

5.2 NOS. 334-336 (LOTS: 4 & 5, D/P: 1304) BEAUFORT STREET, PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO SHOP (ROLLER SHUTTERS) (UNAUTHORISED EXISTING DEVELOPMENT)

Ward: South

Attachments:

1. Consultation and Location Plan
2. Development Plans
3. Applicant Justification
4. Summary of Submissions - Applicant's Response
5. Summary of Submissions - Administration's Response
6. Determination Advice Notes

RECOMMENDATION:

That Council:

1. In accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for proposed Alterations and Additions to Shop (Roller Shutters) (Unauthorised Existing Development) at Nos. 334-336 (Lots: 4 & 5; D/P: 1304) Beaufort Street, Perth, in accordance with the plans provided in Attachment 2, for the following reasons:
 - 1.1 The development does not satisfy the objectives of the Commercial zone under Clause 16 of the City's Local Planning Scheme No. 2, as the roller shutters are incompatible with the design of facades within the streetscape. This is as a result of the roller shutters providing for reduced activation to the street frontage;
 - 1.2 The development does not satisfy the Policy Objectives of the City's Policy No. 7.1.1 – Built Form, as:
 - 1.2.1 The development does not contribute to public spaces, maximise street level interest, interaction between inside and outside, or minimise blank facades; and
 - 1.2.2 As a result of the roller shutters, the use does not provide for a visual connection with the adjoining public spaces and does not adhere to the performance criteria of the Western Australian Planning Commissions, Designing Out Crime Planning Guidelines;
 - 1.3 The development does not satisfy the Element Objectives of Clause 1.13 Façade Design and Clause 1.4 Adaptive Reuse of the City's Policy No. 7.1.1 – Built Form as:
 - 1.3.1 The appearance of the roller shutters as a security measure adversely impacts on and does not reflect the character of the local area or complement the existing building; and
 - 1.3.2 The roller shutters reduce activation provided to the street frontage, which reduces visibility of the internal use from the street;
 - 1.4 As a consequence of the adverse appearance of the roller shutter addition and subsequent reduced street surveillance, the proposed development:
 - 1.4.1 Is not compatible nor complimentary to the area in which it is located (Clause 67(2)(m) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*); and
 - 1.4.2 Would detract from the amenity and character of the locality and would set an undesirable precedence (Clause 67(2)(n)(ii) and (iii) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*); and

2. **INSTRUCTS the applicant, within 28 days from the issuing of the notice of determination, to remove the roller shutters from the building façade and the affected areas of the façade made good, to the satisfaction of the City.**

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for unauthorised existing development of roller shutter additions to an existing shop at Nos. 334-336 Beaufort Street, Perth (subject site). The application was submitted in response to a compliance investigation by the City and the application is being presented to Council for determination at the request of the applicant.

The applicant has stated that the roller shutters were installed in response to several break-ins at the premises. The applicant is not supportive of removing the roller shutters and providing alternative security measures which would be consistent with the Built Form Policy.

The roller shutters would be inconsistent with the character of the area and would not complement the existing building by reducing activation to the street frontage and increasing blank facades. The roller shutters would reduce the activation provided to the street frontage and set an undesirable precedence for development within the City's activity corridors.

The roller shutters are inconsistent with acceptable outcome standards of the City's Policy No. 7.1.1 – Built Form (Built Form Policy) relating to façade design and adaptive reuse. These areas of discretion do not meet relevant objectives of the Built Form Policy, the Commercial zone objectives of the City's Local Planning Scheme No. 2 (LPS2), nor relevant matters to be considered in determining an application in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Planning Regulations).

Administration recommends the application be refused and the roller shutters be removed within 28 days of the decision.

PROPOSAL:

The application seeks approval for roller shutter additions to two external windows and one doorway of the Beaufort Street elevation at the subject site.

The roller shutters are unauthorised existing development as they were installed without first obtaining development approval. The roller shutter located to the doorway was installed prior to 2007 and the roller shutters to the two external windows were installed in late 2021. The roller shutters were not exempt from obtaining development approval at the time they were installed and are still not exempt from the need to obtain development approval.

The applicant advised that the roller shutters are open when the business is operating and closed outside of business hours. The business hours for the shop are as follows:

- Monday – Wednesday & Friday: 9:00am – 5:30pm
- Thursday: 9:00am – 7:00pm
- Saturday: 9:30am – 4:00pm
- Sunday: 11:00am – 3:00pm

The development plans are included as **Attachment 2** and applicant justification is included as **Attachment 3**.

BACKGROUND:

Landowner:	L & N Manfredini & M D'Alessandro
Applicant:	Evolution Bikes
Client:	Evolution Bikes
Date of Application:	21 October 2022
Zoning:	MRS: Urban, Other Regional Roads Reservation LPS2: Zone: Commercial
Built Form Area:	Activity Corridor
Existing Land Use:	Shop
Proposed Use Class:	Shop
Lot Area:	920m ²
Right of Way (ROW):	N/A
Heritage List:	N/A

Site Context and Zoning

The subject site is located on the corner of Beaufort Street and Greenway Street and is zoned Commercial under LPS2. The subject site is a multi-lot title under sole ownership and operates as a single tenancy, occupied by a bicycle shop. The location of the subject site is included as **Attachment 1**.

The subject site is bound by Beaufort Street to the west, Greenway Street to the south, a commercial property to the north and a mixed-use development to the east.

The surrounding context is summarised as follows:

- Land to the north of the subject site is zoned Commercial under LPS2 and comprises two commercial tenancies including an office and a pharmacy.
- Land to the south is also zoned Commercial under LPS2 and consists of the Brisbane Street Car Park which is owned and managed by the City.
- Land to the east is zoned Mixed Use R80 under LPS2 and comprises the Luxton mixed-use and apartment development. This development primarily orientates to Bulwer Street.
- Birdwood Square is located to the west of the development site across Beaufort Street and is reserved for Public Open Space under LPS2.

Beaufort Street is reserved as a Category 2 Other Regional Road (ORR) under the Metropolitan Region Scheme, a portion of which affects the western boundary and street corner truncation of the subject site. All three roller shutters are located within the ORR reservation. In accordance with the *Planning and Development Act 2005* Instrument of Delegation, the application was referred to the Department of Planning Lands and Heritage (DPLH). Refer to the below Consultation/Advertising section for details.

Strategic Context

The City's Local Planning Strategy (the Strategy) identifies Beaufort Street as providing a vital conduit between the town centre of Mount Lawley and Northbridge. The Strategy recommends that the built form for commercial areas such as Beaufort Street integrate high density commercial/residential uses that promote pedestrian friendly activities, treatment of facades, appropriate height and setbacks and parking and access requirements.

The subject site and the land to the north and south along Beaufort Street is located within the Activity Corridor Built Form Area of the City's Built Form Policy. The objective of this built form area is:

'To improve the built form connection and design between the City's Town Centres.'

The Activity Corridor Built Form Area where the tenancy is located consists of mixed-use and commercial land uses. This section of Beaufort Street also functions as a link between the Highgate/Mount Lawley Town Centre, Northbridge and the Perth Central Business District.

Since the adoption of the City's Planning and Building Manual in 2001, the City has maintained a consistent policy position that visually impermeable security roller shutters on shop fronts are not acceptable. This is reflected in the current provisions of the Built Form Policy and which have been updated since its initial adoption in 2016, to further strengthen the City's objectives for façade design of commercial buildings.

The purpose of these façade design provisions is to provide ground floor spaces in commercial areas which provide interest to pedestrians, inviting them to linger and provide local economic activity.

Site History

The site has a history of changes to the windows facing Beaufort Street and their visual permeability as summarised below. This site history forms part of the applicant's justification, as included in **Attachment 3**.

The subject site was operated as a car stereo shop by the previous tenant and during its operation the windows on the Beaufort Street façade were boarded-up entirely with wood panelling, providing no interaction to the street. The roller shutter to the shop entry was present during the operation of the car stereo business, as shown in **Figure 1** below. The City has no record of approving the wood panelling of the windows and the works were unauthorised development.

Since its operation in 2018, the current tenant, Evolution Bikes (previously My Ride), removed the boarding from two of the windows on the Beaufort Street façade adjacent to the pedestrian entry and installed the roller shutters over the windows, refer **Figure 2** below.

Consideration of the applicant's justification and above site history is discussed further in the Comments section of the report.



**Figure 1 – Subject site during previous occupation in March 2017 with boarded windows
(Source: Google Street View)**



Figure 2 – Subject site during current operation in January 2023 with roller shutters open (Source: Google Street View)

Compliance Investigation

The City received one complaint in April 2022 regarding the roller shutters that triggered an investigation by the City’s Compliance Services team into the matter.

Following this investigation, the applicant submitted a development application on 21 October 2022 seeking approval for the roller shutters.

DETAILS:

Summary Assessment

The acceptability of the proposal requires assessment against Clause 67(2) of the Deemed Provisions – matters to be considered in determining an application in the Planning Regulations; the objectives of the Commercial Zone under LPS2; as well as the Acceptable Outcomes and Element Objectives of Volume 3 of the City’s Built Form Policy which relate to commercial development.

A summary of each of these assessment considerations is provided below.

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with [Clause 67\(2\)](#) of the Deemed Provisions – matters to be considered in determining an application 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.

Administration’s response to each matter requiring consideration is listed in the table below.

Clause 67 – Matters to be Considered	
Matter	Administration Comment
a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.	<p>The objectives of the Commercial zone under LPS2 seek to ensure development is compatible with the general streetscape in terms of the design of facades.</p> <p>The streetscape is characterised by active frontages along Beaufort Street and the roller shutters would be incompatible with the design of facades within this streetscape, as they provide reduced activation to the street frontage and enhance the appearance of solid blank facades.</p>

<p>b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving.</p>	<p>The suitability of the development has been assessed having regard to the relevant scheme objectives, the City's local planning framework, and the impact of the premises on the local amenity, consistent with the principles of orderly and proper planning.</p> <p>There are no draft planning instruments relevant to this application.</p>
<p>(fa) A local planning strategy for this Scheme endorsed by the Commission.</p>	<p>The City's Local Planning Strategy identifies Beaufort Street as a vital conduit between the town centre of Mount Lawley and Northbridge with development built up to the street, creating a vibrant, pedestrian friendly environment.</p> <p>The proposal does not contribute to this objective as the roller shutters would provide for reduced activation to the streetscape.</p> <p>This is discussed further in Administration's comments below.</p>
<p>(g) Any local planning policy for the Scheme area.</p>	<p>The City's Built Form Policy identifies the subject site as being in the Activity Corridor Built Form Area.</p> <p>The development does not satisfy Policy Objectives and relevant Element Objectives of the Built Form Policy. This is because the roller shutters reduce activation to the street and the interaction between inside and outside.</p> <p>The acceptability of the development against the Built Form Policy is discussed in greater detail Administration's Comments below.</p>
<p>(m) The compatibility of the development with its setting including –</p> <ul style="list-style-type: none"> (i) The compatibility of the development with the desired future character of its setting. (ii) The relationship of the development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development. 	<p>As a consequence of the adverse appearance of the roller shutter additions and subsequent reduced street surveillance, the proposed development is not compatible nor complementary to the area in which it is located.</p> <p>This is considered further in Administration's comments below.</p>
<p>(n) The amenity of the locality including the following –</p> <ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development. 	<p>The adverse appearance of the roller shutter additions and subsequent reduced street surveillance would result in the proposed development detracting from the amenity and character of the locality and would set an undesirable precedence.</p> <p>This is considered further in Administration's comments below.</p>
<p>(w) the history of the site where the development is to be located.</p>	<p>The history of the site is detailed in the Site History section of this report above.</p> <p>An assessment of the site history in relation to the proposed development is discussed in the Comments section below.</p>

<p>(y) Any submissions received on the application.</p>	<p>10 submissions were received in response to community consultation. This included two (2) objections and eight (8) submissions of support.</p> <p>A summary of the submissions received including Administrations response to each comment is included as Attachment 5.</p> <p>The issues raised in the submissions have been considered as part of Administration’s assessment of this application.</p>
<p>(zc) any advice of the Design Advisory Committee.</p>	<p>The proposal was referred to the City’s DRP Chairperson to provide comment on the acceptability of the proposal.</p> <p>The DRP Chair does not support the proposal and provided comments in respect to the development. Refer to Administration Comments below.</p>

An assessment of the proposal against the relevant matters to be considered for the proposed development is discussed in the Comments section below.

City of Vincent Local Planning Scheme No. 2

In considering the acceptability of the development, Council is to have due regard to the [objectives](#) of the relevant zone.

The objectives of the Commercial zone are as follows:

- *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.*

The Commercial Zone objectives are assessed against the matters to be considered in determining an application in the *Planning and Development (Local Planning Schemes) Regulations 2015* section of this report, as set out above.

A detailed assessment of the proposed development against the objectives of the Commercial Zone is provided in the Comments section below.

Built Form Policy

Volume 3 of the Built Form Policy involves a performance-based assessment and applicants are required to demonstrate that the design achieves the objectives of each design element as well as the overall objectives of the Built Form Policy.

Consideration of Element Objectives and Acceptable Outcomes

The Built Form Policy Volume 3 includes Element Objectives and Acceptable Outcomes for each design element.

Proposals are required to demonstrate that it achieves the Element Objectives for each design element.

While addressing the Acceptable Outcomes is likely to achieve the relevant Element Objectives, they are not a deemed-to-comply pathway and the proposal is still to be assessed against the relevant Element Objectives.

Where Acceptable Outcomes are not met, proposals may still satisfy the Element Objective via alternative means or solutions.

The Acceptable Outcomes that are not achieved in the proposal are as follows:

Façade Design	
Acceptable Outcome	Proposal
<p>Policy No. 7.1.1 – Built Form Clause 1.13</p> <p>A1.13.1 Commercial Development which fronts the public realm shall provide active frontages including glazing, openings and operable windows to ensure activity, interaction and surveillance of the street.</p> <p>A1.13.5 Commercial Building facades visible from the public realm shall:</p> <ul style="list-style-type: none"> a) Incorporate a variety of materials, colours, textures and depths; b) Not present a blank, monotonous, repetitious or dominant building treatment; g) Integrate fire boosters, mail boxes and external fixtures into the building design or screen them so they appear as part of the façade; and 	<p>When closed, the roller shutters do not provide an active frontage and prevent interaction and surveillance of the street when closed.</p> <p>When closed, the roller shutters would present a blank and monotonous building treatment.</p>
<p>A1.13.10 Security measures shall be:</p> <ul style="list-style-type: none"> a) Located and installed internally behind the glazing line or recessed between elements in the façade such as columns or doorway recesses; and b) Transparent and visually permeable to allow views inside the building and enable internal light sources to be seen from the street 	<p>Roller shutters are located externally to the building/window and are not recessed between elements of the façade.</p> <p>Roller shutters are not visually permeable and do not allow views inside the building or internal light sources to be seen from the street.</p>
Adaptive Reuse	
Acceptable Outcome	Proposal
<p>Policy No. 7.1.1 – Built Form Clause 1.16</p> <p>A1.16.2 New additions complement the existing building by referencing and interpreting the scale, rhythm and materiality of the building.</p>	<p>Roller shutter additions do not complement the existing materiality and the existing façade design of the building.</p>

An assessment of the proposal against the Element Objectives of the Built Form Policy is discussed in the Comments section below.

CONSULTATION/ADVERTISING:

Public Consultation

Community consultation was undertaken for a period of 14 days in accordance with the Planning Regulations from 2 December 2022 to 16 December 2022. The method of consultation included a notice on the City's website and four (4) letters being mailed to owners and occupiers of adjoining and adjacent properties to the subject site, in accordance with the City's Community and Stakeholder Engagement Policy.

At the conclusion of the consultation period one (1) submission was received, objecting to the proposed development.

At the request of the applicant additional time from 24 February 2023 to 10 March 2023 was provided outside of the formal consultation period for submissions to be received. The applicant requested the additional time as they were not made aware of the formal December consultation period occurring.

During the additional consultation period nine (9) submissions were received.

- Eight (8) submissions were received in support.
- One (1) submission was received in objection.

In total, eight (8) submissions of support were received and two (2) submissions of objection were received.

The key reasons for support raised during the community consultation periods are summarised as follows:

- The roller shutters improve the security of building at night, safeguards the business from break in's and protects stock inside the shop.
- The current tenant has improved the streetscape and the appearance of the old building from all sides. The roller shutters are the best security measure for the aesthetic of the building.
- Roller shutters are needed as there is no surveillance to the shop given it is located across from Birdwood Square.
- The shop is open every day of the week, allowing it to positively interact with the street.
- Expenses to replace broken windows and stolen stock can cause a business to shut down. The City of Vincent should support small businesses to ensure they thrive in the area.

The key concerns raised during the community consultation periods are summarised as follows:

- The roller shutters provide adverse impacts to the streetscape as windows are closed off and result in a blank frontage to the street.
- The roller shutters reduce the interaction and visual interest of the building to the streetscape compared to the building prior to their installation.
- Beaufort Street is a main arterial street that has a high volume of activity including pedestrians, cyclists and cars, and the building is located opposite a park which is used for recreation. The area provides buildings on streets with active and interactive frontages, and attractive streetscapes with lots of visual interest at the pedestrian street level. The roller shutters are inconsistent with this existing character.

A summary of all the submissions received and the applicant's response is included as **Attachment 4**. Administration's response to the summary of submissions is included as **Attachment 5**.

Department of Planning, Lands and Heritage

The application was referred to the Department of Planning, Lands and Heritage (DPLH) as the development abuts Beaufort Street which is reserved as an Other Regional Road (ORR) under the Metropolitan Region Scheme.

The DPLH had no objection to the use of the reserved land on a temporary basis, on condition that the landowner/applicant agrees to remove the development at the time when the reserved land is required for the upgrading of Beaufort Street at their own expense.

Design Review Panel (DRP):

Referred to DRP: Yes

The proposal was referred to the City's DRP Chairperson to provide comment on the acceptability of the proposal.

The DRP Chair does not support the proposal and provided the following comments in respect to the development:

- Context, Amenity & Community: Roller shutters are not something the DRP would support from the perspective of generating active, engaging and safe streetscapes as well as local communities.
- Amenity & Safety: If every shop on retail strips followed this precedent, we would have completely inactive streetscapes with no passive surveillance at certain times which would be counter-productive to the general level of safety on our streetscapes. Noting that the roller shutters would improve the security of the building internally.

- **Built Form & Aesthetics:** When the roller shutters are down the building presents as a completely inactive, blank and dark coloured mass without any sense of articulation, materiality or colour. If every building followed this precedent our retail strips would lack any sense of diversity, human scale detail or visual interest.

A summary of the DRP progress is shown in the table below, noting that the DRP member advised that some Principles are not applicable to this proposal due to the scale and nature of the proposed development.

Design Review Progress Report	
	<i>Supported</i>
	<i>Pending further attention</i>
	<i>Not supported</i>
	<i>Not relevant to this application</i>
	<i>DRP Chair Referral - 4 April 2023</i>
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 DRP comments are discussed further in the Comments section of this report.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *City of Vincent Local Planning Scheme No. 2;*
- *Community and Stakeholder Engagement Policy;*
- *Policy No. 7.1.1 – Built Form Policy; and*
- *Development Compliance Enforcement Policy.*

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the Planning Regulations 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.

Unauthorised Development

Schedule 2, Clause 65 of the Planning Regulations provides the ability for a development application where the development has already commenced or carried out to be approved, approved with conditions or refused.

Should the application be refused, the roller shutters would be required to be removed in accordance with Section 214 of the *Planning and Development Act 2005*. If the application were to be approved, the development would be required to comply with any conditions imposed.

Development Compliance Enforcement Policy

The City's Development Compliance Enforcement Policy (Enforcement Policy) provides discretion to allow the continuation of an existing unauthorised development while approval is being obtained.

Administration was satisfied that the development did not present an immediate danger, hazard, health or safety risk to a person or the property, consistent with the City's Enforcement Policy, and did not require the additions be removed while the application was being processed.

Delegation to Determine Applications:

In accordance with the City's Register of Delegations, Authorisations and Appointments, Administration has delegation to determine this application. The application has been referred to Council for determination at the request of the applicant.

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 2018-2028:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This report has no implication on the key sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024 and the Environmentally Sustainable Design Provisions of the City's Built Form Policy are not applicable to this proposal.

PUBLIC HEALTH IMPLICATIONS:

This report has no implication 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:

Summary Assessment

In assessing the application, it is recommended for refusal. The following key comments are of relevance:

- The development is inconsistent with the standards and objectives of the Built Form Policy. This is because it does not contribute to public spaces, maximise street level interest, interaction between inside and outside, minimise blank facades, provide activation to the street frontage, or provide visibility of the internal use from the street.
- The proposed development is inconsistent with the matters to be considered in determining an application under the Planning Regulations and the objectives of the Commercial Zone under LPS2. This is because the roller shutters are incompatible with the design of facades within the streetscape.

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

Acceptability of the Roller Shutters

Applicant Justification

The applicant has provided written justification for the proposed development, included as **Attachment 3**. The justification is summarised as follows:

- The changes to the exterior of the building by the current tenant have improved the presentation of the building to the street. This includes the removal of the boards on the Beaufort Street frontage.
- The modifications to the building have made the building more consistent with objectives of City of Vincent policies.
- The building is not located in a high pedestrian traffic area with high levels of after hours activity or part of a row of shops/buildings with primarily glass frontages. The presentation of the building is not inconsistent with the adjoining properties.
- The roller shutters are necessary to maintain suitable security for the building. Significant other security measures are already in place including security film, toughened security glass, motion lighting, security alarms and cameras. Alternative security measures to the roller shutters for the windows are not suitable given the location of the business.

The applicant has advised that the roller shutters were installed in response to break-ins and damage to the windows of the tenancy.

Administration Comments

The roller shutters do not meet the Policy Objectives, the [Element Objectives](#) relating to Façade Design and Adaptive Reuse of the City's Built Form Policy, or the objectives of the Commercial Zone under LPS2 for the following reasons:

Compatibility with the Street

Clause (m) of the Deemed Provisions – matters to be considered by local government in the consideration of an application under the Planning Regulations and the Commercial Zone objectives under LPS2 relate to the compatibility of the development with its setting.

The character of Beaufort Street is reflective of its inner city setting. It serves as an activity corridor and provides for a mix of commercial land uses and consists predominantly of low to medium rise development. The area is located between and near the Northbridge entertainment district and the Mount Lawley/Highgate Town Centre. The area contains a wide range of commercial, retail, entertainment and residential land uses in close proximity to one another and with varying extents of intensity and activity.

In respect to future character, this portion of Beaufort Street is zoned Commercial under LPS2 that is intended to provide for a mix of compatible commercial uses, with residential uses also contemplated. This area is also identified as Activity Corridor built form area in the City's Built Form Policy with a five-storey height limit permitted. The objective of the Activity Corridor is to improve the built form connection and design between the City's town centres and is envisaged to undergo intensification in line with this. The future character of this setting would be reflective of an area envisaged for greater intensity of commercial activities.

The roller shutters are not compatible nor complimentary to this existing or future character. The solid form of the shutters appears obtrusive to the streetscape, providing a solid blank façade, and fail to provide a suitable built form connection between town centre areas along Beaufort Street. The roller shutters do not complement the existing materiality and the existing façade design of the building and the impact on the built form of the existing building was not supported by the City's DRP Chairperson. The roller shutters would impact the integration of the shop with adjoining public spaces and reduce the visual interest provided by the shop when viewed from the public realm.

While there is a site history of reduced interaction to the street as discussed earlier in this report, these previous works did not receive approval and do not form precedence for roller shutters to be approved on the subject site.

Impacts on Amenity

Clause (n)(ii) and (iii) of the Deemed Provisions – matters to be considered by local government in the consideration of an application under the Planning Regulations and the Commercial Zone objectives under LPS2 relate to the impact of the development on the amenity of the locality, including its character and social impacts of the development.

The Planning Regulations defines amenity as *'means all those factors which combine to form the character of an area and include the present and likely future amenity'*.

The Built Form Policy promotes commercial developments within Activity Corridors to have an 'active frontage', providing interaction between the development and the street and a built form connection between the City's Town Centres to improve the amenity of these areas.

While not located in the town centre areas of Beaufort Street, the subject site is in a high-traffic area and forms part of the Beaufort Street activity corridor which provides a vital conduit between the town centre of Mount Lawley and Northbridge. Surrounding land uses involve commercial tenancies including supermarkets, pubs, shops, cafes, gyms, offices and Perth Oval. The surrounding land uses feature day time and night time operation and which provide amenity and contributes to the character of the surrounding area.

The roller shutters would detract from the amenity and character of the locality and set an undesirable precedence for future development occurring in the area. When the roller shutters are closed, all visual connection and passive surveillance from the shopfront into public spaces is absent as noted by the DRP Chairperson. As a result, the liveliness, interest, comfort and safety of the street and surrounding public spaces would be reduced outside operating hours of the shop.

The solid, blank and unarticulated façade provided by the roller shutters results in a bulky and visually imposing structure to the street. This is shown below in **Figure 3** and was noted by the DRP Chairperson. The roller shutters fail to express the internal function of the subject site and adversely impact the quality of the pedestrian environment and the overall appeal and aesthetics of the area.



Figure 3 – Subject site with roller shutters closed.

Designing Out Crime

The Western Australian Planning Commission's (WAPC) Designing Out Crime Guidelines (the Guidelines) detail that active frontages have a positive impact on safety. The Guidelines set out that the inclusion of roller shutters could detract from the amenity of an area, resulting in an increase in the perception or fear of crime and that all other security measures should be investigated prior to introducing roller shutters.

As the subject site is located within an Activity Corridor Built Form Area, an active and engaging frontage is fundamental to providing actual and perceived surveillance which is lost because of the installation of the roller shutters. The City's Built Form Policy acknowledges the need for businesses to provide security for their premises and contemplates alternative security measures that respect and reference the character of the local area and provide visual interest when viewed from the public realm.

If approved, the proposal would set an undesirable precedence for roller shutters within the City. A precedent for further approvals could result in consolidated detrimental impact on the valued visual character of prominent activity corridors within the City. Administration has undertaken a review of the immediate streetscape context on Beaufort Street from Chatsworth Road to Parry Street and did not identify any roller shutters that have received development approval within this area.

**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

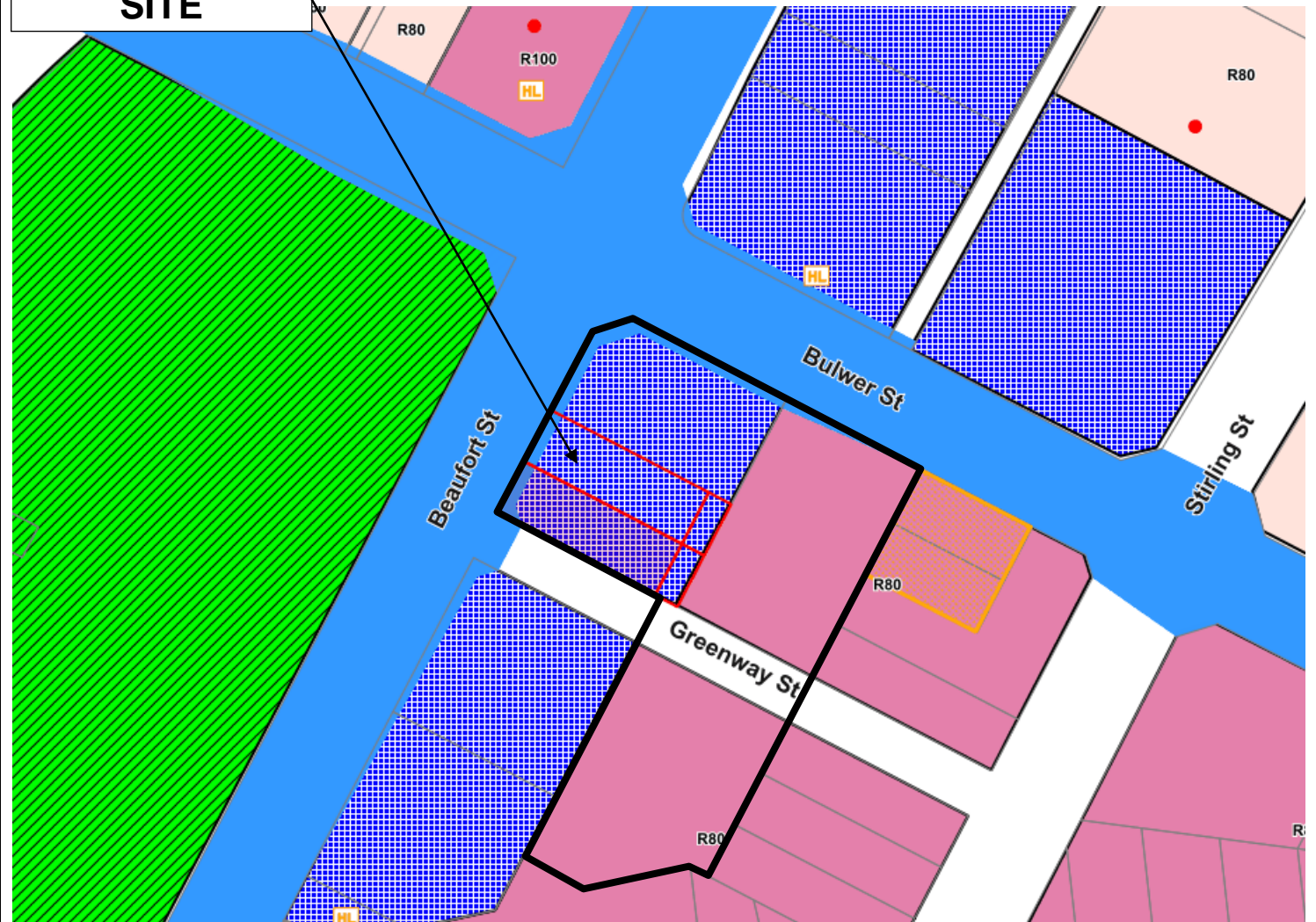
- RESIDENTIAL
- MIXED USE
- COMMERCIAL
- LOCAL CENTRE
- DISTRICT CENTRE
- REGIONAL CENTRE
- SPECIAL USE
Particular use denoted as follows:
- CP Car Park
- CU Community Use
- FC Function Centre
- HC Hall and Non Residential Club
- H Hotel
- PW Place of Worship
- S Service Station

ADDITIONAL USE

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

- CODE AREA BOUNDARY
- SCHEME AREA BOUNDARY
- DENSITY CODE

SUBJECT SITE



CITY OF VINCENT

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Consultation and Location Map
Nos. 334-336 Beaufort Street, Perth

Extent of Consultation



**SUBJECT
SITE**



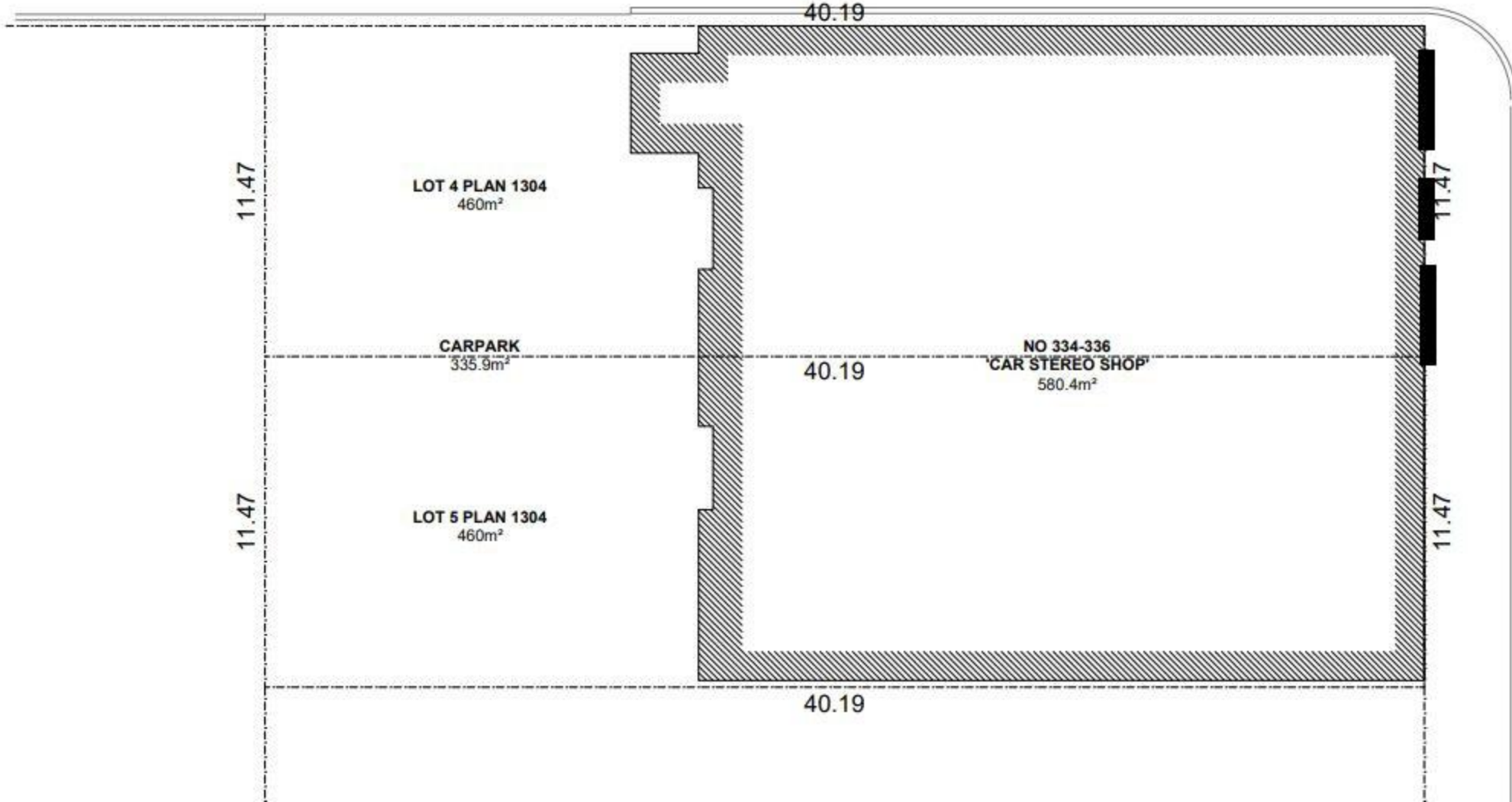
CITY OF VINCENT

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Nos. 334-336 Beaufort Street, Perth

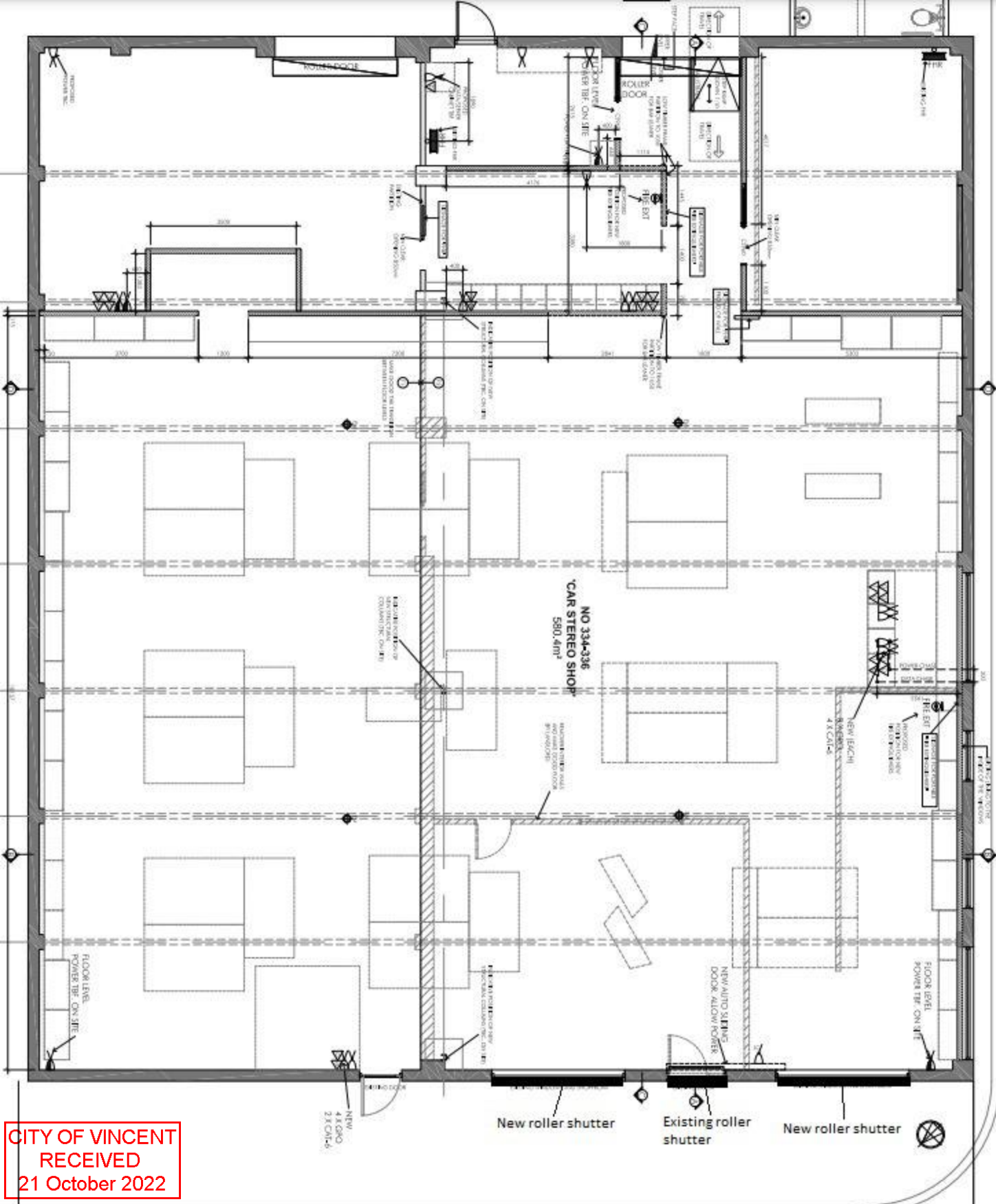


GREENWAY STREET



BEAUFORT STREET

GREENWAY STREET



NEW
4 X 6 CM
2 X CM 6

New roller shutter

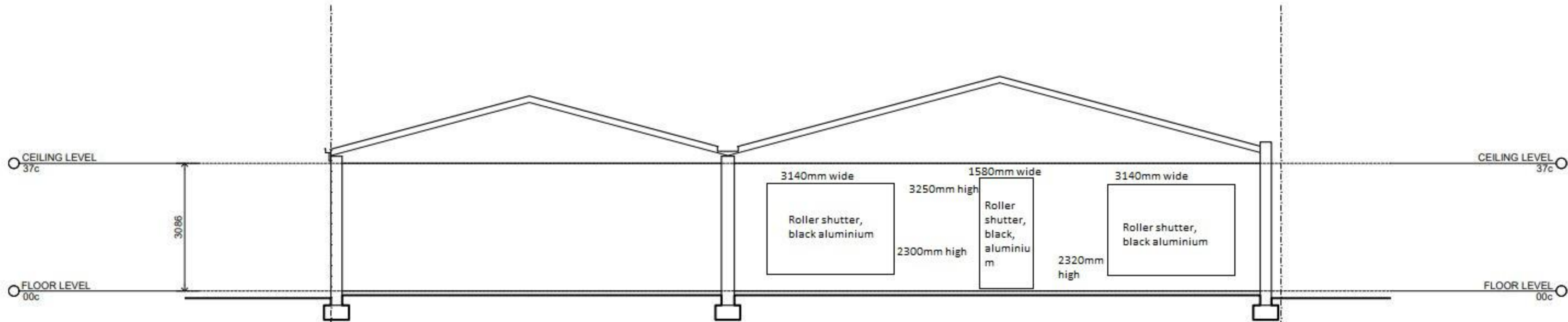
Existing roller shutter

New roller shutter



CITY OF VINCENT
RECEIVED
21 October 2022

BEAUFORT STREET



CITY OF VINCENT
RECEIVED
21 October 2022

Roller shutter application justification

To be honest, I'm not 100% sure what is/would be useful for our application here...so I've simply copied and pasted several of the email communications that have taken place in the last 12 months. Apologies in advance for the wall of text that follows.

In terms of 'support' from the community, we took the opportunity to put up a couple of social media posts and asked the community to 'like' if they were in support. So as well as those that were actually kind enough to take the time and effort to email the City, we received 26 'likes' on facebook and 54 on Instagram. Not a single 'dislike'. The posts are still live and can be easily viewed.

Additionally, In advance of all the email copy wall of text, I just thought I'd point out a shopfront that I was somewhat recently made aware of that apparently has DA for roller shutters – a Jewellers located near the intersection of Beaufort and Walcott, surrounding by night time eating establishments and in a town centre location. Please see the following images:



Shopfront when open



Shopfront c.3pm on a busy Saturday



Shopfront c. 5:45pm on a weekday

As can be seen from the images, this business, with full glass frontage, surrounded by other glass frontage business and located in an area with a high level of pedestrian traffic both day and night, has fixed roller shutters in place. They are also closed for many more hours than we are proposing to have ours closed. As above, my understanding is that these are fully approved.

We also have images of other buildings with fixed roller shutters in place, nearly all located in far more heavily pedestrianised areas (with night time activity) than our little place of business.

Now on to the wall of text below – just simple copies and pastes of email comms over the course of the year.

Email to Planning Team dated 12 April 2023 (attachments follow text)

Hi Scout

Please note, I referenced attachments through this email. There is every chance that these will need to be sent through on multiple email communications, as they may be too large to all come on the one email. Please keep an eye out for more than one email coming through.

Please find attached the summary of submissions with my responses.

In relation to **Additional Information**, please see below:

Are the roller shutters proposed to be open only during the open hours for the tenancy?

That is currently the intention, however it would be possible to have the **window** roller shutters set on a timer if this is preferred - it is certainly something we are open to discussing. The roller shutter/door in front of the sliding 'front' doors (the one that has been in place for at least 16 years) would need to be in place when we are not open, as the sliding doors are **not** secure or weather tight. Please note, these automatic sliding doors were fitted at the request of the City of Vincent when we first occupied the building (a little over 5 years ago), at significant expense to myself (c.\$11,000), replacing an already present securely lockable hinge opening glass door. It was noted by all relevant counterparties at the time (including CoV reps) that the removal of the secure glass door was obviated by the security of the roller shutter already in place.

If so, please confirm the proposed/existing operating hours.

Currently 7 days a week

- 9:00-17:30 Mon,Tue, Wed, Fri
- 9:00-19:00 Thu
- 9:30-16:00 Sat
- 11:00-15:00 Sun

With regards to additional justification, I've got to confess to having no idea of what is relevant...or what will assist in ensuring this is approved. Clearly this is not something I've had to do before...nor ever hope to have to do again. That being said, I guess I can only leverage from, and address 'to', the many prior comms that have been had on this matter.

First and foremost is to re-point out the way the building looked when we first inherited it. I've attached a .MOV file and 2 .jpegs which show how the building looked then. It is beyond clear by any measure that we have achieved an incredible transformation, and have even improved the building to being far more in line with what the City of Vincent's claimed objectives are (below and covered in numerous previous conversations). It is worth noting that our 'approvals' done 5 years ago allow for the 'boarded up' windows. To be honest, I don't even think these contravene any policies/regulations...but I'll plead ignorance on that.

For further 'additional justification', rather than rehashing lots of prior communications, I was hoping that responding directly to the *reasons the City is not supportive of the proposal (in italics below)* as per your email from 1st February 2023.

The transition between the private and public domain would not enhance the safety of residents. Due to their visually impermeable nature the roller shutters during their hours of closure block views inside the building and would not enable internal light sources to be seen from the street. This decreases engagement with the public realm and reduces natural and passive surveillance from the shopfront into public spaces which reduces the safety of residents and users of the public spaces.

Can we just point out...no more visually impermeable than when the windows were boarded up. Also, please take note of the attached image IMG_5420...jpg showing our little streetscape - all of our neighbours completely block views to and from the street all day every day, by either blacked out/painted windows or internal fixtures/curtains/blinds which remain closed all of the time (multiple photos over multiple days can be supplied to confirm this). At the very least, we achieve the City's intent for a majority of the day.

The existing unauthorised rollers shutters do not enhance the amenity and safety of the adjoining public domain for the reasons outlined above in terms of reduced surveillance and engagement, and as they create the impression of a high security / high risk area.

Whether they create the impression of a high security/high risk area is subjective...and we would contend that bars/metal grids/other 'visually permeable' solutions create far more of a 'high security/high risk area impression' than elegantly and seamlessly integrated fixed roller shutters. And they do 'enhance the amenity and safety of the adjoining public domain' - please see image IMG_1047...jpg - the pile of broken glass sitting on the sidewalk creating a significant injury risk to the public domain is safely secured behind the roller shutter.

The existing unauthorised roller shutters result in a building façade which does not respect and reference the character of the local area. The Beaufort Street streetscape does not include any tenancies with roller doors or shutters (or the equivalent) and therefore the proposal is not considered appropriate within the local context of development along Beaufort Street.

I disagree. The roller shutters we have implemented look a lot better than many of the other security solutions present in the Beaufort Street streetscape, such as bars on windows etc. They also look a lot better than transparent roller shutters would look on the building, as these would very much ruin the overall aesthetic, and should only be considered an alternative in areas where shopfronts are majority glazed. Additionally, the Beaufort Street streetscape most certainly **does** include tenancies with roller doors or shutters - a simple walk up and down and you can see many. Including in heavily pedestrianized 'night time' 'town centre' zones.

The existing unauthorised roller shutters result in a building façade which does not express internal function and provide visual interest from the public realm. The roller shutters due to their visually impermeable nature prevent natural and passive surveillance from the shopfront into public spaces. Also, the roller shutters do not provide visual interest when viewed from the public realm as the solid, blank, unarticulated and visually impermeable nature of the roller shutters creates a bulky and visually imposing structure. This results in a negative visual relationship with the adjoining public spaces and adversely detracts from the local area / streetscape.

That's really somewhat objective. They certainly look better than boarded up windows. And are only down predominantly at night in a low trafficked area. And many people have provided us with positive feedback on how it seamlessly blends the building 'together', but still allows the open

interaction during operating hours. And we are open to further signwriting to further improve the visual aesthetic. How having roller shutters on less than 5% of the street facing frontage has such an outsized impact is a bit of a stretch.

The City does not wish to set an undesirable precedence for roller shutters in this location.

I'd say that's a little too late. We've recently been made aware of 'approved' fixed roller shutters on a majority glazed shop front in a highly pedestrianized town centre location, with significant eating and entertainment venues in the immediate vicinity creating a high level of evening and night time foot traffic (images can be supplied - couldn't access right now). Our little section of Beaufort Street, by comparison, barely has a soul nearby after the evening 'rush hour' get home.

Although the City is not supportive of the current proposal it is happy to consider alternatives security measures. The City would encourage measures such as the application of security film to the outside of the window, the installation of toughened laminated security glass (that is visually permeable), the provision of lighting to shop fronts and security alarms. However please note that the City is not supportive of any physical barriers which would be visually impermeable. The City is happy to provide further feedback on any other alternative security measures that you may determine appropriate for your premises.

Security film - tick. Toughened security glass - tick. Please check the image mentioned previously which clearly shows all the good those did. Motion Lighting - tick. Security Alarms - tick (much to the annoyance of neighbours when broken into/windows hit). We also have fully monitored security. And 11 separate super HD night time imaging cameras. Despite all these, it has only been since we've installed the roller shutters that we've managed to completely eliminate break ins. Not. One. Since.

In summation, and by any objective measure, we have improved the building significantly since taking occupation. And without intending to, we also managed to bring the building far more in line with all of the City of Vincent's 'stated objectives' (paraphrasing - not sure of the correct terminology here). And after trialling many security solutions, we eventually made the difficult (and costly) decision to place roller shutters over the windows. Given that there was a roller shutter already in place, had been there for over 16 years, and of which the City was fully aware, we didn't for a second think that this would contravene any policies/regulation. And in all honesty, based on logical assessment of the stated objectives and other available 'alternatives' the policy/regulation itself is fundamentally flawed. But that's a debate for another time.

Scout, a request if I may. Please can you ensure that all comms to date are 'considered' in the report, and also passed on to the relevant decision makers. I've spent significant time putting in writing reasonable and well reasoned feedback in response to the City's position on this, and I'd appreciate if all that time was given the respect of being included in the overall review.

I look forward to receiving a copy of the report from you in due course.

Regards

Anthony





Email to multiple recipients 27 July 2022

From: Anthony Hart <anthonybhart@gmail.com>

Sent: Wednesday, 27 July 2022 8:32 PM

To: David Quelch <David.Quelch@vincent.wa.gov.au>

Cc: tsokos@tsokosproperty.com.au; manfred8@optusnet.com.au; Roslyn Hill <Roslyn.Hill@vincent.wa.gov.au>; John Corbellini <John.Corbellini@vincent.wa.gov.au>; Cr Susan Gontaszewski <cr.gontaszewski@vincent.wa.gov.au>

Subject: CM9: Re: 334-336 Beaufort Street - Installation of Solid Roller Shutters

EXTERNAL email.

Hi David

Apologies on the delayed response - in the last few weeks we (meaning mostly I) have changed point of sale system, changed branding, fully built a website, changed numerous suppliers, dealt with financial year end and had several staff illnesses (including my own) to deal with...and that's just the tip of the iceberg.

I have not been avoiding this, I've just been working 70+hours a week to sustain my business (I wish I was exaggerating) as well as being a single dad for almost 50% of the time. To say I'm currently burnt out would be an understatement. If I were in a salaried job, I'd be taking a couple of weeks of stress leave. Unfortunately not an option when you run your own business. Despite this, I do appreciate this needs to be resolved, as frustrating as it is for me.

I did, however, want to ensure that this was given due consideration, and that my perspective was clearly captured. To set the overall scene, my dealings with the 'planning' side of the City of Vincent have not been particularly constructive thus far. When Sonia and yourself attended site in late May, you indicated that the CoV wish to engage and work with business constructively - my experiences in 5 years thus far have not borne that out.

I understand there are rules and regulations, however some of them make little or no sense. When initially setting the business up, there were many (many) challenges we faced when getting our various approvals, however two specific ones stick in the mind.

We were required, for some inexplicable reason, to replace a perfectly functional and secure front glass door with laterally opening sliding doors (which due to regulatory building requirements cannot always be secure). 10 thousand plus dollars later, this was done. The second, and far more frustrating, issue that sticks out was the 'challenge' with the parking spaces to the rear of the building. We were held up from opening the store by almost a month (meaning we missed the opportunity to 'build' for the critical christmas period) as council based staffing issues meant it took many weeks for someone to come out and *re-measure* (measured incorrectly initially) the car park lines and confirm they were indeed compliant. I wish I was joking here, but I repeat - we were held up from opening due to the measurement of car park lines, which turned out to be the 'correct length' all along. Mind boggling bureaucracy.

Now on to the current issue at hand - the fixed roller shutters to the front of our building. One of which has been there at least 15 years and predates our occupancy by at least 10 years. The first frustration I have in relation to this is that despite spending thousands of dollars opening this building back up to the streetscape, fixing the internal structural issues, actively dealing with the graffiti issue etc. and getting literally hundreds of compliments from local residents for what we've managed to achieve...one *confidential* complaint offsets this and creates this level of work for both the council and myself. It's a shame when society is driven by anonymous complaints. Potentially by the very people that break into our premises. But here we are.

Moving on, to paraphrase (literally copy and paste) and hopefully clarify, what the councils hopes to achieve by limiting the use of fixed roller shutters:

1. The City promotes developments to have an 'active front', providing interaction between the development and the street, and allowing passive surveillance from the shop front to increase the sense of safety along the street.
2. Solid roller doors, security doors, gates and grilles can disrupt this street interaction and surveillance.
3. The City also seeks to prevent the appearance of an oppressive after hours street environment.

I would also hope that given due consideration to the actual building(s) in question, the aesthetics of the specific building(s) and neighbours as well as the overall location and presentation.

To address specifically the city's points above:

1. Fixed roller shutters that are open during business hours do not prohibit achieving this objective. Additionally, it is not against any planning or development guidelines to put curtains internally (eliminating 'active front') or place display shelving in front of windows, or to even board windows up. We actually have planning 'permission' to have the windows boarded up as they were when we took occupancy (please see attached image). Furthermore, it is important that the work we have done to create an 'active front' is given due consideration. In essence, this has been objective over-achieved on our part. And can easily be 'objective unachieved' by other 'council allowable' methods.
2. The 'street interaction and surveillance' is only disrupted when the roller shutters are down...and this only occurs when the business is closed to the public. The heightened actual security achieved by having these in place outweighs any theoretical security achieved by having the windows openly visible after hours. This is borne out by actual evidence - 5 breakins prior to installation of roller shutters, 0 since.
3. Preventing the appearance of an oppressive after hours environment...well this one is certainly subjective. Given the street front of our building across it's corner location is about 95% black wall (with some branding signage), having a couple of roller shutter down after hours isn't making too much of a difference. Additionally, implementing some of the proposed alternatives (security grilles, security bars, transparent roller shutters etc.) creates an equally 'oppressive after hours street environment'. As above - due consideration needs to be given to the building in question I would have thought.

Now just to address part of the attached letter signed by Nadine:

The City considers that roller shutters, security doors, grates and grilles play a big part in any streetscape and that the poor use of these can damage the quality of the pedestrian environment and the overall charm and aesthetics of the local area. Your business is located within a high-traffic, inner-city precinct and is part of an active community which cares about their streetscapes and urban experience.

Couple of critical points here. 'poor use' - I'd like to think given the location and presentation of the building in question (and it's neighbours) this is not a poor use of roller shutters at all. Not to mention that one of those said shutters has been in situ for 15+ years. I'd also like to address the comment *Your business is located within a high-traffic...precinct* - ahhhh has Nadine actually spent any time down here? We are very much a 'destination location' and I can assure you, there isn't a great level of pedestrian traffic. Specifically in light of the inner city location.

And on to addressing the 'alternative security measures' in the other attached letter:

A physical barrier which is visually permeable. This could include security grilles, which can be located in front or behind the glass and don't create a solid frontage. I've attached an image of some examples.

There is significant antisocial behaviour in our area unfortunately. Any security grille located behind the glass doesn't prevent the glass from being broken, creating a safety issue to the community until rectified. Additionally the aesthetic presentation of these is questionable. It also significantly increases the challenge of dealing with graffiti which, unfortunately, is a weekly issue - both on the glass and the

security grilles themselves. Fixed but transparent roller shutters also do not fit aesthetically with the building, and are significantly harder to keep in good condition in light of all the antisocial behaviours. Typically transparent rollers shutters end up scratched/etched and graffiti-ed (I suppose got to give the knuckleheads credit for ingenuity) - dealing with any damage is much harder than the simple lick of paint that 'fixed' roller shutters need.

The application of security film or laminate to the outside of the existing windows and doors.

This is done - we have it. Doesn't stop them smashing through the windows unfortunately, just makes it messier. Image previously sent showing the effect of security laminate on our still smashed window

The installation of toughened security glass (that is visually permeable) to the windows and doors.

Done to the front doors. Doesn't make them water tight and secure though as it is double opening doors (gap between) and they legally need to be able to be opened with a small level of force. Window frames didn't allow for it

The addition of security cameras and alarms to the shop front.

We have fitted 11 security cameras in total including 3 exclusively outside and several of the inside cameras facing outside. Building fully alarmed and always has been

The addition of lighting to the shop front. The City also offers a free solar motion sensor light to residents/businesses on request and I would be happy to provide one to you if you are interested.

External motion sensor lighting already present to some of the external parts of the building. Happy to be provided free motion sensor lights though, we'll find a use for them.

It's probably worth pointing out that we actually never wanted to have the windows covered up, hence why (in spite of planning approval to the contrary) we removed the boarding which completely covered the windows 24/7 (image attached showing 'existing windows and shopfront') - and thereby substantially improving compliance with the councils stated objectives. However after the 5th breakin, and the third set of broken windows (and resultant c.3am call outs) we made the decision that the increased security outweighed everything else. Despite being admittedly ignorant of the council 'built form' regulations, we considered all the options available, including all those above (security grilles, security bars, transparent shutters etc.) however considering the industrial nature of the building, we came to the conclusion that black roller shutters provided the most aesthetically pleasing and least 'obtrusive' solution for when the premises was actually closed. Given that there was a roller shutter in place (and it's become apparent has been there for 15+ years) it was a more than fair assumption that this would be acceptable. Particularly in light of the fact that the council approved 'occupancy' with this roller door in place, even after several actual visits to site...but had such an issue with the length of car park lines.

To reiterate further on the above, the actual location and presentation of the building in question needs due consideration. We are **not** located in a high pedestrian traffic area with large levels of after hours activity (i.e. surrounded by bars and restaurants etc.). Additionally, we are not part of a row of shops or buildings with primarily glass frontages facing the pedestrian/foot path zone, a situation that perhaps (and only perhaps) justifies the strict implementation of the 'built form' policy. We are not in a 'town centre' location. We are bordered by 2 roads, a massive carpark and a large park across the road (often frequented by 'undesirables' outside of business hours) and fairly plain building which incidentally does not have an 'active front' either during or outside business hours.

My hope was I could obtain some guidance on how we can navigate the council bureaucracy on this given all of the above. Are there exceptions that have occurred? What flexibility is there? The response I received, in synopsis, is that I can put in a development application, however given we are 'non-compliant' this will be rejected. Not particularly helpful. So, again despite all of the above, which we have already touched on across different communication mediums, the councils position is that I'll

need to remove the fixed roller shutters (including the one that's been there 15+ years), change over the front sliding doors (that the council demanded I fit at the cost of over \$10,000, despite a perfectly adequate secure door already being there) and then implement one of the 'compliant' security measures (despite the fact none are as fit for purpose as the current solution given the location) at a significant cost of potentially \$20,000+. Frustrating. I, however, cannot afford *not* to submit a development application and hope that this is given due consideration, and not simply rejected out of hand as 'non-compliant' - as I have been advised it will be.

Having now reviewed the 'built form' policies in greater detail, I found it somewhat interesting (questionable) that it appears that the 'policy' is applied unilaterally across different zoned areas, meaning that an 'activity corridor' zone, for instance, is largely held to the same policy requirements as a 'town centre' zone...despite these usually being very different in terms of pedestrianisation, night time activity and actual overall building design, with town centre/shopping precinct zones typically having a higher level of almost fully glass shop frontages. Interestingly in just a short walk around areas of the City, it's clear there are significant levels of non-compliant shop fronts, including in predominantly 'glass shop fronted' areas. Applying policy unilaterally despite a myriad of different factors appears to me like the council have somewhat painted themselves into a corner. Potentially something that may need to be reviewed? Certainly from my perspective as both a rate payer and business owner, the overly regimented application of a restrictive policy needs a little more flexibility. I feel for the next business owner that potentially faces this issue.

I will endeavour to get the Development Application completed and sent through as soon as possible.

Regards

Anthony

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with the Applicant's response to each comment.

Comments Received in Support:	Applicant Comment:
<p><u>Security</u></p> <ul style="list-style-type: none"> The business has taken appropriate steps to stop break-ins and resulting thefts which have occurred regularly in the past. The roller shutters have improved security of building at night. Support for the development that safeguard the business from break in's and to protect their stock inside the store. The City of Vincent should resolve the crime taking place in the area to cause the necessity for roller shutters. 	<p>Absolutely – we have 11 security cameras fitted, external motion-sensor lighting and security film fitted to window glazing. Still unfortunately suffered from break-ins. Not one break-in since rollers shutters were fitted to windows.</p> <p>Undeniably – as above, not a single break-in since the window roller shutters were fitted.</p> <p>Agreed, it both protects our stock AND protects the public. The break ins we have had have resulted in a dangerous amount of glass being over the pavement and road until we have had the opportunity to attend site and clear it up.</p> <p>That would be great, but crime is a fact of life unfortunately. Hence the need for security.</p>
<p><u>Streetscape</u></p> <ul style="list-style-type: none"> The roller shutters are black like the building and blend in tastefully. The current tenant has improved the streetscape and the appearance of the old building from all sides and the roller shutters are the best decision for the aesthetic of the building. The store is not directly looked upon by any residents as the store is across from Birdwood Square Park. The current aesthetic is better than when it was the previous shop. The building now looks inviting, the rear car park is usable, and provides a feeling of safety. The store is open every day of the week which allows it to positively interact with the community at a high level. 	<p>Couldn't agree more. Transparent roller shutter, or bars, or other alternatives that have been proposed (by city of Vincent) would actually significantly detract from the visual aesthetic of the building. We also had plans to further improve blend/visual aesthetic by having the colourful branding across both the building and shutters. We didn't implement this as we received the 'complaint', however we would be willing to spend the money to do this is desired.</p> <p>Beyond a shadow of a doubt. The building previously looked shabby, graffiti ridden and had no uncovered windows at all. We have spent thousands of dollars improving the streetscape. Simply compare our building to our neighbours.</p> <p>True – a park that has no evening lighting and is typically only populated during daylight hours...when our shop is typically open and the rollers shutters 'retracted'.</p> <p>Similar comment to 2 above – but still agree, we have unquestionably significantly improved the aesthetic of the building.</p> <p>Spot on – we are a 7 days a week business. We are only closed on specific public holidays.</p>

Summary of Submissions:

Comments Received in Support:	Applicant Comment:
<ul style="list-style-type: none"> No issue with a store utilising a system of roller shutters to secure their premises outside of working hours when it is executed tastefully. 	<p>Well, we believe we've done this as tastefully as it could be done. And as above, we're willing to even add further signwriting if desired/required.</p>
<p><u>Supporting Small Business</u></p> <ul style="list-style-type: none"> Expenses to replace broken windows and stolen stock can cause a business to shut down. The City of Vincent should support small businesses to ensure they thrive in the area. The fact that a small business cannot be allowed to protect hundreds of thousand dollars' worth of stock from theft due to a Council policy is ludicrous. Putting the business through the development application process for the roller shutters is ridiculous. The drain on the business's resources, to deal with this issue, is ridiculous and the time is better spent on growing the business and continuing to provide great service to people in the area. Beaufort Street is iconic, mostly due to its incredible small business owners. They own and operate businesses which serves the community. Without these business owners, the Highgate and Mount Lawley areas would be a ghost town. Commercial vacancy rates would skyrocket, and the community would suffer. 	<p>It sure could. Not to mention the stress and distress of having to attend site in the early hours of the morning. Particularly annoying (and distressing) when I have my children as I'm a single dad and need to wake them and bring them with me.</p> <p>Agreed. And we implemented what we felt was the most aesthetically pleasing solution to what was a very frustrating problem.</p> <p>Yep – agree. The cost and time spent on this process (by both myself and the City of Vincent) would be far better spend elsewhere. Particularly in light of the fact that a roller shutter had been in place for 15 plus years before we added them to the windows, one could very fairly assume this wouldn't an issue.</p> <p>Very true. Unfortunately, many parts of Beaufort Street have been a bit of a ghost town in the last few years. Increasing the regulatory burden, and resulting costs, on small business only exacerbates the issue.</p>

Comments Received in Objection:	Applicant Comment:
<p><u>Streetscape</u></p> <ul style="list-style-type: none"> The roller shutters lead to a diminished streetscape. The roller shutters close the windows off and offer only an ugly, blank frontage to the street. 	<p>As compared to bars (internal or external), boarding (as was on the building previously) or even internal boarding/papering etc. Simply compare us to our neighbours – we are the only building that offers any interaction with the external environment and an improved street-scape, 7 days a week. Since taking possession of this building, we have improved the 'street scape' immeasurably.</p> <p>So...adding rollers shutters to windows that cover less than 5% of the buildings external frontage creates that much of a difference. And is worse than boarding the windows up (as before). Or simply putting black curtains in place, or black boarded shelving in front</p>

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<ul style="list-style-type: none"> Considering the shop previously without shutters and the interaction and visual interest on the streetscape is obvious. 	<p>of the windows...? All 'permissible' under current regulations.</p> <p>Hmmm...there has been a rollers shutter in place for more than 15 years, and up until recently the windows were completely boarded up. Are they referring to the building looked better more than 15 years ago when there was no roller shutter in place at all? And which is better? Boarded up windows...or windows that are open when the premises is open, being most daylight hours.</p>
<p><u>Site Context</u></p> <p>Beaufort Street is a main arterial street that is used by many people, whether they are walking on bikes or in vehicles. This suburb is traditional urbanism where people, movement systems and building design synergise to create a great place. There is a park opposite for recreation, streets for walking and people work and live harmoniously in the suburb. Key factors that encourage this harmony are buildings on streets with active and interactive frontages (glazed openings) that are not "defensive" and closed off, and attractive streetscapes with lots of visual interest at the pedestrian street level.</p>	<p>Hmmm...they certainly know their policies.</p> <p>OK – let’s approach this rationally and point by point.</p> <p>Yes, Beaufort Street is a main arterial, where people get from A to B...particularly where we are. We are not located in a part of Beaufort Street is littered with eating/entertainment venues that encourage interactive pedestrianisation.</p> <p>The park across the road has limited visibility of our frontage, and even if it did, it is populated almost exclusively during the day, when all of our shutters are retracted and people can gaze longingly at our building and admire what we have done.</p> <p>‘People work and live harmoniously in the suburb’ – well...that’s a very optimistic outlook...and I applaud them for it. If this was the only reality, there would be no need for security measures at all. Or for us to worry about graffiti (a weekly occurrence). And so on. The reality is that our little section of Beaufort Street is frequented on a regular basis by individuals with a somewhat anti-social mindset. Someone loitering outside our building at 2 in the morning very likely isn’t there for the ‘pretty interactive aesthetic’.</p> <p>Furthermore, given this statement to our left, and considering how the building was prior to our occupation (completely boarded up and “defensive” and closed off 24/7 365) and comparing to our direct neighbours (all ‘glazed openings’ completely cover up all the time) - if this/these complainants were ‘genuine’, I would have thought they’d wonder on down, come into the store and give us all a hearty pat on the back. We have done more to ‘encourage harmony’ and create an active and interactive frontage to this building than anyone has in decades. We have no desire to reverse that, however if we need to revert the building to how it was before, then we will do so.</p>

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<p data-bbox="103 212 486 236"><u>Inconsistency with City Policies</u></p> <ul data-bbox="103 272 1010 608" style="list-style-type: none"><li data-bbox="103 272 1010 392">• The roller shutters are in direct contravention of City of Vincent Policies and should have been required to be removed at the time of installation and not allowed until after a planning application is submitted and considered by Council. <li data-bbox="103 552 1010 608">• Given the adopted Council policy the application should be summarily dismissed, and the business owner required to remove the shutters.	<p data-bbox="1032 272 2096 360">OK, if they should have been removed immediately, why did it take the complainant almost 12 months to lodge a complaint? And why hasn't anyone had an issue for the last 15 years that a roller shutter has been present.</p> <p data-bbox="1032 360 2096 512">And furthermore, just because it's a 'policy' or 'regulation' doesn't make it right. Or fit for all purposes. Regulations/policies to be applied in a highly pedestrianised location, with a majority glass street frontage, and evening eating and entertainment in abundance (an area which this specific City of Vincent policy is presumably targeted at) should not be equally applied to arterial areas with far less pedestrianisation.</p> <hr data-bbox="1032 544 2107 547"/> <p data-bbox="1032 552 2096 695">And replaced with what. Re-board the windows up as this doesn't contravene 'policy'? There are a range of 'policy permissible' alternatives, many of which have a significant detrimental impact on the streetscape. Not to mention there is already a precedence of shutters actually being approved by the City of Vincent, something of which we became recently aware.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter.

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with the Administration's response to each comment.

Comments Received in Support:	Applicant Comment:
<p><u>Security</u></p> <ul style="list-style-type: none"> • The business has taken appropriate steps to stop break-ins and resulting thefts which have occurred regularly in the past. • Support for the development that safeguard the business from break in's and to protect their stock inside the store. • The roller shutters have improved security of building at night. • The City of Vincent should resolve the crime taking place in the area to cause the necessity for roller shutters. 	<ul style="list-style-type: none"> • The City is supportive of businesses taking steps to maintain and enhance the security of their businesses/buildings. The roller shutters proposed as part of this application are not the only security measure available and the City would be supportive of security measures that are consistent with the provisions of the City's Built Form Policy. • The City seeks to achieve design that incorporates the principles of Crime Prevention through Environmental Design. • The Designing Out Crime Guidelines detail that active frontages have a positive impact on safety and advise that the inclusion of roller shutters could detract from the amenity of an area, resulting in an increase in the perception or fear of crime, and that all other security measures should be investigated prior to introducing roller shutters.
<p><u>Streetscape</u></p> <ul style="list-style-type: none"> • The roller shutters are black like the building and blend in tastefully. • The current tenant has improved the streetscape and the appearance of the old building from all sides and the roller shutters are the best decision for the aesthetic of the building. • The current aesthetic is better than when it was the previous shop. The building now looks inviting, the rear car park is usable, and provides a feeling of safety. 	<ul style="list-style-type: none"> • The roller shutters provide a solid, blank and unarticulated facade that results in a bulky and visually imposing structure to the street which was also noted by the City's Design Review Panel Chairperson in their review of the application. The roller shutters appear obtrusive to the streetscape and are not in keeping with the scale and character of the established streetscapes or locality. • The City is required to assess any development application on its merits based on the development proposed rather than against the previous site situation. • The roller shutters provide a blank façade that does not achieve the Element Objectives relating to Façade Design of the City's Built Form Policy.

Summary of Submissions:

Comments Received in Support:	Applicant Comment:
<ul style="list-style-type: none"> • The store is not directly looked upon by any residents as the store is across from Birdwood Square Park. • The store is open every day of the week which allows it to positively interact with the community at a high level. • No issue with a store utilising a system of roller shutters to secure their premises outside of working hours when it is executed tastefully. 	<ul style="list-style-type: none"> • While not located in the town centre areas of Beaufort Street or fronting any residential properties, the subject site is located in a high-traffic area and forms part of the Beaufort Street activity corridor. The Built Form Policy promotes commercial developments within Activity Corridors to have an 'active frontage', providing interaction between the development and the street and a built form connection between the City's Town Centres. • While the roller shutters are proposed to be open during business operating hours, outside of the business operating hours they would impact the integration of the shop with adjoining public spaces and reduce the visual interest provided by the shop when viewed from the public realm. • The City is supportive of businesses taking steps to maintain and enhance the security of their businesses/buildings. The roller shutters proposed as part of this application are not the only security measure available and the City would be supportive of security measures that are consistent with the provisions of the City's Built Form Policy.
<p><u>Supporting Small Business</u></p> <ul style="list-style-type: none"> • Expenses to replace broken windows and stolen stock can cause a business to shut down. The City of Vincent should support small businesses to ensure they thrive in the area. • The fact that a small business cannot be allowed to protect hundreds of thousand dollars' worth of stock from theft due to a Council policy is ludicrous. • Putting the business through the development application process for the roller shutters is ridiculous. The drain on the business's resources, to deal with this issue, is ridiculous and the time is better spent on growing the business and continuing to provide great service to people in the area. • Beaufort Street is iconic, mostly due to its incredible small business owners. They own and operate businesses which serves the community. Without these business owners, the Highgate and Mount Lawley areas would be a ghost town. Commercial vacancy rates would skyrocket, and the community would suffer. 	<ul style="list-style-type: none"> • The City is supportive of businesses taking steps to maintain and enhance the security of their businesses/buildings. The roller shutters proposed as part of this application are not the only security measure available and the City would be supportive of security measures that are consistent with the provisions of the City's Built Form Policy. • The City is required to undertake compliance investigations when complaints are received in relation to unauthorised works and is required to assess any development applications received on its merits and provide a determination under the requirements of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<p><u>Streetscape</u></p> <ul style="list-style-type: none"> The roller shutters lead to a diminished streetscape. The roller shutters close the windows off and offer only an ugly, blank frontage to the street. Considering the shop previously without shutters and the interaction and visual interest on the streetscape is obvious. 	<ul style="list-style-type: none"> Noted. The City is not supportive of the roller shutters and the impact on the streetscape and the built form of the building.
<p><u>Site Context</u></p> <p>Beaufort Street is a main arterial street that is used by many people, whether they are walking on bikes or in vehicles. This suburb is traditional urbanism where people, movement systems and building design synergise to create a great place. There is a park opposite for recreation, streets for walking and people work and live harmoniously in the suburb. Key factors that encourage this harmony are buildings on streets with active and interactive frontages (glazed openings) that are not "defensive" and closed off, and attractive streetscapes with lots of visual interest at the pedestrian street level.</p>	<p>Noted.</p>
<p><u>Inconsistency with City Policies</u></p> <ul style="list-style-type: none"> The roller shutters are in direct contravention of City of Vincent Policies and should have been required to be removed at the time of installation and not allowed until after a planning application is submitted and considered by Council. Given the adopted Council policy the application should be summarily dismissed, and the business owner required to remove the shutters. 	<ul style="list-style-type: none"> The development has been assessed against the policy objectives and the provisions of the City's Built Form Policy and is inconsistent with the requirements as detailed in the report. The City's Development Compliance Enforcement Policy (Enforcement Policy) provides discretion to allow the continuation of an existing unauthorised developments while approval is being obtained. The City is satisfied that the development does not present an immediate danger, hazard, health or safety risk to a person or the property, consistent with the City's Enforcement Policy, and does not require the additions be removed while the application is being processed. The City is required to assess any development applications that it receives on its merits against the relevant planning framework. The application is recommended for refusal with the roller shutters to be removed within 28 days from the date of the decision.

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Determination Advice Notes:

1. 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.