

**9.1 NO. 99 (LOT: 1; S/P: 48216) BRISBANE STREET, PERTH - ALTERATIONS AND ADDITIONS TO GROUPED DWELLING**

**Ward:** South

**Attachments:**

1. Consultation and Location Plan
2. Development Plans
3. Applicant Justification
4. 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 application for Alterations and Additions to Grouped Dwelling at No. 99 (Lot: 1; S/P: 48216) Brisbane Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

**1. Development Plans**

This approval is for Alterations and Additions to Grouped Dwelling as shown on the approved plans dated 19 February 2024 and 21 February 2024. No other development forms part of this approval;

**2. External Fixtures**

All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive to the satisfaction of the City;

**3. Colours and Materials**

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

**4. Stormwater**

Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

**EXECUTIVE SUMMARY:**

The purpose of this report is to consider an application for development approval for Alterations and Additions to Grouped Dwelling at No. 99 Brisbane Street, Perth (the subject site) that is included on the City of Vincent Heritage List as Management Category B – Conservation Recommended. The subject site was constructed in the later years of the 19<sup>th</sup> century and early years of the 20<sup>th</sup> century. It includes a shopfront with a nil setback to the corner of Brisbane Street and Lindsay Street, and a fibre-cement clad first floor addition.

The application proposes to re-clad the first-floor of the dwelling in 'nailstrip' metal cladding. The existing openings to the first floor balcony are proposed to be removed and replaced with new bi-fold doors, which widens the existing openings provided. The introduction of this larger opening requires demolition of a portion of the in the north-eastern elevation of the existing first floor, which was constructed in in 2007.

The application also proposes the re-painting of the ground floor, removal of existing fibre-cement sheeting from the Lindsay Street and Brisbane Street shopfront windows and reinstatement of decorative features to the shopfront parapet walls.

The proposal meets all relevant deemed-to-comply and acceptable development (or equivalent) standards. A development application is required for the proposed works due to the heritage listing of the place.

The proposed modifications are acceptable as they meet the objectives of the City's Local Planning Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties (Heritage Management Policy), which ensures the preservation of heritage value while enabling improvements to properties.

The proposed alterations and additions do not result in the demolition of heritage fabric on the subject site. The work does not impact the elements mentioned in the Statement of Significance for the place and would enhance the streetscape presentation of the heritage place by increasing the differentiation between the contemporary first floor addition and the original building fabric. It would also increase the extent of street surveillance, consistent with the shopfront nature of the existing heritage building. Building fabric that contributes to the heritage significance, as referenced in the Statement of Significance for the property, would be retained.

### PROPOSAL:

The application proposes alterations and additions to the existing two-storey grouped dwelling on the subject site. A summary of the works proposed is as follows:

- Removal of existing fibre-cement sheeting to the shopfront windows on the Brisbane and Lindsay Street elevations of the subject site to reveal existing windows behind.
- Modification to colours and material of the existing upper floor. This includes the removal of fibre-cement cladding in a light grey colour and the installation of 'nailstrip' sheet metal cladding in the colour 'monument'.
- Modification to the upper floor north-east façade facing Brisbane Street. This includes the installation of new bi-fold doors, which widens the existing openings provided to the upper floor balcony. The widening of the existing openings requires the partial demolition of the north-eastern elevation wall of the first floor.
- Repainting of the existing ground floor facade from grey to white, with 'monument' and 'silver tea set' grey trim.
- Repainting the existing ground floor doors to the Brisbane and Lindsay Street elevations from red to 'lemon delicious' yellow.
- Installation of parapet wall decorative feature orbs to the Brisbane Street and Lindsay Street elevations of the original corner shop.

The proposed Development Plans including schedule of colours and materials, and Applicant Justification including Heritage Impact Statement, are included as **Attachments 2** and **3**, respectively.

### BACKGROUND:

|                             |  |
|-----------------------------|--|
| <b>Landowner:</b>           | Benjamin Dwyer                                       |
| <b>Applicant:</b>           | Benjamin Dwyer                                       |
| <b>Client:</b>              | Benjamin Dwyer                                       |
| <b>Date of Application:</b> | 13 December 2023                                     |
| <b>Zoning:</b>              | MRS: Urban<br>LPS2: Zone: Mixed Use      R Code: R80 |
| <b>Built Form Area:</b>     | Mixed Use  |
| <b>Existing Land Use:</b>   | Dwelling (Grouped) – P Use                           |
| <b>Proposed Use Class:</b>  | Dwelling (Grouped) – P Use                           |
| <b>Lot Area:</b>            | 512m <sup>2</sup>                                    |
| <b>Right of Way (ROW):</b>  | N/A  |
| <b>Heritage List:</b>       | City of Vincent Heritage List – Category B           |
| <b>State Heritage List:</b> | No   |

### Site Zoning and Context

The proposal is located on a strata lot that contains three separate properties. This includes the dwelling subject to this application as well as two additional single-storey grouped dwellings, both of which are orientated to Brisbane Street.

The subject site is bound by Brisbane Street to the north-east, Lindsay Street to the south-east, a single storey single house to the south-west and a grouped dwelling development to the north-west. On the eastern side of Lindsay Street is a pair of converted single-storey dwellings that are used as offices. A location plan is included as **Attachment 1**.

The subject site and adjoining properties are zoned Mixed Use R80 under the City's Local Planning Scheme No. 2 (LPS2) and are within the Mixed Use Built Form Area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy) with a building height standard of two storeys and a nil street setback standard.

### Approval History

At its Ordinary Meeting held on [22 August 2006](#), Council resolved to approve an application for a Change of Use and Alterations and Additions on the subject site. The approved plans included a Restaurant/Café and Ancillary Art Gallery use on the ground floor, a single car garage, and a second storey addition accommodating four bedrooms, two bathrooms and a kitchenette. A building licence for these works was issued on 14 March 2007.

Following the 22 August 2006 approval, the subject site, inclusive of the subject property and the two additional grouped dwellings, were included in the City's Heritage List on 12 September 2006.

A further development application was approved by Council at its Ordinary Meeting held on [23 June 2009](#). This application reverted the use of the subject sites building to residential use only, and included the following works:

- Installation of a pergola to the first floor.
- Modifications to the internal layout of the dwelling.
- Modifications to the Brisbane Street and Lindsay Street shopfront windows, including installation of fibre-cement sheeting in front of existing glass panes.
- Painting of the house in a grey and red colour scheme.

### Heritage Listing

The subject site, inclusive of the subject property at No. 99 Brisbane St and the adjoining dwellings to the north-west at Nos. 101 and 103 Brisbane Street are included as a [group listing](#) on the City's Heritage List as Management Category B – Conservation Recommended.

The Statement of Significance for the subject site is as follows:

*“The former shop and semi-detached dwelling at Nos. 99 and 101 - 103 Brisbane Street were constructed in the later years of the 19th century and the early years of the 20th century, in the vernacular styles of the Late Colonial period. The group demonstrates the nature of modest and unsophisticated urban development during this period”.*

The Physical Description included in the listing is as follows:

*“Nos. 99 to 103 Brisbane Street comprises a shop on the corner of Lindsay Street (No. 99) and a semi-detached pair at Nos. 101 - 103. The former shop on the corner of Lindsay Street, opened on the corner truncation. The windows have been infilled and any awning/canopy has been removed. The neighbouring single storey detached pair is symmetrically arranged about a central fire place, in a Federation Georgian style. Minimal setbacks. Various shop window and doors have been infilled with hardiflex and aluminium framed windows.”*

The upper floor extension is not referenced in the Physical Description or Statement of Significance for the place. This is because the upper floor was constructed after the subject site was included on the City's Heritage List. For this reason, the structures do not form part of the heritage significance of the place.

**DETAILS:****Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of LPS2, the State Government's Residential Design Codes (R Codes) and 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                            | Deemed-to-Comply / Acceptable Outcomes (or equivalent) | Requires the Discretion of Council |
|---|--|------------------------------------|
| Street Setback                              | ✓  |                                    |
| Building Setbacks/Boundary Wall             | ✓  |                                    |
| Building Height/Storeys                     | ✓  |                                    |
| Street Surveillance                         | ✓  |                                    |
| Street Walls and Fences                     | ✓  |                                    |
| Open Space                                  | ✓  |                                    |
| Outdoor Living Area                         | ✓  |                                    |
| Landscaping (R Codes)                       | ✓  |                                    |
| Car Parking                                 | ✓  |                                    |
| Solar Access                                | ✓  |                                    |
| Vehicle Access                              | ✓  |                                    |
| Visual Privacy                              | ✓  |                                    |
| External Fixtures, Utilities and Facilities | ✓  |                                    |
| Heritage Management Policy                  | ✓  |                                    |

**Detailed Assessment**

The application satisfies all deemed-to-comply and acceptable outcomes (or equivalent) standards in the City's policy framework, including the Heritage Management Policy.

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 requires consideration of the proposal against performance criteria even though it complies with the prescribed acceptable development standards. This is 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 between 20 November 2023 and 3 December 2023.

The proposed development was advertised in conjunction with a proposed change of use application for a 'coffee window' establishment on the ground floor of the subject site, to be contained within the room noted as 'lounge' on the plans. That application has been approved by Administration under delegated authority on 26 February 2024 but the works are yet to be undertaken. The method of consultation included a notice on the City's website, sign on site, and 18 letters being sent to the adjoining and adjacent landowners and occupiers, as shown in **Attachment 1** in accordance with the City's Community and Stakeholder Engagement Policy.

At the conclusion of consultation, seven submissions were received. Two submissions related to the works considered in the subject development application, both in support of the application. The remaining submissions related to the separate Change of Use development application.

The comments in support of the proposed works are summarised as follows:

- The existing building looks tired and dated. The proposed works are well-considered and would provide clearer delineation between the original building fabric and newer additions.
- Restoring the windows to the original corner shop will provide passive surveillance, or perception of surveillance to Lindsay and Brisbane Streets. This is needed in an area which experiences anti-social behaviour semi-regularly.
- Express support for owner investing in upgrading the existing building.

#### Design Review Panel (DRP):

Referred to DRP: Yes

The proposal was referred for comment to a member of the City's DRP who specialises in heritage conservation. Comments were sought on the acceptability of the proposed external works, as considered against the 10 principles of good design.

The DRP Member provided the following comments in support of the proposal:

- The chosen white paint colour is consistent with the original building's character as well as the built features of the wider local area by evoking an early lime wash render finish.
- Monument Colorbond cladding is proposed for the upper level only. This is a contemporary finish and does not detract from the character of the local area, instead, it enhances its distinctiveness within a mixed area of heritage and contemporary built fabric and will allow the upper-level addition to be readily identifiable as a new intervention.
- The proposed colour palette is an improvement of the existing colour palate as it better emulates the early lime wash finish noted in the 2009 Council report. While the proposed accent colour of Monument black and light grey (silver tea set) are not traditional heritage colours they do conform to the traditional relationship of façade painting where rendered facades would typically be a lighter colour with trims (windows and frames, banding etc) accented in a darker colour.
- The proposed yellow doors are not traditional colours of the streetscape or adjacent heritage buildings which feature green or red accent colours. However, colours are reversable and there is no permanent negative impact to the established heritage significance of the property. On this basis the colours can be supported.
- The new cladding improves the build quality of the upper-level addition by employing a more durable cladding material that will age better than the existing.
- The retention and recladding of the existing upper-level addition is more sustainable than to demolish and build new. Proposed double glazed stackable door to the north-east elevation of the first floor improves the building's thermal performance.
- Reinstatement of the parapet orbs will enhance the existing architectural character of the significant building if they are based upon historical evidence.
- The proposal will provide improved streetscape activation.

Comment was not provided on Principle 2 – Landscaping, as the proposed works do not result in any changes to the provision of landscaping on site.

The plans provided for community consultation and DRP comment are identical to the development plans included in **Attachment 2**, except references to the location of the proposed 'coffee window' use have been removed.

The table below shows the assessment of the application by the DRP member as considered against the 10 principles of good design:

| <b>Design Review Progress</b>                          |   |
|--|---|
|  | <i>Supported</i>                                    |
|  | <i>Pending further attention</i>                    |
|  | <i>Not supported</i>                                |
|  | <i>No comment provided/Insufficient information</i> |
|  | <i>DRP Member</i>                                   |
|  | <i>Plans dated 21 February 2024</i>                 |
| Principle 1 – <b>Context &amp; Character</b>           |   |
| Principle 2 – <b>Landscape Quality</b>                 |   |
| Principle 3 – <b>Built Form and Scale</b>              |   |
| Principle 4 – <b>Functionality &amp; Built Quality</b> |   |
| Principle 5 – <b>Sustainability</b>                    |   |
| Principle 6 – <b>Amenity</b>                           |   |
| Principle 7 – <b>Legibility</b>                        |   |
| Principle 8 – <b>Safety</b>                            |   |
| Principle 9 – <b>Community</b>                         |   |
| Principle 10 – <b>Aesthetics</b>                       |   |

#### 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;*
- *State Planning Policy 7.3 – Residential Design Codes Volume 1;*
- *Community and Stakeholder Engagement Policy;*
- *Policy No. 7.1.1 – Built Form Policy; and*
- *Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties.*

#### *Planning and Development Act 2005*

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Schemes) 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 and Development (Local Planning Schemes) Regulations 2015* (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, heritage significance, consistency with planning policies and advice from the DRP.

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. Relevant articles of the Burra Charter are summarised as follows:

- Article 15.3: Demolition of significant fabric of a place is generally not acceptable. Minor demolition may be appropriate as part of conservation, and removed significant fabric should be reinstated possible.
- Article 20.1: Reconstruction is appropriate only where a place is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the fabric.
- Article 20.2: Reconstruction should be identifiable on close inspection or through additional interpretation.
- Article 22.1: '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.
- Article 22.2: 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.

State Planning Policy 7.3 – Residential Design Codes Volume 1

On 23 February 2023, the State Government publicly released amendments to Volume 1 of the R Codes (2023 R Codes). The amendments would split the R Codes Volume 1 into Part B and Part C. The amended R Codes were due come into operation on 1 September 2023.

On 9 August 2023, the Minister for Planning announced that they had requested that the Western Australian Planning Commission (WAPC) defer the implementation of the 2023 R Codes and make amendments to the policy to remove single houses in areas coded R30 and R40 from 'Part C' of the codes.

The Department of Planning, Lands and Heritage will be publicly releasing the further amended R Codes on 8 March 2024 (2024 R Codes). Part C will apply to grouped dwellings in areas coded R30 and above, including the subject site.

A transitional period applies, and the 2024 R Codes will come into operation in the week of 8 April 2024. During this transitional period, assessment is to be undertaken against the existing R Codes. Where deemed-to-comply provisions are not met, the assessment is required to be undertaken primarily against the design principles of the existing R Codes, with due regard given to relevant design principles of Part C.

The design principles in Part C are generally consistent with the existing R Codes design principles. As this application does not propose any new elements that do not meet the deemed-to-comply standards of the R Codes, assessment against the Design Principles is not required.

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

As the subject site and adjacent properties are heritage listed properties, the proposal is required to be assessed against both Parts 4 and 5 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.*

Part 5 of the Heritage Management Policy relates to development adjacent to heritage listed buildings. The policy includes 'acceptable development' criteria as well as the following three performance criteria:

- P1 New development maintains and enhances existing views and vistas to the principal façade(s) of the adjacent heritage listed place.*
- P2 New development maintains and enhances the visual prominence and significance of the adjacent heritage listed place.*
- P3 New development is of a scale and mass that respects the adjacent heritage listed place.*

**Delegation to Determine Applications:**

This application 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 the demolition of any structure or building on a heritage protected place.

The application proposes demolition to a heritage protected place. The demolition relates to the alterations and additions approved by Council in 2006 and 2009, including a portion of the north-east elevation of the first floor.

**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 City's Policy No. 7.1.1 – Built Form. 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.

There are limitations on the extent to which the proposal can influence the environmental impact of the existing dwelling on the site through this application. This is because the scope of the application is limited to the proposed demolition works, including removal of fibre cement sheeting to windows, and re-cladding of the existing first floor.

The subject site and proposed development incorporates environmental sustainability measures. A 13 kilowatt-hour solar photovoltaic array has been installed on the roof of first floor, with a nine kilowatt-hour battery provided. This provides storage for electricity that is generated during the day for use on-site. The proposed opening to the north-eastern elevation of the first floor would be double-glazed, improving energy efficiency on-site, and was supported by the City's DRP member.

**PUBLIC HEALTH IMPLICATIONS:**

This report does not have any implications on the priority health outcomes of the City's *Public Health Plan 2020-2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no finance or budget implications from this report.

**COMMENTS:**Heritage Management Policy

The proposed alterations and additions meet the acceptable development standards of the Heritage Management Policy.

Comments are included below relating to how the proposed alterations and additions to a heritage listed place meets the performance criteria and objectives of the Heritage Management Policy.

- Modifications to First Floor Openings: The proposed demolition works to the first floor would respect the cultural heritage significance of the place and would not affect heritage fabric. The Heritage Management Policy allows for demolition to places where the fabric to be demolished is of little significance to the heritage place. The first floor was constructed in 2007 and does not contain heritage fabric and is not included in the Statement of Significance. The widening of the existing openings to the north-eastern elevation of the first floor would have minimal impact on the streetscape presentation of the building. This is because the north-east elevation wall of the first floor is set back 3.8 metres behind the parapet wall of the shopfront to Brisbane Street. The height of the existing parapet wall largely interrupts views of the north-eastern elevation of the first floor when viewed from Brisbane Street, as shown in Figure 1 below:



**Figure 1: No. 99 Brisbane Street – View Looking West from Brisbane Street**
















- Re-cladding of First Floor: The Heritage Management Policy accepts development to a heritage place where it is sympathetic to the existing material and readily identifiable as 'new work'. The application proposes to remove the existing fibre-cement sheeting cladding from the first floor and replace it with 'nailstrip' metal sheeting cladding in the colour 'monument'. The original ground floor is proposed to be painted white. The colour and materials would allow the first floor to be readily distinguished as 'new work'. The replacement of the cladding would not result in the first floor mimicking or replicating historic styles or obscure the heritage fabric of the building. The proposed difference in colours and materials the ground and first floors accentuate the difference between the contemporary first-floor addition and the original ground floor, including the corner shopfront, and was supported by the City's DRP Member specialising in heritage conservation.
- Painting of the Ground Floor: The proposed painting of the ground floor in white with 'monument', 'silver tea set' grey trim and yellow doors is acceptable. Paint scrapings previously undertaken on the subject site revealed that the premises had originally had a limewash (white) finish. Later colour schemes have included aqua, white, and salmon. The proposed white wall colour is consistent with the original limewash finish applied to the place. While the proposed trim colours of 'monument' 'silver tea set' are not traditional heritage colours, these colours are consistent with the traditional tonal relationship that is found in buildings of this architectural style, where accent colours were darker than the rendered walls of the building. The yellow colour for the doors would be consistent with the history and character of the subject site. While 'lemon delicious' yellow door colour is not a traditional heritage colour. The [2009 report to Council](#) notes the subject site has a history of "vibrant and unique colour schemes", which includes the current colour scheme which does not consist of heritage colours. The proposed painting of the ground floor was supported by the City's DRP Member specialising in heritage conservation.
- Removal of Fibre Cement to Shopfront: The fibre cement sheeting to the Brisbane Street and Lindsay Street elevations of the original shopfront covers glazing which had been installed in accordance with the 2006 approval. The sheeting was approved by Council as part of the 2009 Approval. As outlined in the Statement of Significance, prior to the site's inclusion on the City's Heritage List, the shopfront had undergone significant modification. The removal of the of the fibre-cement sheeting would reinforce the shopfront presentation of this original portion of the dwelling and would support and enhance the ongoing significance of the heritage place. The removal of the sheeting would also facilitate improved street surveillance and activation and was supported by the City's DRP member.
- Installation of Parapet Orbs: The applicant has provided photographic evidence to demonstrate that the parapet wall previously included decorative elements in the locations of the proposed decorative orbs. While direct evidence of the type of decoration that was attached in these locations is not available, the City's DRP member noted that the proposed orbs are in keeping with the architectural style of the existing heritage place. The parapet orbs parapet orbs would not obscure any original heritage fabric and would enhance the presentation of the corner shopfront that contributes to the heritage significance of the place.
- DRP Support for Works: Comments received from the City's DRP Member specialising in heritage conservation confirm that the works are compatible with the heritage place. This is because the proposed wall colours would be consistent with the original building's character. The proposed recladding of the upper floor would improve the build quality of the building and would enhance the presentation of the upper floor as a contemporary intervention to the heritage place, consistent with Articles 22.1 and 22.2 of the Burra Charter.

**CITY OF VINCENT  
LOCAL PLANNING SCHEME NO. 2  
SCHEME MAP 1 - LEEDERVILLE**


**LEGEND**

**METROPOLITAN REGION SCHEME RESERVES**
















Note: The Western Australian Planning Commission care of the Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.

-  PARKS AND RECREATION
-  R Restricted Public Access
-  PRIMARY REGIONAL ROADS RESERVATION
-  OTHER REGIONAL ROADS RESERVATION
-  RAILWAYS
-  PUBLIC PURPOSES  
Particular use denoted as follows:
-  H Hospital
-  HS High School
-  TS Technical School
-  CP Car Park
-  U University
-  CG Commonwealth Government
-  SU Special Use
-  WSD Water Authority of Western Australia
-  P Prison




**CITY OF VINCENT LOCAL SCHEME RESERVES**

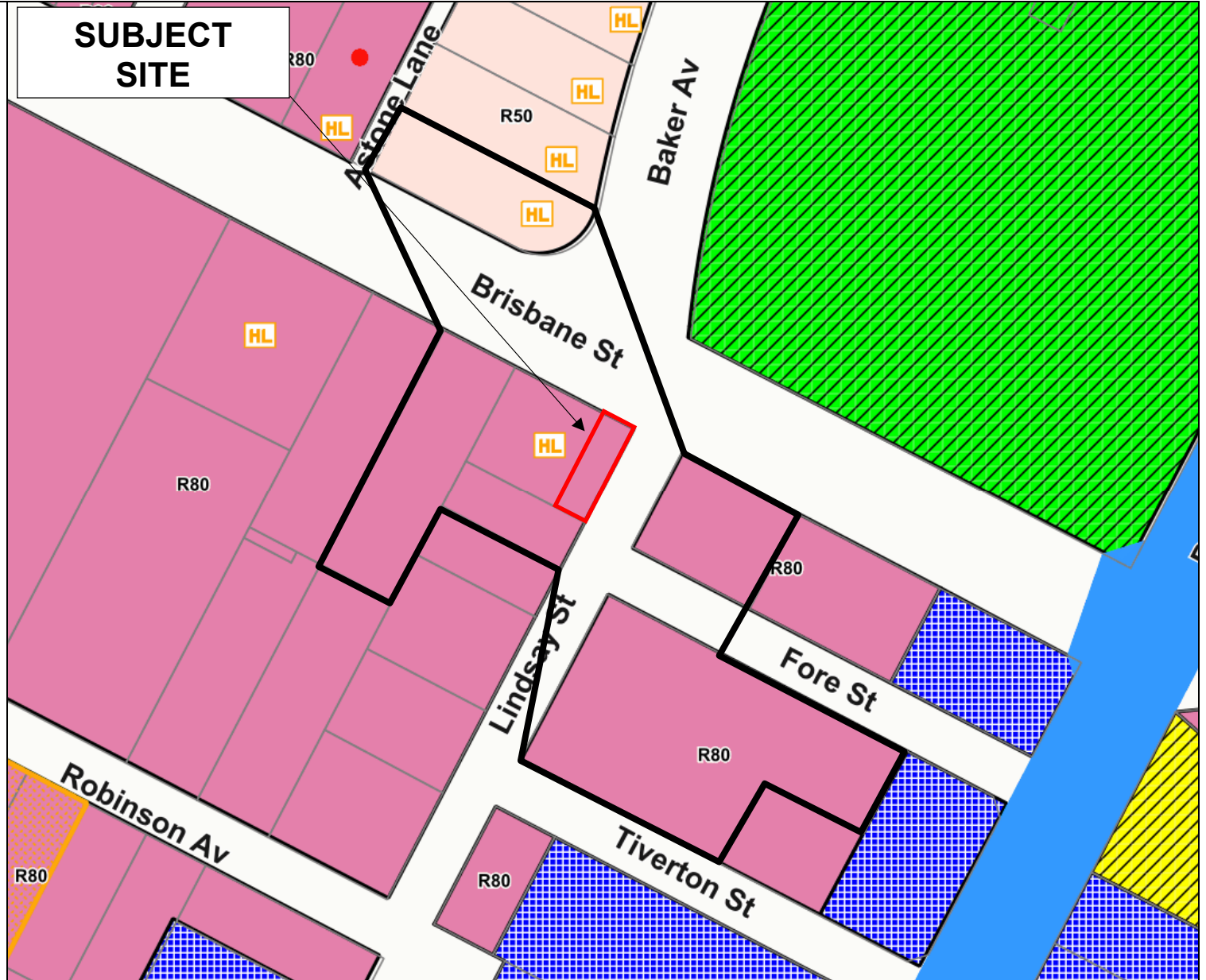
-  PUBLIC OPEN SPACE
-  R Restricted
-  PUBLIC PURPOSES  
Particular use denoted as follows:
-  PS Primary School
-  CP Car Park
-  CU Civic Uses
-  HS High School
-  I Institute for the Deaf
-  W Water Supply Sewerage and Drainage
-  TS Technical School

**CITY OF VINCENT SCHEME ZONES**

-  RESIDENTIAL
-  MIXED USE
-  COMMERCIAL
-  LOCAL CENTRE
-  DISTRICT CENTRE
-  REGIONAL CENTRE
-  SPECIAL USE  
Particular use denoted as follows:
-  CP Car Park
-  CU Community Use
-  FC Function Centre
-  HC Hall and Non Residential Club
-  H Hotel
-  PW Place of Worship
-  S Service Station
-  ADDITIONAL USE

**ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES**

-  CODE AREA BOUNDARY
-  SCHEME AREA BOUNDARY
-  DENSITY CODE



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Consultation and Location Map

No. 99 Brisbane Street, Perth

Extent of Consultation





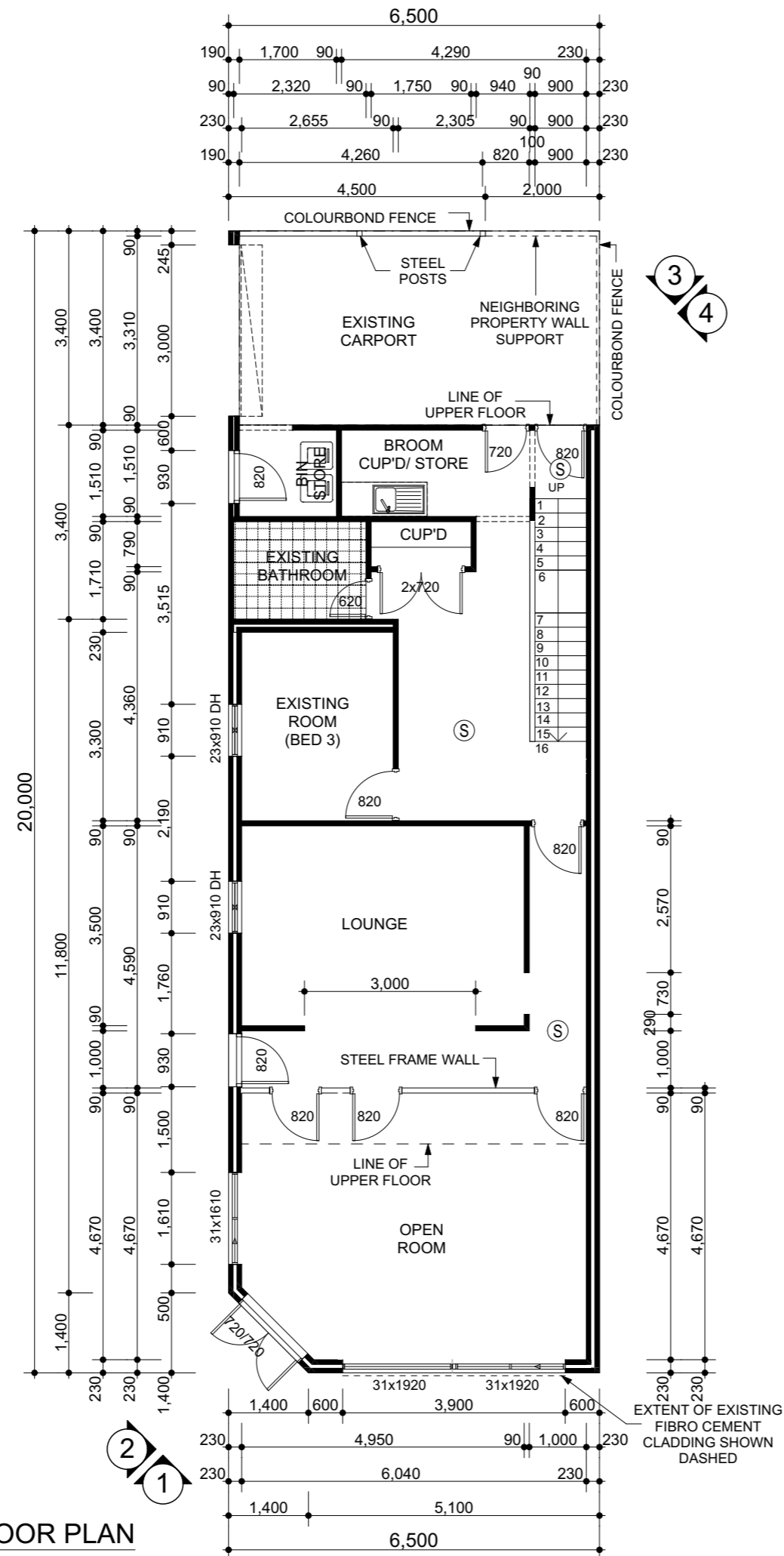
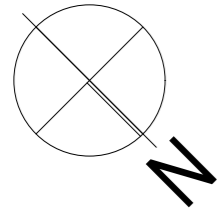
CITY OF VINCENT

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No. 99 Brisbane Street, Perth







**SITE COVERAGE**

**GROUND FLOOR:**  
 STRUCTURE AREA = 95.00msq  
 GARAGE AREA = 30.00msq  
 OVERALL AREA = 125.00msq

**UPPER FLOOR:**  
 STRUCTURE AREA = 81.84msq  
 GARAGE AREA = 23.14msq  
 OVERALL AREA = 104.00msq  
 TOTAL AREA: 229.00msq

(S) DENOTES SMOKE DETECTOR

**EXISTING GROUND FLOOR PLAN**

1:100

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PROPOSED ALTERATION & ADDITION FOR:  
**BENJAMIN DWYER**

LOT ADDRESS:

**LOT 1 STRATA (#99)  
BRISBANE STREET  
PERTH 6000**

CLIENT .....  
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PLAN: -

JOB No.  
-

DWG No.  
**1 OF 7**

| Rev | Amendment     | Drawn  | Date     |
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| A   | REVISED PLANS | VN-JGM | 05.07.22 |

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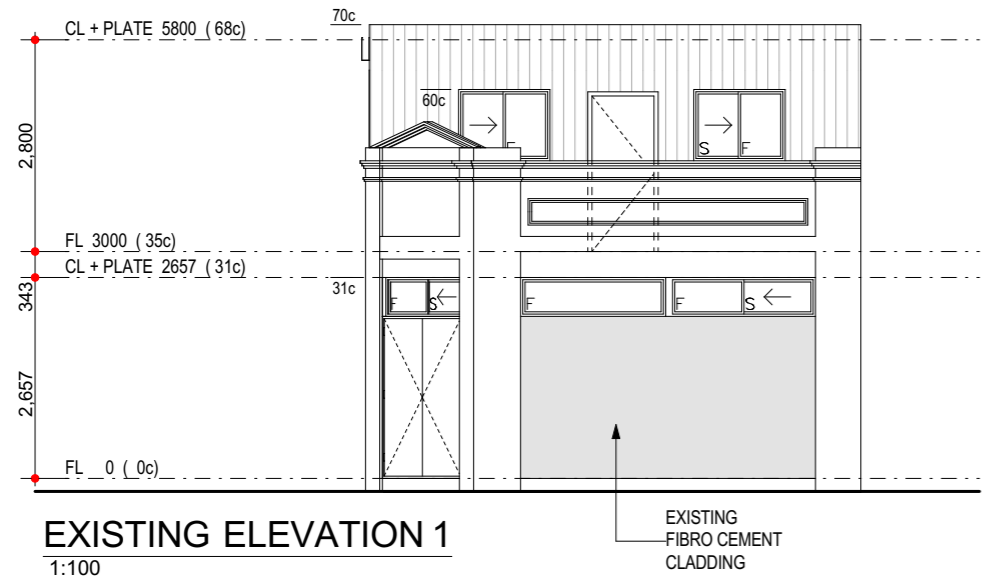
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PERTH 6000**

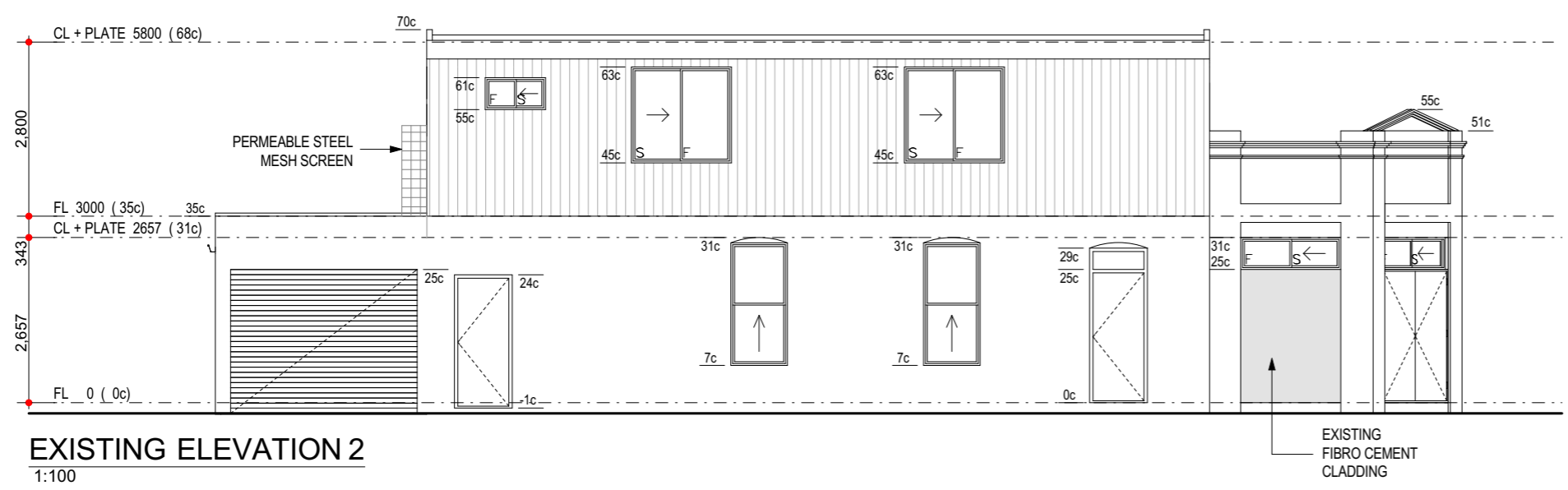
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JOB No. - DWG No. **3 OF 7**

| Rev | Amendment     | Drawn  | Date     |
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**EXISTING ELEVATION 1**  
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**EXISTING ELEVATION 2**  
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LOT ADDRESS:

**LOT 1 STRATA (#99)  
BRISBANE STREET  
PERTH 6000**

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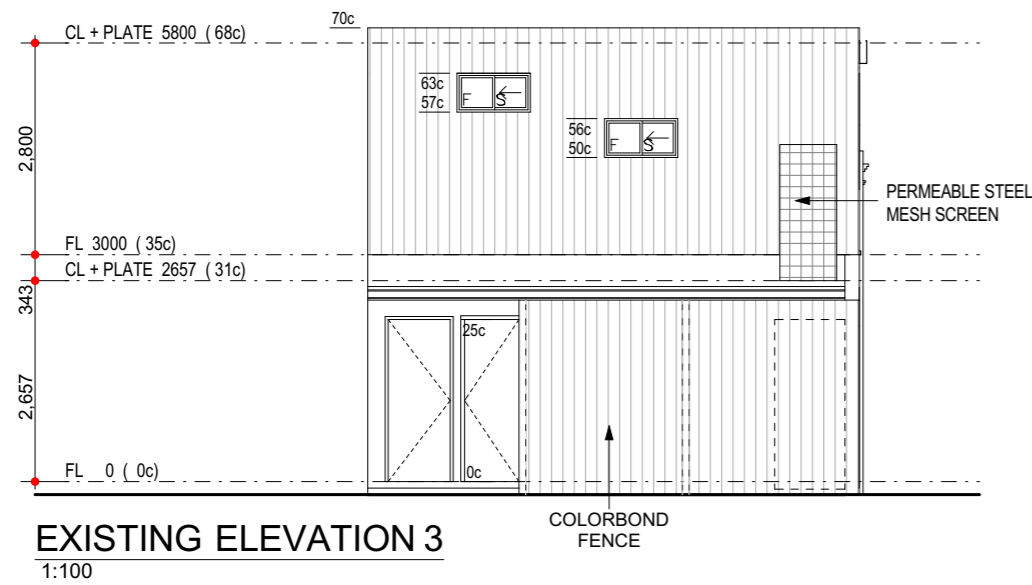
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PLAN: -

JOB No.  
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DWG No.  
**4 OF 7**

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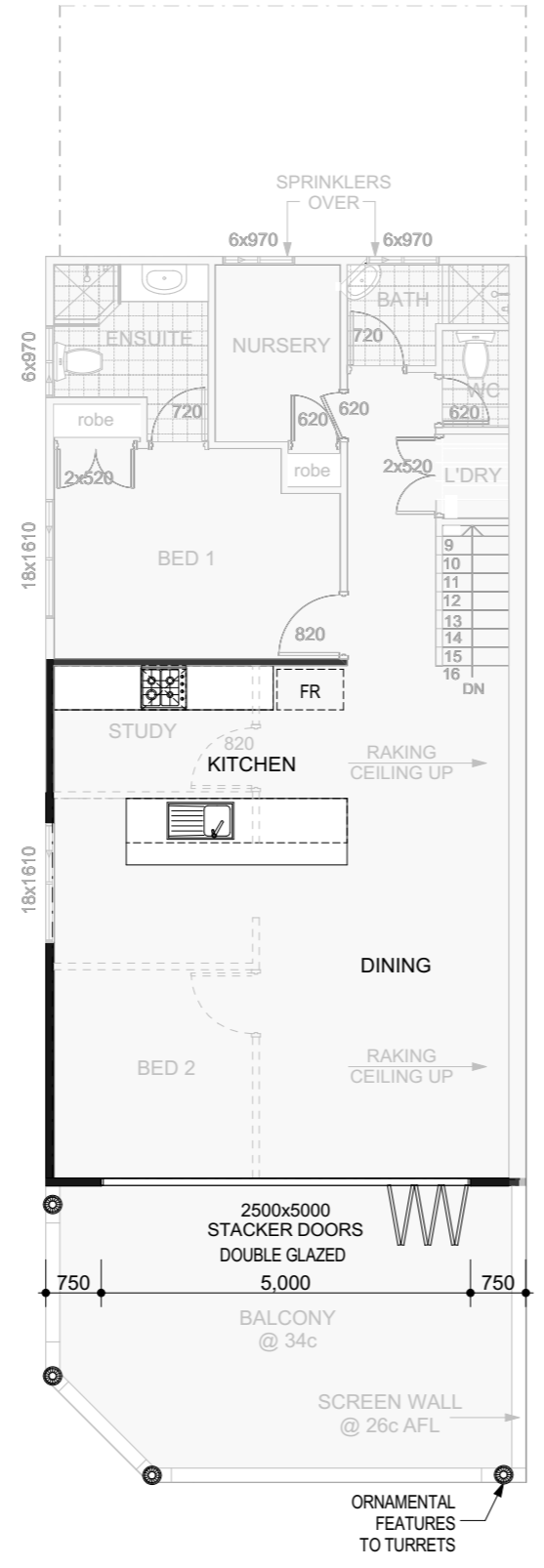
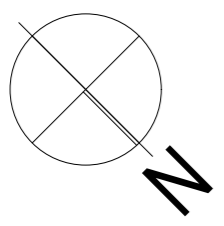
**EXISTING ELEVATION 3**  
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**EXISTING ELEVATION 4**  
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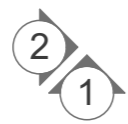


NOTE: DOUBLE GLAZED WINDOWS TO UPPER FLOOR

Ⓢ DENOTES SMOKE DETECTOR

NOTE: ALL WINDOWS TO BE REPLACED "LIKE FOR LIKE" EXCEPT WITH DOUBLE GLAZED PANES

NOTE: TILES TO ALL FLOORS EXCEPT BED 1 & NURSERY  
TIMBER FLOOR TO BED 1 & NURSERY



**PROPOSED UPPER FLOOR PLAN**  
1:100

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LOT ADDRESS:  
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BRISBANE STREET  
PERTH 6000**

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BRISBANE STREET  
PERTH 6000**

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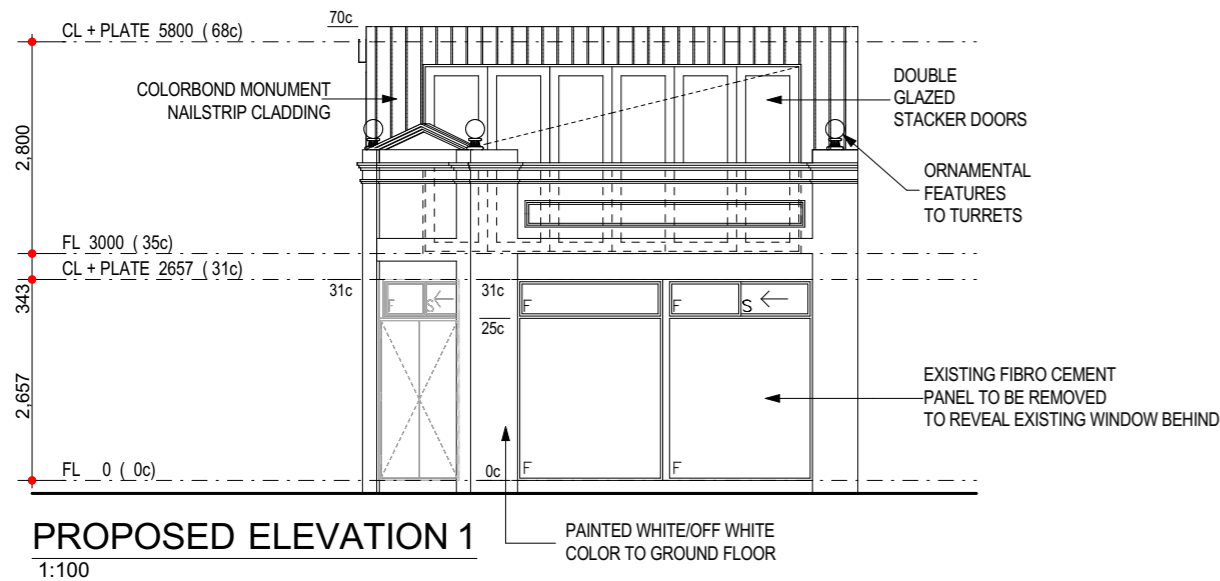
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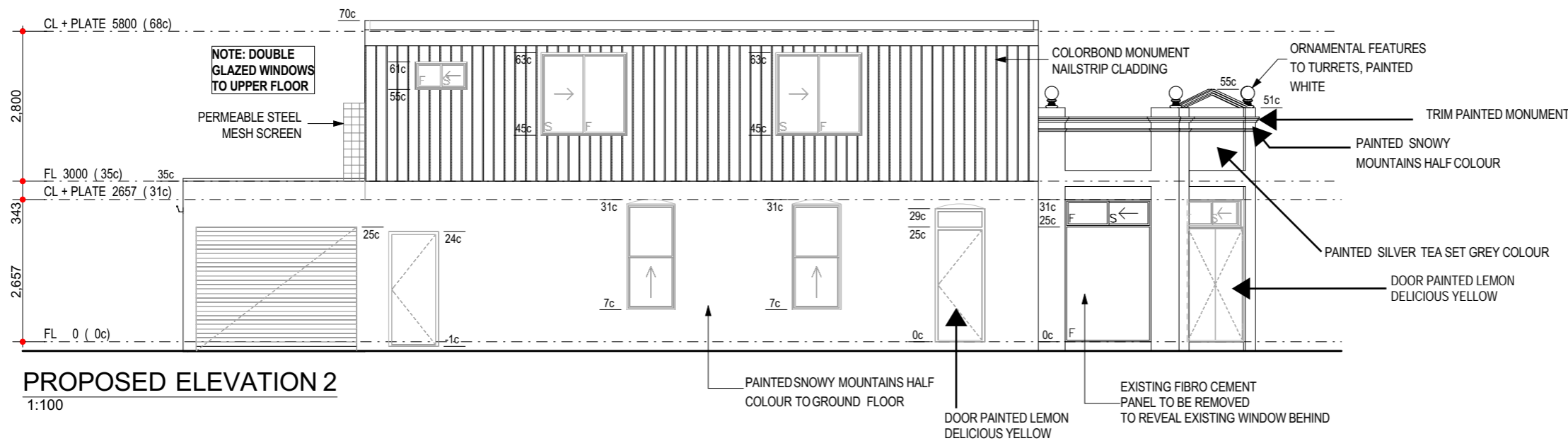
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**7 OF 7**

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**PROPOSED ELEVATION 1**  
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**PROPOSED ELEVATION 2**  
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PROPOSED ALTERATION & ADDITION FOR:  
**BENJAMIN DWYER**

LOT ADDRESS:

**LOT 1 STRATA (#99)  
BRISBANE STREET  
PERTH 6000**

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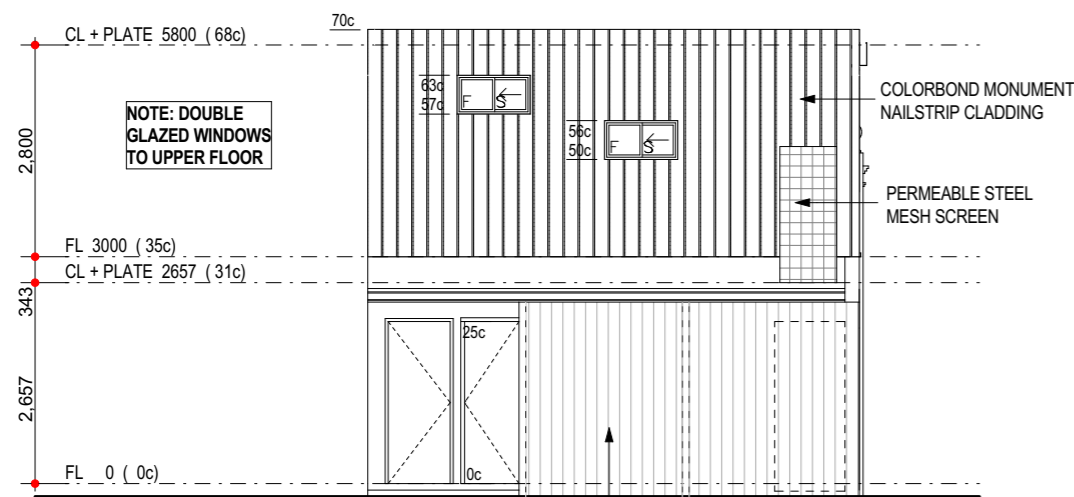
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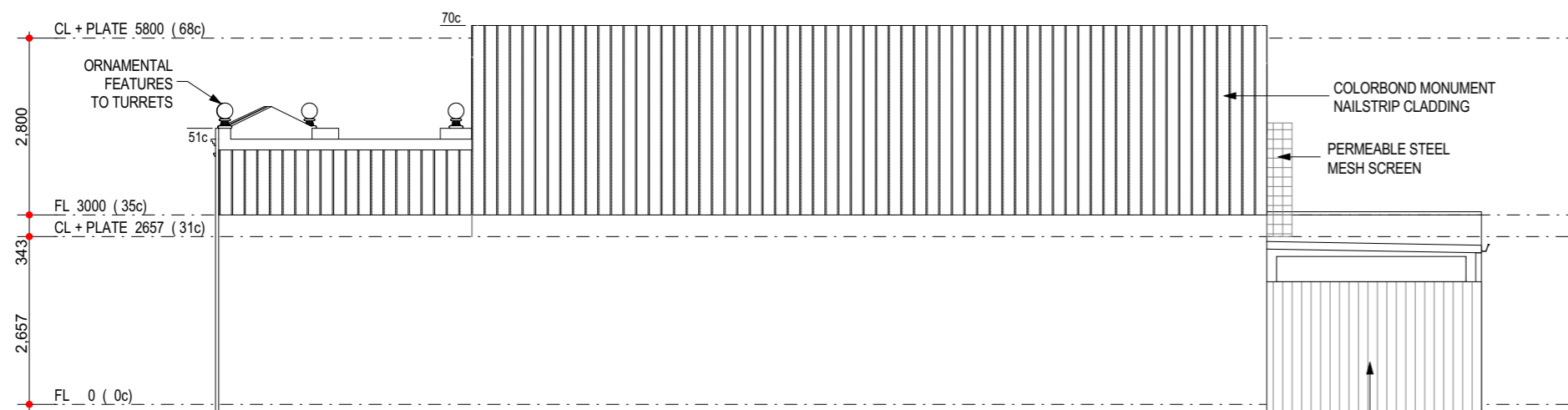
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**PROPOSED ELEVATION 3**  
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**PROPOSED ELEVATION 4**  
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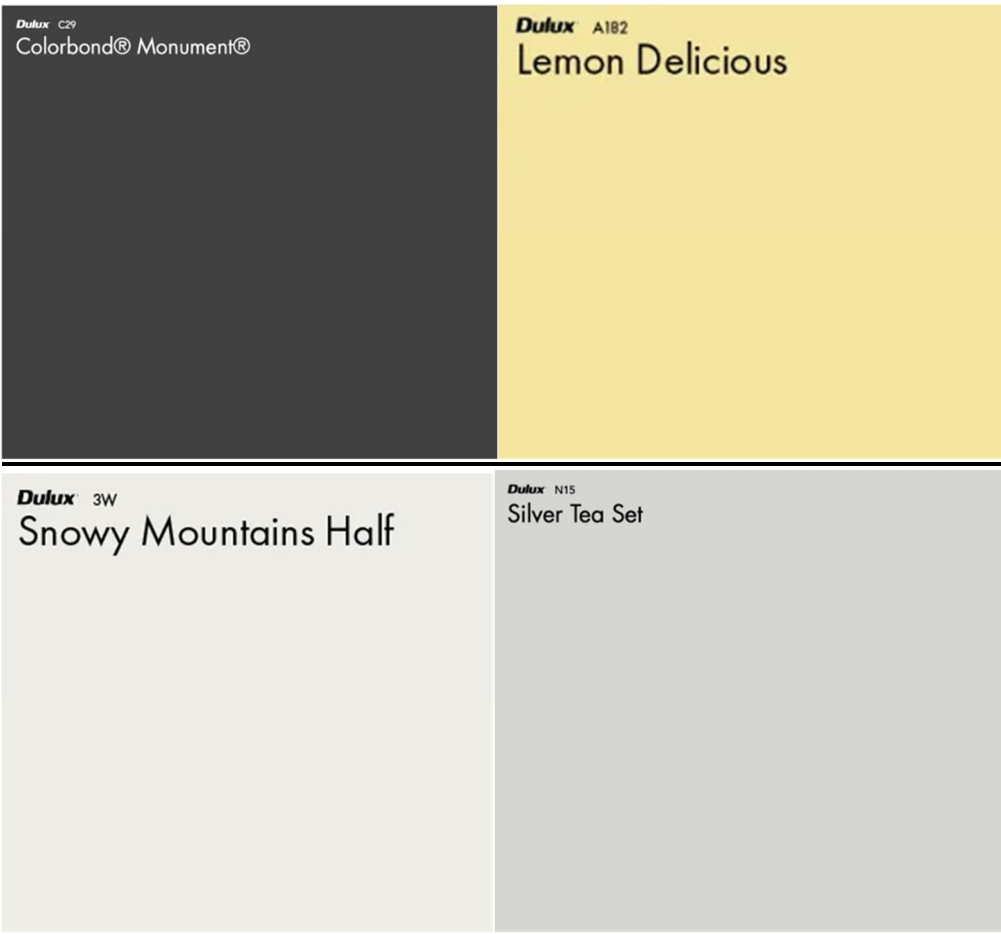
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**Colour Scheme and Indicative Photos**

*Upper Floor Level of Building - Colourbond Nailstrip in Monument Colour*

*Lower Floor Level of Building – Off white colour with monument/silver tea accents*

*Doors – Lemon yellow*



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## **Proposed Development at 99 Brisbane Street Perth**



- To increase thermal energy efficiency approval is being sought to replace the existing door on the north side of upper floor (Page 2 and 3 of drawings) with double glazed stacking doors (see plan drawings page 6 and 7). This sustainability improvement to the existing 2009 extension by replacing the existing external door with a double-glazed stackable door which will increase the thermal performance of the building and reduce energy consumption, therefore lowering greenhouse gas emissions.
- Approval is being sought to replace existing damaged external cladding on the upper floor of the property with Colourbond Nailstrip cladding (monument colour). See heritage impact statement for further information. Replacement cladding is proposed to be in a dark colour to better align with the Burra Charter article 22.2 “New work should be readily identifiable as such but must respect and have minimal impact on the cultural significance of the place”. This will better differentiate the newer 2009 extension from the fabric of the original building façade from an external viewing perspective.
- Remove fibro cement board to reveal the original shop front windows on the ground floor heritage listed façade to enhance the heritage significance of the former shop at 99 Brisbane Street by restoring the fabric of the facade to the former state of the fabric.
- Restore rendered concrete facade and paint lower level of building white with monument colour accents to enhance the heritage significance of the former shop at 99 Brisbane Street by restoring the fabric of the facade to the former state of the fabric.

## **99 Brisbane Street Perth – Heritage Impact Statement Attachment**

**The following aspects of the proposal respect or enhance the heritage significance of the place or area, for the following reasons:**

There will not be any changes to number 101 or 103 Brisbane Street.

The following aspects of the proposal aim to enhance the heritage significance of the former shop at 99 Brisbane Street by restoring the fabric of the facade to the former state of the fabric:

- removing the Hardiflex boards to reveal the shop windows (article 19 Burra Charter)
- reconstructing finials to the top corners of the facade/turret (article 20 Burra Charter)
- restoring the external rendering that has suffered damage (article 16 Burra Charter)
- painting the facade to a colour scheme that reflects other heritage buildings in the area
- restore the use of the building to its former state as a shop (article 23 Burra Charter)

The following aspects of the proposal aim to enhance the heritage significance of the former shop at 99 Brisbane Street through maintenance to the existing extension that was developed in 2009, this maintenance includes:

- replacing damaged external cladding to the upper floor extension with more robust Colourbond Nailstrip cladding
- replacement cladding is proposed to be in a dark colour to better align with the Burra Charter article 22.2 “New work should be readily identifiable as such but must respect and have minimal impact on the cultural significance of the place”. This will better differentiate the newer 2009 extension from the fabric of the original building façade from an external viewing perspective.

This proposal also includes a sustainability improvement to the existing 2009 extension by replacing the existing external door with a double-glazed stackable door which will increase the thermal performance of the building and reduce energy consumption, therefore lowering greenhouse gas emissions.



### **Determination Advice Notes:**

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
3. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
4. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
5. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
6. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
7. An Infrastructure Protection Bond together with a non-refundable inspection fee shall be lodged with the City by the applicant, prior to the commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable.
8. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
9. All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
10. The applicant is advised that they may require approval from the Strata Corporation in accordance with the *Strata Titles Act 1985*, prior to commencement of any works on site.