

9.2 NO. 296 (LOT: 8; PLAN: 2411) FITZGERALD STREET, PERTH - PROPOSED CHANGE OF USE FROM SHOP AND CAFÉ TO SHOP AND ASSOCIATED ALTERATIONS AND ADDITIONS

Ward: South

Attachments:

1. Consultation and Location Plan
2. Development Plans
3. Heritage Impact Statement
4. Applicant's Planning Assessment
5. Parking Management Plan
6. Summary of Submissions - Administration Response
7. Summary of Submissions - Applicant Response
8. Applicant Response to Design Review Panel Comments
9. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the development application for a proposed Change of Use from Shop and Café to Shop and Associated Alterations and Additions at No. 296 (Lot: 8; Plan: 2411) Fitzgerald Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 9:

1. Development Approval

This approval is for a Change of Use from Shop and Café to Shop and Associated Alterations and Additions as shown on the approved plans dated 17 July 2023. No other development forms part of this approval;

2. Use of Premises

2.1 This approval is for a Shop as defined in the City of Vincent Local Planning Scheme No. 2. The use of the subject land for any other land use may require approval from the City; and

2.2 Prior to the occupancy or use of the building addition which forms part of this approval, the subject site shall cease to be used as a Café, to the satisfaction of the City;

3. Façade Design

3.1 Doors and windows and adjacent floor areas fronting Fitzgerald Street and Glendower Street shall maintain an active and interactive relationship with the street;

3.2 Glazing and/or tinting shall have a minimum of 70 percent visible light transmission to provide unobscured visibility between the street and the interior of the tenancy; and

3.3 Internal security and privacy treatments shall be located and installed internally behind the glazing line or recessed, and shall be transparent and visually permeable to allow views inside the building and enable internal light sources to be seen from the street;

4. Building Design

4.1 The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City; and

4.2 The roof of the proposed rear addition shall have a maximum solar absorptance rating of 0.4, to the satisfaction of the City;

5. Landscaping

5.1 A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

- **The location and type of existing and proposed plants;**
- **Areas to be irrigated or reticulated;**
- **Species within the planting area between the new building and Glendower Street to be selected to have a low height at maturity to facilitate views between the building and Glendower Street;**

5.2 All works shown in the plans as identified in Condition 5.1 shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

6. Signage

6.1 All signage shall be in accordance with the City's Signs and Advertising Policy, unless further development approval is obtained; and

6.2 All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site, to the satisfaction of the City;

7. Bicycle Facilities

Four bicycle parking spaces shall be provided on-site in accordance with Australian Standard AS2890.3 prior to the occupation or use of the building addition the subject of this approval, to the satisfaction of the City; and

8. Parking Management

The premises shall operate in accordance with the Parking Management Plan dated 4 August 2023 and the approved plans, to the satisfaction of the City.

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for a change of use from Shop and Café to Shop with Associated Alterations and Additions to an existing single storey commercial development at No. 296 Fitzgerald Street, Perth (the subject site). The subject site is located on the corner of Fitzgerald Street and Glendower Street and is included on the City's Heritage List as Category B – Conservation Recommended.

The premises is currently used as a hair salon (shop) with café component. The site is built out with an existing building and structures that occupy the majority of the site and with open air car parking located to the rear.

The application proposes a new addition at the rear of the building in place of existing structures that include a patio and shed, as well as the installation of new landscaping and a street wall to Glendower Street adjacent to this building extension. This extension to the existing building is to increase the floor area of the hair salon (shop).

The application also proposes the removal of the café component of the business that currently operates from the front of the tenancy. This means the proposal seeks to operate the site as a shop land use only. A change of use to operate the premises entirely as a shop would ordinarily be exempt from the need obtain development approval, although the proposed building extension to the rear of the site has triggered the need for an approval to be sought.

The remainder of the business operation and building remains as existing and are not proposed to be changed as part of this application.

The areas of discretion being sought under the planning framework relate to the provision of bicycle facilities, a service bay, and building design and works to the building that is heritage listed, including the extent of proposed demolition.

Eight car bays are currently provided on-site, consistent with the previous approval for the site. There is no change proposed to this amount of car parking or the car bay configuration as part of this application. This would remain compliant with the car parking standard for a shop use under the City's Non-Residential Parking Policy.

The subject site would operate as a single tenancy shop, which would allow for the scheduling of deliveries prior to all staff arriving on site and allowing delivery vehicles to park within the car parking area.

The proposed building extension would add 47.6 square metres of net lettable floor area and would be designed in a contemporary style. This extension and the proposed street wall would not obscure or detract from the visual prominence of the existing heritage listed building on the site. This is because the extent of works is limited and located at the rear of the existing building and facing the secondary street (Glendower Street). The proposed additions would be readily identifiable as 'new work', consistent with the Burra Charter and the City's Heritage Management Policy. It would provide visual articulation and interest to the street through the contemporary design aesthetic and materiality.

The proposed development is acceptable as considered against the planning framework and is recommended for approval subject to conditions.

PROPOSAL:

The application proposes a change of use from shop and café to shop as well as alterations and additions to the rear of the existing single-storey heritage listed commercial building on the subject site.

The proposal includes the following:

- Demolition of an existing patio, fencing, gate and shed at the rear of the existing building;
- Provision of new openings to the rear of the existing building to facilitate the proposed additions;
- Construction of a single storey extension to the rear of the existing building. This results in an increase to the shop's net lettable floor area (NLA) by 47.6 square metres;
- Consolidation of air conditioning condensers on the roof of the shop;
- Cessation of the café use on-site that currently operates as a 'coffee window'. This relates to the use of the verandah area on the site facing Fitzgerald Street and the floor area of the building shown as 'Tea Prep' in the existing site plan contained in **Attachment 2**;
- Provision of a motorcycle/scooter bay within the existing car park;
- Installation of new signage to the Cielo Lane elevation of the proposed building addition; and
- Installation of bicycle parking under the existing verandah in front of the building facing Fitzgerald Street.

The proposed development plans are included as **Attachment 2**. The applicant's supporting documentation including a Heritage Impact Statement, Planning Assessment and Parking Management Plan are included as **Attachments 3, 4, and 5** respectively.

BACKGROUND:

Landowner:	Two Lee Pty Ltd T/A Circles of Hair
Applicant:	Lyons Architects
Client:	Two Lee Pty Ltd T/A Circles of Hair
Date of Application:	5 May 2023
Zoning:	MRS: Urban, Other Regional Road LPS2: Zone: Commercial R Code: N/A
Built Form Area:	Activity Corridor
Existing Land Use:	Shop and Restaurant/Café
Proposed Use Class:	Shop
Lot Area:	495.9m ²
Right of Way (ROW):	Yes – Cielo Lane. 5.5m wide, paved and drained
City of Vincent Heritage List:	Yes – Management Category B
State Register of Heritage Places:	No

Site Context and Zoning

The subject site is bound by Fitzgerald Street to the north-west, Glendower Street to the south-west, Cielo Lane to the south-east and a three-storey office and residential building to the north-east. To the south-east of Cielo lane is a single storey grouped dwelling. On the southern side of the intersection of Glendower and Fitzgerald Streets is a single storey office building.

The subject site and properties to the north and south of the subject site that front Fitzgerald Street are zoned Commercial under the City's Local Planning Scheme No. 2 (LPS2) and are located within the Activity Corridor Built Form Area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy), with a building height standard of six storeys. To the east, properties fronting Glendower Street are zoned Residential R50 and are located within the Residential Built Form Area under the Built Form Policy, with a building height standard of two storeys.

Approvals History

In August 2016, the City issued a letter confirming that the use of the subject site as a hair salon (Shop) did not require development approval, in accordance with Clause 61(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Planning Regulations). Internal building works were also intended to be undertaken at the time. These internal building works were exempt from requiring development approval in accordance with Clause 61(1) of the Planning Regulations.

An Occupancy Permit for the use of the subject site as a hairdresser was issued in May 2017 and the premises has been operating as a hairdresser 'Circles of Hair' subsequent to this.

In March 2019, Administration approved a change of use from 'Shop' to 'Shop and Café'. The café component of the business operated from the front portion of the site and includes a coffee window. The café component was subject to conditions of approval that it operate with no more than 10 patrons and one staff member on-site at any one time. The Shop and Café approval provided for eight bays on-site in the same configuration shown in the development plans in **Attachment 2**.

The café operates as a component of the hair salon and does not operate independently. The staff from the hair salon are trained to use the equipment and prepare coffees and the café does not provide food offerings. No additional staff are employed to operate the café use.

Heritage Listing

The subject site is included on the City of Vincent Heritage List as 'Category B – Conservation Recommended'. The Statement of Significance is as follows:

'The place at No. 296 Fitzgerald Street is a representative example of an intact corner store in Federation Italianate style and Federation Bungalow style house, that makes a contribution to the streetscape and is a local landmark.

Historically and socially it has been a focus of the area as a predominately retail outlet.'

The [heritage listing](#) for the site notes the subject site was constructed around 1914 as a residence and shop and has historically been used as a draper, dressmaker, umbrella repairer and dress retail.

Existing Streetscape

Fitzgerald Street is characterised predominantly by low to mid-rise commercial developments. Street setbacks vary between nil and approximately 4.5 metres.

Fitzgerald Street is a District Distributor A road with four traffic lanes. The outside lanes function as bus lanes on weekdays between the hours of 6:30am and 9:00am on the eastern side heading south, and between 4:00pm and 6:30pm on the western side heading north. The road is a clearway on weekdays between 7:30am and 9:00am.

Between Fitzgerald Street and Palmerston Street, the southern side of Glendower Street is generally characterised by single storey Federation style single houses on 10-metre-wide lots. The street also includes a mid-century single house, two two-storey contemporary single houses and a three storey mid-century apartment building.

Three lots front Glendower Street on its northern side. Two of these lots have been redeveloped with infill housing to the rear of traditional character dwellings. Further east, a lot fronting Throssell Street has been subdivided and provides for two dwellings that front onto Glendower Street with reduced street setbacks. To the east of Throssell Street is Hyde Park.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of LPS2, the Built Form Policy, Local Planning Policy: Non-Residential Parking (Non-Residential Parking Policy) and Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties (Heritage Management Policy). In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply/ Acceptable Outcomes (or equivalent)	Requires the Discretion of Council
Land Use	✓	
Street Setback	✓	
Side and Rear Setbacks	✓	
Tree Canopy and Deep Soil Areas		✓
Car Parking		✓
Bicycle Facilities		✓
Façade Design		✓
Utilities	✓	
Surveillance	✓	
Ground Floor Design	✓	
Building Design	✓	
Environmentally Sustainable Design		✓
Signs and Advertising Policy	✓	
Heritage Management Policy	✓	

Detailed Assessment

The acceptable outcomes assessment of the elements that require the discretion of Council is as follows:

Tree Canopy and Deep Soil Areas	
Acceptable Outcomes	Proposal
<p>Built Form Policy Clause 1.5 – Tree Canopy and Deep Soil Areas</p> <p>12 percent of the site area shall be provided as deep soil.</p> <p>3 percent of the site area shall be provided as planting areas.</p>	<p>7.8sqm (1.5 percent) of additional landscaping is proposed on-site.</p> <p>This is in addition to the existing 13.0sqm (2.6 percent) of landscaping that exists on-site.</p> <p>These landscaping areas do not constitute deep soil or planting areas.</p>
Car and Bicycle Parking	
Deemed-to-Comply Standard	Proposal
<p>Local Planning Policy: Non-Residential Parking</p> <p>One dedicated service bay to be provided on-site or on-street.</p> <p>An additional 0.4 short-term and 0.7 long-term bicycle spaces to be provided. This would result in a total of 3 short-term and 2 long-term bicycle parking spaces to be provided for the entire site.</p>	<p>No service bay previously approved for the site or on-street, and the proposal would not change this.</p> <p>4 short-term bicycle parking spaces proposed. Nil long-term bicycle facilities provided.</p>
Façade Design	
Acceptable Outcomes	Proposal
<p>Built Form Policy Clause 1.8 – Façade Design</p> <p>A continuous awning is to be provided over the pedestrian footpath.</p> <p>Ground floor tenancies to have a minimum ceiling height of 3.5m.</p>	<p>The proposed addition would not provide an awning over the Glendower Street footpath.</p> <p>The proposed ground floor addition provides a minimum ceiling height of 3.1m.</p>
Environmentally Sustainable Design	
Acceptable Outcomes	Proposal
<p>Built Form Policy Clause 1.17 – Environmentally Sustainable Design</p> <p>Recovery of rain, storm, grey or black water for re-use on site.</p> <p>Sustainable Design Report to achieve 5 star Green Star rating, or Life Cycle Assessment to achieve global warming potential and net fresh water use performance reduction.</p>	<p>No capture of rain, storm, grey or black water for re-use proposed for site as part of building extension.</p> <p>A Life Cycle Assessment or Sustainable Design Report for the site has not been submitted in relation to the building extension.</p>

The above elements of the have been assessed against the applicable element objectives discussed in the Comments section below.

The Heritage Management Policy sets out that proposed development that complies with acceptable development standards will generally be approved, and that the performance criteria describe the desired outcome to be achieved.

Unlike the Built Form Policy and R Codes, the Heritage Management Policy also requires consideration of the proposal against performance criteria even where development complies with the prescribed acceptable development standards. This is also considered in the Comments section below.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 14 days, from 5 May 2023 to 18 May 2023. In accordance with the City's Community and Stakeholder Engagement Policy, the method of consultation included a notice on the City's website and 19 letters mailed to owners and occupiers of the properties adjoining the subject site as shown in **Attachment 1**.

10 submissions were received at the conclusion of the advertising period. Of these, nine objected to the proposal and one expressed concern.

Concerns raised in the submissions are summarised as follows:

- The proposed development would not provide sufficient parking for the proposed increase in intensity of land use and would exacerbate existing parking issues on Glendower Street;
- The proposed bicycle facilities would not be used by customers due to business being a hairdresser, and requirement to use helmets when riding a bicycle;
- Concern about noise generated from the air conditioning units, staff and patrons;
- The proposal would have a negative impact on the streetscape;
- Concern that the consultation did not extend far enough from the site, given that the proposal would result in wider impacts to car parking on Glendower Street;
- Deliveries occur outside 8:00am to 8:30am and often result in the obstruction of Cielo Lane;
- This development would not contribute to improving the amenity of residents, increasing the safety of pedestrians, and reducing carbon emissions; and
- Request traffic calming in Glendower Street to make it safer and more pedestrian friendly.

A summary of submissions received during the consultation period along with Administration's responses to submissions is provided in **Attachment 6**. The applicant's response to the submissions received are provided as **Attachment 7**.

Department of Planning, Lands and Heritage – Other Regional Road Referral:

In accordance with Delegation 2022/03 from the Western Australian Planning Commission (WAPC) the application was referred to the Department of Planning, Lands and Heritage (DPLH). This is because a portion of the lot is reserved in the Metropolitan Region Scheme as a Regional Road Reserve and the development has a construction value greater than \$250,000.

DPLH provided written comments advising that it has no objection to the proposed development.

Design Review Panel (DRP):

Referred to DRP: Yes

The proposal was referred for comment to a member of the City's DRP with heritage expertise. The DRP Member noted positive aspects of the proposal that are summarised below.

- The materiality, form and scale is generally acceptable given to the diverse character of the area;
- The built form is diminutive in form and scale and commensurate with the quality of the heritage building;
- The development continues the commercial function of the heritage corner store and allows the heritage building to be feasibly used. Interior spaces will receive filtered natural light through new external wall and internal glass partition;
- The proposal activates more of the lot and does not pose any obvious safety concerns; and
- The built form improves the legibility of street edge and does not remove the use or legibility of the front entry to the heritage corner store.

The DRP Member also provided comments that require further consideration. These are addressed further below.

The table below shows the design review evaluation by the DRP member as considered against the 10 principles of good design.

Design Review Progress	
	<i>Supported</i>
	<i>Pending further attention</i>
	<i>Not supported</i>
	<i>No comment provided/Insufficient information</i>
	DRP Referral
Principle 1 – Context & Character	
Principle 2 – Landscape Quality	
Principle 3 – Built Form and Scale	
Principle 4 – Functionality & Built Quality	
Principle 5 – Sustainability	
Principle 6 – Amenity	
Principle 7 – Legibility	
Principle 8 – Safety	
Principle 9 – Community	
Principle 10 – Aesthetics	

The application was not referred back to the DRP member, as the applicant elected not to make any modifications to the proposal to address their comments.

The table below provides a summary of the outstanding DRP comments, and Administration's response to these. The applicant has also prepared a response to the outstanding DRP comments which is included as **Attachment 8**.

DRP Comments Received	Administration Comment:
<p><u>Principle 2 – Landscape Quality</u></p> <p>Proposed internal landscaping removes the ability for activation to the street.</p>	<p>The proposed species within the garden bed adjacent to the street would be low-level plants and shrubs and would not impact the views to and from the proposed building. The development plans indicate 'new low planting' to be installed.</p> <p>A condition of approval has been included in the officer recommendation requiring details of the proposed landscaping to be provided to ensure that the species selected would maintain views between the street and the proposed shop.</p>
<p><u>Principle 9 – Community</u></p> <p>Due to lack of windows in new built form the street activation and passive surveillance is lacking and could be better addressed.</p>	<p>The proposed building would include 18 square metres of clear glazing facing Glendower Street. The landscaping and breezeblock wall would still facilitate views between the shop and the street to facilitate casual surveillance, while also providing a sense of privacy to the internal space.</p> <p>Several windows exist to the existing building's façade facing Glendower Street and Fitzgerald Street to provide active and passive surveillance.</p>
<p><u>Principle 10 – Aesthetics</u></p> <p>Generally acceptable built form, scale and materiality. Further understanding of fenestration to the street would benefit overall aesthetic.</p>	<p>The proposed extension includes full height glazing to the Glendower Street and rear elevations with some operable windows. The proposed wall would provide a clear contrast from the existing heritage building, consistent with the Burra Charter.</p> <p>The proposed breezeblocks would be masonry elements that would reflect the masonry nature of the existing building in a contemporary way.</p>

DRP Comments Received	Administration Comment:
Painting of heritage face brick is discouraged but appears to be a long-term aesthetic and removal could be challenging.	The existing building is rendered and includes a mural on the rear 13.5 metres portion of the original building. The rendering and painting of the existing building does not form part of this application. The painting is noted in the physical description of the building in the heritage listing and the rendering has been in place since 2007.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *City of Vincent Local Planning Scheme No. 2;*
- *Burra Charter;*
- *State Planning Policy 3.5 – Historic Heritage Conservation;*
- *Community and Stakeholder Engagement Policy;*
- *Policy No. 7.1.1 – Built Form Policy;*
- *Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties; and*
- *Local Planning Policy: Non-Residential Parking.*

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with [Clause 67\(2\)](#) of the Deemed Provisions in the Planning Regulations and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

The matters for consideration relevant to this application relate to the compatibility of the development within its setting, amenity and character of the locality, consistency with planning policies, built heritage conservation, comments received during community consultation and advice from the DRP.

Local Planning Scheme No. 2

The objectives of the Commercial zone under LPS2 are a relevant consideration for the application. These objectives are:

- *To facilitate a wide range of compatible commercial uses that support sustainable economic development within the City.*
- *To ensure development design incorporates sustainability principles, with particular regard to waste management and recycling and including but not limited to solar passive design, energy efficiency and water conservation.*
- *To maintain compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.*
- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*

Under LPS 2, 'Shop' is defined as '*premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services*' and is a 'P' permitted use within the Commercial zone.

Burra Charter

The Australia ICOMOS Charter for Places of Cultural Significance, the Burra Charter 2013 (the Burra Charter) sets a standard of practice for those who provide advice, make decisions about, and undertake work to places of cultural significance. The Burra Charter applies to all types of places of cultural significance, including the subject site.

In accordance with Article 22.1 of the Burra Charter, 'new work' is acceptable where it respects the cultural significance of the place. This can be done through consideration of its siting, bulk, form, scale, character, colour, texture and material. In accordance with Article 22.2 of the Burra Charter, the works should be readily identifiable but should respect the cultural significance of the place.

State Planning Policy 3.5 – Historic Heritage Conservation

State Planning Policy 3.5 – Historic Heritage Conservation (SPP 3.5) sets out principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage. These principles inform the heritage management standards of local planning policies.

Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties

As the subject site is a heritage listed property, the proposal is required to be assessed against Part 4 of the Heritage Management Policy.

The objectives of the Heritage Management Policy are to:

1. *Encourage the appropriate conservation and restoration of places listed on the City of Vincent Municipal Heritage Inventory (The Heritage List) in recognition of the distinct contribution they make to the character of the City of Vincent.*
2. *Ensure that works, including conservation, alterations, additions and new development, respect the cultural heritage significance associated with places listed on the City of Vincent Municipal Heritage Inventory.*
3. *Promote and encourage urban and architectural design that serves to support and enhance the ongoing significance of heritage places.*
4. *Ensure that the evolution of the City of Vincent provides the means for a sustainable and innovative process towards integrating older style buildings with new development.*
5. *Complement the State Planning Policy No. 3.5 'Historic Heritage Conservation' and the City of Vincent Residential Design Elements Policy and other associated Policies.*

Part 4 of the Heritage Management Policy relates to development to heritage listed buildings. The policy includes 'acceptable development' criteria as well as the following three performance criteria:

- P1 Development is to comply with the statement of significance outlined in Heritage Assessment, Heritage Impact Statement and/or Place Record Form.*
- P2 Alterations and additions to places of heritage value should be respectful of and compatible with existing fabric and should not alter or obscure fabric that contributes to the significance of the place.*
- P3 To ensure the cultural heritage significance of a place is conserved and the majority of the significant parts of the heritage place and their relationship to the setting within the heritage place should be retained.*

Delegation to Determine Applications:

This matter is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments. This is because the delegation does not extend to proposals for demolition on a heritage protected place or where more than five objections were received during the community consultation period.

The subject site is a heritage protected place. The application proposes the demolition of an existing patio, fencing, gate and shed at the rear of the existing building, and received nine objections during the community consultation period.

RISK MANAGEMENT IMPLICATIONS:

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2022-2032:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

The City has assessed the application against the environmentally sustainable design provisions of the Built Form Policy. These provisions are informed by the key sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024, which requires new developments to demonstrate best practice in respect to reductions in energy, water and waste and improving urban greening.

PUBLIC HEALTH IMPLICATIONS:

There are no implications on the priority health outcomes of the City's *Public Health Plan 2020-2025* from this report.

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications from this report.

COMMENTS:Summary Assessment

In assessing the application against the planning framework, it is recommended for approval. The following key comments are of relevance:

- The proposed additions are of a design and scale to respect the heritage significance of the existing building. The design would be clearly identifiable as new work and distinct from the existing building.
- The proposed design would reinforce the street edge and complement the existing building by providing a nil setback along Glendower Street. It has been designed to provide visual articulation, interest and surveillance to Glendower Street.
- The car parking provided on-site complies with the car parking standards prescribed under the Non-Residential Parking Policy, and four bicycle parking spaces are proposed on-site as part of this application to support a shift towards alternate modes of transport. Arrangements for service delivery vehicles to utilise on-site parking bays would also ensure the shop can be adequately serviced without impacting the surrounding area.
- Additional landscaping would be integrated into the design of the proposed building extension and what is a built-out site, and would contribute towards increased greening of the Glendower Street streetscape.

A detailed assessment against the discretionary aspects of the application is set out below.

Car and Bicycle Parking

The City received submissions during community consultation which raised concerns that the proposed eight on-site car parking bays would be inadequate for the shop. There were also concerns that the proposal would result in further increased on-street parking demand on Glendower Street with subsequent impacts on safety and vehicle movement on this street, due to limited on-street parking availability.

Ceasing the café use and the construction of the shop extension as proposed in the application would result in a decrease in the amount of car parking required to be provided under the Non-Residential Parking Policy standards.

7.7 car bays would be the total amount of car parking required to be provided for the site based on the Non-Residential Parking Policy. Eight car bays would be provided on-site and complies with this car parking standard. The car parking configuration of these bays are as per previously approved and would remain as existing on-site.

The application meets the deemed-to-comply standard for the number of car bays to be provided for the Shop use under the Non-Residential Parking Policy. This means that no discretion is being sought in relation to car parking provision.

Discretion is being sought in relation to the service bay and long-term bicycle bays.

The servicing and bicycle parking proposal is acceptable and would satisfy the [objectives](#) of the Non-Residential Parking Policy for the following reasons:

- **No Service Bay Previously Approved:** The City did not require a service bay to be provided on-site as part of the previous development approval for a shop and cafe. The application for an extension of the shop by 47.6sqm of NLA floor area would not increase the demand for a service bay to be provided.
- **Service Delivery Arrangements:** The applicant has advised that deliveries are received fortnightly on Wednesdays or Thursdays. This occurs prior to the opening of the hair salon and before all staff are on-site. This means a parking bay on-site would be available for a delivery vehicle to use. This is detailed in the parking management plan included as **Attachment 5** and a condition of approval has been recommended for the shop to operate in accordance with the parking management plan.
- **Bicycle Parking:** The development would support a shift towards active and sustainable transport modes by staff and would be available for use by patrons also. This is consistent with the objectives of the Non-Residential Parking Policy, noting that concerns were raised during community consultation that patrons of the premises would be less likely to use bicycles to attend the subject site due to its nature as a hairdresser. The following would be provided to support this active mode of transport:
 - Four on-site bicycle parking spaces are proposed to be located under the existing verandah of the building facing Fitzgerald Street. This area is weather protected and can be monitored by staff. The previous approval for the site did not require the provision of any bicycle parking spaces on-site and there is currently no on-site bicycle parking spaces;
 - There is an existing bicycle parking rack within the verge directly in front of the subject site; and
 - An existing end-of-trip facility is provided within the building.A condition of approval is included in the officer recommendation for the provision of four bicycle parking spaces on-site.
- **Public Transport:** The subject site is 40 metres from a bus stop for a high frequency bus route (960 bus route) and would support public transport to the shop for both staff and patrons. It operates approximately every five minutes in peak hours and every 10 minutes off-peak.

Heritage Management Policy

Part 4 of the City's Heritage Management Policy sets out standards for development to heritage places. The Policy requires the proposal to be considered against the performance criteria.

The proposal would satisfy the [objectives](#) and [performance criteria](#) of the Heritage Management Policy for the following reasons:

- **Retention of Significance:** The proposed development would ensure the cultural heritage significance of the place is conserved. This is because the additions would not obscure or alter the prominent architectural features that are of aesthetic value, including the ornate corner store facades and Federation bungalow style. The development is located to the rear of the existing building with a lower height than the existing roof and parapet. The development would facilitate the ongoing commercial operations of the premises as a shop, which together with the built form, both contribute to the heritage significance of the place as referenced in the Statement of Significance.
- **Heritage Impact Statement:** The applicant submitted a Heritage Impact Statement (HIS) by a qualified heritage practitioner which is included as **Attachment 3**. The HIS concludes that the areas to be altered and/or demolished as part of this proposal, including the patio and brick screen wall are not original to the place, therefore making little contribution to the wider streetscape and are of little heritage significance. This is consistent with the Statement of Significance which refers to the corner store and

primary street elevation of the original dwelling as being significant to the heritage of the place. The HIS was reviewed and supported by the City's DRP Member.

- **Scale:** The proposed addition would be respectful of the prominence of the significant portions of the heritage building. This is because the proposed development would be located to the rear of the original building and is of a single-storey design with a low profile roof form. This would allow views of the hip roof and parapet of the original shop to be retained. The proposed ceiling height of 3.1 metres results from this design response to the existing building. The ceiling height would not negatively impact the function of the space and the build functionality was supported by the City's DRP member.
- **Design:** The addition would be readily identified as a new addition to the building through the use of a contemporary design incorporating large panes of glass and breeze-block wall. The masonry breeze-block element of the proposal references the masonry of the existing building. The contemporary nature of the proposal would be consistent with the principles of the Burra Charter.

Façade Design

The proposed façade design would satisfy the [element objectives](#) of the Built Form Policy for the following reasons:

- **Building Scale:** The proposed building extension would be proportionate in scale to the existing building and would provide articulation to the street. Its roofline does not exceed that of the existing building and its ceiling height does not affect its function. The streetscape presentation provides a strong visual contrast between the painted masonry of the existing building and the proposed contemporary style and materials used for the proposed addition.
- **Surveillance and Activation:** The building would express the internal functions of the space by providing large areas of glazing to the street and would assist in increasing the extent of casual surveillance to and from the street. This would be tempered by the proposed breeze-block wall to the Glendower Street frontage and provides activation and visual interest to the building's secondary street façade.
- **Awning:** The proposed building extension and adjacent breezeblock wall along Glendower Street does not include any entries into the premises, and the remainder of the existing building to this street frontage does not currently have an awning to tie into. The existing awning to the building is to the corner of Fitzgerald Street and Glendower Street and is included in the heritage listing as being original to the building. The addition of an awning may detract from the existing awning and would also conflict with the canopy of an existing mature tree in the verge.

Landscaping:

The proposed landscaping would satisfy the [element objectives](#) of the Built Form Policy for the following reasons:

- **Streetscape Contribution:** The amount of landscaping proposed would be proportionate to the extent and scale of the building addition, and would be an effective contribution in the context of a built-out site. This additional landscaping proposed would supplement existing landscaping provided to the site. The additional landscaping to the site located adjacent to the proposed building works would be visible from the street and would enhance the streetscape and pedestrian amenity.
- **Integration of Landscaping:** The proposed landscaping would be integrated into the architectural form of the proposal. It would be contained within a built-in planter box that would be integrated into the built form of the proposed building extension. The landscaping would be provided with reticulation to ensure its ongoing viability.

Environmentally Sustainable Design (ESD)

Clause 1.17 of the Built Form Policy relating to Environmentally Sustainable Design (ESD) sets out acceptable outcomes to be achieved for commercial development.

There are limitations to influence whole of life environmental impact of the entire development on the site through this application. This is because the scope of the application is limited to a 47.6 square metre building extension.

The applicant has identified the following built form and site planning measures that have been incorporated into the proposed addition and that would satisfy the [element objectives](#) of the Built Form Policy in respect to environmentally sustainable design:

- Retention of most of the existing building and structures on-site to minimise building waste;
- New glazing is shaded from direct sun and heat by the new light colour blockwork screen and landscaping;
- Consolidation of separate air conditioning units with new high-efficiency air conditioning units;
- The glazed wall to the building extension would include operable glass panels to allow for natural cross-ventilation to supplement or replace the artificial cooling in summer;
- Upgrades to the existing power distribution within the building concurrent with the alterations would allow for the addition of battery storage linked to future roof-top collection solar panels;
- Light grey colour roof sheeting. A condition of approval is recommended to secure this and to ensure its solar absorptance rating is not more than 0.4, consistent with the acceptable outcome standard of the Built Form Policy; and
- New lighting to be low energy and switched in zones by room rather than for the whole premises. Natural light will be retained to the centre of the new staff room via a roof light.