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Planning Policy Manual – Part 1

Section 4.4
Building Heights and Setbacks

NOTE: Proposed Scheme Amendments Are Shown In Red – pg. 10

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1.0 INTRODUCTION

Central Perth has its own special character. Its outstanding natural setting on the Swan River, adjacent to the Mount Eliza escarpment and Kings Park, together with the foreshore park lands and the city skyline provide a dramatic visual identity.

Within the city, the layout of the streets, the pattern of development and grouping of various activities portrays a particular image and character to the city user.

Perth is renowned for its pleasant climate having a large number of days of sunshine throughout the year. It is, however, susceptible to strong winds, heavy showers and extreme heat. The local climate (micro-climate) has a significant influence on ones' perception as well as enjoyment and use of the city.

The built form that the city takes will help shape its character. The heights and setbacks of buildings are key factors in this regard.

This policy draws upon the local government's Urban Design Framework which sets out its vision for the physical form of development of the city. The policy should also be read in conjunction with the City Planning Scheme No. 2's design related planning policies.

Structure and Application

The policy includes a set of overarching objectives and is divided into two key sections, one relating to building heights and the other relating to building setbacks. Each section includes a set of principles and standards.

The objectives outline the desired outcomes and expectations for development and must be achieved.

The principles outline ideals and rules that shall be considered when making decisions.

The standards prescribe how the objectives and principles of the policy are generally intended to be satisfied.

The local government acknowledges that there will be instances where variations to the standards may be warranted. A section on variations has been provided at the end of the policy to provide guidance in relation to these.

2.0 OBJECTIVES

To ensure that the heights and setbacks of buildings contribute to the creation of a city which:

- has functional buildings;
- has a high level of amenity within buildings;
- has functional and attractive pedestrian areas and public spaces;
- has an attractive skyline and outlook from the public realm;
- is diverse and interesting in character; and
- conserves, respects and enhances places of cultural heritage significance.

3.0 POLICY AREA

This policy shall apply to all land:

- classified within a City Planning Scheme No. 2 use area; or
- reserved under City Planning Scheme No. 2 for Public Purposes – Civic Use

with the exception of the areas covered by the following instruments made pursuant to the Scheme:

- Precinct Plan 9 – Matilda Bay;
- Office/Residential Use Area in Precinct Plan 10 – West Perth;
- Precinct Plan 11 – Hamilton;
- Mount Street Design Policy;
- Terrace Road Design Policy;
- Goderich Design Policy; and
- King Street Heritage Precinct Design Guidelines.

4.0 DEFINITIONS

The terms **'height'**, '**setback**' and **'street building height area'** are defined in Attachment 4 Definitions of City Planning Scheme No. 2.

For the purposes of this policy:

'**laneway'** means a narrow (generally 6 metres wide or less) road, right of way or right of carriageway, in either public or private ownership, which provides access to the side or rear of lots principally for servicing adjoining land uses and activities. Laneways are generally open to the sky.

'lower building levels' means those levels of a building at or below the street building height prescribed on the Street Building Height and Setback Plan of City Planning Scheme No.2.

'narrow lot' means a lot which is:

- <15 metres in width in the case of a 3 metre setback standard;
- <17 metres in width in the case of a 4 metre setback standard; or
- <19 metres in width in the case of a 5 metre setback standard.

'upper building levels' means those levels of a building above the street building height prescribed on the Street Building Height and Setback Plan of City Planning Scheme No.2.

'**street building heights'** are prescribed on the Street Building Height and Setback Plan of City Planning Scheme No. 2 and apply to the street building height area.

5.0 BUILDING HEIGHT

5.1 Street Building Heights

5.1.1 Principles

The street building height of a development should:

- generally be of a low scale;
- generally be consistent with other street building heights within the street;
- generally relate to the role of the street in the local government's hierarchy of streets as outlined in the local government's Urban Design Framework;
- maximise sunlight penetration into streets, public spaces and buildings, and provide for moderate to high levels of sunlight penetration into key pedestrian areas and public spaces in the middle of the day (10am to 2pm) from August to April; and
- respect the street building heights of places of cultural heritage significance within the street.

5.1.2 Standards

- The street building height should comply with the Street Building Height and Setback Plan of City Planning Scheme No.2.

5.2 Maximum Building Heights

5.2.1 Principles

The maximum building height of a development should:

- reinforce established character areas of the city;
- maximise sunlight penetration into streets, public places and buildings, and to provide for moderate to high levels of sunlight penetration into key pedestrian areas and public spaces in the middle of the day (10am to 2pm) from August through to April; and
- provide for a transition in building heights at the interface with lower scaled developments in adjoining local government areas.

5.2.2 Standards

- The maximum height of a building should comply with the Maximum Building Height Plan of City Planning Scheme No. 2.
- In the areas indicated as having 'no prescribed height' on the Maximum Building Height Plan, the maximum building height should be determined through reference to the objectives and principles of this policy and other built form controls such as plot ratio, street building heights and setbacks.
- Within parts of the city, as indicated on the Maximum Building Height Plan, development is required to be contained within a 45 degree angled height plane. This 45 degree angled height plane relates to the angle of the sun at noon on the 21 August and 21 April. Containment of development within this plane will ensure that the solar access objectives of this policy are met. Whilst it is expected that development should be contained within this plane, it is not intended that development should take this precise form.
- Note – the building height and setback provisions of the Office/Residential Scheme Use Area and the Mount Street Design Policy in Precinct 10 – West Perth also apply to portions of the State Government's Parliament House Precinct as indicated on the Maximum Building Height Plan.

5.3 Specific Area Building Heights

- Specific building height controls may also apply within Special Control Areas of City Planning Scheme No. 2 and Minor Town Planning Schemes.
- Specific building height controls may also apply within the area covered by the State Government's Parliament House Precinct Policy.

6.0 BUILDING SETBACKS

6.1 Street Setbacks

6.1.1 Principles

Lower Building Levels

The lower levels of a building should generally have a nil street setback to:

- provide for a consistent building line along the street; and
- provide for a continuous building edge along the street to maximise opportunities for interaction between the private and public realms.

Upper Building Levels

The upper levels of a building should generally be setback from the street to:

- assist in distinguishing between the lower and upper building levels;
- provide for an attractive street outlook by opening up views of the sky;
- minimise adverse wind impacts on the pedestrian environment; and
- maximise sunlight penetration into streets, public places and buildings, and to provide for moderate to high levels of sunlight penetration into key pedestrian areas and public spaces in the middle of the day (10am to 2pm) from August through to April.

The street setback for both the lower and upper levels of a building should also:

- respect the street setbacks of places of cultural heritage significance within the street; and
- have regard to the street setbacks of other buildings within the street.

6.1.2 Standards

Buildings should be setback from the street in accordance with the Street Building Height and Setback Plan and Maximise Building Height Plan of City Planning Scheme No. 2.

6.2 Side and Rear Setbacks

6.2.1 Principles

The side and rear setbacks of buildings should:

- ensure natural light access and ventilation and privacy within and outlook from buildings appropriate to their use and location within a city centre environment;

- provide separation between upper building levels to provide an attractive city skyline and outlook from the public realm by enabling daylight access and opening up views of the sky;
- respect the side and rear boundary setbacks of places of cultural heritage significance within the street; and
- have regard to the side and rear setbacks of buildings on adjoining land.

Notwithstanding these principles, a continuous lower level building edge should generally be provided along the street to maximise opportunities for interaction between the private and public realms along the street.

6.2.2 Standards

- The lower and upper levels of buildings should be setback from side and rear lot boundaries as set out in the tables below except along the street frontage where the lower levels of a building shall have a nil side setback.

Residential and Special Residential Use Groups

Building Elevation Condition	**Minimum Side/Rear Setbacks**	
	Lower Building Levels	Upper Building Levels
No Openings or Balconies	Nil	• 3 metres (up to 65 metres in building height[1]) • 6 metres (over 65 metres in building height[1])
Openings and/or Balconies	4 metres	• 4 metres (up to 65 metres in building height[1]) • 8 metres (over 65 metres in building height[1])

Other Use Groups

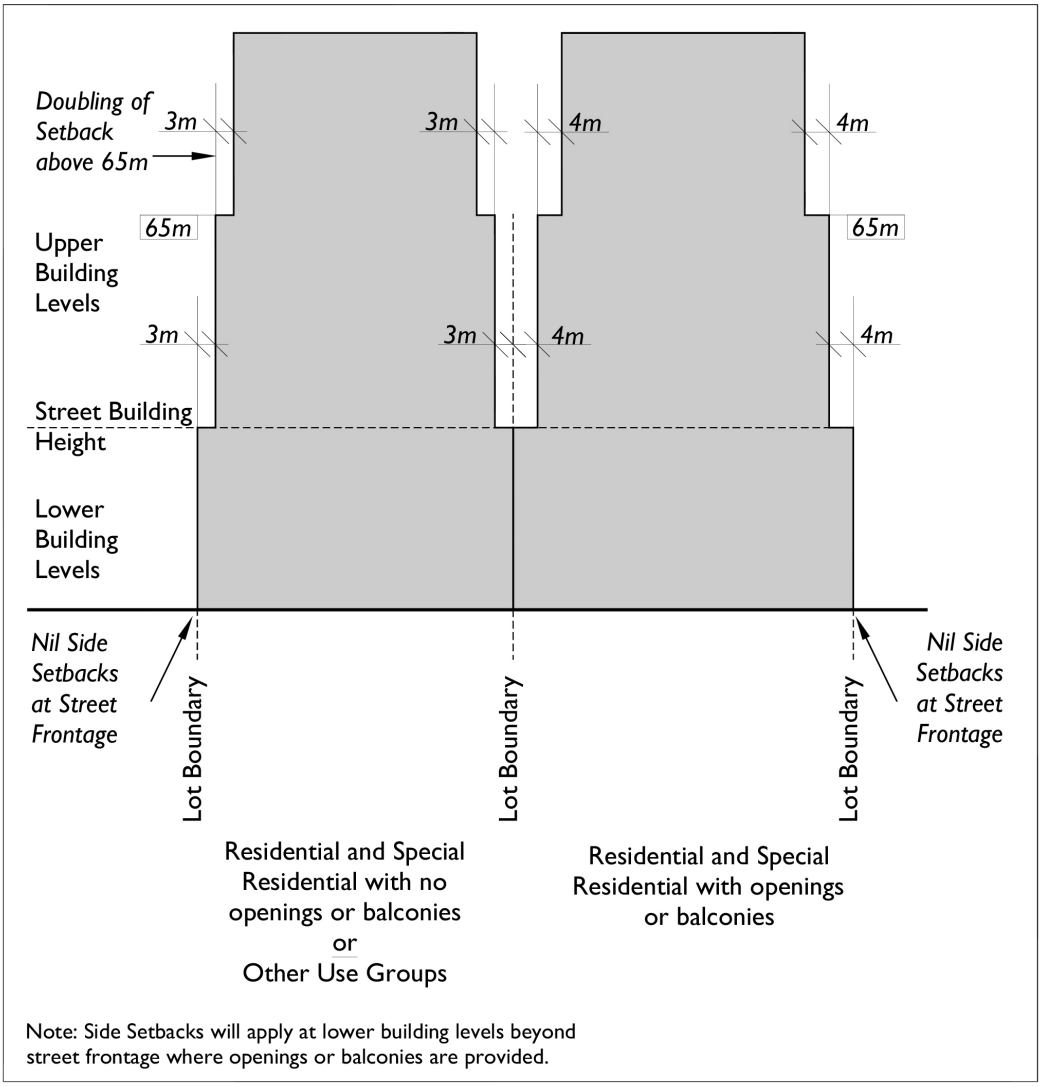
Building Elevation Conditions	**Minimum Side/Rear Setbacks**	
	Lower Building Levels	Upper Building Levels
No Openings and/or Balconies	Nil	• 3 metres (up to 65 metres in building height[1]) • 6 metres (over 65 metres in building height[1])
Openings and/or Balconies	3 metres	• 3 metres (up to 65 metres in building height[1]) • 6 metres (over 65 metres in building height[1])

Note: *1. Building height shall be measured in accordance with the definition of height in Attachment 4 of City Planning Scheme No. 2 and includes both the lower and upper building levels.*

- Figure 1 – Street Elevation of Minimum Side Setbacks illustrates the side setbacks standards.
- Where more than one tower above the lower building levels is located on the same site, they should be separated as if there were a boundary between them.
- Although the standards allow for lower building levels to have nil side and rear setbacks, the local government may require openings and/or balconies to be provided within the lower building levels to achieve private amenity objectives. In these cases, setbacks will be required.

Figure 1

Street Elevation of Minimum Side Setbacks



Note: Side Setbacks will apply at lower building levels beyond street frontage where openings or balconies are provided.

6.3 Specific Area Setbacks

Specific setback standards apply to specific areas of the city as set out below.

6.3.1 St Georges Precinct

Street Setbacks

The lower and upper building levels should be setback from the street in accordance with the street setback standards outlined in section 6.1 of this policy.

Side/Rear Setbacks

The lower and upper levels of buildings shall be setback from side and rear lot boundaries as set out in the table below except along the street frontage where the lower levels of building shall have a nil side setback.

Building Elevation Conditions	**Minimum Side/Rear Setbacks**	
	Lower Building Levels	Upper Building Levels
No Openings and/or Balconies	Nil	• 5 metres (up to 65 metres in building height[1]) • 10 metres (over 65 metres in building height[1])
Openings and/or Balconies	5 metres	• 5 metres (up to 65 metres in building height[1]) • 10 metres (over 65 metres in building height[1])

Note: *1. Building height shall be measured in accordance with the definition of height in Attachment 4 of City Planning Scheme No. 2 and includes both the lower and upper building levels.*

6.3.2 Civic Precinct – Terrace Road

For the land fronting Terrace Road within the Civic Precinct and indicated on the Maximum Building Height Plan of City Planning Scheme No. 2 as having a maximum building height of 70 metres, the following setback standards apply:

Street Setbacks

The lower and upper building levels should be setback from the street in accordance with the street setback standards outlined in Section 6.1 of the policy.

Side/Rear Setbacks

The lower and upper building levels should be setback from side and rear boundaries in accordance with the setback standards outlined in Section 6.2 of the policy, except that no additional setbacks shall apply over 65 metres in building height.

6.3.3 Laneways

- For the purposes of this policy, laneways are not to be regarded as streets.
- Along laneway frontages, the lower building levels should generally have a nil setback. The local government may however require or consider allowing setbacks to accommodate uses which would activate the laneway, if appropriate, or which would otherwise enhance the laneway.
- Along laneway frontages, the upper building levels should generally be setback in accordance with the side and rear setback standards outlined in section 6.2.2 of this policy. The local government may however consider reducing these where:

- a laneway provides adequate separation between the upper building levels on lots on opposite sides of a laneway;
- this is unlikely to have any adverse impact on any special character of the laneway; and
- the objectives of this policy are met and appropriate regard has been given to the principles of this policy.

6.3.4 Other Areas

- Specific setback standards may also apply within Special Controls Areas of City Planning Scheme No. 2 and Minor Town Planning Schemes.
- Specific setback standards apply within the area covered by the State Government's Parliament House Precinct Policy.

7.0 VARIATIONS TO STANDARDS

The local government acknowledges that there will be circumstances where variations to the building height and setback standards may be warranted to enable design flexibility for innovation and response to a site's context. Specific circumstances are identified in this section for guidance, however this section is not intended to be limiting.

Variations will not be granted as of right. The local government shall only approve variations to the building height and setback standards where it is satisfied that the proposed development:

- complies with clause 36 – Determination of Non-Complying Applications of City Planning Scheme No. 2;
- meets the objectives of this policy and has appropriate regard to the principles of this policy; and
- complies with the provisions of Special Control Area No. 33. - Royal Perth Hospital Flight Path Protection, under City Planning Scheme No. 2.

7.1 Building Height Standards

Street Building Heights

The local government may consider variations to the maximum street building height standards:

- at street corners in recognition that these may benefit from special design emphasis; or
- where different maximum street building heights are specified for each of the frontages of a corner lot.

In determining an appropriate maximum street building height in these instances, the local government shall have particular regard to the:

- functionality of the building;
- impact on the streetscape; and
- sunlight penetration and wind principles of this policy.

Maximum Building Heights

The local government may consider variations to the maximum building height standards by allowing for minor building projections outside of the 45 degree angled height plane where it

can be demonstrated that the objectives of this policy relating to pedestrian and public spaces are achieved and appropriate regard has been given to the sunlight penetration principles of this policy.

7.2 Building Setback Standards

7.2.1 Street Standards

Lower Building Levels

Notwithstanding the nil street setback standard for lower building levels the local government may require for lower building levels to be setback from the street:

- to provide vistas to places of cultural heritage significance, other important city landmarks or public spaces;
- to provide for appropriate public space (the City Planning Scheme No. 2 Bonus Plot Ratio Policy should be referred to determine what is considered an appropriate public space); or
- having regard to the street setbacks of lower building levels within the street.

Upper Building Levels

Whilst generally street building height should be low scale and upper building levels should be setback from the street, the local government may consider allowing portions of the upper building levels to be built up to the street where it can be demonstrated that:

- it meets the objectives of this policy and has regard to the sunlight penetration and wind principles of this policy; and
- it will provide for an enhanced design outcome and meets the objectives and has appropriate regard to the principles of the City Development Design Guidelines.

7.2.2 Side and Rear Setbacks

Lower Building Levels

The local government may consider reducing or averaging the side and rear setback standards for the lower levels of a building where appropriate visual privacy and outlook is achieved and appropriate amenity is provided within any adjoining space.

Visual privacy appropriate to the use of buildings and in the context of a city centre environment may be achieved through:

- offsetting openings and balconies; and
- designing openings and balconies to obscure views to and from boundaries with neighbouring properties.

The effective location and design of openings and balconies is preferred to the use of screening devices or obscured glazing, however, where these tools are used they should be integrated into the building design.

The spaces created by any setbacks should have an appropriate level of amenity. A contiguous area of open space between the building and the relevant boundary is preferred to a series of light wells. Nil side or rear setbacks may be preferable to small side or rear setbacks (<1.5m) that result in unusable and inaccessible spaces.

Upper Building Levels

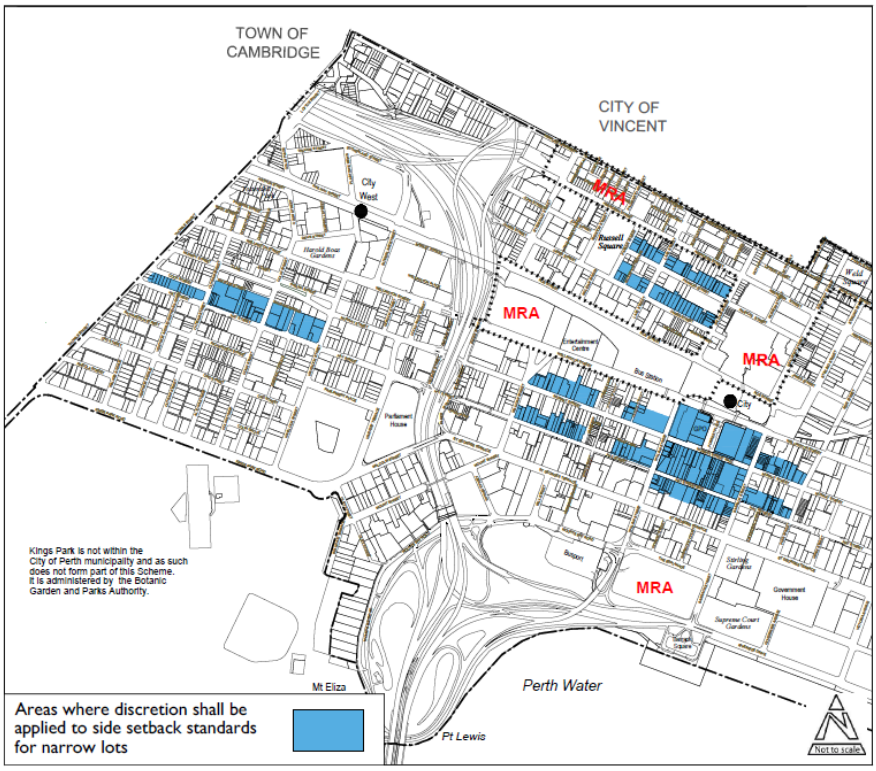
The local government may consider reducing the side setback standards for upper building levels on narrow lots where adherence to these would unreasonably impact on the functionality of the building.

For narrow lots within the areas shown in Figure 2 – Side Setback Discretion for Narrow Lots, the upper building levels may have a nil setback on both side boundaries.

For narrow lots in other areas, consideration will be given to allowing a nil side setback on one boundary (particularly where the wall will abut a wall on an adjoining lot of a similar or greater dimension) provided that the side setback proposed on the other boundary is equal to or greater than the minimum side setback standard.

Where reduced setbacks (rather than nil setbacks) are proposed, visual privacy should be achieved with the use of appropriate design measures as indicated for lower building levels.

The local government may require the side and rear setback standards to be increased for upper building levels which have a significantly wide elevation (>50m) to satisfy the objectives of this policy and to have regard to the principles of this policy.

Figure 2

Side Setback Discretion for Narrow Lots