

# Planning Committee

Notice of Meeting  
7 February 2017  
5.30pm

Committee Room 1  
Ninth Floor  
Council House  
27 St Georges Terrace, Perth



City of Perth

## Agenda

### ORDER OF BUSINESS AND INDEX

- 1 Declaration of Opening
- 2 Apologies and Members on Leave of Absence
- 3 Question Time for the Public
- 4 Confirmation of minutes – 6 December 2016
- 5 Correspondence
- 6 Disclosure of Members' interests
- 7 Matters for which the meeting may be closed

In accordance with Section 5.23(2) of the Local Government Act 1995, the meeting will be required to be closed to the public prior to discussion of the following:

Nil

- 8 Reports
  - 8.1 Perth Local Development Assessment Panel – Membership Nominations
  - 8.2 43 (Lot 41) Arden Street, East Perth – Proposed Additions To The Second Floor And New Third Floor To The Existing Dwelling
  - 8.3 28 (Lot 743) St Georges Terrace and 501 (Lots 563 And 744) Hay Street, Perth – Demolition of the Existing Anzac House and Club Building and the Construction of a 10-Level Mixed-Use Building for the RSLWA Club and Offices, Commercial Offices and Dining Tenancies
  - 8.4 18 (Lot E105) Wickham Street, East Perth – Proposed Seven Storey Mixed-Use Development Comprising 27 Multiple Dwellings, One Office Tenancy and 29 Car Parking Bays
  - 8.5 75 and 93 (Lots 21 and 30) William Street, Perth – Proposed Single Storey Structure for use as a Coffee Kiosk ('Mixed Commercial') and Associated Signage
  - 8.6 76 (Lot 5) Wittenoom Street, East Perth – Request for approval as a donor site for additional transfer of Plot Ratio
- 9 Motions of which Previous Notice has been given
- 10 General Business

10.1 - Responses to General Business from a Previous Meeting

10.2 - New General Business

**11** Items for consideration at a future meeting

Outstanding Reports:

Nil

**12** Closure



**MARTIN MILEHAM**  
**CHIEF EXECUTIVE OFFICER**

2 FEBRUARY 2017

**This meeting is open to members of the public**

## PLANNING COMMITTEE

**Established:** 17 May 2005 (Members appointed 22 October 2015)

<b>Members:</b>	<b>1st Deputy:</b>	<b>2nd Deputy:</b>
Cr McEvoy (Presiding Member)	Cr Green	Cr Limnios
Cr Adamos		
Cr Yong		

**Quorum:** Two

**Terms Expire:** October 2017

**TERMS OF REFERENCE:** [Adopted OCM 24/11/15]

To oversee and make recommendations to the Council on matters related to:

1. development, building, demolition, sign and alfresco dining applications and proposals for subdivision or amalgamation;
2. the City Planning Scheme and planning policies;
3. identification of long term planning opportunities and major projects, including the Perth City Link, Elizabeth Quay and;
4. strategic town planning initiatives and economic development;
5. Heritage, including:
  - 5.1 the City of Perth Municipal Inventory;
  - 5.2 the Register of Places of Cultural Heritage Significance referred to in City Planning Scheme No. 2, and management of same;
  - 5.3 heritage incentive initiatives;
6. transport and traffic network planning issues;
7. environmental improvement strategies including environmental noise management;
8. liquor licensing;
9. land administration issues, such as street names, closures of roads and rights-of-way and vesting of reserves;
10. applications for events held within the City of Perth that require planning approval as a result of excessive noise or traffic management proposals;
11. legislation and compliance in relation to land use planning.

# INFORMATION FOR THE PUBLIC ATTENDING COMMITTEE MEETINGS

## Question Time for the Public

- An opportunity is available at all Committee meetings open to members of the public to ask a question about any issue relating to the City. This time is available only for asking questions and not for making statements. Complex questions requiring research should be submitted as early as possible in order to allow the City sufficient time to prepare a response.
- The Presiding Person may nominate a Member or officer to answer the question, and may also determine that any complex question requiring research be answered in writing. No debate or discussion is allowed to take place on any question or answer.
- To ask a question please write it on the white Question Sheet provided at the entrance to the Council Chamber and hand it to a staff member at least an hour before the meeting begins. Alternatively, questions can be forwarded to the City of Perth prior to the meeting, by:
  - Letter: Addressed to GPO Box C120, Perth, 6839;
  - Email: [governance@cityofperth.wa.gov.au](mailto:governance@cityofperth.wa.gov.au).
- Question Sheets are also available on the City's web site: [www.perth.wa.gov.au](http://www.perth.wa.gov.au).

## Deputations

A deputation wishing to be received by a Committee is to apply in writing to the CEO who will forward the written request to the Presiding Member. The Presiding Member may either approve the request or may instruct the CEO to refer the request to the Committee to decide whether or not to receive the deputation. If the Presiding Member approves the request, the CEO will invite the deputation to attend the meeting.

Please refer to the 'Deputation to Committee' form provided at the entrance to the Council Chamber for further information on the procedures for deputations. These forms are also available on the City's web site: [www.perth.wa.gov.au](http://www.perth.wa.gov.au).

## Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any Member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Committee meeting prior to written advice on the resolution of the Council being received.

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# EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



The City of Perth values the health and safety of its employees, tenants, contractors and visitors. The guide is designed for all occupants to be aware of the emergency procedures in place to help make an evacuation of the building safe and easy.

## BUILDING ALARMS

Alert Alarm and Evacuation Alarm.

### ALERT ALARM

**beep beep beep**

All Wardens to respond.

Other staff and visitors should remain where they are.



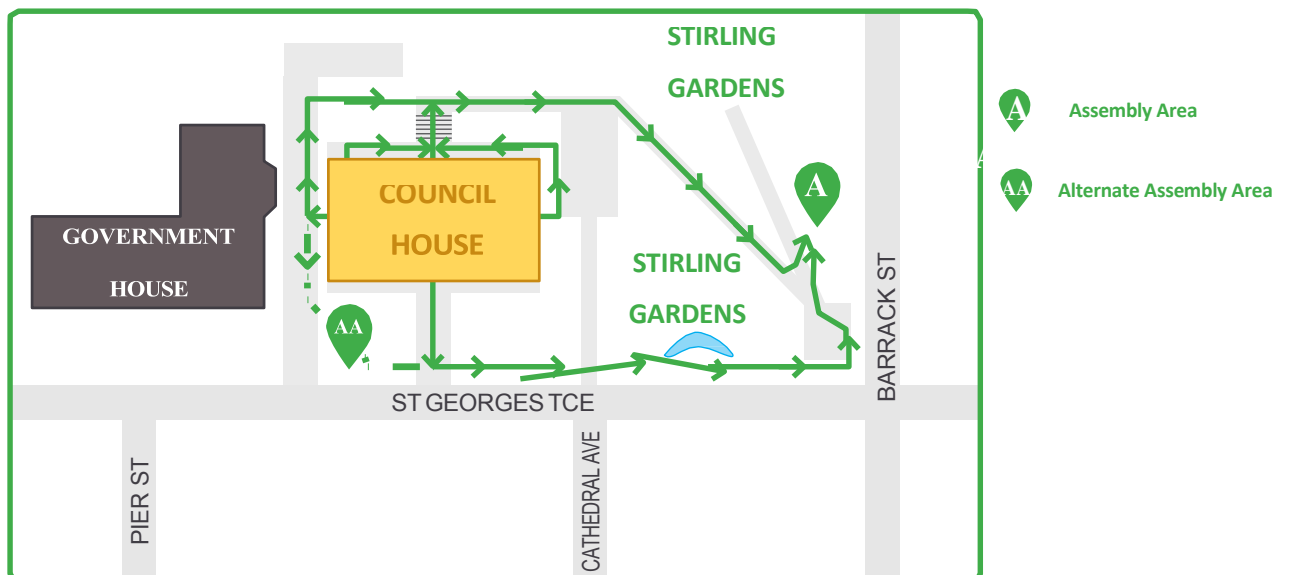
### EVACUATION ALARM / PROCEDURES

**whoop whoop whoop**

On hearing the Evacuation Alarm or on being instructed to evacuate:

1. Move to the floor assembly area as directed by your Warden.
2. People with impaired mobility (those who cannot use the stairs unaided) should report to the Floor Warden who will arrange for their safe evacuation.
3. When instructed to evacuate leave by the emergency exits. **Do not use the lifts.**
4. Remain calm. Move quietly and calmly to the assembly area in **Stirling Gardens** as shown on the map below. Visitors must remain in the company of City of Perth staff members at all times.
5. After hours, evacuate by the nearest emergency exit. **Do not use the lifts.**

#### EVACUATION ASSEMBLY AREA



**Agenda Item 8.1 Perth Local Development Assessment Panel – Membership Nominations 2017**

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**Recommendation:**

***That Council nominates for consideration by the Minister for Planning for appointment to the Perth Local Development Assessment Panel for a term starting 27 April 2017 until 26 April 2020:***

- 1. \_\_\_\_\_ and \_\_\_\_\_ as the City of Perth local government members;**
- 2. \_\_\_\_\_ and \_\_\_\_\_ as the City of Perth local government alternate members;**

FILE REFERENCE: P1027201  
 REPORTING UNIT: Governance  
 RESPONSIBLE DIRECTORATE: Corporate Services  
 DATE: 5 January 2017  
 ATTACHMENT/S: N/A

**Legislation / Strategic Plan / Policy:**

**Legislation** *Planning and Development (Development Assessment Panels) Regulations 2011*

**Integrated Planning and Reporting Framework Implications** **Strategic Community Plan**  
 Council Four Year Priorities: Capable and Responsive Organisation  
 S18 Strengthen the capacity of the organisation.

**Policy**  
 Policy No and Name: N/A

**Financial Implications:**

There are no direct financial implications as a result of this report.

**Purpose and Background:**

Current local government membership of the City of Perth Local Development Assessment Panel (LDAP) expires on 26 April 2017. The current membership is comprised of:

1. Lord Mayor Scaffidi and Cr Adamos as the local government members; and
2. Deputy Lord Mayor Cr Limnios as an alternate local government member.

Correspondence dated 5 January 2017 from the State Government's Department of Planning, via the Development Assessment Panel Secretariat, has requested that the City of

Perth provide membership nominations for the term starting 27 April 2017 until 26 April 2020.

### **Details:**

#### *Membership*

In accordance with Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, two Elected Members are appointed to the City of Perth LDAP as local government members and two Elected Members are appointed as alternate local government members.

Lord Mayor Scaffidi was nominated as a local government member by Council at its meeting held on **3 February 2015** and formally appointed by the Minister for Planning on 27 July 2015 for a term expiring 26 April 2017.

Cr Adamos was nominated as an alternate local government member by Council at its meeting held on **3 February 2015** and subsequent to the 2015 Local Government Elections, was nominated as a local government member by Council at its special meeting held on **22 October 2015**. Cr Adamos was formally appointed by the Minister for Planning on 7 January 2016 for a term expiring 26 April 2017.

Deputy Lord Mayor Cr Limnios was nominated as the first alternate local government member by Council at its meeting held on **3 February 2015** and formally appointed by the Minister for Planning on 27 July 2015 for a term expiring 26 April 2017.

At its special meeting held on **22 October 2015**, Cr McEvoy was nominated as the second alternate local government member for a term expiring on 26 April 2017, however she formally resigned from the LDAP during September 2016 and Council, at its meeting held on **20 September 2016**, approved the nomination of Cr Yong as an alternate member for a term expiring 26 April 2017. However, a formal appointment for Cr Yong by the Minister for Planning has not yet been received by the City.

#### *Governance*

The Development Assessment Panel Secretariat is responsible for the administration of all LDAP meetings and the preparation of agendas and minutes. The City provides a meeting venue and minute taking services and as the responsible authority, also prepare and submit reports on proposed developments inclusive of recommendations for the LDAP's consideration.

All City of Perth LDAP meetings are conducted in accordance with the Development Assessment Panel Practice Notes – DAP Standing Orders 2012. Meetings are held at Council House and open to members of the public. All LDAP members are required to comply with the Development Assessment Panel Code of Conduct 2011.

It is noted that in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*, the quorum for a LDAP meeting is three members. This includes the Presiding Member and two other members, whether they are specialist panel members or local government members.

In accordance with Regulation 30 of the *Planning and Development (Development and Assessment Panels) Regulations 2011*, all LDAP members must attend training before they can attend a LDAP meeting to determine any applications. LDAP members who have previously undertaken training are not formally required to attend further training but have the option of attending refresher training.

**Comments:**

Following the Department of Planning's receipt of all local government nominations, the Minister for Planning will consider and appoint members for a three year term expiring on 26 April 2020. Due to the 2017 Local Government Elections, it is noted that the election results may result in a change to the LDAP membership if Elected Members, who are current LDAP members, are not re-elected. At that time, the City will be required to provide replacement nominations for the Minister's consideration.



Agenda Item 8.2	<b>43 (Lot 41) Arden Street, East Perth – Proposed Additions To The Second Floor And New Third Floor To The Existing Dwelling</b>
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**Recommendation:**

***That:***

- 1. *in accordance with the provisions of the City Planning Scheme No. 2, Local Planning Scheme No. 26 and the Metropolitan Region Scheme, Council APPROVES the revised application for additions to the second floor and construction of a new third floor to 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 4 January 2017 subject to:***
  - 1.1 *the applicant providing the City with an acceptable construction value for the proposed works based on the current market and reimburse the City the correct prescribed application fees prior to applying for a building permit;***
  - 1.2 *final details of the proposed finishes, design, colours and materials for the additions being submitted by the applicant and approved by the City prior to applying for the relevant building permit;***
  - 1.3 *any proposed external building plant, piping, ducting and air conditioning units being located so as to minimise any visual and noise impact on the adjacent developments and being screened from view of the street and rear laneway, with details of the location and screening of any proposed external building plant being submitted and approved prior to the submission of an application for the relevant building permit; and***
  - 1.4 *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. *delivery of materials and equipment to the site;***
    - b. *storage of materials and equipment on the site;***
    - c. *parking arrangements for the contractors and subcontractors;***
    - d. *maintaining access through the rear laneway throughout construction; and***
    - e. *any other matters likely to impact on the surrounding properties,***
- 2. *the City's Officers review the design guidelines for East Perth Area 21 Constitution Hill North to include the properties at 33 to 47 (Lots 40 to 45) Arden Street, East Perth, to provide more consistent guidelines for the future development of this area.***

FILE REFERENCE:	2016/5308
SUBURB/LOCATION:	43 Arden Street, East Perth
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	28 October 2016
ATTACHMENT/S:	Attachment 8.2A – Locality Plan Attachment 8.2B – Perspectives
3D MODEL PRESENTATION:	No 3D Model
LANDOWNER:	Silvertop Nominees Pty Ltd
APPLICANT:	Ionic Property Group Pty Ltd
ZONING:	(MRS Zone) Urban Zone
APPROXIMATE COST:	(Local Planning Scheme No. 26 Precinct) EP2 – Constitution Street \$75 428

### **Legislation / Strategic Plan / Policy:**

#### **Legislation**

*Planning and Development Act 2005*  
*Planning and Development (Local Planning Scheme) Regulations 2015 – Deemed Provisions*  
City Planning Scheme No. 2 (CPS2)  
Local Planning Scheme No. 26

#### **Policy**

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

### **Purpose and Background:**

The subject site is 204m<sup>2</sup>, is located in the 'Constitution Street' Precinct of East Perth and is currently occupied by a 3 storey residence (ground plus two floor levels) which fronts onto Arden Street and backs onto a rear laneway ('mews'), used for vehicle access and servicing. It is overlooked by north facing habitable rooms and upper level balconies of the residences fronting Macey Street. The site is surrounded by residential dwellings and Victoria Gardens to the north-west.

An application for additions to the second floor and a new third floor to the existing dwelling was submitted to the City on 18 August 2016 and the proposal was advertised to the adjoining neighbours to provide their comments before 21 October 2016. The application received a joint submission from 10 neighbours and one individual submission and was recommended for refusal at Council meeting held on **22 November 2016**. This application was referred back to the Planning Committee for further consideration in light of a late submission by the applicant that had been provided directly to Elected Members prior to the meeting in respect of the proposed development. The applicant made no modifications to the plans and after reconsideration the Planning Committee, at its meeting held on 6 December 2016, again recommended to Council that the application be refused. The applicant subsequently requested withdrawal of his application from the Council agenda to enable the submission of revised plans.

**Details:**

The applicant has submitted a revised design for the proposed alterations and additions to 43 (Lot 41) Arden Street, East Perth, in consultation with the City's Officers. The revised plans incorporate the following changes to the proposal:

- the third floor games room has been setback further (from 1.6 to 2.9 metres) from the rear laneway;
- a new store room with highlight windows and external access from the terrace, has been added to the eastern side of the games room (setback 3 metres from the rear laneway) in place of an al fresco area, providing improved privacy for the adjacent neighbour;
- the third floor balustrade has been reduced in height from 1.2 to 1.05 metres and together with the deck fronting the laneway, has been reduced in length from the western side from 12 to 10 metres to reduce the perceived height and bulk of the additions;
- the addition of a 1.2 metres wide awning to the third floor, facing the rear, to minimise the bulk and improve the articulation of the parapet wall above.
- the original wall trim feature below the balustrading has been reduced and the wall trim feature splitting the ground floor and first floor has been removed, making the southern façade more compact to reduce its perceived height;
- the trim feature to the roof edge has been reduced and refined to address the perceived bulk and scale of the additions;
- the size of first and second floor windows, has been increased to more accurately reflect the dimensions of the existing windows and to improve the articulation of the rear façade while allowing for passive surveillance onto the rear laneway; and
- split colouring has been incorporated into the rear elevation to visually reduce bulk and improve articulation.

Details of the proposed development are as follows:

<b>Ground Floor</b>	This level comprises a garage, store room, lobby, activity room, two bedrooms and a bathroom, laundry, sauna room and shower. (Existing)
<b>First Floor</b>	This level comprises a living, dining, kitchen, two bedrooms, walk-in-robe, two ensuites, a powder room and a terrace. (Existing)
<b>Second Floor</b>	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.
<b>Third floor level (New)</b>	Games room, plant room, store room and stair case addition.

**Compliance with Planning Scheme:****Land Use**

The application proposes residential additions. Under Local Planning Scheme No. 26, a 'Residential' use is a 'Preferred' (P) use.

**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'.

There are no specific design guidelines for this lot, which is one of only six Arden Street Lots (being 33 to 47 – Lots 40 to 45 - Arden Street) for which there are no development standards applicable apart from plot ratio i.e. 1.5.

Unlike all other properties in this area of East Perth, there are no specific design guidelines applicable to these six properties in Arden Street however, they have all been developed to a similar bulk and scale to the adjacent areas which are typically ground plus a first and second level, and with uniform building heights (approximately 6 metres) to the rear laneway. The proposed second floor additions and new third floor level results in an overall maximum height of 13.25 metres and overall rear boundary height of 10.564 metres to the rear laneway.

The proposed second floor addition differs from the above by proposing a boundary height of 9.514 metres with a 1.05 metres glass parapet on top at the southern boundary line adjoining the laneway with the overall height being 13.25 metres.

The proposed development is regarded as being a complying application in terms of cl 47 of CPS2, as it complies with the maximum plot ratio with no other design guidelines applicable to the site. Therefore, the determination of the application does not require an absolute majority vote.

In accordance with Clause 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015 – Deemed Provisions for Local Planning Schemes*, Council is to have due regard to the following matters to the extent that, in the opinion of Council, those matters are relevant to the proposed development:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning;
- (g) any local planning policy for the Scheme area;
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the appearance of the development;
- (n) the amenity of the locality including the following:
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- (y) any submissions received on the application;

### **Comments:**

### **Consultation**

The revised proposal was advertised to the respondents of the previous advertising process including all of the neighbours who were originally consulted. The response to the original

proposal included a joint submission 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) as well as an individual submission which was submitted by the owners of 6 Macey Street.

In response to the advertising of the amended proposal, a further joint submission was submitted on 19 January 2017 by TPG Place Match on behalf of the owners of 2, 4, 6, 8, 10, 12 and 14 Macey Street, 14 Vanguard Terrace and 41 and 42 Arden Street. The issues raised in this submission are consistent with the areas of concern that were raised in the original submission and concluded that:

*“this proposal should be rejected in its entirety, for all the same reasons it was rejected twice before by both the Planning Department and the Planning Committee on the 15 Nov 2016 and 6 Dec 2016.*

*The new submission has not articulated the second floor (third storey) and the third floor (fourth storey) is bulkier than before and even though it has been partially setback, the over shadowing effect has been increased. This submission would create a building one storey higher than any other single residence in the Claisebrook Precinct and destroy the Village concept. This would create a precedent for further excessive development.*

*The City of Perth should immediately remove the anomaly in the Planning Guidelines and place an immediate freeze on any plans submitted until the anomaly is corrected.”*

The joint submission has also raised and questioned some aspects of the development and notably the impression being given that the development is minor and estimating the cost of development to be \$75,428. The objectors note that by modifying the existing dwelling and adding existing floor area affecting approximately 150m<sup>2</sup> the cost of development exceeds this estimate substantially. It is considered that the applicant noting the modified design reconsider the development cost and provide the City with a new estimated cost based on market value and then reimburse the City by applying the correct application fees. This should be incorporated as a condition of any approval.

The objection raises the following as the key reasons for the development being unacceptable:

- *Threatens the harmony of the Claisebrook Village concept;*
- *Does not respect the scale of the street and surrounding areas;*
- *Does not comply with the planning guidelines in respect of building envelopes that apply to adjacent areas;*
- *The completed addition would be aesthetically catastrophic – a square concrete box with a flat roof some 13m high; this would be visually unacceptable as well as being in contravention of the building envelope guidelines for adjacent areas;*
- *Unfairly takes advantage of an anomaly in the planning guidelines;*
- *Would block some light to some adjacent properties at all times;*
- *Would create unacceptable shadows at certain times that would affect some adjacent properties;*
- *Outlook from the proposed top floor alfresco area will compromise the privacy of some adjacent properties;*
- *Would set a dangerous precedent, if approved, for similar ‘over the top’ development;*  
*and*
- *Has the potential to decrease market values of adjacent properties.*

These matters are addressed in the following sections of this report, however, in response to the aforesaid, it is noted that:

- The development guidelines of the adjacent areas are not applicable as previously discussed. The development complies with the relevant provisions (plot ratio) and has no specific design guidelines.
- Consideration of property values is not a reason for refusal under planning law however, the impact of development on values is open to differences of opinion.

### **Applicable Provisions**

Referring to the general design criteria it is considered that the revised plans address the general scheme and policy provisions previously raised:

#### Local Planning Scheme No. 26 (Normalised Redevelopment Areas)

Local Planning Scheme No. 26 (LPS26) sets out the following general objectives and principles considered to be 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; and*
- (b) deliver vibrant and attractive urban environments which infuse the city with vitality, life and character.”*

The modifications made to the original proposal for additions in consultation with the City are considered to result in an improved design outcome. In the absence of any design guidelines or building envelope provisions the modified design address some of the concerns previously raised and now incorporates architectural features to reduce bulk and improve the aesthetic appeal of the development.

#### 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 existing residential development in this locality varies in style, materials and form, despite design guidelines applying to the majority of sites. The upper level additions will not be easily visible from the Arden Street frontage and it is considered that they will not stand out amongst the Arden Street developments or be noticeable from a distance.

The greatest impact of the proposed development will be on the rear laneway and the residences to the south. The revised design of the proposed residential additions presents a more articulated façade to the rear laneway with reduced bulk impacts. The second floor façade is given a more compressed look, with the setback of the third floor and the width of the third floor terrace area at the boundary being reduced. The incorporation of trimmings, larger windows, an awning and split colouring helps to alleviate the dominance of the façade on the laneway.

#### 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 lots directly to the south of the subject site and rear laneway (Lots 16-30) are subject to the requirements of Design Guidelines Section 2.21 East Perth Area 21 Constitution Hill North. These impose a maximum height restriction on the subject lots of 12m (four storeys) projected at 45 degrees from a point 6m (2 storeys) above the finished ground level at the lot street and mews ( rear laneway) boundary frontages. While these guidelines can be referred to for the purpose of establishing the scale and massing of surrounding buildings, they do not apply to the subject site. In response to the neighbours’ submission, it is agreed that this apparent anomaly in the application of the design guidelines to the six properties in Arden Street should be reviewed, however, the current development application must be assessed against the current planning framework and cannot be delayed in order to allow such a review.

To better reflect the scale and massing of adjacent dwellings, the upper level facade has been setback 2.9 metre as opposed to 1.6 metre and a new canopy with a 1.2 metres overhang has been added to the third floor to reduce the building’s dominance on the rear laneway and the properties to the south of Macey Street. Furthermore, the reduction of the floor level of the deck and balustrading has visually reduced the perceived height, therefore integrating better with the existing streetscape to the rear.

- “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 have been modified and articulated to break up the perceived bulk of the original design. Building trimmings and split colouring has been incorporated to reduce the perceived bulk of the overall building façade facing the laneway as well as reducing the floor level of the third floor and increasing the size of the first and second floor windows to improve the articulation of this facade as viewed from the 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 revised plans have increased the rear setback of the third floor additions from 1.6 to 2.9 metres, thus reducing the overall dominance of the third floor additions on the rear laneway and properties to the south. This is considered to reduce the direct overshadowing to the rear lane and southern properties.

The importance of the rear laneway in comparison with any proposed impact on Arden Street (as the primary street) may be questioned. Given the presence of a number of north facing indoor and outdoor living areas oriented to the laneway, it is agreed that the amenity and character of the rear lane should be given consideration in this instance. The revised plans for the second and third floor additions have been made to appear more slender and

compact to be better integrated with the streetscape of the laneway at the rear of the property.

### 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. The additional height will cast additional shadows, which will impact on north facing windows to habitable rooms as well as balconies and private open space facing the laneway between March and September and more specifically the dwellings located at 6 to 14 Macey Street. It is noted that the total width of the dwelling is 12 metres with the upper third floor 10 metres wide therefore any shadow will travel past any fixed point located directly south of the development site in 15 to 30 minutes. This is considered to be acceptable in this inner city context.

The increased rear setback to the third floor additions and the reduction in width of the terrace (including the awning over a portion of the terrace) as indicated on the amended plans is considered to result in a minor reduction in overshadowing on the adjoining properties to the rear compared to the original proposal.

With respect to privacy concerns, it is acknowledged that in inner-city areas where there is multi-storey development, some impact on privacy is inevitable. The impact that the proposed additions will have on privacy has been reduced by reducing the extent of the third floor deck area and setting back the games room additions to increase the distance between opposing habitable areas. Only highlight windows have been proposed for non-habitable areas such as the store and plant rooms on the upper levels, addressing both actual and perceived overlooking.

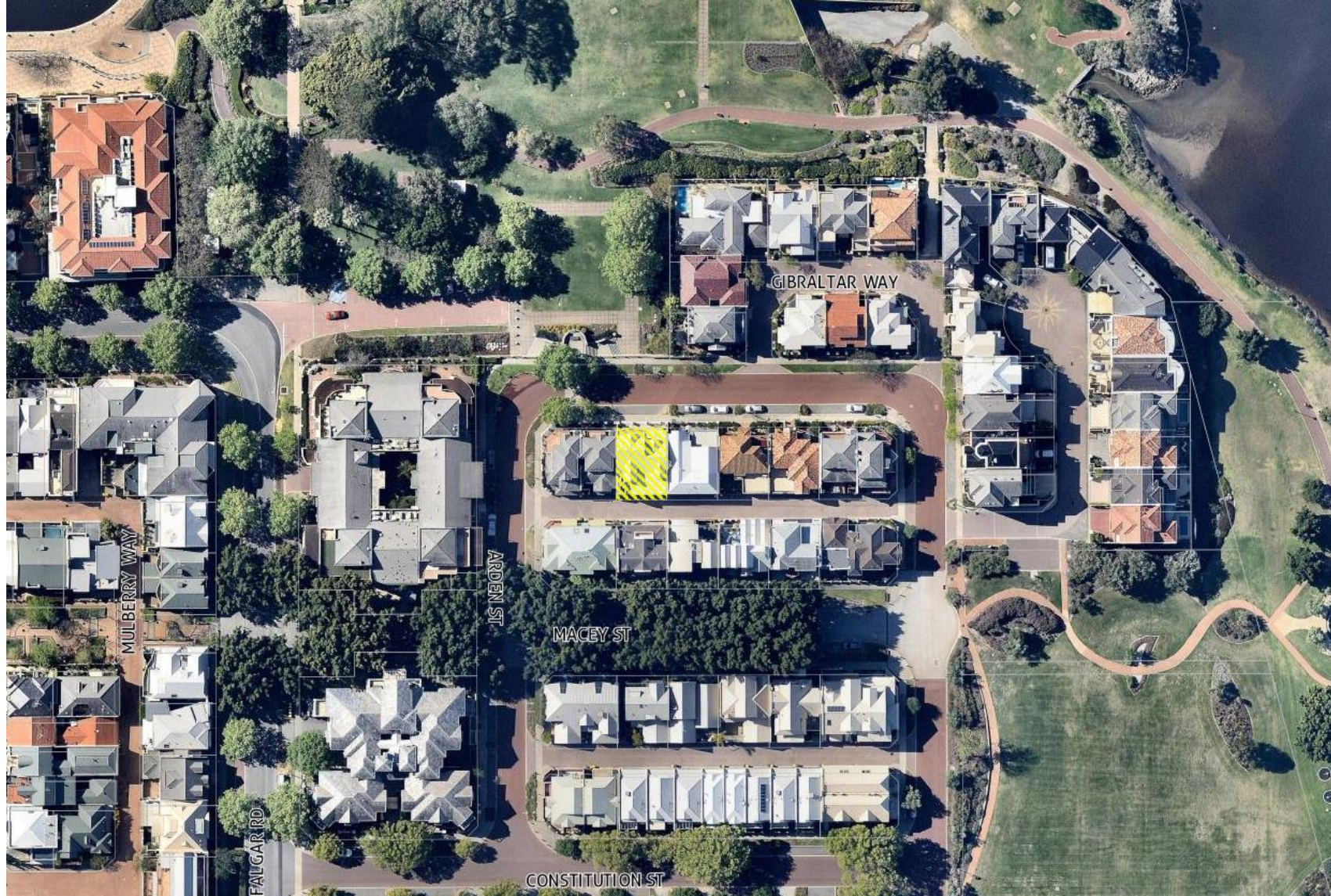
### Conclusion

The proposed alterations and additions to the residence at 43 Arden Street have been designed to comply with the development standards applicable to the site, noting that there are no specific design guidelines for this site. Notwithstanding, strong objections were received from the neighbours to the rear of the site due to the impact that the additions would have on these properties due to overshadowing and amenity concerns. Consequently, the original application was previously not supported by the Planning Committee on the basis of the additions not being sympathetic to the scale of the existing streetscape and neighbouring buildings and having an adverse impact on the character and amenity of the locality.

The applicant has responded to the concerns raised and has modified the design in consultation with the City's Officers in an attempt to reduce the impact of the additions on the neighbouring properties. While the revised design for the additions still represent a departure from the form of adjacent buildings, the reconfigured third floor additions provide a more practical internal layout while increasing the rear setback and the extent of balustrading and deck area. Improved articulation to the rear façade has improved the design to be more in keeping with the local character while addressing perceived height and scale concerns.

While the neighbours have maintained their objections to the revised application, the amended design is considered to be more consistent with the orderly planning of the area and the requirements of LPS26 and CPS2 and, in accordance with the reasons stated in the report above, it is recommended that the amended proposal be approved.





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



**2016/5308 – 43 (LOT 41) ARDEN STREET, EAST PERTH (AMENDED PLANS)**



**2016/5308 – 43 (LOT 41) ARDEN STREET, EAST PERTH (ORIGINAL PLANS)**



**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)**

Agenda Item 8.3	<b>28 (Lot 743) St Georges Terrace and 501 (Lots 563 And 744) Hay Street, Perth – Demolition of the Existing Anzac House and Club Building and the Construction of a 10-Level Mixed-Use Building for the RSLWA Club and Offices, Commercial Offices and Dining Tenancies</b>
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**Recommendation:**

*That, in accordance with the provisions of the City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY, the application for the demolition of the existing ANZAC House and Club building and the construction of a 10-level mixed-use building for the RSLWA Club and Offices as well as commercial offices and dining tenancies at 28 (Lot 743) St Georges Terrace and 501 (Lots 563 and 744) Hay Street, Perth subject to:*

- 1. the amalgamation and re-subdivision of the subject lots into two separate lots on two Certificates of Titles to accommodate the new RSLWA Club building and Central Law Courts building, in compliance with the City's maximum plot ratio and car parking requirements, as well as any required vehicle access and servicing easements prior to occupancy of the new RSLWA Club building;*
- 2. an interpretation strategy and archival record of the existing ANZAC House building being prepared in consultation with the State Heritage Office and being submitted for approval by the City prior to applying for a demolition permit;*
- 3. an archaeological management strategy being prepared by a suitably qualified historical archaeologist, to inform demolition and redevelopment works at the site, in consultation with the State Heritage Office and being submitted to the City for approval prior to applying for a demolition permit;*
- 4. final details of the design and a sample board of the high quality and durable materials, colours and finishes for the building, including the treatment to the vehicle entrance on Irwin Street, being submitted for approval by the City prior to applying for a building permit;*
- 5. final details of the design and finishes to the western courtyard and display space, including security and surveillance measures to ensure the area is safe during and after operating hours, being submitted for approval by the City prior to its installation;*

*(Cont'd)*



6. ***any proposed external building plant, lift overruns, piping, ducting, water tanks, transformers, air condensers and fire booster cabinets shall be 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 for approval by the City prior to applying for a building permit;***
7. ***a final Waste Management Plan, identifying a permanent storage and wash down facility for bins both recyclables and general waste and including a waste disposal/collection strategy demonstrating how these facilities will be serviced by the City or a private operator, being submitted for approval by the City prior to applying for a building permit;***
8. ***details of on-site stormwater disposal/management being to the City's specifications and being submitted for approval by the City prior to applying for a building permit;***
9. ***the proposed floor levels of the pedestrian and vehicle entrances into the building being designed to match the current levels of the adjacent footpaths, to the City's satisfaction, with details being submitted for approval by the City prior to applying for a building permit;***
10. ***thirteen car parking bays (including one universal access car parking bay) being provided on-site within the new RSLWA Club and Offices building, with all on-site parking being for the exclusive use of the tenants of the development and their customers/guests;***
11. ***in the event that the approved development has not been substantially commenced within six months of the demolition of the existing building on site, the site is to be landscaped and aesthetically screened at the owner's cost, with details being submitted for approval by the City prior to installation, in order to preserve the amenity of the area and to prevent dust and sand being blown from the site, with the site being maintained in a clean and tidy state to the City's satisfaction;***
12. ***the works referred to in Condition 11, shall be secured by a bond/deed of agreement between the applicant and the City, to the value of the proposed works, with the cost of the deed to be borne by the applicant;***
13. ***any signage for the development 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;***

***(Cont'd)***

- 14. the ground floor commercial tenancies being restricted to 'Dining' (café or restaurant), 'Office' or 'Retail (General)' uses with any other proposed uses not listed above or any external alterations to the tenancies requiring a separate application for approval;**
- 15. a construction management plan for the development being submitted to the City for approval prior to applying for a building permit, detailing how it is proposed to manage:**
- 15.1 the delivery of materials and equipment to the site;**
- 15.2 the storage of materials and equipment on the site;**
- 15.3 the parking arrangements for the contractors and subcontractors;**
- 15.4 any dewatering of the site;**
- 15.5 any impacts on city infrastructure and street trees in the surrounding streets and footpaths; and**
- 15.6 other matters likely to impact on the Central Law Courts and surrounding properties.**

FILE REFERENCE:	2016/5473
SUBURB/LOCATION:	28 (Lot 743) St Georges Terrace and 501 (Lots 653 and 744) Hay Street
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	30 January 2017
ATTACHMENT/S:	Attachment 8.3A – Map and colour perspective for 28 St Georges Terrace and 501 Hay Street, Perth
3D MODEL PRESENTATION:	A 3D Model for this application will be available at the Committee meeting
LANDOWNER:	State of WA – Department of Lands
APPLICANT:	MacCormac Architects
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Civic Precinct 7 (P7) (City Planning Scheme Use Area) City Centre
APPROXIMATE COST:	\$18.48 million

**Legislation / Strategic Plan / Policy:**

<b>Legislation</b>	<i>Planning and Development Act 2005</i> <i>City Planning Scheme No. 2</i>
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## Policy

Policy No and Name:	4.1 – City Development Design Guidelines
	4.4 – Building Heights and Setbacks
	4.5 - Plot Ratio
	4.6 – Signs Policy
	5.1 – Parking Policy
	5.2 – Loading and Unloading
	5.3 – Bicycle Parking and End of Journey Facilities

## Purpose and Background:

The subject site is located on the north-west corner of the St Georges Terrace and Irwin Street intersection. The existing site contains the Central Law Courts building and the existing ANZAC House building with a total site area of 4061m<sup>2</sup>. The site consists of Lots 563, 743 and 744 and the two buildings currently traverse the lot boundaries. The applicant advises that a subdivision application will be lodged with the Western Australian Planning Commission to reflect the boundaries of the new RSLWA building as well as creating separate lots and Certificates of Title for the RSLWA Club and the Central Law Courts building. The applicant has confirmed that compliance with City Planning Scheme No. 2 (CPS2) development standards in terms of plot ratio and car parking will be achieved on the proposed new lots without the requirement for the creation of a special control area.

## Details:

Approval is being sought to demolish the existing ANZAC House building and to construct a 10-level mixed-use building for the RSLWA Club and Offices.

The new building has been designed to represent the RSLWA as an organisation as well as giving reference to the earlier Art Deco building of 1934 that was on the site in an abstract way. The building seeks to capitalise on the views across to the Government House gardens to the Swan River by designing the building with large expanses of glass on the southern elevation wrapping around to the side elevations and stepping the building back above the tree line along St Georges Terrace and to the sides, allowing the northern areas of office space to take advantage of the diagonal views. The office tenancies from levels 4 to 6 have also been designed to take advantage of the views across to the gardens and river with large balconies/deck areas fronting onto St Georges Terrace.

Details of the proposed development are as follows:

<b>Basement Level</b>	This level will contain 13 car parking bays including one universal access bay, 4 motorcycle bays, three store rooms, pump room, stormwater tanks, transformer and switch room.
<b>Ground Floor Level</b>	This level will contain a café/restaurant located on the corner of St Georges Terrace and Irwin Street with an associated alfresco area on Irwin Street, an office or additional café/restaurant on St Georges Terrace, a bicycle storage facility containing 15 bicycle bays, an end of trip facility containing 2 male and 2 female showers, an entrance lobby and a concierge desk. The vehicle entrance to the basement carpark will be provided at this level from Irwin Street. The western end of the site will include a private courtyard and display space.
<b>First Floor Level</b>	This level will contain function and pre-function space (395m <sup>2</sup> ), kitchen (72m <sup>2</sup> ) and male and female toilet facilities.
<b>Second and Third</b>	This level will contain three commercial office tenancies (176m <sup>2</sup> ,

<b>Floor Level</b>	165m <sup>2</sup> and 176m <sup>2</sup> ) and male and female toilet facilities.
<b>Fourth Floor Level</b>	This level will contain an office (405m <sup>2</sup> ) for organisations which are allied to the RSLWA and male and female toilet facilities.
<b>Fifth Floor Level</b>	This level will contain an office (286m <sup>2</sup> ) for administrative functions of the RSLWA and an outdoor deck (124m <sup>2</sup> ) and male and female toilet facilities.
<b>Sixth Floor Level</b>	This level will contain an office (170m <sup>2</sup> ) set aside for executive functions of the RSLWA and an outdoor deck of 143m <sup>2</sup> and male and female toilet facilities.
<b>Seventh Floor Level</b>	This level will contain the mechanical plant room (95m <sup>2</sup> ).
<b>Eighth Floor Level</b>	This level will contain the lift motor room (44m <sup>2</sup> ).

### Compliance with Planning Scheme:

#### Land Use

The subject site is located in the City Centre Use Area of the Civic Precinct 7 under CPS2. The Civic Precinct will maintain its present functions as the focal point of the city's open space and parkland system, an area of heritage interest and the principal centre for civic and judicial activities.

The development includes a mixture of uses including function, administration and office space for the RSLWA Club ('Entertainment' and 'Offices'), commercial office space ('Offices') and a café/restaurant ('Dining') at the ground floor level. Both 'Entertainment' and 'Office' uses are preferred uses ('P') in the Civic Precinct. 'Dining' is also preferred uses ('P') in the Civic Precinct however is contemplated ('C') where it fronts St Georges Terrace. It is considered that the proposed uses are consistent with the statement of intent for the Civic Precinct and will provide for pedestrian interest and activity at the ground floor level.

#### Development Requirements

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

<b>Development Standard</b>	<b>Proposed</b>	<b>Permitted / Required</b>
<b>Maximum Plot Ratio:</b>	3.5: 1.0 (14,215m <sup>2</sup> ) (inclusive of the Central Law Courts Building)	5.0: 1.0 (20,305m <sup>2</sup> )
<b>Building Height:</b> <u>St Georges Terrace</u>	16.2 at street frontage with building stepping back from the street from level 5 and above up to a total height of 33.6 metres	Maximum street building height of 21 metres with a 5 metre setback up to a height of 65 metres and a 10 metre setback above this up to a height of 100 metres
<u>Irwin Street</u>	<b>Varying height of 16.2 metres to 30.6 metres along street frontage</b> with eighth floor element setback 13.2 metres up to a total height of 33.6 metres	Maximum street building height of 14 metres with a 5 metre setback up to a height of 65 metres and a 10 metre setback above this

Development Standard	Proposed	Permitted / Required
		up to a height of 100 metres
<b>Setbacks:</b> <u>Side (West)</u>		
Lower building level	3 metres – 5.8 metres (with openings)	Nil (no openings), 3 metres (with openings)
Upper building level	3 metres – 5.8 metres	3 metres
<u>Rear (North)</u>		
Lower building level	1.046 metres (no openings – future northern boundary)	Nil (no openings), 3 metres (with openings)
Upper building level	<b>1.046 metres (no openings – future northern boundary)</b>	3 metres
<b>Car Parking:</b>		
- Central Law Courts building	32 bays (including one universal access bay and three service bays)	81 bays (maximum across site)
- RSLWA building	13 bays (including one universal access bay)	
<b>Bicycle Parking:</b>		
- Bicycle Bays	15 bays	6 bays
- End of Journey Facilities	Two male and two female shower and change facilities	

In accordance with the provisions of Clause 47 of the CPS2:

*“(3) The Council cannot grant planning approval for a non-complying application unless -*

- (c) the Council is satisfied by an absolute majority that:-*
- (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.”*

### **Comments:**

### **Consultation**

As the application proposes a variation to the maximum street building height along Irwin Street specified under CPS2, the application was advertised for a period of 14 days expiring on 23 January 2017. No submissions were received during this period.

## Design Advisory Committee

At its meeting held on 8 December 2016, the City of Perth's Design Advisory Committee (DAC), considered the design of the proposed 10-level mixed-use development and advised that it:

- “1. *commends the architect for incorporating symbolism and historical references into the design and supports the recessive form of the building;*
2. *considers that the general design and aesthetic quality of the development would be strengthened through the use of consistent cladding materials across all upper floor levels;*
3. *considers that the separation between the proposed development and the Central Law Courts building is appropriate for a constrained site, noting the building is only nine storeys in height;*
4. *requests more detail in relation to how the car park access works, including the appearance of the bin store and servicing area at the rear of the proposed development;*
5. *notes that the design of the balustrade to the alfresco dining area adjacent to Irwin Street requires further resolution to enable a more successful integration with the street;*
6. *suggest that the fire booster cabinet be relocated to a less obtrusive position within the development, rather than accentuating the bulk of the cabinet on the adjoining property; and*
7. *requests additional details of the design and finishes for the western courtyard and display space.”*

In response to the above issues raised by the DAC, the applicant has prepared revised plans and submitted further information which will be discussed in further detail under the building design, materials and finishes section of this report.

## Building Height and Setbacks

The building is located on a corner site where there are different provisions in terms of the street frontage height and setback requirements. The overall building height is well below the maximum height requirement in this location (100 metres permitted, 33.6 metres proposed). The building envelope is also compliant with the street frontage height and setback requirements along St Georges Terrace. A variation however is sought to the maximum street frontage height along Irwin Street (14 metres) with the building varying in height from 16.2 metres to the south to 30.6 metres to the north as the building steps back from St Georges Terrace. The proposed street frontage height along Irwin Street is considered to meet the principles of the City's Building Heights and Setback Policy 4.4 in terms of providing for pedestrian scale, being respectful to the heights of buildings along the street and maximising sunlight penetration into the street and therefore should be supported. The recessive form of the building and the additional street frontage height is

also considered appropriate for its prominent corner location and is supported by the City's Design Advisory Committee.

With respect to the side and rear setbacks there are no variations sought in terms of the current site boundaries, however it is noted that the RSLWA club site is to be subdivided from the Central Law Courts site. This will result in a proposed variation to the future northern boundary (rear) whereby the upper building levels require a minimum 3 metre setback and a 1.046 metre setback is proposed. The applicant has confirmed that the setback to the northern boundary is acceptable to the owners of the site, noting the setback will permit sufficient light to reach the existing narrow slit windows of the Central Law Courts building to the north. The proposed new RSLWA club building will also be well under the maximum height limit in this location (100 metres permitted, 33.6 metres proposed) and therefore is considered to have an acceptable level of amenity impact on the adjacent Central Law Courts building, particularly given the constraints of the site and its inner city context. It is considered that the proposed variation to the future northern lot boundary can therefore be supporting in accordance with the City's Building Heights and Setbacks Policy 4.4 and clause 47 of CPS2.

### **Building Design, Materials and Finishes**

At its meeting held on 8 December 2016 the City's DAC suggested that general design and aesthetic quality of the development could be strengthened through the use of consistent cladding materials across the upper floor levels. In response the applicant has amended the frames surrounding the coloured sun screen louvres along the eastern elevation from white to the same finish as the remaining portion of the solid façade (Alpolic cladding in Silver Grey or similar). The City's officers also suggested the applicant investigate a cladding colour which picks up on the yellow tones of the Central Law Courts building behind and historic building on the site. The applicant advised that investigations of a champagne finish were contemplated but it was not considered that this would provide an appropriate backdrop for the feature colours of the louvres on Irwin Street. It is considered that the applicant has satisfactorily addressed and investigated the issues raised regarding the proposed colour scheme of the exterior cladding. Notwithstanding the above, any approval should require the submission of final details of the high quality materials and finishes as a condition.

Some concern was also expressed regarding the screening to the alfresco dining area on the corner of Irwin Street and St Georges Terrace in terms of its solid appearance and improving its relationship with the street. In response the applicant has amended the plans by removing the solid wall and glazing and replacing it with a glazed wall on the corner of Irwin Street and St Georges Terrace (where there are wind impacts to ameliorate) and a railing along the rest of the frontage along Irwin Street. The amended design is considered to address the concerns raised by the City's Design Advisory Committee and officers in terms of improving the interface of the alfresco dining area with the street and therefore should be supported.

The City's Design Advisory Committee and officers also recommended relocating the fire booster cabinet from the St Georges Terrace frontage to a less obtrusive position, rather than accentuating the bulk of the cabinet on the adjacent development. In response to this concern the applicant has relocated the fire booster cabinet to the northern east corner of the site facing onto Irwin Street. The fire booster cabinet will be integrated into the louvered panel at street level in a vertical format. The new location of the fire booster cabinet and its integration into the louvered screen is considered to satisfactorily address the City's Design Advisory and officer's concerns regarding its position and design.

Notwithstanding the above any approval should be subject to final details of the location and screening of services as a condition of any approval.

Further details were requested by the City's Design Advisory Committee and officers in relation to the car park access as well as the appearance of the bin storage and servicing area. In response to this request the applicant has provided additional details of the design of the bin storage and loading dock area. The loading area will contain two service delivery bays which will be screened behind two lift panel doors. The bin storage and wash down area will be located to the west of the loading dock area and will be screened from view of the street via the use of sliding gates as well as the panel lift doors. The finish and treatment to the entrance of the car park in front of the doors, including the screening of services, will also be important in terms of how this entrance presents to the street. Final details of the finishes to the car park entrance should be required as a condition of any approval. A preliminary waste management plan has been reviewed by the City's Waste and Cleansing team however a final detailed waste management plan should also be required as a condition of any approval.

The City's Design Advisory Committee and officers also requested the applicant provide additional details of the design and finishes of the western courtyard and display area. In response to this request the applicant has provided further details of the western courtyard area however advises that it is not yet known what will be displayed in the courtyard area and its configuration. The applicant advises that the space will be well lit at night to deter anti-social behaviour. In principle this is supported however it is recommended that final details of the design and treatment of the western forecourt and display space and the security measures be required as a condition of any approval prior to its installation.

## **Heritage**

The existing RSLWA building (ANZAC House) does not have any formal listing under the State Register of Heritage Places or on the City's Register of Places of Cultural Heritage Significance. The place however is listed on the State Heritage Office Assessment Program and therefore was referred to the State Heritage Office for comments. The State Heritage Office has requested the applicant prepare an interpretation strategy and an archival record of the place. The State Heritage Office has also recommended the applicant engage an historical archaeologist to prepare an archaeological management strategy to inform demolition and redevelopment works at the site. The applicant has agreed to this request and has engaged a heritage architect to assist in the preparation of these plans. The submission of an interpretation strategy, archival record and archaeological management strategy should be required as a condition of any approval prior to any demolition works taking place.

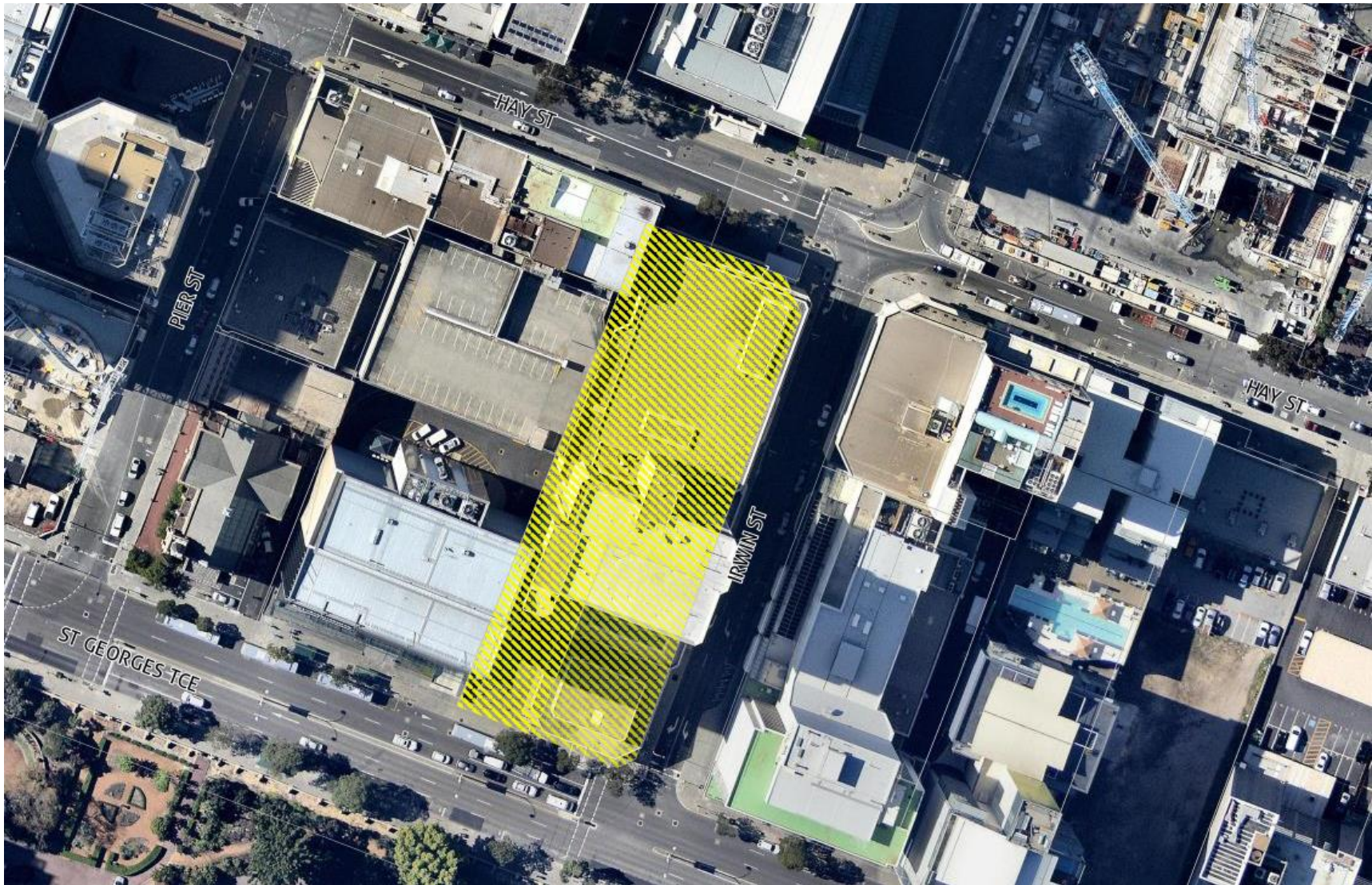
## **Conclusion**

The proposed redevelopment of the ANZAC House building with a new 10-level mixed-used building to accommodate the RSLWA Club and Offices, commercial offices and dining tenancies is considered to be in keeping with the character of the Civic Precinct. The incorporation of symbolism and historical references into the design is commended and the building is considered to present well in terms of the existing streetscape. The variations sought in terms of the maximum street frontage height along Irwin Street and the setback to the future northern boundary are both minor in nature and do not raise any undue adverse amenity impacts and can be supported in accordance with the City's Building Heights and Setbacks Policy and clause 47 of CPS2.



In relation to the issues raised by the City's Design Advisory Committee and officers including the consistency of cladding, the screening to the alfresco dining area, the fire booster cabinet location and the additional details in terms of the loading and bin storage area and western forecourt design, these matters are considered to have been satisfactorily addressed or can be resolved through conditions of approval.

Based on the above it is recommended that the application for a 10-level mixed-use development for the RSLWA Club and offices, commercial offices and dining tenancies should be approved subject to relevant conditions.



**2016/5473 - 28 (LOT 743) ST GEORGES TERRACE AND 501 (LOTS 653 AND 744) HAY STREET, PERTH**



**2016/5473 - 28 (LOT 743) ST GEORGES TERRACE AND 501 (LOTS 653 AND 744) HAY STREET, PERTH**



**2016/5473 - 28 (LOT 743) ST GEORGES TERRACE AND 501 (LOTS 653 AND 744) HAY STREET, PERTH**



**2016/5473 - 28 (LOT 743) ST GEORGES TERRACE AND 501 (LOTS 653 AND 744) HAY STREET, PERTH**



**2016/5473 - 28 (LOT 743) ST GEORGES TERRACE AND 501 (LOTS 653 AND 744) HAY STREET, PERTH**

Agenda Item 8.4	<b>18 (Lot E105) Wickham Street, East Perth – Proposed Seven Storey Mixed-Use Development Comprising 27 Multiple Dwellings, One Office Tenancy and 29 Car Parking Bays</b>
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**Recommendation:**

***That, in accordance with the provisions of City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes and the Metropolitan Region Scheme, Council APPROVES BY AN ABSOLUTE MAJORITY the application for demolition of the existing single storey building and the construction of a seven storey mixed-use development comprising 27 multiple dwellings, one office tenancy and 29 car parking bays at 18 (Lot E105) Wickham Street, East Perth, as detailed on the Metropolitan Region Scheme Form One dated 11 October 2016, and as shown on the plans received 20 October 2016 and 19 December 2016 subject to:***

- 1. final details of the design and a sample board of the high quality and durable materials, colours and finishes for the proposed building being submitted for approval by the City prior to applying for a building permit;***
- 2. air conditioner condensers and any proposed external building plant, lift overruns, piping, ducting, water tanks, transformers, and fire booster cabinets shall be located so as to minimise any visual and noise impact on the occupants of adjacent properties 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 and specifically effective screening of air-conditioning on balconies being submitted for approval by the City prior to applying for a building permit;***
- 3. 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 either the City or by private contractors, being submitted for approval by the City prior to applying for a building permit;***
- 4. the proposed floor levels of the pedestrian and vehicle entrances to the building being designed to match the current levels of the immediately adjacent footpaths, to the City's satisfaction;***
- 5. on-site stormwater disposal/management being to the City's specifications with details being submitted to the City for approval prior to applying for a building permit;***

**(Cont'd)**

6. ***the two tenant car parking bays provided on site being for the exclusive use of the tenants or occupants of the commercial tenancies within the development and not being leased or otherwise reserved for use of the tenants or occupants of other buildings or sites;***
7. ***a minimum of 27 residential car bays being provided on site, with a minimum of one residential car bay being allocated to each multiple dwelling within the development and with all on-site residential car bays being for the exclusive use of the residents of the development or their visitors;***
8. ***the dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS2890.1, ensuring that vehicles can enter and exit the building in forward gear;***
9. ***a minimum of one secure bicycle parking bay being provided for the commercial tenancies within the development in accordance with the requirements of the City Planning Scheme No. 2 Policy 5.3 Bicycle Parking and End of Journey Facilities;***
10. ***any signage for the development being integrated with the design of the building with any signs not exempt under Policy 4.6 Signs being subject to a separate application for approval by the City; and***
11. ***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:***
  - 11.1 ***the delivery of materials and equipment to the site;***
  - 11.2 ***the storage of materials and equipment on the site;***
  - 11.3 ***the parking arrangements for the contractors and subcontractors;***
  - 11.4 ***any dewatering of the site;***
  - 11.5 ***other matters likely to impact on the surrounding properties; and***
  - 11.6 ***construction of the crossover and any impacts on City infrastructure and street trees.***

FILE REFERENCE:	2016/5421
SUBURB/LOCATION:	18 Wickham Street, East Perth
REPORTING UNIT:	Development Approvals Unit
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	20 January 2017
ATTACHMENT/S:	Attachment 8.4A - Site Plan Attachment 8.4B - Perspectives
3D MODEL PRESENTATION:	Yes
LANDOWNER:	Crescent Bay Pty Ltd
APPLICANT:	Masterplan WA
ZONING:	(MRS Zone) Urban Zone (City Planning Scheme No. 26 Precinct) Royal Street Central (EP3)
APPROXIMATE COST:	\$6.8 million



**Legislation / Strategic Plan / Policy:****Legislation**

*Planning and Development Act 2005 s. 162*  
 City Planning Scheme No. 2 (CPS2)  
 Local Planning Scheme No. 26 (LPS26)  
 Metropolitan Region Scheme

**Policy**

Policy No and Name:

East Perth Planning Policies and Design Guidelines  
 City Development Design Guidelines (4.1)  
 Building Heights and Setbacks (4.4)  
 Plot Ratio (4.5)  
 Parking Policy (5.1)  
 Bicycle Parking and End of Journey Facilities (5.3)

**Purpose and Background:**

The 607m<sup>2</sup> subject site is located on the northern side of Wickham Street, approximately 80 metres west of the intersection of Wickham Street and Plain Street in East Perth. The site is currently occupied by a single storey office building with at-grade car parking to the rear of the site.

**Details:**

Approval is sought to demolish the existing single storey building on the site and construct a seven storey mixed-use development consisting of one ground floor commercial tenancy and 27 residential apartments.

Details of the proposed development are as follows:

<b>Basement Floor Level</b>	This level consists of 19 car parking bays in total, 9 of which are accommodated in a car stacker system, a lift and lift lobby, bicycle parking and residential store rooms.
<b>Ground Floor Level</b>	This level includes a 33m <sup>2</sup> commercial tenancy, lobby, a lift and stairs, 10 car parking bays, store rooms, bin stores and landscaping planter boxes.
<b>First Floor Level</b>	This level contains five single bedroom apartments ranging in size from 41m <sup>2</sup> to 42m <sup>2</sup> , each with a balcony. This level also has a communal gym fronting Wickham Street.
<b>Second and Third Floor Levels</b>	These levels contain one single bedroom apartment and three, two bedroom apartments ranging in size from 60m <sup>2</sup> to 63m <sup>2</sup> , a lift, stair access and lobby area.
<b>Fourth and Fifth Floor Levels</b>	These levels each contain one single bedroom apartment of 41m <sup>2</sup> and three, two bedroom apartments ranging from 60m <sup>2</sup> to 63m <sup>2</sup> including lift and stair access and lobby.
<b>Sixth Floor Level</b>	This level consists of one single bedroom apartment of 41m <sup>2</sup> , and three, two bedroom apartments ranging from 60m <sup>2</sup> to 63m <sup>2</sup> with a lift, stair access and lobby.
<b>Seventh Floor Level</b>	This level consists of two, three bedroom apartments of 73m <sup>2</sup> and 77m <sup>2</sup> with lift and stair access, lobby and store rooms and large balcony areas.

## Compliance with Planning Scheme:

### Land Use

The subject site is located within the East Perth Precinct No. 15 (P15) under the City Planning Scheme No. 2 (CPS2) and is subject to Local Planning Scheme No. 26 (LPS26). The subject property falls within Precinct 3 – ‘Royal Street Central’ of LPS 26 and is subject to the Plain Street Design Guidelines. The precinct is the main focus for shopping and commercial activity whilst also supporting mixed-use development.

‘Residential’ and ‘Commercial’ uses are both preferred (‘P’) within the Royal Street Central Precinct of LPS26.

### Development Requirements

The proposal’s compliance with the City Planning Scheme and LPS26 development requirements is summarised below for the site:

<b>Development Standard</b>	<b>Proposed</b>	<b>Required</b>
<b>Maximum Plot Ratio (LPS No. 26)</b>	2.5:1 (1,517m <sup>2</sup> )	2.5:1 (1,517m <sup>2</sup> )
<b>Building Height:</b>	<b>26.5 metres</b>	14 metres (maximum)
<b>Car Parking:</b>		
-Commercial tenant	2 bays	12 bays (maximum)
-Residential bays	27 bays	27 bays (minimum) 54 bays (maximum)
<b>Bicycle Parking</b>	9 bays	9 bays (minimum)
<b>Setbacks:</b>		
Front (Wickham Street)	Nil to 6 metres	Nil – 3 metres
Side (West)		
- Basement – 1 <sup>st</sup> Floor Level	Nil	Nil permitted
- 2 <sup>nd</sup> to 6th Floor Levels	Nil to balconies, 3 metres to building	Nil permitted
- 7 <sup>th</sup> Floor Level	Nil	Nil permitted
R Codes (walls with major openings)	<b>3 metres</b>	5 metres
Side (East)		
- Basement – 1 <sup>st</sup> Floor Level	Nil	Nil permitted
	Nil	Nil permitted
	Nil	Nil permitted

<b>Development Standard</b>	<b>Proposed</b>	<b>Required</b>
- 2 <sup>nd</sup> to 6 <sup>th</sup> Floor Levels		Nil permitted
- 7 <sup>th</sup> Floor Level	Nil	Nil permitted
Rear (North)	2 metres (to balconies)	Nil permitted
	2 metres (to balconies)	Nil permitted
- Basement - 1 <sup>st</sup> Floor Level		
- 2 <sup>nd</sup> to 6 <sup>th</sup> Floor Levels		
- 7 <sup>th</sup> Floor Level	<b>4 metres</b>	6.6 metres
R Codes (walls with major openings):	<b>4.4 metres</b>	7.2 metres
- First floor level	<b>4.4 metres</b>	7.2 metres
- Second, third, fourth and fifth floor levels	<b>3.8 metres</b>	7.2 metres
- Sixth floor level		
- Seventh floor level		

In accordance with the provisions of Clause 47 of CPS2:

“(3) The Council cannot grant planning approval for a non-complying application unless:

- (c) The Council is satisfied by an absolute majority that:
- (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.”

### **Comments:**

#### **Consultation**

As a variation to the building height and R Codes setback provisions are proposed the application was referred to adjoining landowners for comment for a period of 14 days. No submissions were received.

#### **Design Advisory Committee**

The Design Advisory Committee considered the proposed development at its meeting held on 17 November 2016 and made the following recommendations:

- “1. does not support the proposed height variation on the grounds that there is insufficient planning justification for the extent of the variation and an apparent lack of benefit for the streetscape, for adjacent developments and in terms of the amenity of future occupants of the proposed development;*
- 2. considers that the ground floor frontage requires redesigning to address the depth of the recessed entry to the apartment lobby and the location and treatment of the vehicle entry/exit and the bin store in terms of their impact on the streetscape;*
- 3. requests additional information on the proposed building materials and building services (particularly air conditioning systems) to provide an assurance of building quality;*
- 4. considers that solar protection for the windows on the western elevation should be reviewed.”*

The applicant has provided further justification in response to the comments of the DAC as well as modifying the design to address the requested amendments to the building design. Further justification for the proposed building height variation will be discussed later in this report.

In response to Item 2, the depth of the recessed area has been reduced to 1.5 metres from the lot boundary, which is now compliant with the setback provisions of the Plain Street Design Guidelines. The bin stores have also been relocated to the upper car parking level to the rear of the lift to enable the frontage of the ground floor commercial tenancy to be increased. The proposed vehicle entrance has been retained to utilise the existing crossover and avoid removing the existing established street trees.

In response to Item 3, the applicant has advised that the building will be constructed of high quality materials and will include alucabond composite aluminium cladding to the entry canopy at street level, stone cladding to the return walls to the apartment entrance, glass balustrades to all balconies, aluminium vertical fins to match the balcony fins and to provide shading to the large windows on the western elevations and a timber soffit lining to the top floor balcony roof. All the air conditioning units will be located on the balconies or on the roof tops and will be screened from public view. The applicant has also advised that where air conditioners are located on balconies, the units will be orientated so that air will not blow across usable balcony space.

In response to Item 4, all large window openings to the western elevation will be provided with vertical louvers consistent with other elements on the building and to provide sun shading to these windows. The small, high level window openings will remain as originally proposed as it is accepted that they provide natural light to non-habitable areas within the residential apartments including the bathrooms, laundries and hallway areas.

### **Building Height**

The proposed development exceeds the permitted building height requirement as prescribed under the Plain Street Design Guidelines. The Guidelines permit a maximum building height of 14 metres and the development proposes a total building height of 26.5 metres.

The Design Advisory Committee did not support the proposed height variation, stating that insufficient justification for the proposed variation had been given. The applicant has since provided further written justification for the proposed height variation stating that the subject site is within a small portion of Wickham Street that has been returned to the City as

part of the Metropolitan Redevelopment Authority's normalised redevelopment of the area. Three lots directly opposite the subject site currently still remain under the jurisdiction of the Metropolitan Redevelopment Authority (MRA) whilst the western portion of Wickham Street approximately 20 metres from the subject site fall within the Goderich Precinct of CPS2.

The Plain Street design guidelines permit a maximum height limit of 14 metres, whilst the Goderich Design Policy permits a maximum street building height of 29 metres and no prescribed building height limit. There are a total of four sites which front Wickham Street within the Plain Street Design Guidelines, with an approved development at 16 Wickham Street currently being under construction with a building height of 21 metres plus a three metre height roof terrace. The two other sites within the Plain Street design guideline area have not been redeveloped. In context, these are the only four sites in a short street with 33 sites, the majority of which are subject to the Goderich Design Policy, under City Planning Scheme No. 2, which permits a maximum height street building height of 29 metres and has no prescribed building height limit.

The MRA being the planning authority for the sites located directly south, approved an eight storey development at 17 Wickham Street at 23 metres in height as well as a nine storey development at the adjoining 19 Wickham Street.

The subject development has been designed with a side and rear setback to allow natural light into the building. The applicant has advised that the provision of these setbacks has meant that the building height has increased to accommodate the permitted maximum floor area. Although the proposal has a building height of 26.5 metres, the seventh floor of the building has been setback 3.8 metres from the front boundary in order to reduce the overall height impact of the building from the street.

Overshadow diagrams have been prepared for the development which demonstrates that the proposal will not overshadow the adjoining properties to the south which is consistent with the maximum building height principles of the City's Building Height and Setbacks Policy 4.4.

The additional building height is not considered to adversely affect the adjoining sites in terms of privacy or overshadowing and is acceptable and consistent with the future development of Wickham Street and therefore it is considered that the proposed variation to the building height can be supported in accordance with Clause 47 of the CPS2.

### **R Codes Setbacks**

The proposed development complies with the setback requirements of the Plain Street Design Guidelines, however, for side and rear setbacks the R Codes apply for walls with openings. The R Codes setbacks are calculated based on the length and height of a wall with an opening. The proposed development does not comply with the minimum R Codes setbacks on the western side and northern rear lot boundaries. In accordance with the R Codes, a minimum setback of 5 metres is required from the western lot boundary. The development proposes a 3 metre setback to the western façade which includes openings to bedroom and bathroom windows. Sun shading devices have been added to all western facing windows to reduce the impact of afternoon sun and will also serve to mitigate any potential privacy and overlooking issues.

On the northern lot boundary, the R Codes require a minimum of 6.6 metre setback ranging to a 7.2 metre setback for upper levels. The development proposes a four metre setback to the first floor balcony and a 4.4 metre setback to the sixth floor balcony on the northern side. The application of the R Codes provisions to the setback of walls with openings is considered rather onerous given the inner city location of the site.

The proposed three metre setback to the western façade and four metre setback to the north facing balconies is considered consistent with the requirements of the City's Building Heights and Setback Policy under CPS 2. Any new development adjoining the site would be required to have similar setback requirement to any major openings. A four metre setback to the northern facing balconies is considered an appropriate setback within this inner city environment and therefore it is recommended that the proposed variations to the R Codes be supported.

### **Building Design, Materials and Finishes**

The building design has been further refined in response the comments made by the DAC, resulting in the removal of the bin store area from the front façade, an increase in the width of the ground floor commercial tenancy, the reduction in the distance of the apartment entrance doors from the street and the provision of sun shading devices to the larger west facing windows of the building. The applicant has provided further details of the proposed quality of materials and finishes for the building which are considered appropriate for a building of this scale. Further details of the final materials and finishes proposed should be required as a condition of any approval.

### **Conclusion**

The proposed mixed-use development is generally consistent with the Design Guidelines for Plain Street under CPS 2 with the exception of the building height and the R Code requirements for side and rear setbacks for walls with openings. The applicant has provided additional justification for the proposed height variation demonstrating that the proposed building height will be consistent with the building height provisions applicable to the majority of sites on Wickham Street.

It is considered that the design and form of the development will not have any undue adverse impacts on the local amenity or to the streetscape. The proposed building height variation and development can therefore be supported in accordance with clause 47 of CPS2.

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



**2016/5421 18 (LOT E105) WICKHAM STREET, EAST PERTH**



**2016/5421 18 (LOT E105) WICKHAM STREET, EAST PERTH**



Agenda Item 8.5      **75 and 93 (Lots 21 and 30) William Street, Perth – Proposed Single Storey Structure for use as a Coffee Kiosk ('Mixed Commercial') and Associated Signage**

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**Recommendation:**

***That in accordance with the City Planning Scheme No. 2 and the Metropolitan Region Scheme, Council APPROVES the proposed single storey structure for use as a coffee kiosk ('Mixed Commercial' use) and associated signage at 75 and 93 (Lots 21 and 30) William Street, Perth as detailed on the application form dated 1 September 2015 and as shown on the plans received on 30 November 2016 and 20 January 2017 subject to:***

- 1. final details of the design, external materials and finishes for the structure/building, including a sample board demonstrating the use of high quality, robust materials, being submitted for approval by the City prior to applying for the a building permit;***
- 2. any proposed external building plant, piping, ducting and air condensers shall be located so as to minimise any visual and noise impact on the adjacent developments and being screened from view, with details of the location and screening of such plant and services being submitted for approval by the City prior to the applying for a building permit;***
- 3. should either lot be sold in to separate ownership the kiosk is to be removed prior to settlement, with relevant permits being obtained from the City and the site being reinstated to the satisfaction of the City;***
- 4. 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 for approval by the City prior to applying for a building permit;***
- 5. a management plan addressing servicing and delivery of goods to the coffee kiosk being submitted for approval by the City prior to applying for a building permit;***
- 6. all stormwater being contained on-site with details of the stormwater drainage being submitted to the City for approval prior to applying for a building permit;***
- 7. the proposed furniture for the alfresco seating area being of high quality with final details of the furniture being submitted for approval by the City prior to the installation of the outdoor furniture;***

***(Cont'd)***

8. ***all outdoor furniture being stored within the subject tenancy or to the City's satisfaction at close of business each day;***
9. ***a lighting plan for the development including details of how the architectural elements will be illuminated to provide an attractive building at night and ensuring the lighting meets the relevant standards and does not result in any nuisance in terms of light spill with details being submitted for approval by the City prior to applying for a building permit;***
10. ***the content of any signs to be restricted to advertising for the kiosk only to the City's satisfaction;***
11. ***the proposed synthetic turf being excluded from this approval, with final details of the treatment and any modifications to the dais being submitted for approval by the City prior to applying for a building permit;***
12. ***a maximum total of twenty patron seats being provided or alternatively details being provided to the City's satisfaction demonstrating an appropriate toilet location on site to service the kiosk; and***
13. ***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:***
  - 13.1 ***the delivery of materials and equipment to the site;***
  - 13.2 ***the storage of materials and equipment on the site;***
  - 13.3 ***the parking arrangements for the contractors and subcontractors; and***
  - 13.4 ***other matters likely to impact on the church and surrounding properties.***

FILE REFERENCE:	2015/5353
SUBURB/LOCATION:	75 and 93 William Street, Perth
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	24 January 2017
ATTACHMENT/S:	Attachment 8.5A – Map and Perspectives
LANDOWNER:	Uniting Church in Australia Property Trust WA
APPLICANT:	Michael Dryka Architects
ZONING:	(MRS Zone) Central City Area (City Planning Scheme Precinct) Citiplace (P5) (City Planning Scheme Use Area) City Centre Minor Town Planning Scheme No. 11: Wesley Trust
APPROXIMATE COST:	\$75,000

**Legislation / Strategic Plan / Policy:****Legislation**

*Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes) Regulations 2015*  
 City Planning Scheme No. 2  
 Town Planning Scheme 11 Wesley Trust

**Policy**

Policy No and Name: 4.1- City Development Design Guidelines  
 4.4 - Building Heights and Setbacks  
 4.8 - Pedestrian Walkways  
 4.10 - Heritage

**Purpose and Background:**

A previous design for the proposed coffee kiosk was considered by the Planning Committee at its meeting held on 17 November 2015. At this meeting the Planning Committee resolved to defer consideration of the kiosk to enable the City's officers to undertake further consultation with the applicant and developers to endeavour to address the following concerns of the Planning Committee:

- "1. the adverse impact of the proposed development on the heritage significance of the Wesley Church;*
- 2. safety concerns with regard to the proposed development obstructing sightlines including obstructing CCTV sightlines into the walkway;*
- 3. that alternative means of development be explored that result in the same objective of activation."*

The site of the proposed development straddles both 75 (Lot 21) and 93 (Lot 30) William Street within a walkway area between the heritage listed Wesley Church and the retail building forming part of the Wesley Centre to the north.

The subject sites form part of Minor Town Planning Scheme No 11 which is comprised of 772-776 Hay Street, and 75, 93, 95 and 97-107 Murray Street, Perth. Subject to Clause 3.2 of TPS 11, the Scheme area is permitted to be treated as one site in one occupancy, therefore permitting development to be located on any part of the Scheme Area. However, as per Clause 3.1, the floor area of any new development when combined with the floor area of all other buildings within the area must not exceed the maximum permissible plot ratio, including any bonus plot ratio that may be awarded for any development of the site.

A maximum plot ratio of 2.95:1 (20,597m<sup>2</sup>) was approved as a part of a conditional Development Approval, dated 19 December 2006, for the 'Wesley Trust Area', which is made up of the four subject sites.

**Details:**

The applicant seeks planning approval to construct a single storey coffee kiosk straddling 75 and 93 William Street, Perth. The kiosk will be used to sell coffee and associated small pre-prepared foods that will be predominantly taken away from the site to be consumed. There is proposed to be 10 seats for patrons provided within the kiosk and additional alfresco seating to the dais abutting next to the Church.

The kiosk will be constructed of transparent steel framed glass and plywood with a glass skillion roof. The kiosk will be located between the Wesley Church to the south and the Wesley Centre to the north. The intention of the proposal is to encourage an increase to pedestrian traffic through the area and activate the space.

The kiosk is proposed to have doors to a portion of the north and south facing facades which will pivot open to allow direct access from the footpath and dais into the dining space. The western facing wall of the kiosk will fold upwards to allow a seamless flow of patrons into the kiosk.

Two bollards displaying the name of the kiosk are proposed to the northern side of the kiosk adjacent to the pivot doors to protect patrons and prevent any chance of them accidentally walking into the doors.

Siting of the new kiosk will require adjustments and alterations to the existing church dais and line of paving. New access, stairs and seating will be provided with new areas of paving matching granite pavers to suit the existing, creating a seamless transition between old and new.

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

#### **Land Use**

The subject property is located within the City Centre Use Area of the Citiplace Precinct (P5) under the City Planning Scheme No. 2. The Citiplace Precinct will be enhanced as the retail focus of the State offering a wide range of general and specialised retail uses as well as a mix of other uses such as residential and visitor accommodation, entertainment, commercial, medical, service industry and minor office. The area centred on Hay and Murray Street Malls will remain the retail and pedestrian core of the city.

The proposed coffee kiosk provides approximately 10 seats within the structure/building and as such is generally considered to be defined to be a 'Fast Food Outlet' under the City's Scheme which falls within the 'Mixed Commercial' use group. Under the Use Group Table for the Citiplace Precinct 'Mixed Commercial' is a contemplated ('C') use and hence can be considered for approval on the site.

#### **Development Requirements**

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

<b>Development Standard</b>	<b>Proposed</b>	<b>Permitted / Required</b>
Maximum Plot Ratio:	2.62:1.0 (20,622m <sup>2</sup> )	5.0:1.0 (39,280m <sup>2</sup> )
Maximum Building Height:	3.23 metres	Additional height above the Street Building Height (14 metres) within a 45° height plane measured from Hay Street.
Setbacks: Front (William Street):	<b>15 metres</b>	Nil (required)

Development Standard	Proposed	Permitted / Required
Rear (West)	18.9 metres	Nil No Openings and/or Balconies, 3 metres Lower Building Levels

**Comments:**

**Consultation**

No consultation was undertaken as part of the application as there are no CPS2 standards and provisions proposed to be modified apart for the required nil setback to William Street. The purpose of the required nil setback is to ensure that consistent shopfront area provided within the area. Given this, the adjacent heritage building is setback from the street and requiring a nil setback for the kiosk within the laneway would not result in consistent shopfronts and would likely create poor pedestrian visibility resulting safety issues. It is considered the variation will not have an adverse impact on the surrounding area.

Wesley Church on 75 William Street is permanently listed on the State Register of Heritage Places (ID 2003) and is also listed on the City's Register of Places of Cultural Heritage Significance. The application was referred to the State Heritage Office (SHO) which responded on the 3 January 2017 unconditionally supporting the proposal.

**Land Use**

It is considered that the proposed use will complement the existing retail and food and beverage outlets within the area. Whilst the use is defined as a fast food outlet it is not considered that the use would have the negative impacts some traditional fast food outlets typically have, including issues with waste and traffic. The use is also considered that the use will attract patrons into the area between Wesley Church and the Wesley Centre which will potentially have a beneficial impact on the retailers and amenity within this area.

**Building Height and Setbacks**

The application proposes to vary the required nil setback to William Street under the City's Building Heights and Setback Plan. This variation is not considered to have a negative impact on the streetscape of the area given the area acts as a pedestrian movement area with this development adding and improving activation. It is also considered that the increased setback will ensure that the views from the street to the church are not obscured.

Whilst the proposed structure will partially block sightlines to the walkway the largely transparent angled design of the structure and reduced width of 2.7 metres wide will still allow for sufficient surveillance of the walkway. The walkway will remain a minimum of 4.7 metres wide which will allow for unobscured pedestrian flow and maintenance of sightlines to the rear of the property from William Street.

The development also proposes to straddle the two lots (Lots 21 and 30) which effectively gives the development a nil side setback at both 75 and 93 William Street. Given that the setback affects only the lots being developed, and are lots within the same ownership, this is not considered to have a detrimental impact on the area. As the owners have no intention to amalgamate the lots it is considered necessary to impose a condition on any approval

granted requiring the kiosk to be removed in the event that either lot is sold into separate ownership.

### **Building Design, Materials and Finishes**

It is considered the design and materials of the proposed kiosk is of a high quality and is in keeping with the adjacent Wesley Quarter development. The kiosk is of a modest form, predominantly transparent and physically separated from the Church, and the minimalist contemporary architecture serves to contrast with the Church as conservation convention advocates, thereby highlighting the significant aesthetic and heritage values of the Church.

The applicant has advised the design of the pivot doors is intended to gradually slow down the adjacent foot traffic and subtly filter the patrons through the pod and onto the lawn area and vice versa. Solid pivot doors would significantly hamper the overall aesthetics, creating a perceived barrier between spaces and preventing the perceived structure from “disappearing” and becoming “open” in its entirety. Sliding or stacking would render a significant portion of the opening and pod unusable.

The roof of the kiosk is proposed to be constructed of tinted glazing which is intended to allow the patrons of the space and walkway an unobstructed view of the church. The glazing will require discrete tinting and fretting to comply with energy efficiency and to hide dirt and wear. The applicant has advised that cleaning and maintenance will be the sole responsibility of the proprietor who will arrange for the ongoing upkeep to be included in its management plan.

It is proposed that the kiosk will be lit by a series of up-lighting which will allow the kiosk to transform into a light sculpture during non-operational hours, adding to the overall aesthetics of the arcade. This lighting will also assist in the safety of the space. It is envisaged that the front portion of the kiosk facing William Street will be light in one colour with the rear portion of the kiosk being light in an alternate colour. The applicant has advised that lighting colours are to be determined by a lighting specialist and it is recommended a condition be imposed on any approval granted requiring the details of the lighting to be submitted and approved prior to the submission of a building permit.

### **Heritage**

The Planning Committee raised concerns regarding the original proposal’s potential adverse impact on the heritage significance of the Wesley Church. The proposed kiosk has been completely redesigned with the intent to create a simplistic modern building which does not impose or detract from Wesley Church.

A Heritage Impact Statement has been prepared by Heritage Consultant Laura Gray which outlines any impacts the development may have on the heritage significance of the place. The report states that the only perceived impact of the proposed kiosk upon Wesley Church would be aesthetic in that Wesley Arcade along the northeast side of the church will have an additional element within the arcade space.

Wesley Arcade is relatively obscure in the overall streetscape. The only streetscape views that will show the proposed kiosk are from a short distance in William Street almost directly opposite when looking directly into Wesley Arcade.

The proposed kiosk is modest in scale and form, with predominantly transparent materials. The materiality of the proposal is similar to the ground floor frontages of the multistorey Wesley Quarter that bounds the arcade along the northeast side, further minimising its presence against the significance of the very substantial masonry church building. As such it is considered that any perceived detrimental aesthetic impact of the proposed kiosk in Wesley Arcade is minimal at best.

An assessment has been undertaken under the City's Heritage Policy 4.10.

#### *4.10 Heritage*

The City's Heritage Policy (4.10) encourages the retention of character and values of heritage places. The City's policy also states that any new development adjacent to a heritage place, whether a Conservation Area or an individual listing, should respect its setting and curtilage. It is considered that the Wesley Church has a clear curtilage line where the raised platform is located. Whilst the proposal does partially impose on the heritage building it is considered that the setbacks between the buildings are sufficient to not have a detrimental impact on the heritage place.

The Policy also states that new works which can be reversed in the future is desirable, or where they cannot be reversed may be supported, provided the cultural significance of the place is not compromised. The new kiosk is generally lightweight and can be removed in the future without compromising the integrity of the heritage building

Under the Policy, new buildings on heritage sites are required to be assessed based on the following performance criteria:

*"New buildings in a Conservation Area should be of similar scale, proportions, setback and height to the heritage buildings in the locality."*

The building is smaller in size than the existing Wesley Church however this is considered to be beneficial as it does not impose on the existing heritage building and maintains sightlines to the building.

*"New buildings should be of contemporary design and not copies of existing significant buildings."*

The design of the new building substantially differs in architectural style to the existing building and does not attempt to mimic the building.

*"New design should respect existing heritage buildings and respond to their articulation and detail in areas such as dominant parapet lines, roof line, window configuration, door openings and awnings."*

It is considered that the proposed building respects the existing heritage building whilst not imitating any features of the building.

#### **Signage**

Two ground based signs are proposed to be located adjacent to the pivoting doors to the northern façade. These signs measure 1 metre in height, 0.2 metres in depth and 0.3 metres in width. The signs will display the name of the kiosk displayed by individually illuminated

letters attached to a pylon. Attached to the serving counter facing William Street it is proposed that an illuminated window sign showing the operator's name measuring 0.9 metres in width and height will be displayed.

The City's Sign Policy 4.6 states that signs within heritage areas should generally only be illuminated externally or utilise a 'halo' method of illumination. Internal illumination of under awning signs where the illumination only applies to the lettering or logo may be appropriate where it does not visually detract from the place on the Heritage List or the Heritage Area. It is considered that this form of illumination of the ground base sign and window signs are acceptable in this circumstance as it will not detract from the adjacent heritage building.

Internally to the kiosk directly above the serving counter the applicant proposes to install six television screens 0.63 metres in length and 0.27 metres in height (three facing east and three facing west) which will be utilised to display the menu for the kiosk. The applicant has advised that management of the digital menus will be solely with the proprietor, with the display and content being kept in a neat and tidy order. The digital menus have been discretely concealed within the kiosk to reduce their visual presence whilst still allowing the commercial running of the coffee kiosk.

The City's Signs policy states that variable content on a sign shall not be permitted on a place on the Heritage List with the possible exception of a window sign where it is a discrete, small sign ( $\leq 2\text{m}^2$  sign face) and it will not detract from the cultural heritage significance of the place or the Heritage Area. All six signs in aggregate measure  $1\text{m}^2$  in size and are discreet in size and given the location of the signs it is not considered the signs will have a detrimental impact on the adjacent heritage building. It is considered the signage can be supported subject to a condition requiring the content of the signs to be restricted to advertising for the kiosk only.

### **Alfresco Seating**

The applicant has advised that casual seating is intended to be introduced to the raised dais, creating an informal area for patrons of the kiosk. This will most likely manifest itself in the form of coloured bean bags however final details of this seating have not been confirmed at this stage. It is recommended a condition be imposed on any approval granted requiring final details of the alfresco furniture being submitted prior to installation with the furniture being of a high quality to the City's satisfaction.

The applicant has justified the alfresco seating stating that formal buildings such as a heritage listed churches often maintain a pastiche that the area directly surrounding them is generally untouchable and inaccessible, as is the case in Wesley Lane. The informal seating arrangement will provide a bridge between the hard-lined surface and persona of the church, with the relaxed and casual ideas around usable open space.

The applicant has advised that the operator of the kiosk will be solely responsible for the operation and maintenance of the casual seating. During operation hours, kiosk staff will place the seating removing them and housing them within the kiosk during non-operational hours. It is considered that the kiosk allows for sufficient room to accommodate this and this is an acceptable solution and should be imposed as a condition on any approval granted.



## **Treatment of Dais**

The applicant has proposed to install synthetic turf to the dais between the proposed kiosk and the Church. An attempt has been made to “soften” the open space and create a usable “destination” point for occupants of the space.

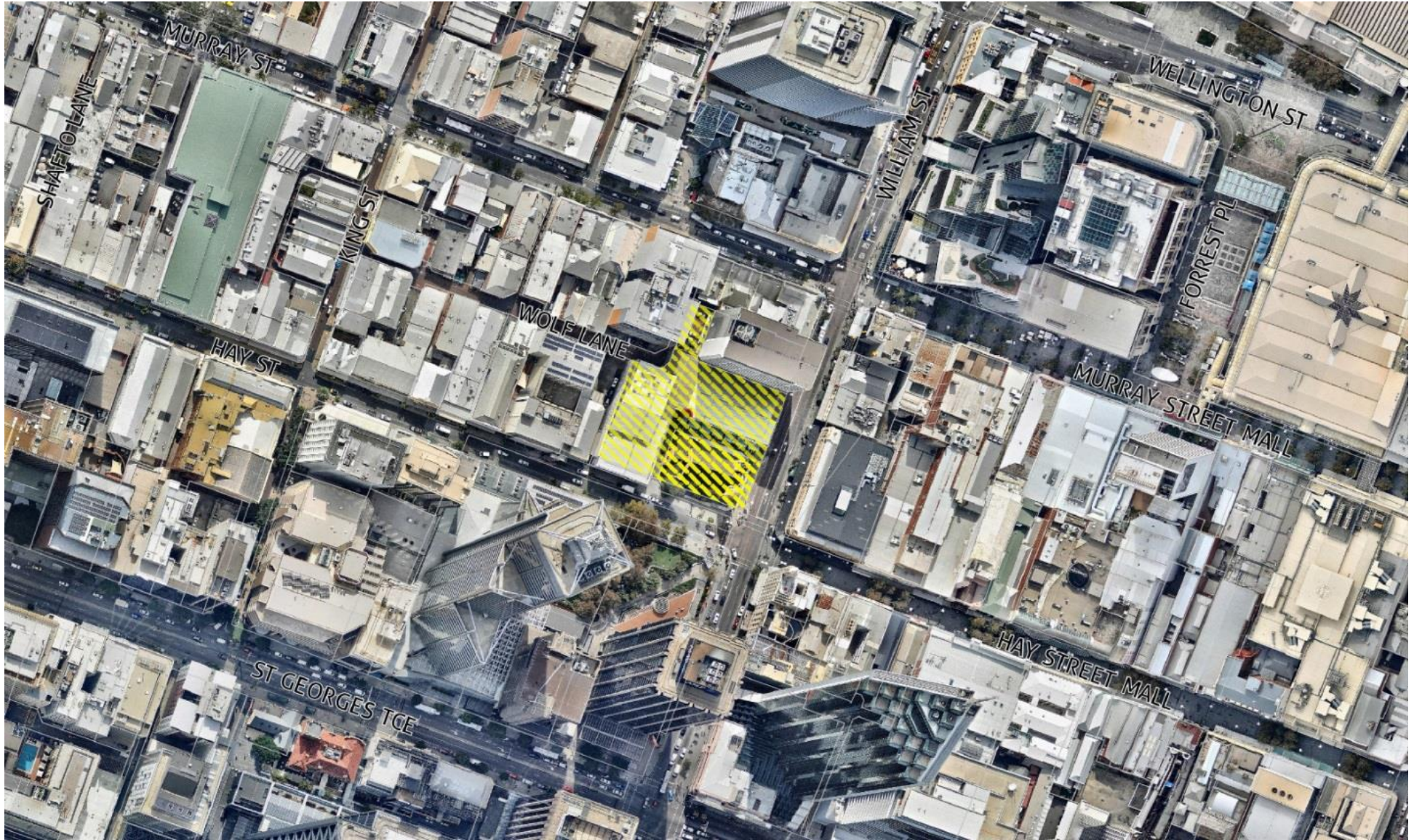
The applicant has advised that in their view the space contains a number of “hard edge” surfaces combined with a design that limits the opportunity for extending stays. By increasing the opportunity for people to inhabit the space for extended period of time will hopefully ingrain the idea that the space can be a destination for social integration rather than the shortest distance between two points.

The applicant has further advised that the use of a high quality synthetic turf largely stems from maintenance and management issues. Natural turf requires significantly more upkeep, with the potential to weather unfavourably, resulting in worn muddy areas which may compromise the church and laneway itself. The drainage of the natural turf may also enable water ingress into the existing church, which if prevented through waterproof membranes and barriers, would be a more intensive intervention for the existing church.

There are concerns regarding the use of artificial turf within the space as the turf has a tendency to become too hot to be used for alfresco dining, which defeats the purpose of installation. Concern is also raised regarding the quality of the turf and its appropriateness adjacent to the heritage building. It is considered the dais is suitable for use as an alfresco area however, the final details of the treatment of this space requires further consideration to determine an appropriate design. As such, it is recommended a condition be imposed on any approval granted requiring the synthetic turf to be excluded from the approval and final details of the treatment of the dais to be approved by the City prior to installation.

## **Conclusion**

The proposed coffee kiosk structure will be positioned between the Wesley Church and the Wesley Centre to assist in the activation of this space. As it is a minor structure it will not have any detrimental impact on the streetscape or the heritage significance of the subject site. The proposed signage is generally consistent with the requirements and intent of the CPS2, including Policy 4.6 – Signs, and is not considered to have a detrimental impact on the adjacent heritage building. Pursuant to Clause 47 of CPS2, the proposal is recommended for conditional approval.



2015/5353; 75 & 93 WILLIAM STREET, PERTH



**2015/5353; 75 & 93 WILLIAM STREET, PERTH**



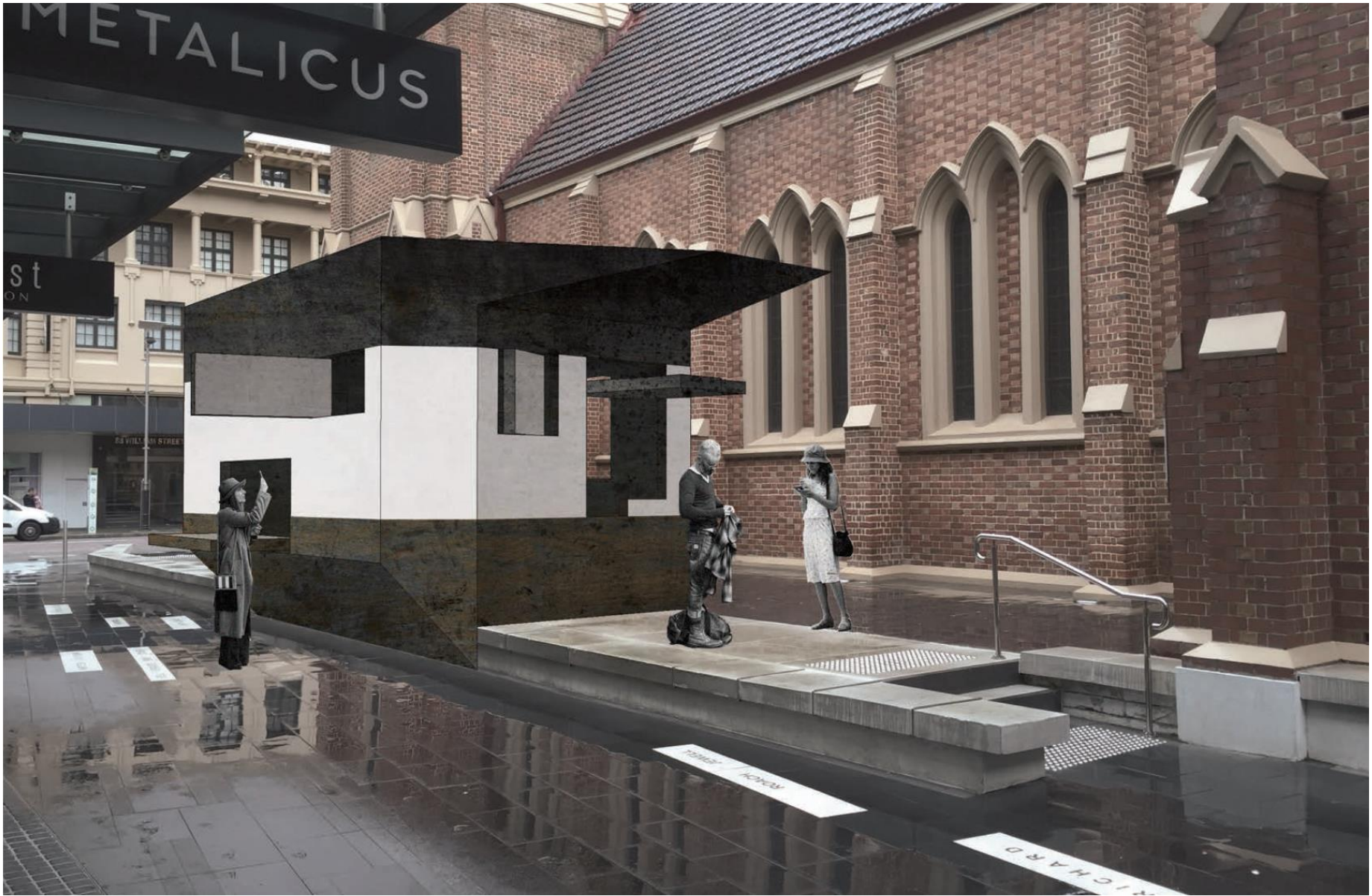
**2015/5353; 75 & 93 WILLIAM STREET, PERTH**



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**2015/5353; 75 & 93 WILLIAM STREET, PERTH**



2015/5353; 75 & 93 WILLIAM STREET, PERTH – PREVIOUS PERSPECTIVES



2015/5353; 75 & 93 WILLIAM STREET, PERTH – PREVIOUS PERSPECTIVES





**2015/5353; 75 & 93 WILLIAM STREET, PERTH – PREVIOUS PERSPECTIVES**



2015/5353; 75 & 93 WILLIAM STREET, PERTH – PREVIOUS PERSPECTIVES

Agenda Item 8.6	<b>76 (Lot 5) Wittenoom Street, East Perth – Request for approval as a donor site for additional transfer of Plot Ratio</b>
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**Recommendation:*****That:***

1. ***in accordance with Clause 34 of the City Planning Scheme No. 2 the Council REFUSES the request for further approval of transferable plot ratio from 76 (Lot 5) Wittenoom Street, East Perth to the City's Register of Transfer of Plot Ratio in accordance with the application for 'Transfer Plot Ratio – Donor Site Approval' received on 5 October 2016, for the following reasons:***
  - 1.1 ***the City has no discretion to increase the maximum plot ratio of the site above 1.5:1 to 2.5:1 in the absence of a development application proposing a development or 2.5:1 on Lot 5 with 50% of the plot ratio above 1.5:1 being for residential development;***
  - 1.2 ***under clause 34 of the Scheme the maximum plot ratio considered for any transfer of plot ratio refers to the plot ratio specified on the Plot Ratio Plan and the Plot Ratio Plan under City Planning Scheme No 2 does not specify any plot ratio for Lot 5; and***
  - 1.3 ***the City's Policy 4.5.2 Transfer of Plot ratio requires a minimum of 10% unused plot ratio shall be retained on the donor site and there is no planning justification that has been provided or exceptional circumstances applicable to the site to warrant any variation to the policy provision;***
2. ***the administration investigates modifications to the Scheme and relevant Policy to clarify and remove all doubt regarding the maximum transferable plot ratio and inclusion of normalised areas.***

FILE REFERENCE: 2016/5358  
SUBURB/LOCATION: 76 (Lot 5) Wittenoom Street, East Perth  
REPORTING UNIT: Development Approvals Unit  
RESPONSIBLE DIRECTORATE: Planning and Development  
DATE: 20 January 2017  
ATTACHMENT/S: Attachment 8.6A – Map and Perspectives  
3D MODEL PRESENTATION: N/A

LANDOWNER: Kella Nominees Pty Ltd  
APPLICANT: Kella Nominees Pty Ltd  
ZONING: (MRS Zone) Urban  
(City Planning Scheme Precinct) East Perth Precinct (P15)  
(Local Planning Scheme No. 26: East Perth Redevelopment Area) EP 4 – Silver City  
APPROXIMATE COST: Nil

**Legislation / Strategic Plan / Policy:****Legislation**

City Planning Scheme No. 2  
 Clause 34 Transfer of Plot Ratio

**Policy**

Policy No and Name: 4.5.2 Transfer Plot Ratio Policy

**Purpose and Background:**

At its meeting held on **12 July 2005** Council approved the transfer of 75% of the unutilised plot ratio floor area, equating to 3,054m<sup>2</sup>, from 76 (Lot 5) Wittenoom Street, East Perth (the former East Perth Primary School), with 500m<sup>2</sup> being transferred to 1 Walker Avenue and 7 Rheola Street, West Perth and the balance of the available plot ratio floor area (2,554m<sup>2</sup>) being recorded in the Transfer of Plot Ratio Register to be set aside ('banked') for future development proposal(s). A Heritage Agreement between the owner and the City of Perth was agreed to and signed by the relevant respective parties.

Council since then approved a number of development applications including the transfer of 'banked' plot ratio from 76 Wittenoom Street, East Perth.

At its meeting held on **24 November 2015** Council approved the further transfer of 15% of the unutilised plot ratio floor area, equating to 635m<sup>2</sup>, from 76 (Lot 5) Wittenoom Street, East Perth with it being recorded in the City's Transfer of Plot Ratio Register to be set aside ('banked') for future development proposal(s). A revised Heritage Agreement between the owner the State Heritage Office and the City of Perth was agreed to and signed by the relevant parties.

The 410m<sup>2</sup> (10%) of unutilised plot ratio floor area remaining on the subject site for use with any future development of the site is now the subject of the current application.

**Details:**

Details of the proposed development are as follows:

The applicant applies for approval under clause 34 of CPS2 for the transfer of all remaining plot ratio from 76 (Lot 5) Wittenoom Street, East Perth on the basis of the following:

1. *that under clause 34(2)(a) of CPS2 there is no need to retain an amount of unused plot ratio for future development or adaptation of Lot 5;*
2. *that under clause 4.5.3 of the City of Perth Local Planning Scheme No. 26 (LPS26), the plot ratio for Lot 5 is increased from 1.5 to a maximum of 2.5: and*
3. *that under clause 35(1)(b) of CPS2 the Register be amended to show the additionally approved transferable plot ratio pursuant to points 1 and 2 above as being available transferable plot ratio for Lot 5.'*

The applicant does not agree with the City's previous consideration of the maximum plot ratio for consideration of transfer calculations to be 1.5:1; and requests the City to consider the maximum to be 2.5:1 (by utilising discretion) and also to vary the Transfer Plot Ratio Policy requirement of 10% of unused plot ratio to be retained on site.

## **Compliance with Planning Scheme:**

The applicant justifies the application on the basis of advice provided by Borello Graham Lawyers. The City has, however, obtained its own legal advice and the details are discussed in the following sections:

### **Maximum Plot Ratio for consideration of transfer:**

The City has previously calculated the maximum transferable plot ratio on the site on the basis that the maximum plot ratio for the site is 1.5:1. The applicant's justification for calculating the potential transferable plot ratio by using a maximum plot ratio of 2.5:1 rather than 1.5:1, is on the basis that the maximum plot ratio for the site is 1.5:1, but the City has discretion to allow additional plot ratio up to a maximum plot ratio of 2.5:1 for development on the site subject to 50% of the additional plot ratio floor area being residential.

Under LPS 26 the provisions states *'Maximum plot ratio: 1.5. The plot ratio may be increased to a maximum of 2.5 provided that in any development having a plot ratio in excess of 1.5, not less than 50% of the excess relevant floor area shall be dedicated to residential use.'*

The clear purpose of the aforesaid is to provide a plot ratio incentive for developers on condition that 50% of any floor area in excess of that which equates to a plot ratio of 1.5 is used for residential purposes. It specifies a maximum plot ratio of 1.5, which is subject to a variation power. The maximum plot ratio must be complied with unless a variation is permitted. However, The City's discretion to increase the plot ratio from 1.5:1 to 2.5:1 only becomes available when there is an actual development proposal followed by development with a plot ratio in excess of 1.5 and the development satisfies the 50% residential use requirement for the additional floor area. Unless such a development proposal is before the City, the discretion to increase plot ratio is not available.

The City has obtained legal advice confirming this view that the maximum plot ratio should be considered to be 1.5:1 and not 2.5:1.

Therefore, based on the City's legal advice the City cannot consider allowing the transfer of unutilised plot ratio up to a plot ratio of 2.5:1 as it does not have the discretion and it is therefore advised that this aspect of the application cannot be supported.

A further aspect which prohibits the City's ability to approve any further transfer of plot ratio from 76 (Lot 5) Wittenoom Street East Perth is a requirement which was an amendment to CPS2 (Amendments 23 and 29) that was subsequent to the original approval of transfer of plot ratio, whereby, under clause 34(1)(b) a requirement for approval of the donor site is that it cannot be developed to the 'maximum plot ratio' specified in the Plot Ratio Plan. Referring to the definition of 'maximum plot ratio' it means 'the maximum plot ratio for development which is specified for a lot or part of a lot by the Plot Ratio Plan'. The maximum plot ratio for Lot 5 is specified in Local Planning Scheme 26 (LPS 26) and not on the Plot Ratio Plan. The City's legal advice is that there is substantial doubt regarding the application of clause 34 Transfer of Plot Ratio, to Lot 5 for which no maximum plot ratio is specified by the Plot Ratio Plan. The City's legal advice confirms that even though the Transfer of Plot has been approved previously when the Scheme provided for this before the amendment the current Scheme does not expressly provide the City with the power to amend the Plot Ratio Register in relation to the existing donor site. This matter is considered to be an oversight under Amendments 23 and 29, and it is recommended that this be rectified as soon as practicable.

**Plot ratio required to be retained on a heritage site:**

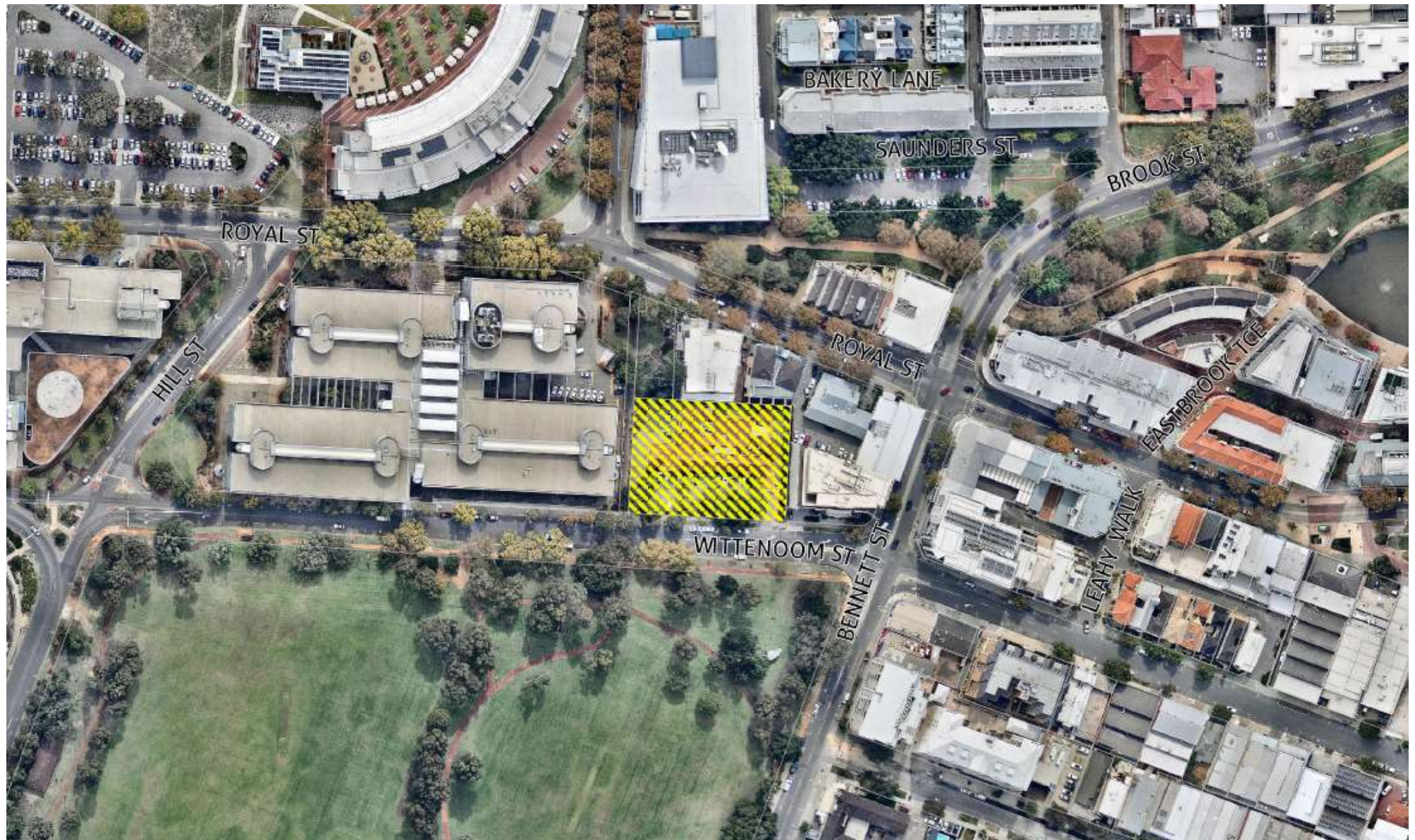
The proposal to not retain any unused plot ratio on Lot 5 rather than 10% as required under the policy is justified on the basis that all works to the building are restricted under the existing Heritage Agreement which will apply to current and future owners. The policy however provides for some plot ratio to be retained as the Heritage Agreement could potentially be modified in future by agreement with the various parties and also plot ratio could be modified purely by changing the use of certain parts of a building without requiring any building works noting that certain use areas of building may be included or excluded in terms of the 'plot ratio' and 'floor area of a building' definitions under CPS2.

On the basis that the existing Heritage Agreement can be modified by mutual agreement in future, and that the uses as defined in CPS2 within the existing building may be modified by a change of use it is considered that the policy provision to maintain 10% of unused plot ratio on the site to retain future flexibility should be abided by and not be varied. This argument would apply to all other heritage building where transfer of plot ratio is considered and a consistency in approach to avoid any precedent should be maintained. This aspect of the application is therefore not supported.

**Conclusion**

The application to retain no plot ratio for future use on the site and to approve the transfer of plot ratio on the basis of a maximum plot ratio of 2.5:1 being applicable to the site is recommended for refusal on the basis of the aforesaid reasons being:

1. The City has no discretion to increase the maximum plot ratio of the site above 1.5:1 to 2.5:1 in the absence of a development application proposing a development or 2.5:1 on Lot 5 with 50% of the plot ratio above 1.5:1 being for residential development;
2. Under clause 34 of the Scheme the maximum plot ratio considered for any transfer of plot ratio refers to the plot ratio specified on the Plot Ratio Plan and the Plot Ratio Plan under CPS2 does not specify any plot ratio for Lot 5; and
3. The City's Policy 4.5.2 Transfer of Plot ratio requires a minimum of 10% unused plot ratio shall be retained on the donor site and it is considered that no planning justification has been provided or exception circumstance exists to apply discretion to this Lot, different from any other donor sites.



**2016/5358; 76 (LOT 5) WITTENOOM STREET, EAST PERTH**