

**DA 19/1464**  
**179 Central Avenue Mount Lawley**  
**Development proposal for 6 commercial tenancies**  
**and 15 multiple dwellings**

Submission to  
Metro North-West Joint Development Assessment Panel  
Attention: Presiding Member  
Ms Karen Hyde

Submitted by  
The Mount Lawley Society

22 January 2020



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MOUNT LAWLEY SOCIETY EST. 1977

**MOUNT LAWLEY SOCIETY**

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## About Us

The Mount Lawley Society (“Society”) was founded in October 1977, with the aim of fostering a community spirit, with a focus on the retention of the older buildings and townscapes, protection of the limited open space and to research and publicise the history of the suburbs.

## Our Objectives

- to promote the history of Inglewood, Menora and Mount Lawley and inform the community about it;
- to protect the heritage character of Inglewood, Menora and Mount Lawley through local, state and federal laws and regulations;
- to research and publicise people, places and events in the history of Inglewood, Menora and Mount Lawley;
- to prevent the demolition of original character or heritage buildings;
- to preserve and improve heritage structures, streetscapes and landscapes within Inglewood, Menora and Mount Lawley;
- to assist members to prevent developments which threaten the heritage character of Inglewood, Menora and Mount Lawley;
- to assist members to preserve the amenity of their properties and streetscapes within Inglewood, Menora and Mount Lawley;
- to preserve and expand the limited public open space in Inglewood, Menora and Mount Lawley;
- to work closely with community, businesses, local councils and other associations to enrich the heritage and cultural life of Inglewood, Menora and Mount Lawley; and
- to support the Inglewood, Menora and Mount Lawley business districts.

## Our position on the application

The Mount Lawley Society does not support the current development application **DA 19/1464 being submitted for determination on 24 January 2020.**

## Submission

This submission is responding to this development application based on valid planning and heritage character retention concerns raised by our members.

The objectives of the Mount Lawley Society include our desire to support the protection and preservation of the existing character of heritage areas in Mount Lawley, Inglewood and Menora, under local and state planning laws. This extends to ensuring preservation rather than demolition of buildings pre -1950 and protection of the streetscape through appropriate architectural styles that are consistent with pre 1950s housing typologies.

The community interest of our membership regarding this development is to ensuring that any proposal within the context of the existing planning framework and planning scheme for the City of Stirling – this extends to the heritage protection control area and planning scheme for Mount Lawley, Menora and Inglewood.

The current development application is not supported by the Mount Lawley Society:

- 1) heritage character and streetscape has failed to be protected
- 2) development of a local centre fails to be keeping with existing character, bulk and scale of existing streetscapes
- 3) The development information as advertised by the City of Stirling is incomplete and requires further information to be made public as a part of the consultation process.

## 1. Demolition of existing character and heritage

- i) The development proposes to demolish two existing character homes facing Central Avenue.

Recognising that the corner deli structure is to be retained, the demolition of the adjacent character home in addition to the demolition of the home on Lot 131 will create a significant impact to the existing street character.

The home adjacent to the corner store facing Central Avenue is on a lot zoned Local Centre. Whilst this zoning will permit mixed use development, as the lot is situated in the heritage protection zone, demolition and replacement with a contemporary façade is not in keeping with local architectural styles of pre-1950s.

Reference is made to the City of Stirling Local Planning Scheme Text:

*“Objective - Retain and conserve traditional buildings within the Heritage Protection Areas, particularly those buildings dating from the early 1900s to the 1950s. From time to time it is acknowledged that applications will be received proposing to demolish buildings within the Heritage Protection Areas. Applicants wishing to demolish a building within the Heritage Protection Area are required to lodge an application for planning approval under Part 8 of Local Planning Scheme No. 3.*

- ii) *A heritage and architectural assessment by a professional body is required to be undertaken.*
- iii) *Only where the building has been identified as an ‘intrusive’ or ‘neutral’ place (buildings of more recent design), consideration can be given to varying this requirement; Prior to the approval of any proposed demolition in a Heritage Protection Area, the City may require a heritage assessment by a heritage/architectural professional to be carried out. This assessment*

*will assist the City in determining if an application and the written justification provided by the applicant is accurate and in accordance with the objectives of these guidelines.”*

**3.1. PARTIAL DEMOLITION OF A BUILDING** *Demolition of a minor portion of a traditional building may be considered in the case of a planning application for an addition to that building. The proposal must meet the objectives of section 4.1 'Conservation of, and Additions to, Traditional Houses' or section 6.1 'Commercial & Mixed-Use Development' of these guidelines.*

*“Demolition of large portions of a traditional building, or removal of original features from the front façade to facilitate a new addition will not be considered.”*

*A partial demolition proposal must show the extent of the roof and wall fabric that is being retained. It should be noted that a practising structural engineer’s plan, specification and detail is required to be submitted to the City with the Building Permit to demonstrate how the structural integrity of the existing structure is to be maintained during building and demolition works.*

Acknowledging a heritage assessment has been undertaken, the assessment and developers proposal does not give due regard to the impact of the street character adjacent to the two lots that are proposed to be developed. The assessment should be seeking to make recommendations that support architectural styles consistent with pre 1950s federation and similar style housing along Central Avenue, to ensure that the policy definitions provided in the Heritage Protection Area are maintained.

The development does not plan to retain the roof and wall fabric of the existing dwelling, and seeks to demolish existing character and replace it with an architectural style that is not in keeping with pre 1950s federations style architecture that dominates Mount Lawley and that section of the Heritage Protection Zone.

*“4.1.2 Streetscape 4.1.2.1 Street Setbacks a) No additions and / or alterations to the traditional house shall occur within the front setback area, unless restoring an original feature in the original architectural style (eg; a verandah); b) Any additions to the side shall be setback a minimum of 2 metres from the predominant building line (as determined by the City) of the front of the traditional house (Refer Figure 16); and c) Second storey additions shall be located to the rear of the traditional house ridgeline”*

## **2. Infill development that is consistent with the heritage control area and local planning scheme**

Lot 131, the 883m<sup>2</sup> corner lot is a unique situation due to the local centre zoning it carries, whilst the adjacent lots are zoned R40.

The height of the development at four storeys which is predominantly across Lot 131, including relevant pitch of the roof line is a significant change to the bulk and character of the street, both facing Central Avenue and Clifton Crescent.

Whilst recognising the need to create further infill and utilise the zoning of local centre, this small 882m<sup>2</sup> lot is the only lot in proximity that carries a local centre use, which is a carry over from the local deli provisions in years gone by. It is opportunistic to say the least, that the developer is seeking to improve local amenity in this area given the lot is a mere 882m<sup>2</sup>.

Specifically the City of Stirling's policy outlines the following:

#### *4.3 Infill Development*

*With the planning policy manual of the City of Stirling, the streetscape is to be protected to reflect the scale, style and form of traditional houses within the streetscape. This guideline should apply for any development that involves grouped and / or multiple dwellings.*

##### *4.3.2.1 Design*

- a) New dwellings shall be traditional in design and reflect the heritage style, form and scale of the traditional house, and other traditional houses within the streetscape.*

The character, height, bulk and design of the development should be representative of architectural style pre 1950s of federation style homes typically found along Central Avenue.

- b) In regard to two storey buildings the visual bulk of the building should be minimised through articulation of larger wall lengths and the stepping back of upper storey walls.*

*4.2.7 Local Centre Zone a) To provide for a limited range of small-scale retail, commercial and community facilities to meet the day-to-day needs of the immediate neighbourhood. b) To ensure safe and convenient access to facilities, in an environment which is conducive to pedestrian movement. c) To ensure development is sited and designed so as to reinforce a sense of place and attractive streetscapes.*

As the bulk of the building runs in a north – south orientation, the existing homes adjacent to the east of the development will incur significant over shadowing and impacts to privacy and overlooking which are articulated in the plan – properties significantly affected include 177 Central Ave and 108 Fifth Ave.

As the corner lot is zoned local centre and is the only lot with this zoning, the scale and impact of a four storey development on a small 882m<sup>2</sup> site is significant and not in keeping with the streetscape or the existing pre 1950s housing typology.

The height and bulk of the development along with the negative hard surface impacts of the parking areas proposed on Lot 131 will create a significant impact to heat and reduction to the urban canopy of this pocket of Mount Lawley. Reducing the height of the development to a maximum of two storeys, including stepping back the levels of each storey across both lots and encouraging use of more green

spaces, verandas and large trees would accommodate appropriate bulk and scale to align to the existing streetscape.

The new gazetted guidelines for apartments, section 2.2 specifies

*The apparent height of new development shall be appropriate to the streetscape and desired character of the area and shall not adversely impact the amenity of adjoining properties.*

*Building height is one of the factors that define building envelopes. In this policy it is expressed in storeys relative to natural ground level. Building height limits guide the intended scale of streetscapes and manage impacts between development and neighbours in terms of solar access, wind, and visual privacy.*

Again, to be consistent to the existing local planning policy and intent of the new apartment design guidelines, the character, height, bulk and design of the development should be representative of architectural style pre 1950s of federation style homes typically found along Central Avenue. The R40 development should be no higher than 2 storeys. The centre zone needs to address the needs of the local community and as all other buildings in proximity are no more than 2 storeys with pitched roof, the height of the apartment building should be no more than 2 storeys with a pitched roof.

### **3. The development information as advertised by the City of Stirling is incomplete and requires further information to be made public as a part of the consultation process.**

In addition to the two key points raised herewith in this submission 1) heritage protection and 2) development of a local centre in keeping with existing character, the Society is requesting clarification via a written response to the following questions:

- i) Why did the City of Stirling planning department issue a development report on 20 January 2020, when the determination meeting is scheduled in the same week, on the 24 January 2020?
- ii) With respect to i) above, what is the statutory requirement by the Department of Planning regarding a Council needing to produce a report for a JDAP decision for adequate public viewing and consultation period?
- iii) Has the applicant engaged a suitably qualified engineer/architect to assess the existing dwellings to determine if they could be retained?
- iv) Has the applicant engaged a suitably qualified heritage advisor regarding why it is acceptable to demolish character dwellings on a residential lot and replace them with a building façade that is not in keeping with the existing heritage of the streetscape of homes adjacent to the development site on Central Avenue?
- v) What information was reviewed by the City of Stirling Design Review Panel on 8 August 2019 and will it be made public?

- vi) Matters of design and character, which are specific to the City of Stirling Town Planning Scheme for Mount Lawley, Menora and Inglewood require specific advice and reporting as to how the design of a new development complies with the Town Planning Scheme design controls and criteria.
- vii) Given that Design and Character is specifically written into the Town Planning Scheme, is it a statutory requirement that design and character is given consideration to and by the Heritage Advisory Committee, in accordance with the terms of reference of the Heritage Advisory Committee?
- viii) Does the plot ratio, outcomes for public and community spaces meet the design framework of the Department of Planning?
- ix) When is the City of Stirling planning to update it's planning policies to outline how it intends to incorporate the May 2019 Gazetted Changes to design frameworks for apartments on R40 and mixed use sites?
- x) Lot 131 (179) Central Ave, Mount Lawley has an approval in place until May 2020. Does this new application void the existing development approval that exists?
- xi) The lot 132 (181) Central Avenue has an existing development application in process for modifications to the corner store. Is that application void now that this new application has been advertised?
- xii) Urban canopy – how is the proposed development aiming to achieve a contribution to the urban canopy requirements of the City of Stirling Urban Canopy Strategy?

On behalf of the membership and committee of the Mount Lawley Society, thank you in anticipation of your written response.

Yours sincerely

Tracey King  
President