with the Old Perth Gaol museum cafe will form a central focal point for visitors to the museum. The design of the museum is based on horizontal and vertical narrative loops with linkages between the new exhibition centre building and the existing heritage buildings; Hackett Hall; the Jubilee Building and the Beaufort Street Wing.

More specifically the development of the new museum project will involve:

- the retention, restoration and activation of Hackett Hall, the Jubilee Building, the Old Goal and the Beaufort Street Wing to activate the buildings and provide

pedestrian access through the buildings and around the site and to link in with the new buildings;

- a new building wrapping around Francis Street and Museum Street to provide exhibition spaces, function rooms and museum facilities;
- the integration of the new museum with the surrounding public spaces including James Street and Museum Street (subject to further discussions with the State Government and MRA);
- a sustainability outcome for the project based on a whole of life approach, which will significantly exceed the sustainability requirements of the MRA;
- the provision of services, delivery and waste management integrated with the adjoining State Library of Western Australia; and
- the development of an Energy and Thermal System to provide services to ultimately all of the buildings within the Perth Cultural Centre.

LEGISLATION / POLICY:

Legislation	Sections 64 and 65 of the <i>Metropolitan Redevelopment Authority Act 2011</i> Central Perth Redevelopment Scheme No. 2
--------------------	--

Integrated Planning and Reporting Framework Implications	Strategic Community Plan Council Four Year Priorities: Community Outcome Perth as a capital city The City is recognised internationally as a city on the move and for its liveability, talented people and centres of excellence and business opportunities
---	---

COMPLIANCE WITH PLANNING SCHEME:

Land Use

The site is located within the Metropolitan Redevelopment Authority Area and is therefore subject to the provisions of the MRA's Central Perth Redevelopment Scheme No. 2 ('CPRS2'). More specifically the site is located within the Perth Cultural Centre Project Area of CPRS2 and Precinct 36 – James Street. The vision for the Perth Cultural Centre Project Area is to realise the potential of the State's principle cultural hub in the heart of the city centre. An exciting urban environment will be created, which is infused with creativity, culture and talent. It will provide visitors with a space that engages the senses and contributes to the uniqueness of the area by way of its function, aesthetics and design.

It is considered that the proposed redevelopment of the Western Australian Museum site to include a new exhibition centre and the alterations to the heritage buildings are consistent with the project areas vision and the statement of intent for the James Street Precinct. This includes the incorporation of heritage conservation and the

adaptive reuse of the existing heritage buildings. The project will also provide enhanced cultural facilities which will contribute to the uniqueness and cultural identity of the area by way of its design.

The proposed ancillary land uses including the museum café located in the Old Perth Gaol building, the retail tenancy adjacent to the Francis Street foyer and the Hackett Hall function centre are supported. The revised proposal to enhance the level of pedestrian interest and activity on Francis Street with a new exhibition display area is also supported.

The tenancies which have been identified as 'Commercial Opportunities' along Francis Street and at the Jubilee Hall but without any indication of their intended use should provide for pedestrian interest and activity. Uses such as 'Dining and Entertainment', 'Retail', and 'Culture and Creative' should be encouraged to locate in these tenancies rather than offices or other similar uses with inactive frontages. It is also recommended that further investigations take place to improve the utilisation of the roof space of the new exhibition link building and Francis Street building, including an outdoor exhibition space for the museum and outdoor entertainment areas.

Heritage and Design Interventions

The applicant has advised that the new museum project aims to unite the heritage buildings through a holistic design that creates an exciting dialogue between contemporary architecture and the heritage buildings. The old and the new structures will form two holistic narrative circulation loops, one vertical and one horizontal, linking together the historic and new exhibition buildings. The narrative loops are conceived as storylines centred on Western Australian nature and culture from the past through to the present through to the future.

The museum project seeks to provide an appropriate design response in terms of integrating the existing heritage buildings with the new contemporary additions. The new building on Francis Street, for example, is designed of a similar scale to the adjacent Beaufort Street Wing building and to the Old Swan Barracks on the opposite side of Francis Street, increasing in height as it moves away from the heritage buildings towards the north-west corner of the site. This is considered an acceptable design response in terms of maintaining the character and appearance of the existing streetscape along Francis Street and respectfully integrating the new addition with the existing heritage building.

With respect to the level four and five addition, some concern has been raised regarding the design of the cantilevered section and its relationship to the existing heritage building below. The City's heritage team considers the cantilevered section over Hackett Hall to be particularly intrusive, with the preference for this portion of the building to be further setback from James Street, providing some visual relief to the building below.

The new level four and five volumes are however clearly separated from the heritage building below. Whilst a setback to this portion of the building may provide further visual separation between the old and the new, it will also significantly detract from

the design and architectural intent of the new museum project in terms of delivering an exciting and iconic landmark building within the Cultural Centre Precinct. This bold architectural response is considered to be consistent with the MRA's intent for the Precinct in terms of creating an exciting urban environment which attracts creativity, culture and talent. The architectural response is considered to deliver the new museum project with a confident and grand gesture which reflects Perth's maturity and recognition as a world class City.

The replacement of the existing link building on James Street with a new first floor exhibition building between the Jubilee Building and Hackett Hall is generally supported. The new link building will open up views to the Old Perth Gaol building and create an important linkage through the site at the ground floor level. Further consideration should, however, be given to the forward projection of the link building from the building line of the adjacent Hackett Hall and into James Street which is considered to detrimentally impact on the character and appearance of the streetscape, the adjacent heritage buildings and the grand gesture of the level four and five volume over Hackett Hall. It is considered that the forward projection of the first floor exhibition link building is not necessary in terms of identifying the main entrance into the museum and will not contribute to a significant amount of exhibition space. It is recommended that the design of this portion of the museum development be further reviewed to address the above.

Some concern has been raised regarding the creation of a new entrance from Beaufort Street through the Beaufort Street Wing building and its impact in terms of the removal of significant heritage fabric. It is noted that an entrance from Beaufort Street would create an important linkage through the site to an otherwise inactive frontage of over 100 metres along Beaufort Street. The City has also been involved in negotiations with other developers to create pedestrian linkages from the adjacent Stirling Precinct to Beaufort Street and this would be consistent with those objectives, particularly as the buildings in this location tend to turn their backs to pedestrians through inactive frontages. It is acknowledged that a new entrance which impacts on heritage fabric can be achieved in a sensitive manner. The level of detail provided in the elevation plans, however is considered insufficient to make a thorough assessment of this part of the proposal. It is recommended that further detailed plans of the entrance proposal be provided and that it be designed to sensitively relate to the existing architectural features of the building.

With respect to the interventions to the Old Perth Gaol and the heritage staircase within the Beaufort Street Wing building, it is noted that the applicant has submitted revised plans which propose to retain the brick western additions to the Gaol and the heritage stair. The retention of these elements should be supported.

Trees and Landscaping

The proposed landscape concept plan is generally supported, noting that the landscape of the Old Perth Gaol courtyard garden has been revised to be more in keeping with the historic context of the building. It is also recommended that all trees be protected, including during the construction phase, however only those trees which are located within the road reserve along Francis Street and Beaufort Street are located within the City's jurisdiction. The two trees which are proposed for

removal in the revised plans along Francis Street and Beaufort Street will require a separate application for approval from the City and the MRA should be advised of this. It is recommended that all significant trees within the MRA controlled site be retained where possible.

Vehicle Parking and Service Access

A dual purpose pedestrian link and service loading bay will be provided at the ground floor level along Francis Street. It is proposed that this area will accommodate up to a 19 metre semi-trailer which will enable large exhibits to be transported to and from the site. This bay is only intended to be used infrequently, typically during major exhibition changes with normal operations providing pedestrian access to the museum from Francis Street. The existing State Library Carpark will continue to be used to provide access for service vehicles, however due to clearance restrictions of 2 metres will be limited to small service vehicles.

There are no new commercial tenant car parking bays proposed as part of the new museum project. The museum staff will continue to use the existing tenant bays allocated within the State Library Carpark. This is consistent with the Perth Parking Policy and the ample availability of public transport and public car parking available in close proximity to the site.

Conclusion

The new museum project will deliver an iconic development of a high standard of design excellence within the Perth Cultural Centre Precinct. The project will unite the existing heritage buildings through a holistic design and create an exciting dialogue between contemporary architecture and heritage.

It is recommended that further investigations take place to ensure the design of the new exhibition link building does not result in any adverse impacts to the streetscape the existing heritage buildings or the grand gesture of the levels four and five volumes over Hackett Hall. The land uses within the commercial tenancies should be limited to those which create interest and activity at the pedestrian level. The use of the roof space as museum display and entertaining space should also be further investigated. Further details should be provided regarding the Beaufort Street Wing entrance in terms of how it will be designed to sensitively relate to the architectural features of the heritage building.

Based on the above it is recommended that Council commend the applicant on the museum project's high standard of design excellence and advises the MRA that the proposal for the new exhibition centre and alterations to the heritage buildings are supported in principle subject to further investigation of the issues identified above and the protection of all significant trees where possible.

OFFICER RECOMMENDATION

That the Metropolitan Redevelopment Authority be advised that Council commends the applicant on the high standard of design excellence of the new museum project and supports in principle the proposed new exhibition centre and alterations to the

State listed heritage buildings at the Western Australian Museum site at 5 (Lots 2 and 3) Francis Street, Perth and recommends and advises of the following:

1. the setback to the new first floor exhibition link building between the Jubilee Building and Hackett Hall being further reviewed as it is considered to unnecessarily project beyond the existing building line into James Street, detracting from the character and appearance of the streetscape, the setting of the heritage buildings and the grand gesture of the level four volume over Hackett Hall;
2. the further review and the submission of detailed elevation plans for the proposed new entrance through the Beaufort Street Wing building, demonstrating how the new entrance sensitively relates to the heritage building and its architectural features, noting the principle of a new entrance is supported along this otherwise inactive frontage of over 100 metres, providing a connection to and from the adjacent Stirling Precinct to the east;
3. the retention of the existing brick additions at the western end of the Old Perth Gaol building and the retention of the heritage staircase in the Beaufort Street Wing building as indicated in the revised plans dated 26 October 2016 is supported;
4. Council supports the redesign of the ground floor plane along Francis Street to improve its interface with the street including a new exhibition display area as indicated in the revised plans dated 26 October 2016;
5. Council suggests that the tenancies indicated as 'commercial opportunities' at the ground floor plane along Francis Street and at Jubilee Hall be occupied with uses that provide for street level interest and activity including 'Dining and Entertainment', 'Culture and Creative' and 'Retail' rather than offices or other similar uses with potentially inactive frontages;
6. further consideration be given to the activation of the roof space of the new exhibition link building and Francis Street building as museum display and outdoor entertainment areas;
7. all significant trees being protected on site, including during the construction phase, in accordance with AS4970-2009, with any trees proposed for removal within the road reserve on Beaufort Street or Francis Street requiring a separate application for approval from the City;
8. an updated waste management plan for the museum being submitted to the City for approval prior to the occupation of the new building; and
9. a construction management plan for the proposal being submitted for approval prior to applying for a building permit, detailing how it is proposed to manage;
 - 9.1 the delivery of materials and equipment to the site;
 - 9.2 the storage of materials and equipment on the site;

- 9.3 the parking arrangements for the contractors and subcontractors;
- 9.4 any dewatering of the site;
- 9.5 the protection of heritage buildings/fabric; and
- 9.6 other matters likely to impact on the surrounding properties.

The Planning Committee agreed to amend the Officer Recommendation as follows:

- 6. ~~further consideration be given to the activation of~~ the roof space of the new exhibition link building and Francis Street building be activated as museum display and outdoor entertainment areas;
- 7. all significant trees being retained and protected on site and within the road reserve, including during the construction phase, in accordance with AS4970-2009, with any trees proposed for removal within the road reserve on Beaufort Street or Francis Street requiring a separate application for ~~approval from consideration by~~ the City;

PRIMARY MOTION AS AMENDED was put

Moved by Cr McEvoy, seconded by Adamos

That the Metropolitan Redevelopment Authority be advised that Council commends the applicant on the high standard of design excellence of the new museum project and supports in principle the proposed new exhibition centre and alterations to the State listed heritage buildings at the Western Australian Museum site at 5 (Lots 2 and 3) Francis Street, Perth and recommends and advises of the following:

- 1. ***the setback to the new first floor exhibition link building between the Jubilee Building and Hackett Hall being further reviewed as it is considered to unnecessarily project beyond the existing building line into James Street, detracting from the character and appearance of the streetscape, the setting of the heritage buildings and the grand gesture of the level four volume over Hackett Hall;***
- 2. ***the further review and the submission of detailed elevation plans for the proposed new entrance through the Beaufort Street Wing building, demonstrating how the new entrance sensitively relates to the heritage building and its architectural features, noting the principle of a new entrance is supported along this otherwise inactive frontage of over 100 metres, providing a connection to and from the adjacent Stirling Precinct to the east;***

(Cont'd)

3. *the retention of the existing brick additions at the western end of the Old Perth Gaol building and the retention of the heritage staircase in the Beaufort Street Wing building as indicated in the revised plans dated 26 October 2016 is supported;*
4. *Council supports the redesign of the ground floor plane along Francis Street to improve its interface with the street including a new exhibition display area as indicated in the revised plans dated 26 October 2016;*
5. *Council suggests that the tenancies indicated as 'commercial opportunities' at the ground floor plane along Francis Street and at Jubilee Hall be occupied with uses that provide for street level interest and activity including 'Dining and Entertainment', 'Culture and Creative' and 'Retail' rather than offices or other similar uses with potentially inactive frontages;*
6. *the roof space of the new exhibition link building and Francis Street building be activated as museum display and outdoor entertainment areas;*
7. *all significant trees being retained and protected on site and within the road reserve, including during the construction phase, in accordance with AS4970-2009, with any trees proposed for removal within the road reserve on Beaufort Street or Francis Street requiring a separate application for consideration by the City;*
8. *an updated waste management plan for the museum being submitted to the City for approval prior to the occupation of the new building; and*
9. *a construction management plan for the proposal being submitted for approval prior to applying for a building permit, detailing how it is proposed to manage;*
 - 9.1 *the delivery of materials and equipment to the site;*
 - 9.2 *the storage of materials and equipment on the site;*
 - 9.3 *the parking arrangements for the contractors and subcontractors;*
 - 9.4 *any dewatering of the site;*

(Cont'd)

9.5 *the protection of heritage buildings/fabric; and*

9.6 *other matters likely to impact on the surrounding properties.*

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

Reason: The Planning Committee considered it appropriate to outline the importance of the roof space activation and to ensure the retention of all significant trees on the site including within the road reserve.

DEPUTATION: **Agenda Item 1, PL192/16** – 43 (Lot 41) Arden Street, East Perth – Proposed additions to the second floor and new third floor to the existing dwelling

5.59pm Mr Hajigabriel commenced the deputation requesting that the Planning Committee not support the proposed Officer recommendation.

6.05pm The deputation concluded.

**PL193/16 43 (LOT 41) ARDEN STREET, EAST PERTH –
PROPOSED ADDITIONS TO THE SECOND FLOOR AND
NEW THIRD FLOOR TO THE EXISTING DWELLING**

BACKGROUND:

SUBURB/LOCATION:	43 Arden Street, East Perth
FILE REFERENCE:	2016/5308
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	28 October 2016
MAP / SCHEDULE:	Schedule 1 – Locality map, elevations and 3D drawings for proposed additions to 43 Arden Street and existing Arden Street and laneway street view depictions

LANDOWNER: Silvertop Nominees Pty Ltd
APPLICANT: Ionic Property Group Pty Ltd
ZONING: (MRS Zone) Urban Zone
(Local Planning Scheme No. 26 Precinct) EP2 –
Constitution Street
APPROXIMATE COST: \$75,428

SITE HISTORY:

The 204m² subject lot is located in the 'Constitution Street' Precinct of East Perth and is currently occupied by a three storey residence (ground plus two floor levels) which fronts onto Arden Street and backs onto a rear laneway, used for vehicle access and servicing and is overlooked by north facing habitable rooms and upper level balconies. The site is bound by residential development to the south, east and west and the foreshore and Victoria Gardens to the north-west.

DETAILS:

The proposal seeks approval for additions to the second floor and construction of a third floor to the existing three-storey residence.

Details of the proposed development are as follows:

Ground Floor Level	This level comprises a garage, store room, lobby, activity room, two bedrooms and a bathroom, laundry, sauna room and shower. (Existing)
First Floor Level	This level comprises a living, dining, kitchen, two bedrooms, walk-in-robe, two ensuites, a powder room and a terrace. (Existing)
Second Floor Level	This floor comprises a bedroom, an ensuite, a walk-in-robe and terrace. A living room, study and bathroom are proposed to be added as a part of the application.
Third floor level (New)	Games room, plant room, alfresco and stair case addition.

LEGISLATION / POLICY:**Legislation**

Planning and Development Act 2005
City Planning Scheme No. 2 (CPS2)
Local Planning Scheme No. 26 Clauses 1.1, 1.10 and 4.3

Policy

Policy No and Name: Design of Residential Development (3.1)
City Development Design Guidelines (4.1)
Residential Design Policy (4.9)

Consultation:Neighbour Consultation:

The application was advertised to the adjoining landowners in the direct vicinity of the subject development due to the scale of the proposed development compared to the existing surrounding development. The plans were originally advertised to the owners of the neighbouring properties for 17 days, however the deadline was extended to 21 October 2016 following a collective request from neighbours for more time to submit comments. The consulted neighbours included 41, 42 and 45-47 Arden Street and 8, 10 and 12-14 Macey Street.

A formal submission in the form of a report was jointly submitted by 10 neighbours including six of the consulted neighbours (2, 4, 6, 8, 10, 12 and 14 Macey Street, 14 Vanguard Terrace and 41 and 42 Arden Street). Another individual submission was submitted by the owners of 6 Macey Street.

The following summary of objections and comments, classified under the appropriate headings, covers the issues that were raised.

Absence of Specific Design Guidelines for the subject and neighbouring sites

Concerns were raised over the anomaly presented by a lack of development standards for the subject site under the Scheme and Design Guidelines compared to the surrounding area with a request that this be addressed. It is noted that current residences had been built in line with the required building envelopes and that failure to amend the anomaly of these particular properties, currently not subject to building envelope constraints, would result in a precedent for similar developments occurring in the area.

Neighbourhood Character

Strong concern was raised for the proposal's potential to threaten the harmony of the Claisebrook Village area. The respondents believe that the scale of the proposed development does not respect the scale of current development along Arden Street as it projects 1-2 floors above the other houses on Arden Street and in the area in general.

The respondents further suggest the proposed plans misrepresent the true scale of the development. It is noted that the overall height will be 13.24 metres while the plans only show the height to the internal ceiling, noting that an entire fourth storey (third level) is being proposed as a part of the development.

Neighbouring Amenity

A number of concerns were raised by the neighbours in relation to overshadowing and access to natural light. It was identified that the proposed additional floors will increase the existing height at the rear (facing onto the laneway between Macey Street and Arden Street) from 6.257 metres to over 13 metres. This would reduce the amount of sunlight entering neighbouring residences on the southern side of the

site and cast shadows into active habitable rooms including living, kitchen and meals rooms.

Building Bulk

The respondents have raised concerns that the proposed additions significantly add to the bulk of the existing residence which is visually detrimental to the access laneway and Arden Street streetscapes. They describe the addition as representing a 'square concrete box with a flat roof some 13 metres high' and conclude that the additions will exclude 'blue sky vistas' and create a claustrophobic, dark feeling in the laneway area due to the scale of the additions.

COMPLIANCE WITH PLANNING SCHEME:

Development Requirements

The subject site is located within the East Perth Precinct (P15) under City Planning Scheme No. 2 and is subject to Local Planning Scheme No. 26 (LPS26) being the East Perth Normalised Area. The subject property falls within the Constitution (EP2) Precinct under LPS26. The Precinct is predominantly residential development, encouraging 'housing diversity that varies in type and form'.

The proposal's compliance with the LPS26 development requirements are summarised below:

There are no specific design guidelines for only six Arden Street Lots (being 33 to 47 – Lots 40 to 45 - Arden Street) and therefore no development standards are applicable to residential development on this site, apart from plot ratio and land use permissibility. These six properties in Arden Street are however developed to a similar bulk and scale to the adjoining areas which are typically ground plus a first and second level. The proposed second floor additions and new third floor level results in an overall maximum height of 13.25 metres and overall boundary height of 10.6 metres to the rear laneway. The proposal's compliance with the following development standards is summarised below:

Heights and Setbacks

The lots directly to the south of the subject site and south of the laneway (Lot 16-30) are bound by the requirements of Design Guidelines Section 2.21 East Perth Area 21 Constitution Hill North. These impose a height restriction on the subject lots of 12 metres (four storeys) projected at 45° for a point 6 metres (two storeys) above the finished ground level at the lot street and mews boundary frontages. This limits the height of development for those lots, at the front and rear boundary lines, to 6 metres or two stories.

The proposed second floor addition differs from this requirement by proposing a boundary height of 9.514 metres with a 1.2 metres glass parapet on top at the southern boundary line, adjoining the laneway. The overall height of the residence also varies the maximum overall height requirement (12 metres) by 1.25 metres.

Overshadowing and Privacy

The overshadowing diagrams that have been provided by the applicant demonstrate that for the majority of the year, the bulk of overshadowing falls directly onto the rear laneway between the hours of 10.00am and 2.00pm. However, the additional height will cast additional shadows which will impact on north facing windows to habitable rooms, balconies and private open space abutting the laneway between March and September and more specifically the dwellings located at 6 to 14 Macey Street.

Legislation/Policy

Local Planning Scheme No. 26 (Normalised Redevelopment Areas)

Local Planning Scheme No. 26 (LPS26) sets out the following objectives and principles as they are considered applicable to the subject development:

- “(a) deliver sustainable urban development within the Scheme Area, with outcomes such as compact growth, mixed land use, good design;*
- (a) deliver vibrant and attractive urban environments which infuse the city with vitality, life and character.”*

The proposed development is not considered to be a good design solution impacting negatively on the aesthetic of the streetscape and the laneway. It does not contribute to improving the immediate environment impacting negatively on the laneway which is the northern aspect of the dwellings located on Macey Street with habitable spaces looking onto the laneway and providing some greenery to the laneway softening its service and access function.

3.1 Design of Residential Development

The following general design criteria apply to residential development within the City:

“the design of the buildings should be sympathetic to existing building or buildings on site and those nearby;”

The proposed additions do not complement the existing pattern of development in the area which consists of articulated frontages facing the rear laneway. Furthermore, the development will be at least one level higher than any adjoining development in Arden Street and will also exceed the maximum height limit of 12 metres, (generally applicable to pitched roofs) as applies to the majority of dwellings in the area.

4.1 City Development Design Guidelines

The following aspects of Policy 4.1 (City Development Design Guidelines) apply to the proposed development in the absence of site specific design guidelines:

- *“Scale and Massing: New developments should take into account the scale, massing and grain (i.e.; the proportions) of surrounding buildings.”*

The proposed addition to the second floor does not match the existing scale of development along the rear laneway as it proposes a nil setback third storey wall on the boundary. The remaining streetscape features a maximum two storeys to the boundary wall, with the second storey generally being articulated.

- *“Articulation: Buildings should be articulated to break up their perceived bulk, particularly with buildings occupying a large frontage site, to match the prevailing rhythm of buildings and architectural structure along the street.”*

The proposed additions add to the building bulk of the existing residences by increasing the height of the rear boundary wall from 6.257 metres to 9.514 metres. This three storey solid wall with articulation limited to 10 small windows does not complement the existing streetscape along the rear laneway.

- *Private Amenity: Buildings should be setback from side and rear lot boundaries to maximise sunlight penetration, natural light access, natural ventilation and internal privacy within buildings and to maximise outlook from buildings.*

The proposed additions reduce sunlight penetration and access to natural light to the rear properties compared to the existing development in the street. The overshadowing diagrams indicate that for most of the autumn and spring the bulk of overshadowing caused by the additions fall on the rear laneway, however, in winter the overshadowing will extend to the windows of habitable rooms as well as balconies and courtyards of some of the dwellings located south of the laneway.

Considering the bulk, height and scale of the existing houses surrounding 33 to 47 Arden Street, the proposed development at 43 Arden Street, by being modified to include a nil setback on the existing second level for the full width of the lot and with an additional level being added to the building, the proposed development is not considered to be sympathetic to the existing streetscape and neighbouring buildings. The proposed development will not complement the existing scale of development and will be out of place and have an adverse impact on the surrounding properties and neighbourhood. In addition it is considered that the form of the proposed development will make the dwelling appear bulky in comparison to adjacent dwellings.

The additional building height and width will be imposing on the existing laneway, reducing sunlight penetration to the laneway and also causing some overshadowing of windows and courtyards to the properties located directly south. Should this be approved and becoming a precedent for future development the cumulative shadow impact on the laneway will adversely impact on the laneway and the properties with a northern aspect looking down on the laneway. Currently these properties add some activity by using balconies and providing some greenery and providing informal surveillance and security. These positives will be impacted on should the laneway amenity be reduced by this development which is considered out of the current character. Although aspects of the development can be supported in a modified format (including extension of level two, however setback from the laneway), as a whole, it is considered that the development should not be supported and therefore is recommended for refusal.

Conclusion

The proposed residential additions at the subject site are inconsistent with the existing development in the immediate area and the relevant planning policies and do not respond to the orderly and proper planning of the locality. In accordance with the reasons stated in the report above, it is recommended that the proposal be refused.

Moved by Cr McEvoy, seconded by Cr Yong

That:

- 1. in accordance with the provisions of the City Planning Scheme No. 2 and Local Planning Scheme No. 26, and the Metropolitan Region Scheme, Council¹ recommends refusal of the application for additions to the second floor and construction of a new third floor on the existing dwelling at 43 (Lot 41) Arden Street, East Perth as indicated on the Metropolitan Region Scheme Form One dated 16 August 2016 and as shown on the plans received on 18 August 2016 for the following reasons:***
 - 1.1 the proposal does not comply with the City Planning Scheme No. 2 Policy 3.1 – Design of Residential Development, given that the design of the additions is not sympathetic to the scale of the existing streetscape and neighbouring buildings and will have an adverse impact on the character and amenity of the locality;***
 - 1.2 the proposed residential additions will not comply with City Planning Scheme No. 2 Policy 4.1 – City Development Design Guidelines given that:***
 - (a) the proposed additions do not complement the existing scale of development in the area which features articulated frontages and maximum two storey boundary walls at the rear boundary;***
 - (b) the proposed additions are not sufficiently articulated and are considered bulky in nature; and***
 - (c) the proposed additions increase restricting sunlight penetration into the laneway to the rear, are further imposing on the amenity of the laneway and cause overshadowing of windows to habitable rooms and balconies to dwellings to the south in midwinter,***

(Cont'd)

¹ Administration Error - Replaced the words "the City" with "Council".

2. *the design guidelines for East Perth Area 21 Constitution Hill North being revisited to include design guidelines for 33 to 47 Arden Street East Perth to guide the future development in this area.*

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

**PL194/16 45 (LOT 110) FRANCIS STREET, NORTHBRIDGE –
REFURBISHMENT OF THE EXISTING BUILDING,
INSTALLATION OF TWO GLASS CANOPIES AND
RECONFIGURATION OF CAR PARKING**

BACKGROUND:

SUBURB/LOCATION:	45 Francis Street, Northbridge
FILE REFERENCE:	2016/5289
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	31 October 2016
MAP / SCHEDULE:	Schedule 3 – Map and coloured perspectives for 45 Francis Street, Northbridge
3D MODEL PRESENTATION:	A 3D Model for this application will be available at the Committee meeting.
LANDOWNER:	Warrington 45 Francis Pty Ltd
APPLICANT:	Town Planning Group, Urban Design and Heritage
ZONING:	(MRS Zone) City Centre Area Zone (City Planning Scheme Precinct) Precinct 1 Northbridge (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	\$4.5 million

SITE HISTORY:

The 6,762m² subject site is located on the south-western corner of William Street and Francis Street in Northbridge. The site has a 128.16 metre frontage to Francis Street to the north and a 47.45 metre frontage to William Street to the west with a 4.24 metre frontage to the corner truncation at the intersection of Francis Street and William Street.

The site is currently occupied by a six storey (plus basement level) office building that currently houses the WA branch of the Australian Taxation Office, along with ground floor retail and restaurant tenancies at the Francis Street and William Street frontages.

The site currently has a total of 125 tenant car parking bays, licenced under the Perth Parking Policy across the basement and ground floor level, in addition to a number of loading/service bays. A single vehicle crossover to Francis Street provides access to five at-grade bays adjacent Francis Street and 98 basement bays. There are an additional 22 external at-grade bays located to the rear of the building accessed via a right of way from James Street.

The site also contains the former Loreto Bell Tower, which covers an air vent for the underground car parking area. The Bell Tower is constructed of brick in a Romanesque style and has an overall height of 20.2 metres. The Bell Tower originally stood in the grounds of the Loreto Convent in Claremont, where it was constructed in 1937. When the Convent was demolished, the Bell Tower was taken down and reconstructed in its present location when the office building was constructed.

The site is subject to an easement in benefit to 223 William Street over a portion of the site which provides access to the existing right of way to the rear of the site. The site also has an easement in benefit over the same lot for party wall purposes.

DETAILS:

The development proposes to refurbish the existing building to increase its aesthetic appeal, to enhance public and tenant access, and to upgrade the commercial tenancies.

The existing Loreto Tower is proposed to be demolished or removed, opening up the space on the corner, creating a new plaza, referred to by the applicant as "William Square". This space will be protected from the elements by a glass canopy at second floor level, eight metres above the plaza. A new glass canopy is proposed to extend over the footpath along William Street and a refurbished arcade along Francis Street to provide pedestrian shelter.

Public access to the main forecourt on Francis Street is proposed via the refurbished undercover walkway, bounded by refurbished commercial tenancies. The proposal seeks to install a glass roof eight metres above the forecourt complementing the William Street canopy. This will convert the forecourt into a habitable space for the public, the commercial tenancies patrons and office tenants alike, and will achieve a microclimate that improves its current thoroughfare function. Tables and chairs will be provided for public use to activate this currently underutilised space.

The forecourt will be secured afterhours by visually permeable gates to ensure that the new finishes and fixtures are not subjected to vandalism. During the day, these gates will fold away to enable full public access to the forecourt.

The heavily tinted glass and precast concrete panels of the first two levels of the existing building façade overlooking the forecourt will be replaced by contemporary

clear floor to ceiling glazing to extend views to and from the internal spaces and the newly refurbished forecourt.

The plans show a projector television screen proposed to be located within the Francis Street forecourt area however the applicant has since advised that this screen is no longer proceeding. As such a condition should be imposed on any approval granted advising the screen does not form part of this approval and would be subject to a separate application.

The office foyer is proposed to be refurbished and activated by adjoining food and beverage tenancies. The existing lightwell that currently terminates at first floor level, will be extended to the lobby level to provide natural light into the ground level foyer with planting introduced at its base.

New two storey perforated aluminium façade screens are proposed along the William Street and Francis Street elevations to improve the building presentation on this prominent corner. These screens will provide solar protection for the office spaces behind, whilst maintaining views through, and passive surveillance of the street below. The screens will be illuminated at night.

One existing bin store within the William Street laneway is proposed to be removed, to better enable future pedestrian access to the existing laneway along the southern boundary of the site. The applicant has stated that the existing building is appropriately provided with bin stores, noting the existing areas being retained adjacent to the Francis Street crossover, and within the basement level.

The application also proposes to reconfigure the existing 125 commercial tenant car parking bays and three loading bays on the site to accommodate new services within the basement. Despite the deletion of one tenant car parking bay, it has been requested that the existing number of 125 tenant bays remains to allow for a degree of flexibility at the detailed design stage.

LEGISLATION / POLICY:

Legislation

Planning and Development Act 2005 s. 162

City Planning Scheme No. 2 (CPS2) Clauses 6, 26, 27, 40, 44, 45, 47 and 48 and the Northbridge Precinct Plan requirements.

Planning and Development (Local Planning Scheme) Regulations 2015 – Deemed Provisions for Local Planning Schemes Clauses 60, 66, 67, 68 and 74

Metropolitan Region Scheme

Perth Parking Policy 2014 (PPP)

Policy

Policy No and Name:

City Development Design Guidelines (4.1)

Building Heights and Setbacks (4.4)

William Street Conservation Area Design Guidelines (6.9)

COMPLIANCE WITH PLANNING SCHEME:**Land Use**

The subject site is located within the City Centre Use Area of the Northbridge Precinct (P1) of the City Planning Scheme No. 2 (CPS2). The Precinct will remain Perth's primary entertainment and night life area and will provide a variety of residential and visitor accommodation and commercial services. Mixed residential and commercial developments will be encouraged throughout the Precinct to strengthen its residential component as well as creating employment opportunities.

The applicant has proposed 'Dining', Retail' and 'Office' uses for the ground floor commercial tenancies. 'Retail – General', 'Retail - Local' and 'Dining' are Preferred uses ('P') and an 'Office' is a Contemplated ('C') use within the City Centre use area of the Northbridge Precinct (P1), for properties east of Russell Square. The office tenancy is located to the rear of the building and as such does not occupy the shop front at pedestrian level with more active uses and communal spaces provided instead. It is considered that the retail, dining and office uses are consistent with supporting a day and night time economy which is identified as a priority in the Northbridge Precinct.

Development Requirements

New developments in the Northbridge Precinct will continue to have regard to the scale and character of existing streets. Developments will have a nil street setback and be of a low scale along the street frontage with additional building height setback from all lot boundaries. In addition, the height of buildings must allow for adequate sun penetration into key pedestrian streets and public places. The Precinct will also be characterised by versatile building forms which will be easily adaptable to new uses and be able to accommodate a variety of interesting and informative signs. The facades will also add interest and vitality to the street, and be characterised by continuous shopfronts and traditional designs, incorporating verandahs, awnings and artwork.

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

Development Standard	Proposed	Required / Permitted
Maximum Plot Ratio:	3.31:1 (22,400m ²)	Base Plot Ratio 4:1 (27,048m ²)
Maximum Street Building Height:	13 metres	14 metres
Maximum Building Height:	28.5 metres	33 metres
Setbacks: <u>Francis Street:</u>		

Development Standard	Proposed	Required / Permitted
- Lower Building Levels	Nil (screen projecting over boundary) to 12 metres	Nil up to 14 metres in height
- Upper Building Levels	3.5 - 11.9 metres (existing building)	5 metre setback up to 33 metres in height
<u>William Street:</u>		
- Lower Building Levels	Nil (screen projecting over boundary) to 17.6 metres	Nil up to 14 metres in height
- Upper Building Levels	8.2 to 16.6 metres (existing building)	5 metre setback up to 33 metres in height
<u>Side (West):</u>		
- Lower Building Levels	1.7 (no openings) to 3.2 metres (openings) (existing building)	Nil (no openings/balconies) 3 metres (with openings/balconies)
- Upper Building Levels	11.2 to 19.6 metres	3 metres
<u>Rear (South):</u>		
- Lower Building Levels	Nil (no openings), 3 to 11.5 metres (openings)	Nil (no openings/balconies) 3 metres (with openings/balconies)
- Upper Building Levels	3.1 to 11.5 metres (existing building)	3 metres
Car Parking:		
- Commercial	125 commercial car bays and 3 loading bays (existing)	68 bays (at grade access)
Bicycle Parking:		
- Bicycle Bays	85 bays 170 female lockers and 10 showers, 176 male lockers and 11 showers	14 bays Parking for 14 bicycles is provided, along with male and female lockers, showers and change room facilities

The proposed modifications to the building setbacks seeks to vary the requirements of the City's Building Heights and Setbacks Policy. Variations to the Building Heights and Setbacks Policy provisions applicable to the development can be granted by an absolute majority decision of Council, in accordance with clause 47(3) of the City Planning Scheme and provided Council is satisfied that:

- '47(3)(c)(i) if approval were to be granted, the development would be consistent with:*
- (A) the orderly and proper planning of the locality;*
 - (B) the conservation of the amenities of the locality; and*
 - (C) the statement of intent set out in the relevant precinct plan; and*
- (ii) the non-compliance would not have any undue adverse effect on:*
- (A) the occupiers or users of the development;*
 - (B) the property in, or the inhabitants of, the locality; or*
 - (C) the likely future development of the locality'.*

Design Guidelines/Policy

William Street Conservation Area Design Guidelines

The subject site (including the Loreto Bell Tower) is not subject to any statutory heritage listings; however the site is located within the William Street Conservation Area and is therefore subject to the William Street Conservation Area Design Guidelines. The Guidelines identify that the site (including the Loreto Bell Tower) have "no Cultural Heritage Significance" in the context of the William Street Conservation Area.

The policy does however outline that new development on lots where there are no heritage buildings should achieve design excellence and use quality materials without compromising the heritage significance of the individual heritage buildings or the Conservation Area. The Built Form policies are intended to guide new works to ensure that new development maintains and enhances the cultural heritage significance of the Conservation Area.

The policy also outlines particular design that should be utilised within the Conservation Area including:

- Subtle architectural style using simple forms and limited material palette;
- Distinct architectural approach that enhances the existing character of the place; and
- Design principles that derive from the architectural language of the existing heritage fabric without imitation.

The policy requires that new materials, finishes and colours to non-heritage buildings and additions should enhance the character of the existing heritage fabric without visually dominating the streetscape or adjacent heritage buildings/heritage fabric.

City Development Design Guidelines

The City Development Design Guidelines state that buildings on prominent sites, such as corner sites, sites which terminate views and vistas, and sites which define and identify squares and public spaces, should accentuate the built character of an area. Corner elements of buildings (on corner sites) should be emphasised by greater scale or differing geometry relative to the remainder of the building or surrounding development. This could include chamfering, curving, additional height, different roof forms, verandahs, balconies or other design elements which accentuate building corners.

The application proposes to remove a prominent feature being the Loreto Bell Tower which currently defines and identifies the corner site. The application proposes to install an artwork or prominent free-standing sculptural element to replace the existing Tower, and which will act as an identifying feature and way-finding device for pedestrians as well as screening the car park vent. The applicant has stated that this will act as the identifier for the proposed 'William Square' and is consistent with the intent of the Guidelines for prominent (corner) sites.

COMMENTS:**Consultation***Department of Transport*

The application was referred to the Department of Transport (DoT) as intended under clause 42 CPS2 as the development proposed to maintain the existing 125 commercial tenant car parking bays which is no longer compliant with the number of bays permitted for this site in the Perth Parking Management Area.

In its letter dated 23 August 2016, the DoT noted the proposal consists of cosmetic improvements and refurbishments and minor change of use which do not impact on the use of the parking. The demolition of the Tower is not considered to constitute redevelopment on the site and as such as confirmed by the DoT under the Perth Parking Policy the development is permitted to retain the existing number of commercial tenant parking bays on the site.

City of Perth Design Advisory Committee

At its meeting held on 25 August 2016, the City of Perth's Design Advisory Committee (DAC), having considered the development proposed including the Loreto Bell Tower advised that it:

- "1. considers that if the Loreto Bell Tower is to be removed the applicant should explore the possibility of relocating the tower to another appropriate site and that, in the absence of the tower, the corner treatment of the site needs to provide an improved outcome for the 'public plaza'. To this end, it is considered that the design of the corner treatment requires further resolution, including additional detail of the ground level facades and uses;*

2. *acknowledges the attempts to reference local cultural influences in the design of the perforated aluminium screens, however, considers that further design development is required to more sympathetically reflect the grain and scale of the surrounding heritage fabric to achieve design excellence without compromising the heritage significance of the area, as required by the William Street Conservation Design Guidelines;*
3. *requests an explanation of the rationale for the extent that the perforated aluminium screens encroach over both the William Street and Francis Street road reserves, including an investigation of the extent to which the screen to the William Street façade might impact on the views or vistas along William Street;*
4. *suggests that the Francis Street façade design be further reviewed so that the untreated sections of the façade are similarly upgraded through the application of screens or similar complementary treatment to integrate the design of the key façade elements as viewed from Francis Street;*
5. *requests additional detail of the design of the proposed retractable gates to the Francis Street forecourt space and asks that consideration be given to repositioning the gates to align with the existing shop fronts on either side of the forecourt to allow pedestrians to walk under the canopy cover when the gates are closed; and*
6. *the applicant is encouraged to consider the potential for activation of the setback area currently used for bin storage to the south of the building with the potential to create a pedestrian link to the existing right-of-way to the south connecting to James Street.”*

In response to the DAC's recommendation the applicant has modified the design and provided the justification in support of the revised application.

In response to item one the proponent has commenced discussions with a party who has expressed interest in obtaining the Loreto Bell Tower once removed from the subject site. The applicant has advised that they considered this process is best managed privately between the parties, and is not a relevant planning consideration for the determination of this development application.

The applicant has also reiterated that the Loreto Bell Tower has no heritage significance on the subject site, as noted by the City's William Street Conservation Area Design Guidelines which identify the subject site (specifically including the Tower) as having “no Cultural Heritage Significance in the context of the William Street Conservation Area.” Furthermore, the applicant has provided a background as to how the Loreto Bell Tower came to be placed on the site with the Tower to emphasise the corner.

The removal of the Tower has been justified by the applicant by maintaining this corner emphasis, which has been achieved via the provision of an open and publically accessible forecourt, with a striking canopy structure. The proponent is cognisant of the need to select an appropriate tenant, and put in place an appropriate management strategy, to ensure the success of the proposed ‘William Square’ space

as a public feature. Further details regarding the removal of the Tower are discussed later in this report.

In response to item two the applicant has provided revised plans proposing to simply the perforation patterning to the William Street façade, which are to be acceptable.

In response to item three the applicant has provided justification for the encroachment of the screens within the road reserve, which has been minimised to a maximum of 1.37 metres to William Street. The applicant has stated that this encroachment will not only contribute to the public realm by providing a visually striking architectural feature, but also enable discrete ongoing building maintenance to occur, through the effective screening of maintenance platforms for window cleaning.

The applicant has also acknowledged that the screen encroachments will be subject to separate approval from the Department of Lands, outside the scope of any development approval.

In response to item four the applicant has reviewed the Francis Street façade design such that patterning which references the screens is provided further along the building. Notwithstanding, it has been a conscious design decision to restrict the façade screen features to the corner only, so as to emphasise the corner.

In response to item five further details of the proposed aluminium security screen to the Francis Street forecourt have been submitted to the City, showing quality, perforated, and visually permeable material. This design will allow for visual surveillance to the street whilst also allowing for the plaza area to be secured when not in operation. It is considered this outcome is an acceptable compromise however final details regarding the design of the security screen is to be provided to ensure the design intent is maintained. A condition requiring the final details of the security screen should be imposed on any approval granted.

In response to condition 6 the applicant has advised that the existing bin store area is not part of this current refurbishment scope of works, due to existing leasing arrangements. However the proponent will consider improvements to this area in the future and would engage with the City as part of any wider proposal to activate the existing right of way which connects to James Street.

Land Use

The applicant has proposed 'Dining', 'Retail' and 'Office' uses for the ground floor commercial tenancies. It is considered the proposed land uses are appropriate for the area and however any office should not be permitted where the tenancy fronts the street at pedestrian level. It is considered a condition be imposed permitting the tenancies on the ground floor being used for 'Dining', 'Retail – General' and 'Retail – Local' with 'Office' uses only permitted where the tenancy does not front the street at pedestrian level.

Development Standards

The proposed development is generally in accordance with the required setbacks with the exception of proposed screens which encroach over the boundary by 1.05 metres to Francis Street and 1.37 metres to William Street. Given the limited impact on the adjoining properties there is no requirement to advertise the variation to the adjoining landowners.

The proposed height of the encroachments from the screens above the street level will have little impact on the streetscape within the area and pedestrians will still have a clear line of sight southwards on William Street.

New awnings and a canopy is proposed to be provided on both William Street and Francis Street to provide pedestrian shelter around the site when the proposed internal plaza to Francis Street is closed in the evening. The new awnings and canopy will encroach into the road reserve up to 2.5 metres however these structures are considered to be 'prescribed encroachments' under the *Building Regulations 2012* and as such no approval for the encroachment is required.

Design Guidelines/Policy*William Street Conservation Area Design Guidelines*

No objection is raised to the removal of the Loreto Bell Tower as the structure is not listed on the City's Heritage List and has been relocated from Claremont and therefore there is no connection with the place or Heritage Area.

The applicant also seeks to install public art on the corner of William and Francis Streets to reinforce the corner and assist in way finding. No detail regarding this public art work has been provided at this stage however the artwork will require approval from the City. A condition imposing the details of this artwork to be submitted prior to installation should be imposed on any approval granted.

The Loreto Bell Tower does not hold any heritage value to the area and the revised design for the corner is considered to achieve a good outcome for accentuating the corner site but it does tell a story and has sentimental value to some. Whilst it is considered a good outcome for the Tower to potentially be relocated to a new site imposing a condition to this affect is considered onerous and not considered to be a reasonable planning condition. It is considered that an advice note should be provided on any determination stating the City would strongly encourage the applicant to pursue the relocation of the Tower.

The proposed screens to the eastern and northern facades of the building have been simplified to ensure they do not adversely impact the adjacent heritage buildings and the Conservation Area. It is considered a condition should be imposed on any approval granted requiring final details of the screens consistent with the approved plans being submitted prior to a building permit being submitted.

The policy requires that new materials, finishes and colours to non-heritage buildings and additions should enhance the character of the existing heritage fabric without

visually dominating the streetscape or adjacent heritage buildings/ heritage fabric. The addition of the screens defines the lower building façade from the remainder of the building which complements the bulk, height and scale of those surrounding buildings.

City Development Design Guidelines

The City Development Design Guidelines require buildings on prominent sites, such as corner sites, sites which terminate views and vistas, and sites which define and identify squares and public spaces to accentuate the built character of an area. As the application proposes to remove the Loreto Bell Tower a new canopy is proposed to be installed to the corner of the William and Francis Street which will act as a defining feature. The canopy is proposed to be approximately eight metres above the plaza area below giving the corner additional emphasis and grandeur. An artwork or prominent free-standing sculptural element is proposed to replace the existing Tower, which will act as an identifying feature and way-finding device for pedestrians as well as screening the car park vent. The applicant has stated that this will act as the identifier for the proposed 'William Square' and is consistent with the intent of the Guidelines for prominent (corner) sites.

Screen Encroachment in Road Reserve

Advice from the Department of Lands (DoL) is that a structural easement pursuant to section 144 of the *Land Administration Act 1997* is required for the screens. The easement will provide protection and clarity as to who will be responsible for the encroached structure within the road reserve. The granting of the easement will be subject to the approval from the City of Perth, as the management body responsible for the road reserve. A Crown subdivision will be undertaken to create a new Crown lot for the road reserve and for the easement to be registered against this title.

It should be noted that the proponent will be responsible for all costs associated with the grant of an easement. In addition to this it is recommended if the City supports the encroachment, public liability insurance should be required to be provided to ensure the City is protected against any claims that may result from the screens. The applicant should be advised of the above which may be included in any approval.

As the screens to the William and Francis Street are not considered to be 'prescribed encroachments' under the Building Regulations 2012 separate approval is required to be obtained from the City for the structures to encroach into the road reserve.

Conclusion

The proposed redevelopment will facilitate the refurbishment of the existing building, pedestrian interest and activation at the ground floor level. The architectural sun screens are considered to be an acceptable outcome and further reduce the bulk of the existing building by 'breaking up' the façade.

In response to the concerns of the DAC the applicant has provided revised plans and elevations to improve the overall presentation and quality of the design.

The development generally complies with the requirements of the CPS2, with the proposed building height and setbacks and bicycle parking variations being supported in accordance with clause 47 of the CPS2. Other aspects of the development including materials/finishes can be conditioned to address Council's requirements.

Given the above, it is recommended that the proposed development be supported subject to relevant conditions.

Moved by Cr McEvoy, seconded by Cr Yong

That:

- 1. in accordance with the provisions of City Planning Scheme No. 2 and the Metropolitan Region Scheme Council approves the application for refurbishment of the existing building, installation of two glass canopies and reconfiguration of car parking at 45 (Lot 110) Francis Street, Northbridge as detailed on the Metropolitan Region Scheme Form One dated 29 July 2016 and as shown on the plans received on 21 October 2016 subject to:***

1.1 final details of the:

- a) design consistent with the plans received 21 October 2016 and a sample board of the high quality and durable materials, colours and finishes for the building being submitted by the applicant and approved by the City prior to applying for the relevant building permit;***
- b) proposed plaza security screen being submitted by the applicant and approved by the City prior to applying for the relevant building permit;***
- c) design and treatment of the public plaza, open space areas, soft and hard landscaping; reticulation, furniture and lighting, with a sample board of the materials, colours and finishes of the spaces being submitted by the applicant and approved by the City prior to applying for the relevant building permit and being installed prior to the occupation of the new tenancies on the plaza level and thereafter being maintained to a high standard; and***

(Cont'd)

- d) *proposed artwork to the plaza being submitted by the applicant and approved by the City prior to applying for the relevant building permit and installed within 12 months of the completion of the development with the cost of the installation and ongoing maintenance of the proposed artwork being the responsibility of the applicant/owner of the property,*
- 1.2 *any proposed external building plant, piping, ducting and air condensers being located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street, including any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted by the applicant and approved by the City prior to applying for a building permit;*
- 1.3 *any new signage for the building being integrated into the design of the building and any signs which are not exempt from approval under the City's Signs Policy 4.6 requiring a separate application for approval;*
- 1.4 *the projector television screen within the Francis Street forecourt not being part of this development approval;*
- 1.5 *the dimensions of all modified car parking bays, loading bays, the vehicle entrance, aisle widths and circulation areas complying with the Australian Standard AS2890.1 with details being submitted to the City for approval prior to applying for a building permit;*
- 1.6 *a Waste Management Plan, identifying a permanent storage and wash down facility for bins for both recyclables and general waste and including a waste disposal/collection strategy demonstrating how these facilities will be serviced by the City, being submitted by the applicant and approved by the City prior to applying for a building permit;*
- 1.7 *the proposed awnings and canopy being a minimum of 600mm from the adjacent kerblines;*
- 1.8 *the use of the ground floor commercial tenancies fronting the pedestrian level being restricted to 'Dining', 'Retail – General' or 'Retail – Local' land uses with any other proposed uses not listed above or external alterations to the tenancy requiring a separate application to the City for approval;*

(Cont'd)

- 1.9** *the applicant/owner of the building exempting the City in writing from any liability resulting from claims due to the proposed screen encroachments, with the applicant/owner accepting all responsibility for any such claims with this being submitted to the City prior to applying for a building permit;*
- 1.10** *a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:*
- a) the delivery of materials and equipment to the site;*
 - b) the storage of materials and equipment on the site;*
 - c) the parking arrangements for the contractors and subcontractors; and*
 - d) other matters likely to impact on the surrounding properties,*
- 2.** *the applicant is strongly encouraged to pursue the relocation of the Loreto Bell Tower as discussed with the City's Officers; and*
- 3.** *the applicant be advised that a BA20 "Notice and Request for Consent to Encroach or Adversely Affect" is required to be submitted and approved by the City prior to the submission of the relevant building permit.*

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

**PL195/16 5 (LOTS 2 AND 3 - PROPOSED) THE ESPLANADE,
PERTH – 'IN PRINCIPLE' PROPOSAL FOR A 25
STOREY HOTEL/SERVICED APARTMENT BUILDING
AND 50 STOREY RESIDENTIAL BUILDING**

BACKGROUND:

SUBURB/LOCATION:	Elizabeth Quay, Perth
FILE REFERENCE:	2016/5398
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	3 November 2016

MAP / SCHEDULE: Schedule 4 – Location map and coloured perspectives for 'Sites 2 and 3'

3D MODEL PRESENTATION: A 3D Model for this application will not be available at the Committee meeting.

LANDOWNER: Metropolitan Redevelopment Authority

APPLICANT: CA & A Associates Pty Ltd

ZONING: (MRS Zone) Redevelopment Scheme/Act Area
(MRA Central Perth Redevelopment Scheme Precinct) Elizabeth Quay - Inlet (P39)
(City Planning Scheme Use Area) N/A

APPROXIMATE COST: Unknown

SITE HISTORY:

At its meeting held on **8 November 2011**, Council granted 'in-principle' approval for the acquisition of Lot 79 The Esplanade and Lots 901 and 302 Riverside Drive by the State Government for the Perth Waterfront Project.

Numerous subdivision and development applications have since been approved for the land assembly and construction of the public and private realms within 'Elizabeth Quay', with the most recent being:

Development Application 10 (DA10 Approving Authority: Metropolitan Redevelopment Authority): This development application relates to the 28 storey hotel and apartment buildings on Lots 9 and 10. DA10 is currently under construction.

Subdivision 3 – (SD3 Approving Authority; Western Australian Planning Commission): Consisting of 3 lots in the public realm to accommodate the three food and beverage kiosks (being those in the above DA6 and DA7 and also the proposed DA9). This included a new road reserve (Riverside Lane) to provide access to one of the FBO lots. SD3 was approved by the Minister for Planning on 29 December 2015.

Site 2 has a total land area of 3060m², whilst Site 3 is 3148m². The proposed development includes a shared basement level that will continue under William Lane which centrally bounds the two Sites. The developer will seek the appropriate title arrangement via the subdivision/amalgamation process to allow this to occur. Site 2 is bound by William Lane to the north, Western Promenade to the east, William Street Landing to the south, and William Street to the west. Site 3 is bound by Station Park to the north, Western Promenade to the east, William Lane to the south, and William Street to the west.

DETAILS:

An 'in principle' development application for a new 25 storey hotel/serviced apartment building and a 50 storey residential building for 'Site 2' and 'Site 3' of the Elizabeth Quay Project Area has been referred to the City for preliminary comment by the Metropolitan Redevelopment Authority (MRA). Where an applicant considers it

beneficial to obtain a preliminary position on a proposal prior to lodging a formal development application, an application for in-principle development approval may be lodged with the MRA.

The proposed development includes two common basement levels comprising of car parking and services, separate hotel/serviced apartment and residential podium elements (five storeys each) linked by a covered plaza, with separate hotel/serviced apartment (20 storeys) and residential (45 storeys) towers above.

A summary of the main features of the proposed development are as follows:

Hotel/Serviced Apartments	A total of 209 hotel rooms and 171 short stay serviced apartments will be provided at the tower levels of Site 3.
Residential	A total of 323 residential dwellings will be provided at the podium and tower levels of Site 2. The development will comprise of a mixture of dwelling types including 73 one-bedroom apartments, 208 two-bedroom apartments and 42 three-bedroom apartments.
Other Uses	A variety of retail, office, dining, gymnasium and shared amenity spaces are proposed for the ground and podium levels including covered plaza, laneway and alfresco spaces. In addition a sky deck and art gallery space is proposed within the roof levels of the residential tower.
Vehicle Parking	Approximately 375 car parking bays will be provided for the proposed development within two basement levels spanning the two sites.

With respect to the physical design of the proposal, the applicant advises that the design of the buildings is based on the following principles:

- *“provision of an east-west pedestrian link through the site, connecting through from William Street to the Western Promenade via a covered plaza area that will provide a high quality public space;*
- *a north-south covered laneway connecting the proposed covered plaza to Station Park to the north of Site 3 to ensure a high degree of permeability through the site;*
- *provision of a classic podium and tower typology that reconciles the scale of the building with the surrounding public realm. The podium and tower form provides for a reduced visual presence at the pedestrian level, as well as maximising sunlight penetration, ventilation and outlook between tower elements;*
- *design of the podium level to provide for a high degree of activity with the surrounding public realm, and is conceived as a light-weight, largely transparent structure activated by a range of retail/food and beverage tenancies at the ground floor level;*
- *activation of upper podium levels via the provision of a food and beverage outlet at the first floor level, a commercial health club at the second floor level, and commercial office tenancies and residential apartments throughout the upper podium levels;*
- *continuous pedestrian awnings provided for the full extent of the ground floor facades, providing weather protection throughout the year; and*

- *tower elements providing a unique and high quality contribution to the city skyline, exhibiting a contemporary aesthetic, with the hotel/serviced apartment building being a long rectilinear volume that orients east-west allowing views of Kings Park and the inlet, contrasted with the slender residential tower which will form an emblematic and defining structure for the western frame of the inlet.”*

LEGISLATION / POLICY:

Legislation *Metropolitan Redevelopment Authority Act 2011*
 Metropolitan Redevelopment Regulations 2011
 Metropolitan Redevelopment Authority’s Central Perth
 Redevelopment Scheme

Policy Metropolitan Redevelopment Authority’s Elizabeth Quay
 Design Guidelines

COMPLIANCE WITH PLANNING SCHEME:**Land Use and Development Standards**

Under the provisions of the *Metropolitan Redevelopment Authority Act 2011*, the MRA is responsible for planning and development control within the Central Perth Redevelopment Area (CPRA). The Elizabeth Quay project area is subject to the provisions of the MRA’s Central Perth Redevelopment Scheme (CPRS). The general land use intent of the CPRS is to create diverse mixed land use urban environments, including creating high quality spaces for people through an activated and interesting public realm. Commercial, Retail, Residential and Dining and Entertainment land uses are preferred uses within the Inlet Precinct, whilst Culture and Creative Industry and Community land uses are contemplated uses within the Precinct.

The form and function of development within Elizabeth Quay is guided by the MRA’s associated Elizabeth Quay Design Guidelines. The Guidelines aim to transform the relationship between the city and the river and enhance the identity of central Perth. The vision for Elizabeth Quay under the Guidelines is:

“a highly interactive civic space, accessible to the whole region and within walking distance of all major facilities within central Perth.”

The specific statement of development intent for Sites 2 and 3 within the Guidelines are as follows:

“Site 2

The ground floors of the development will incorporate highly activated food and beverage uses while the residential/hotel tower above will command significant views of the Inlet, the Swan River, Kings Park and the city.

The new building will be a landmark architectural design that responds to the prominent location of the site, the river context and provides highly activated interface with the public realm.”

“Site 3

The ground floor level will provide significant food and beverage opportunities, particularly on the north-east corner of the site, where the adjacent Promenade and Station Park provide opportunities for alfresco dining.

The podium and tower above will command significant views of the inlet, the Swan River, Kings Park and the city while the building will be designed to appropriately terminate the view lines from Riverside Drive.”

The Central Perth Development Policies set out development approval requirements and performance standards for the development of land in the CPRA. The policies relevant to this development include Green Building Design, Sound and Vibration Attenuation, Providing Public Art, Signage, Affordable and Diverse Housing, Hosting Public Events and Adaptable Housing.

COMMENTS:**Land Use**

The land uses proposed are generally in accordance with the preferred land uses stipulated in the CPRS and Design Guidelines. The exception being the proposed office located within the ground and podium levels of the hotel/serviced apartments building. Whilst ‘Commercial’ uses are preferred within the Precinct under the CPRS, the Design Guidelines include ‘shop’ and ‘restaurant/café’ as preferred uses within the podium for Sites 2 and 3. Given the level of ground and podium level activation proposed, it is considered that the inclusion of the office use will not detract from the safety and vibrancy of the development and the adjacent public realm.

While the above land uses are desirable in this location, it is noted that the potential for land use conflict exists, particularly between the residential apartments and hotel/serviced apartments and the various entertainment and hospitality uses. The design and management of the development will be critical to its success.

Building Height and Setbacks

The proposed development includes a significant variation to the height controls contained within the Design Guidelines. In particular, 50 storeys is proposed for the residential tower (inclusive of a compliant five storey podium) in lieu of the prescribed maximum 25 storey total development height. The variation has been justified by the applicant based on the following:

- *“The proposed development is considered to be of an exemplary design quality that is worthy of the requested building height variation;*
- *The building height variation permits an appropriate expression of built form that enables the residential tower to provide a new landmark entry statement for the western frame of the Elizabeth Quay inlet, and will contribute to the provision of legibility markers in the city skyline;*
- *A significant portion of the tower on Site 2 at the very highest levels will be accessible to the public and will function as a notable new tourist attraction, and a cultural and iconic emblem for Perth;*

- *The proposed development has been specifically designed to enhance east-west visual permeability through the site, and to maintain minimum solar access levels to the Western Promenade; and*
- *The proposal will provide an architecturally designed building of the highest standard of presentation and design that will have a positive overall impact on the streetscape, skyline and the amenity of the locality, in line with the MRA's vision for the Elizabeth Quay project area."*

Whilst the Design Guidelines are intended to allow for flexibility to avoid over-regulation of heights and setbacks, it is noted that variations should only be supported where 'innovation and exemplary design quality can be demonstrated to have a positive impact on the project area and the city skyline as a whole'. Given the residential tower is effectively double the height prescribed by the Guidelines it is considered that significant justification by way of overshadowing analysis, wind assessment and overall design will need to be submitted with the formal development application.

It is considered that whilst the Guidelines allow for flexibility, the recommended building heights and envelopes were formulated based on a rigorous analysis of the site context and overall vision for Elizabeth Quay. The Guidelines which included Council's consideration of building heights, amongst other requirements, provides the anticipated bulk and scale of development and there is an inherent expectation that development will proceed generally in accordance with the prescribed requirements. While it is acknowledged that this preliminary design is the winner of an international design competition for Sites 2 and 3, judged by eminent architects, the degree to which the residential tower varies the height requirement requires additional detailed consideration.

It is noted that the combined podium and hotel/serviced apartment tower are compliant with respect to the maximum five storey podium and 25 storey tower height limits prescribed by the Guidelines.

The following table summarises the proposals compliance with the setback requirements of the Design Guidelines.

Setbacks:	Proposed	Required
Podium (combined Sites 2 and 3):		
North (Station Park)	5 metres	Nil
East (Promenade)	Nil – 3.8 metres	Nil
South (Landing)	2.85 metres	Nil
West (William Street)	4 metres	Nil
Residential Tower (Site 2):		
North (to Hotel/Serviced	34.4 metres	N/A

Setbacks:	Proposed	Required
Apartments Tower)		
East (Promenade)	3.8 metres	5 metres
South (Landing)	2.85 metres	5 metres
West (William Street)	4 metres	5 metres
Hotel/Serviced Apartments Tower (Site 3):		
North (Station Park)	5 metres	5 metres
East (Promenade)	21 metres	5 metres
South (to Hotel/Serviced Apartments Tower)	34.4 metres	N/A
West (William Street)	4 metres	5 metres

As outlined above the proposed development includes numerous variations with respect to the setback and siting requirements of the Design Guidelines. With regards to the podium, the applicant advises that the proposed development has been designed to provide a range of setbacks in order to provide visual interest and create a variety of spaces for pedestrian activation. Given the combined size of Sites 2 and 3, it is considered that the variations can be supported given mandating nil setbacks to all boundaries would not meet the objectives of the Guidelines to provide for activated and interesting frontages.

With regards to setbacks of the towers, the applicant advises that the intent is to allow for the towers to be positioned to minimise the overshadowing impact on the Western Promenade in particular, allowing for the maintenance of solar access to the key public space. Whilst the intent is acknowledged and considered a desirable outcome, the impact of the reduced setbacks on the other frontages requires additional consideration, particularly in terms of the additional height being sought for the residential tower.

Building Design

The preliminary application does not include final detailed plans or elevations and as such only a limited assessment of the aesthetic merits of the proposal has been undertaken. In this regard the proposal follows the general intent of the Design Guidelines for podium and tower style developments. The aim of which is to provide a human scale at the pedestrian level with slender, well separated tower elements above. The main variation to the Guidelines proposed by the combined nature of the development is removal of the east-west Williams Lane and replacement with a 35 metre wide covered plaza (measuring approximately 1,400m²) further south than the

proposed lane. The modified layout, as justified by the applicant, aims to “*ensure a high degree of permeability through the site and responds to the layout of the surrounding public realm. The covered plaza and laneway have been designed to provide weather protection for pedestrians, whilst allowing natural light and ventilation to penetrate the proposed public areas*”.

Conceptually it is considered that the proposed variation has merit providing a weather protected event space to complement the public offerings within Elizabeth Quay. However, the benefits of providing a privately owned and maintained covered plaza over a public east-west laneway will need to be assessed in greater detail at the formal development application stage. The applicant should provide details to demonstrate to the City and MRA's satisfaction how the space will be managed to ensure that events at Elizabeth Quay are coordinated in addition to managing during and after hours in terms of access, safety and noise.

Given the height of the proposed residential tower, the applicant advises that the majority of the dwelling balconies will be provided in the form of enclosed ‘winter gardens’. Whilst issues relating to wind and usability of traditional style open balconies in the development context are considered valid, the City recommends that appropriate design mechanisms be put in place to ensure the spaces remain as ‘outdoor’ as possible with minimal potential for conversion into habitable rooms.

Car Parking and Traffic Management

The Design Guidelines require the provision of residential car parking at a maximum rate of 0.7 car parking bays per dwelling for residential development which equates to a maximum of 226 parking bays for the 323 dwellings proposed. Non-residential parking is to be provided in accordance with the maximums prescribed by the Department of Transport's Perth Parking Policy.

Whilst the preliminary plans do not delineate between residential and non-residential car parking bays and the exact allocation is yet to be determined, the applicant will be seeking a variation to the 0.7 maximum bays for residences. The initial justification for the variation is in order for the development to meet current market trends and expectations for residential apartments. It is recommended that the MRA be advised of the City's preference for the prescribed maximums being adhered to in the final submission based on the increased traffic likely to be generated by other developments located adjacent to the site. In addition, the high accessibility of the site via alternative means of transport further justifies the recommended reduction in bays.

With regards to on-site car parking and servicing management, access to on-site car parking is proposed via a two-way crossover along William Street which is consistent with the Design Guidelines. In addition a one-way ‘vehicle arrival’ area is proposed via William Street adjacent to the proposed plaza area. The City has a general presumption against internal port-cochere driveways given their potential impact on the streetscape and conflict with pedestrians. However in this case, noting that vehicles cannot stop or park in William Street and the position adjacent to the covered plaza area, it may be supported subject to appropriate design and management measures being addressed and implemented.

It is noted that the final location of crossovers will require input and approval from Main Roads Western Australia given the proximity of traffic signals to the development site. City officers consider that the crossover locations will require further analysis and refinement given the existing traffic volumes on William Street, the location of existing traffic signals and pedestrian crossings. The locations as shown on the preliminary plans are likely to cause access conflicts and ultimately result in all exiting vehicles towards the freeway South/Mounts Bay Road onramps. As such there is a need to address integrated access on William Street and accessibility issues with respect to the median south of the Freeway North signals. Additionally there is a need to consider the impact of the generated traffic on the operation and functionality of the Freeway North traffic signals.

With regards to pedestrian access, the east/west connection as shown provides access to and from William Street south of the existing freeway north signals and may encourage pedestrians to cross William Street in this location across the freeway slip roads to access the Perth Convention and Exhibition Centre and Elizabeth Quay Train Station. It is considered that pedestrian access would be better located further north at the freeway north traffic signals where there is an existing pedestrian crossing.

The above matters related to traffic management, vehicular and pedestrian access will need to be addressed in an appropriate Transport Impact Assessment in support of the formal application.

Technical Reports

In recognition of the subject location, scale of development proposed and potentially constrained nature of the sites, it is recommended that early consideration be given by the applicant in relation to wind impacts, noise generation (within the plaza) and amelioration (to the residential dwellings and hotel rooms/serviced apartments) and future construction management.

Conclusion

The MRA should be acknowledged for conducting a design competition for one of the City's most prominent sites to achieve the MRA's objective of bringing world class architecture to Elizabeth Quay. Whilst the proposed development is generally consistent with the MRA's associated guiding documents, the fundamental issue of building height for the residential tower effectively being double the recommended limit requires further consideration. While it is considered that the project has considerable merit, it is recommended that the MRA be advised of the issues identified within this report, with the detailed design and management matters being addressed prior to the submission of a formal development application with the MRA.

Moved by Cr Yong, seconded by Cr McEvoy

That the Metropolitan Redevelopment Authority be advised that Council supports the 'in principle' the proposal for a 25 storey hotel/serviced apartment building and 50 storey residential building on future 'Site 2' and 'Site 3' within the Elizabeth Quay Project Area subject to the following considerations:

- 1. the height and setbacks of the residential tower building being extensively reviewed to ensure they align with the objectives of the Elizabeth Quay Design Guidelines with additional analysis being undertaken with regards to the impacts of overshadowing and wind on the immediate locality;*
- 2. residential car parking and hotel/serviced car parking bays being reduced in accordance with the maximums prescribed by the Elizabeth Quay Design Guidelines and Perth Parking Policy, noting the increased traffic likely to be generated by other developments located adjacent to the site and the high accessibility of the site via alternative means of transport;*
- 3. the preparation and submission of a detailed management plan for the proposed plaza space addressing matters including (but not limited to) tenure, safety/security, lighting, noise, events/uses and need/nexus for the area;*
- 4. all balconies being designed as predominantly transparent, naturally ventilated, non-habitable structures that cannot be fully enclosed, with no temporary or permanent window treatments or furnishings being permitted that could diminish the transparency of the balcony or obstruct views to and from the public domain; and*
- 5. the preparation and submission of a draft/preliminary:*
 - 5.1 construction management plan providing for early consideration of how the proposed development will be constructed noting the constrained nature of the sites;*
 - 5.2 waste and servicing management plan noting the limited vehicular access to and from the site;*
 - 5.3 acoustic report demonstrating proposed measures to mitigate noise impacts within and external to the development; and*

(Cont'd)

6. *the preparation and submission of a detailed transport impact assessment addressing all matters related to traffic management, vehicular and pedestrian access to and from the site.*

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

PL196/16 39 AND 39A (LOTS 52 AND 53) MOUNT STREET, WEST PERTH –MINOR AMENDMENT TO THE LIFT SERVICES OF AN APPROVED RESIDENTIAL DEVELOPMENT CONTAINING TWO, SEVEN-LEVEL DWELLINGS

BACKGROUND:

SUBURB/LOCATION:	39 and 39A (Lots 52 and 53) Mount Street, West Perth
FILE REFERENCE:	2016/5383
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	28 October 2016
MAP / SCHEDULE:	Schedule 5 – Map and coloured perspectives for 39 and 39A Mount Street
3D MODEL PRESENTATION:	N/A
LANDOWNER:	Huiqing Li
APPLICANT:	Baltinas Architects
ZONING:	(MRS Zone) Urban (City Planning Scheme Precinct) West Perth Precinct 10 (City Planning Scheme Use Area) Residential – R160
APPROXIMATE COST:	\$320,000

SITE HISTORY:

At its meeting held on **9 December 2014**, Council approved an application for two, seven-level residential dwellings including eight car parking bays at the subject site. As the site is located within a Metropolitan Region Scheme (MRS) clause 32 Area – Parliament House Outer Precinct, with a variation to the maximum height specified under this policy, the application was referred to the Western Australian Planning Commission (WAPC) for determination under the MRS. The WAPC subsequently approved the application on 19 January 2015.

On 7 April 2016 the City issued the building permit approval to commence works on site. The approved seven-level residential development is currently under construction.

DETAILS:

The application is seeking approval to modify the building's lift system. This will result in an additional lift overrun to each of the dwellings, extending 1 metre above the approved roof level. The lift overruns will be located to the rear of the development and will incorporate solar roof panels above.

LEGISLATION / POLICY:

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

Policy No and Name: Parliament House Precinct Policy 1983
 3.1 Design of Residential Development
 4.1 City Development Design Guidelines
 4.9 Residential Design Policy
 6.5 Mount Street Design Policy

COMPLIANCE WITH PLANNING SCHEME:**Land Use**

The subject site is located in the Residential – R160 Use Area of the West Perth Precinct 10 under City Planning Scheme No. 2 (CPS2). The Statement of Intent for the Precinct notes it will be developed as a residential quarter accommodating a range of housing types along with support facilities and will also provide a secondary business area adjacent to the city centre.

The use of the building for residential purposes has not changed as part of the current application. A residential use is a preferred ('P') use in the Residential-R160 area of the West Perth Precinct.

Development Requirements

There are no changes to the approved development in terms of building setbacks, plot ratio or the general form and layout. A minor variation to the maximum height limit is sought as a result of a new lift system which will create a lift overrun above the approved roofline. The approved development had a maximum height of 19 metres or 38.86 metres AHD which complied with the City's Mount Street Design Policy but exceeded the height limits specified under the Parliament House Precinct Policy. The lift overrun will result in an increase in height of the building by 1 metre (total height of 20 metres or 39.86 metres AHD).

Variations to the height provisions applicable to the development can be granted by an absolute majority decision of Council, in accordance with clause 47 of the City Planning Scheme and provided Council is satisfied that:

“47(3)(c)(i) if approval were to be granted, the development would be consistent with:

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

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

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

COMMENTS:

Consultation

As the application proposes a variation to the maximum height limit specified under the CPS2 Mount Street Design Policy, the application was advertised for a period of 14 days expiring on 31 October 2016. No submissions were received during this period.

Building Height

The addition of a lift overrun will result in an increase in the height of this portion of the building from 19 metres to 20 metres which is a 1 metre variation to the maximum height limit specified in the Mount Street Design Policy. The lift overrun also results in a further variation to the Parliament House Precinct Policy which stipulates a maximum height of 34.46 metres on the Australian Height Datum (AHD), with the lifts being up to 5.4 metres above the maximum height requirement at 39.86 metres AHD. Due to the further variation to the Parliament House Precinct Policy the application has been referred to the Western Australian Planning Commission (WAPC) for determination under the Metropolitan Region Scheme, noting that the approved development already exceeds the maximum height limit prescribed under this policy by 4.4 metres.

The lift overrun for the two apartments will be located to the rear of the building with the remainder of the roof line remaining unchanged from the height of the substantive approval. Given its location to the rear of the building and being only a partial increase in the overall building height, it is considered there will be no adverse impact to the streetscape and no detrimental impact to the neighbouring properties in terms of local amenity.

The impact in terms of the clause 32 - Parliament House Precinct Policy will be determined by the WAPC however it is considered that the minor amendment to the lift system will not have any significant impact in terms of views to and from Parliament House.

Based on the above it is considered that the variation to the maximum height can be supported in accordance with clause 47 of CPS2 and the City's Mount Street Design Policy.

Conclusion

The proposed amended application for the installation of a new lift system and the associated lift overrun for the two residential apartments will result in a variation to maximum height specified under the Mount Street Design Policy and Parliament House Precinct Policy.

The location and extent of the height variation however is considered to be consistent with clause 47 of CPS2 and the Mount Street Design Policy and therefore can be supported.

Based on the above it is recommended that the amended application should be approved.

Moved by Cr McEvoy, seconded by Cr Adamos

That:

- 1. in accordance with the provisions of the City Planning Scheme No. 2, the Council APPROVES BY AN ABSOLUTE MAJORITY the application for a minor amendment to the lift services of an approved residential development containing two, seven-level dwellings at 39 and 39A (Lots 52 and 53) Mount Street, West Perth subject to any external plant on the roof being integrated into the design of the roof so as to minimise any visual and noise impact on the adjacent developments and being screened from view, with details of the location, design and screening of such plant and services being submitted by the applicant to the City for approval prior to applying for the relevant building permit; and***
- 2. the application be referred to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme – clause 32 Area, for a further minor variation to the maximum building height prescribed under the Parliament House Precinct Policy.***

The motion was put and carried

The votes were recorded as follows:

For: Crs McEvoy, Adamos and Yong

Against: Nil

PL197/16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

PL198/16 GENERAL BUSINESS**Responses to General Business from a Previous Meeting**

Nil

New General Business

Nil

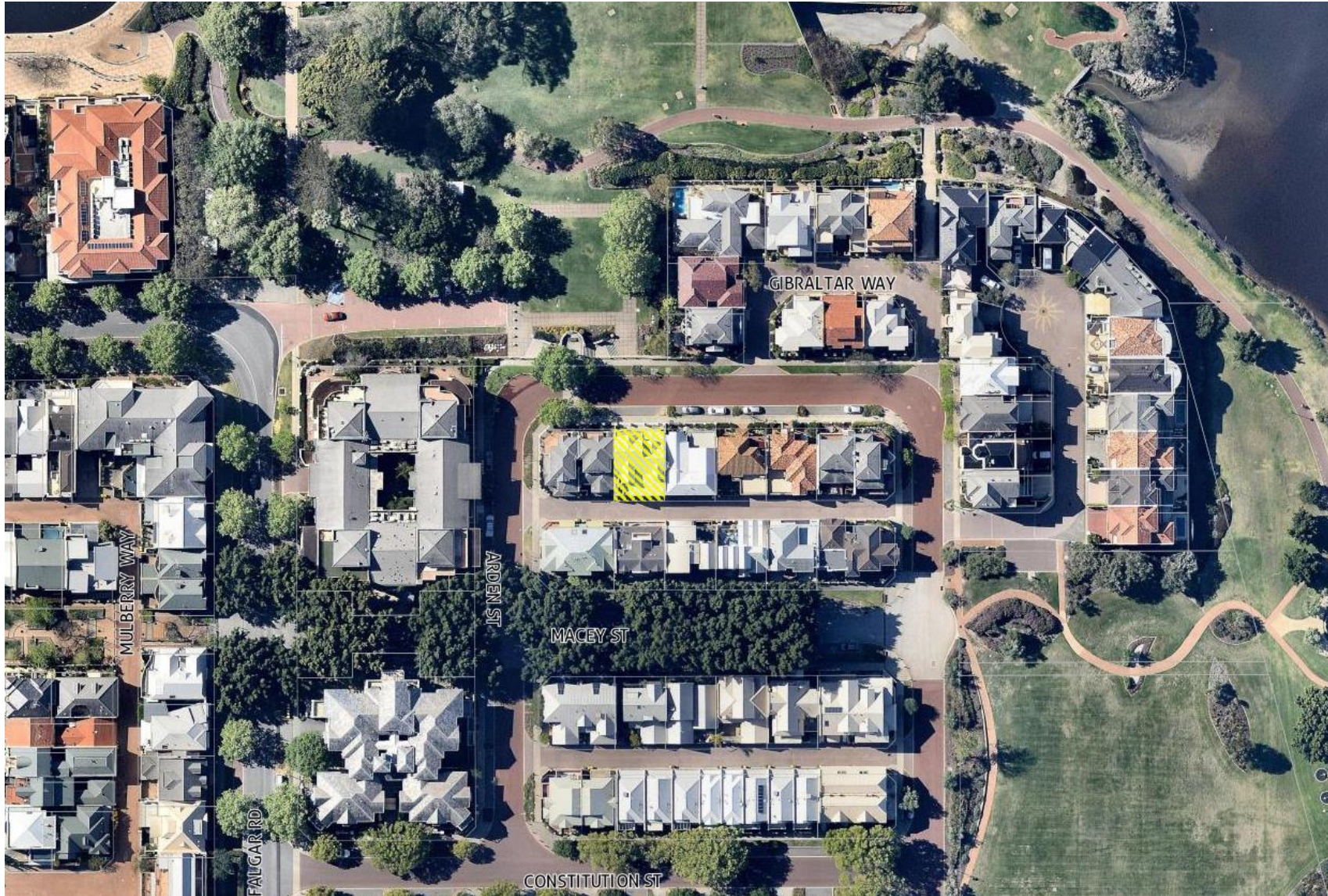
PL199/16 ITEMS FOR CONSIDERATION AT A FUTURE MEETING**Outstanding Items:**

Nil

PL200/16 CLOSE OF MEETING

7.02pm There being no further business the Presiding Member declared the meeting closed.

**SCHEDULES
FOR THE MINUTES OF THE
PLANNING
COMMITTEE MEETING
HELD ON
15 NOVEMEBR 2016**



2016/5308 - 43 (LOT 41) ARDEN STREET, EAST PERTH



2016/5308 - 43 (LOT 41) ARDEN STREET, EAST PERTH (LANEWAY FROM EAST)



2016/5308 - 43 (LOT 41) ARDEN STREET, EAST PERTH (LANEWAY FROM WEST)



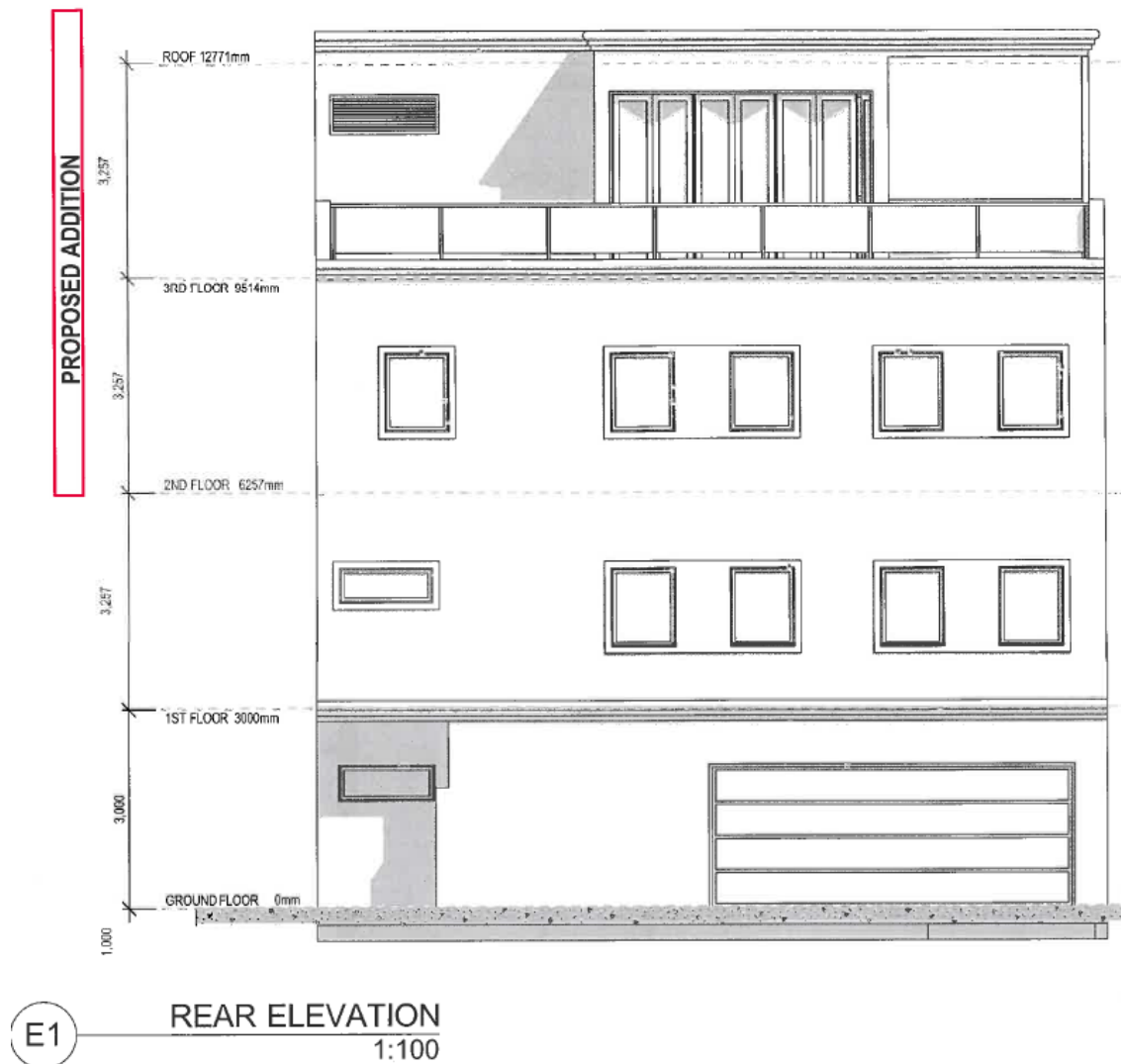
2016/5308 - 43 (LOT 41) ARDEN STREET, EAST PERTH (ARDEN STREET NORTH-EAST)



2016/5308 - 43 (LOT 41) ARDEN STREET, EAST PERTH (ARDEN STREET NORTH-WEST)



2016/5308 - 43 (LOT 41) ARDEN STREET, EAST PERTH (LANEWAY 3D)



2016/5308 - 43 (LOT 41) ARDEN STREET, EAST PERTH (LANEWAY ELEVATION)



FRONT ELEVATION

2016/5308 - 43 (LOT 41) ARDEN STREET, EAST PERTH (ARDEN STREET ELEVATION)



2016/5363 – 5 (LOTS 2 AND 3) FRANCIS STREET, PERTH



2016/5363 – 5 (LOTS 2 AND 3) FRANCIS STREET, PERTH



2016/5363 – 5 (LOTS 2 AND 3) FRANCIS STREET, PERTH



2016/5363 – 5 (LOTS 2 AND 3) FRANCIS STREET, PERTH



2016/5363 – 5 (LOTS 2 AND 3) FRANCIS STREET, PERTH



2016/5363 – 5 (LOTS 2 AND 3) FRANCIS STREET, PERTH



2016/5363 – 5 (LOTS 2 AND 3) FRANCIS STREET, PERTH



2016/5289 – 45 (LOT 110) FRANCIS STREET, NORTHBRIDGE



2016/5289 – 45 (LOT 110) FRANCIS STREET, NORTHBRIDGE



2016/5289 – 45 (LOT 110) FRANCIS STREET, NORTHBRIDGE



2016/5289 – 45 (LOT 110) FRANCIS STREET, NORTHBRIDGE



2016/5289 – 45 (LOT 110) FRANCIS STREET, NORTHBRIDGE



2016/5289 – 45 (LOT 110) FRANCIS STREET, NORTHBRIDGE

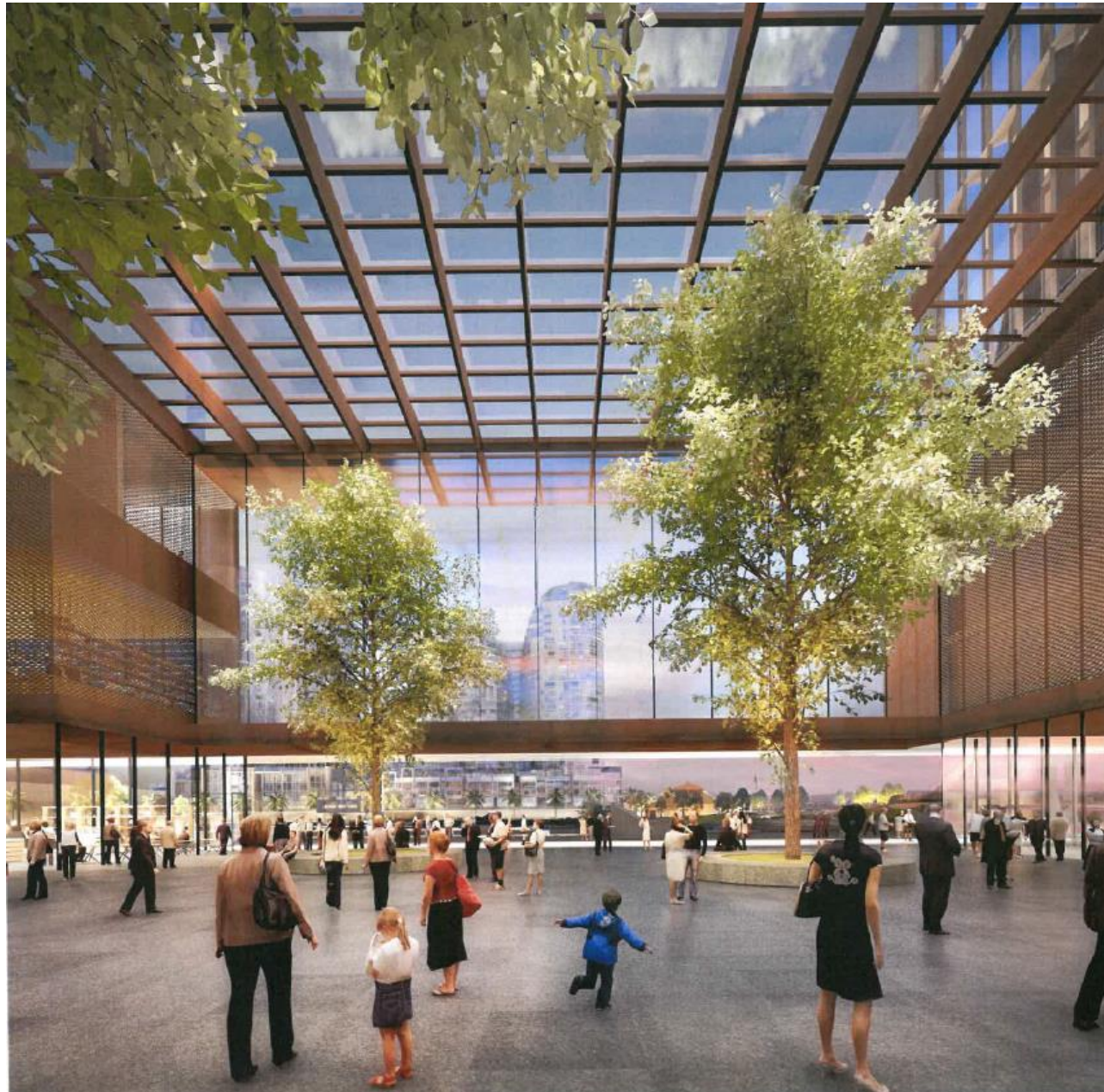
2016/5398: SITES 2 AND 3 ELIZABETH QUAY, PERTH



2016/5398: SITES 2 AND 3 ELIZABETH QUAY, PERTH (PERSPECTIVES)



2016/5398: SITES 2 AND 3 ELIZABETH QUAY, PERTH (PERSPECTIVES)



2016/5398: SITES 2 AND 3 ELIZABETH QUAY, PERTH (PERSPECTIVES)



2016/5398: SITES 2 AND 3 ELIZABETH QUAY, PERTH (PERSPECTIVES)



2016/5383 – 39 AND 39A (LOTS 52 AND 53) MOUNT STREET, WEST PERTH



2016/5383 – 39 AND 39A (LOTS 52 AND 53) MOUNT STREET, WEST PERTH



2016/5383 – 39 AND 39A (LOTS 52 AND 53) MOUNT STREET, WEST PERTH