9.4 NO. 25 (LOTS: 26 AND 122; PLAN: 4576) MOIR STREET, PERTH - ALTERATIONS AND ADDITIONS TO SINGLE HOUSE (UNAUTHORISED EXISTING DEVELOPMENT)

Ward: South

Attachments:
1. Consultation and Location Plan
2. Development Plans
3. Heritage Impact Statement
4. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme APPROVES the application for Alterations and Additions to Single House relating to Proposed Fence, and Existing Unauthorised Development including Demolition of Outbuilding and Front Fence; Relocation of Meter Box; and Removal of Tiles to Verandah and Replacement with Decking at No. 25 Moir Street, Mount Lawley (Lots: 26 and 122; Plan: 4576), as shown in Attachment 2, subject to the following conditions and advice notes included in Attachment 4:

1. **This approval is for Alterations and Additions to Single House as shown on the approved plans dated 3 August 2023, 28 September 2023 and 8 November 2023 as follows:**

   1.1 **Existing Unauthorised Development consisting of the following:**

      a) **Demolition of the painted sheet metal, timber and masonry outbuilding to the western lot boundary northwest boundary of the subject site and the right of way;**

      b) **Demolition of the existing masonry and timber front fence to the Moir Street elevation of the subject site;**

      c) **Relocation of the power meter box from the Moir Street façade to the south western elevation of the dwelling; and**

      d) **Removal of tiles from the front stairs and front verandah to the Moir Street elevation, and replacement with timber decking; and**

   1.2 **Proposed Alterations and Additions to Single House consisting of the following:**

      a) **Front fence and landscaping to the Moir Street elevation of the subject site;**

   No other development forms part of this approval;

2. **The fence to Moir Street shall not exceed a maximum height of 1.2 metres above the footpath level of Moir Street, as annotated on the approved plans, to the satisfaction of the City;**

3. **The planter box component of the fence to the Moir Street elevation of the subject site shall not exceed a height of 0.5 metres above the footpath level of Moir Street, as annotated on the approved plans, to the satisfaction of the City;**

4. **Prior to the lodgement of a building permit, a schedule providing detailed specifications of the colours of the fence to Moir Street, consistent with the annotations on the approved plans, must be submitted to, and approved by the City. The front fence shall be constructed in accordance with the approved schedule, to the satisfaction of the City; and**

5. **Within 28 days of the date of this determination, the meter box to the southwest elevation of the house shall be painted the same colour as the wall it is attached to so as to not be visually obtrusive, to the satisfaction of the City.**

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for Alterations and Additions to a Single House at No. 25 Moir Street, Perth, including unauthorised existing development.

The subject site is located within the Brookman and Moir Streets Heritage Precinct (Precinct) and is listed on the City of Vincent Heritage List as Management Category A property as well the State Register of Heritage Places.

The application seeks approval for works that already exist on-site which do not have development approval and are unauthorised existing development, as well as new works that do not currently exist on-site.

The unauthorised existing development relates to the demolition of an outbuilding located to the rear of the site, demolition of the previous front fence, relocation of a meter box, and modifications to the flooring of the front verandah including removal of existing tiles and installation of timber decking. The proposed new works that have not yet been undertaken on-site relate to a replacement masonry and steel front fence and landscaping works located within the street setback area.

The proposal seeks an assessment against the Local Housing Objectives for planning elements relating to the new front fence design and demolition under the City's Local Planning Policy Brookman & Moir Streets: Heritage Area Guidelines (Brookman/Moir Guidelines) and Policy No. 7.6.1 – Heritage Management – Guidelines for Heritage and Adjacent Properties (Heritage Management Policy).

The demolition of the rear outbuilding and front fence are supported as they did not form original components of the development of the Precinct. Neither of these structures are identified in the Statement of Significance for the Precinct nor within the Brookman/Moir Guidelines as being elements that contribute to the cultural heritage significance of the Precinct. The outbuilding was not visible from the street and its demolition does not affect the Moir Street streetscape.

This application proposes the erection of a new front fence in the same location as the demolished front fence. The proposed new front fence and landscaping works are supported because the height and scale of the proposed front fence would be consistent with the Deemed-to-Comply standards of the Brookman/Moir Guidelines. The design of the fence would also be consistent with other fences within the streetscape and would be readily identifiable as a new addition to the heritage place, consistent with the Burra Charter. Because the fence would not exceed 1.2 metres in height, views to the house would be maintained and the fence would not dominate views from the street. The proposed landscaping works are low in scale and would not obscure the facade of the contributory building consistent with the objectives of the Brookman/Moir Guidelines.

The proposed verandah and meter box works are supported because the works return the building to an earlier condition and the works are consistent with the dwelling's original appearance. This is because the removal of the existing tiles and reinstatement with timber decking restores the verandah to its original materials and design. The meter box has been relocated from the Moir Street elevation of the dwelling to a side elevation, which is less visually intrusive to the streetscape, consistent with the Design Principles of the R Codes.

The application for existing unauthorised works and proposed works are recommended to be approved by Council, subject to conditions.

PROPOSAL:

The application seeks approval for works that already exist on-site which do not have development approval, as well as new works that do not currently exist on-site. A summary of these works is provided below.

Existing Unauthorised Works

The application seeks approval for the following works that are existing on site and are unauthorised development:

- Demolition of a 25.2 square metre outbuilding to the northwest lot boundary. The outbuilding was enclosed on three sides, and was constructed of timber, sheet metal (walls and roof) and masonry. Demolition occurred between August and October 2022.
- Demolition of the existing masonry and timber front fence to the Moir Street elevation of the site. Demolition occurred between June and August 2022.
- Relocation of the meter box from the Moir Street façade to the south western elevation of the house. This was undertaken on or before 15 October 2022.
- Modifications to the flooring of the front verandah. This included the removal of existing tiles from the front stairs and front verandah to the Moir Street elevation, and replacement with timber decking. This occurred between August 2022 and January 2023.

Development approval was required for the abovementioned works as they are not exempt from requiring development approval under Clause 61 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Planning Regulations) or the City's Local Planning Policies. This is because the subject site is a heritage protected place that is included on both the City of Vincent Heritage List and the State Register of Heritage Places.

Proposed New Works

In addition to the above unauthorised existing works, the application also proposes the erection of a 0.8 to 1.2-metre-high masonry fence and raised planter with metal infill and associated landscaping to the Moir Street elevation of the subject site.

All works for which approval is being sought as part of this application are shown in **Attachment 2**. The applicant's supporting Heritage Impact Assessment is included in **Attachment 3**.

BACKGROUND:

Landowner:	Tegan Case and Nicholas Heberlein
Applicant:	Louis Donovan
Client:	Tegan Case and Nicholas Heberlein
Date of Application:	22 February 2023
Zoning:	MRS: Urban LPS2: Zone: Residential R Code: R25
Built Form Area:	Residential
Existing Land Use:	Single House
Proposed Use Class:	Single House
Lot Area:	276 square metres
Right of Way (ROW):	Yes, 3 metres wide, privately owned, paved, and drained
City of Vincent Heritage List:	Yes - Management Category A
State Register of Heritage Places:	Yes

Site Characteristics, Context and Zoning

The subject site is bounded by Moir Street to the southeast, a 3 metre wide privately owned ROW to the northwest and single storey single houses to the northeast and southwest. A location plan is included as **Attachment 1**.

The subject site and properties within the Precinct are zoned Residential R25 under LPS2 and are located within the Residential Built Form Area under the Built Form Policy. The site accommodates an existing single storey single house. Nos. 25 and 27 Moir Street appear as a duplex pair when viewed from Moir Street and share a common boundary wall along the north-eastern elevation of the subject site.

Except for a small portion of wall above the verandah roof, which is red face brick, the Moir Street façade of the house has a render finish. This is representative of the modifications that were undertaken to houses within the Precinct prior to their inclusion on the State Register of Heritage Places and City of Vincent Heritage List.

Unauthorised Works

The application submitted on 22 February 2023 was for a proposed new front fence to the Moir Street elevation of the subject site. As part of Administration's review of the proposal, it was identified that unauthorised development, as outlined in the table below, had been undertaken without first receiving development approval.

The table below shows a timeline of works to the subject site, undertaken without development approval. The house was sold to its current owners in August 2020. Dates shown are based on aerial imagery.

Dates	Description of works
Between 14 December 2017 and 24 June 2018	The rendered façade of the house was repainted a light grey colour. The fence and plinth of the house were painted a dark grey, with white paint applied to the window trip, timber fence pickets, and concrete window awning.
Between 3 June 2022 and 30 August 2022	The fence to Moir Street is demolished.
By 31 August 2022	The tiles are removed from the verandah of the house.
Between 30 August 2022 and 15 October 2022	The outbuilding to the rear of the subject site is demolished.
By 15 October 2022	The meter box is relocated from the Moir Street façade of the house to the south western elevation.
Between 15 October 2022 and 11 December 2022	The Moir Street façade of the house is painted 'lexicon' white and 'domino' dark grey.
By 18 January 2023	The verandah tiled flooring was replaced with timber decking.

In addition to the existing unauthorised works outlined in the Proposal section of this report, the Moir Street façade of the house has been painted in 'lexicon' white and 'domino' dark grey. The painting of the Moir Street façade of the house does not form part of this application. The landowner has lodged a separate development application for a new proposed colour scheme to the Moir Street façade which is being assessed by Administration.

The processing timeframe of this application is reflective of the complexities associated with unauthorised development and the state heritage nature of the subject site, including liaising with the applicant to consider modifications to the fence.

In accordance with Clause 75(1)(c) of the Deemed Provisions of the Planning Regulations, a longer period to determine the application has been arranged with the applicant.

Heritage Listing

The Precinct includes Nos. 1-32 Brookman Street, Nos. 2-28 Moir Street and No. 40 Forbes Road, Perth and is listed on the City of Vincent Heritage List as Management Category A – Conservation Essential. The Precinct was also permanently included on the State Register of Heritage Places in May 2007.

The Heritage Council of WA's (HCWA) Statement of Significance for the Precinct is as follows:

Brookman and Moir Streets Precinct, two streets in Perth comprising 58 semidetached residences and one detached residence in two types of the Federation Queen Anne style, constructed of limestone and brick with corrugated-iron roofs in 1897-98, and a shop at the corner of Moir Street and Forbes Road built in 1940, has cultural heritage significance for the following reasons:

- *the historic precinct is an almost-complete example of two late 19th century streets of modestly-scaled residential buildings in the Federation Queen Anne style of architecture, built between 1897-98 in the wake of the rapid population expansion following the Western Australian gold boom;*
- *the historic precinct is a substantial section of the residential estate developed by the Colonial Finance Corporation in 1897-1898. This estate, comprising the historic precinct in Brookman and Moir Streets, and Baker's Terrace in Lake Street, was the largest estate of its type developed in Western Australia;*
- *the historic precinct is rare in Western Australia as two streets in which a single basic design was utilised for all the residences in a large estate, with the exception of Numbers 2 and 4 Brookman Street, which are grander variations of the same pattern used throughout the precinct, that is relatively intact;*
- *the buildings contained within the precinct are representative of what was considered to be 'working class' rental accommodation from the late 19th and early 20th centuries;*
- *the one-way thoroughfares and modest lot sizes of the semi-detached dwellings contained within the precinct give it a particular character and sense of enclosure;*
- *the homogeneity of the modestly-scaled, semi-detached residential buildings creates a visually striking precinct in an inner city residential area; and*
- *the historic precinct was developed by the Colonial Finance Corporation who named Brookman and Moir Streets after two of the principal investors in the company who were prominent Western Australians.*

Generally, the present property fencing and most plantings are of little significance.

Recent additions and modifications are of little significance, e.g. replacements of original details. Parking areas in the front of houses, and carports in the front setbacks, are intrusive.

A small number of high masonry construction fences in the precinct are intrusive.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Local Planning Scheme No. 2 (LPS2), the City's Built Form Policy and the State Government's Residential Design Codes Volume 1, Brookman/Moir Guidelines and Heritage Management Policy.

In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Acceptable Development/ Deemed-to-Comply	Requires the Discretion of Council
Demolition	✓	
Conservation of Contributory Places	✓	
Built Form	✓	
Front Fences, Secondary Street Fences and the Front Garden	✓	
Materials and Colours	✓	
Heritage Management Policy	✓	

Detailed Assessment

The application satisfies all acceptable development/ Deemed-to-Comply standards in the City's policy framework, including the Heritage Management Policy and Brookman/Moir Guidelines.

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

Unlike the Built Form Policy and Residential Design Codes, the Heritage Management Policy and Brookman/Moir Guidelines require consideration of the proposal against the local housing objectives and performance criteria even where an element complies with the prescribed acceptable development or Deemed-to-Comply standards. This is considered in the Comments section below.

CONSULTATION/ADVERTISING:

Community consultation was undertaken by the City in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, for a period of 14 days between 23 October 2023 and 7 November 2023.

The method of consultation included a notice on the City's website, a sign to the Moir Street elevation of the subject site, and 77 letters being sent to owners and occupiers within the Precinct as shown in **Attachment 1** and in accordance with the City's Community and Stakeholder Engagement Policy.

In accordance with the City's Community and Stakeholder Engagement Policy, letters were not sent to adjoining properties to the west, across the ROW. This is because the works visible from the ROW include demolition of the outbuilding only. The outbuilding is not referenced as contributing to the cultural heritage significance of the place in the heritage listing. The demolition of the outbuilding and all other proposed works, which are located to the street setback area, would not adversely impact western adjoining properties.

Nil submissions were received at the conclusion of the consultation period.

Heritage Council of Western Australia (HCWA)

The application was referred to the HCWA for review and consideration in accordance with Section 73 of the *Heritage Act 2018* because the subject site is included on the State Register of Heritage Places.

The application was referred on 17 May 2023 and related to the proposed front fence and landscaping only. The HCWA requested updated plans that showed the entirety of the Moir Street elevation of the site. These were provided to the HCWA on 4 August 2023.

The HCWA advised that the works subject to this development application would not impact the cultural heritage significance of the Precinct, was supported subject to the following conditions:

1. The fence railings and brick render piers to be no more than 1200 millimetres maximum height above ground level at lowest point of the site, located at the south boundary corner gate post.
2. Low solid infill walls to be no more 750 millimetres above ground level from the lowest point of site, located at the south boundary corner gate post.
3. Render colour of the new front fence to be in accordance with The Heritage Council's Policy and Practice note for Painting Heritage Places.

The HCWA have advised that Condition 3, seeks to ensure that the fence colour is consistent with the cream colour proposed. This is addressed in the Administration recommendation through proposed Condition 2.4.

A further referral was undertaken to the HCWA on 10 October 2023. This further referral was in relation to the existing unauthorised works. The HCWA provided a non-objection to the proposal with the following comment:

- *The ROW is noted in the assessment documentation as having a wide variety of outbuildings, garages, and old brick-construction water closets. The painted galvanised outbuilding was one of these. Demolition of the outbuildings slowly erodes the integrity of the precinct and should be discouraged.*

Officers from the HCWA advised that they were unable to confirm if the proposed demolition would have been supported had the application been referred prior to the works having been undertaken.

Design Review Panel (DRP):

Referred to DRP: Yes

The proposal was referred to a member of the City's Design Review Panel with expertise in heritage conservation on three occasions. A summary of the referral comments is provided below.

First Referral

The first referral related to the proposed front fence, removal of the tiles from the front verandah and replacement with timber decking.

The DRP Member did not support the proposal. Their comments are summarised as follows:

- The fence is too high, and the design does not acknowledge the context or character of the streetscape and the design is incongruous to the aesthetic value and character of the heritage area.
- The applicant is encouraged to consider the design to be more in keeping with those neighbouring properties, particularly No. 27 Moir Street with which this property forms a duplex pair.
- Best practice for conserving a contributory place in a heritage area is to restore its primary street facing elevation back to its original appearance based on evidence. Restoring or replacing elements such as the timber gable barge boards to match the original appearance and materiality is encouraged.
- The fence and associated landscaping detract from the public realm due to the excessive height of both elements.
- Timber fencing would be more sustainable than concrete, cement, and steel.

Second Referral

Amended plans were received on 3 August 2023 and 28 September 2023. The updated plans included the demolition of the outbuilding, reduced the height of the fence to no more than 1.2 metres above the footpath and provided the colour of the rendered fence as cream.

The DRP Member noted elements of the proposal that were supported, which are summarised as follows:

- Introduction of plants at the front fence will have a positive impact on the landscape.
- The colour finish is acceptable.
- The outbuilding is located at the rear of the property and does not display cultural significance. It can be considered a non-contributory or an intrusive element. The demolition of the outbuilding does not impact the character of the streetscape, or the significance of the place and its demolition can be considered acceptable.

The DRP Member provided the following comment for consideration:

- Despite the proposed fence being an improvement of the previous design for its height and colour, it is recommended that the solid portion of the fence is lowered to improve and increase visual permeability and passive surveillance. It is recommended that height of the planter is reduced to be 500 millimetres to be also consistent with the design of the existing fences.

Upon review of the 28 September plans, the DRP member considered that a rating for sustainability should not be provided. This is due to the limited scope of the application, as discussed in the Sustainability Implications section of the report.

Third Referral

A third and final referral was undertaken on amended plans received on 8 November 2023. These plans reduced the height of the masonry planter bed component to no more than 0.5 metres above the footpath level, as suggested by the DRP member. The DRP member confirmed that this change was supported.

Design Review Progress Report			
	Supported		
	Pending further attention		
	Not supported		
	No comment provided / Insufficient information		
	Referral One - 22 February 2023	Referral Two - 28 September 2023	Referral Three - 8 November 2023
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**			

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Heritage Act 2018*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *Heritage Regulations 2019*;
- Burra Charter;
- City of Vincent Local Planning Scheme No. 2;
- State Planning Policy 3.5 – Historic Heritage Conservation;
- State Planning Policy 7.3 – Residential Design Codes Volume 1;
- Consultation and Stakeholder Engagement Policy;
- Policy No. 7.1.1 – Built Form;
- Policy No. 7.6.1 – Heritage Management: Development Guidelines for Heritage and Adjacent Properties; and
- Local Planning Policy: Brookman and Moir Streets Heritage Area Guidelines.

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

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

The matters for consideration relevant to this application relate to the compatibility of the development within its setting, character of the locality, cultural significance of the Precinct, consistency with Local Planning Policies and advice from the DRP and HCWA.

Unauthorised Development

Schedule 2, Clause 65 of the Planning Regulations provides the ability for development applications to be made for development that has already been carried out. In accordance with Clause 68, the application can be approved, approved with conditions, or refused. In accordance with the *Planning and Development Regulations 2009* the application fee for development applications for existing unauthorised developments is three-times the standard fee.

In accordance with Section 164 of the *Planning and Development Act 2005,* the approval of a development application for unauthorised development does not apply retrospectively. This means that the approval sought would not apply to the period during which the development has been in existence without approval.

Burra Charter

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

In accordance with Article 8 of the Burra Charter, conservation of heritage places requires the retention of an appropriate setting. Demolition which would adversely affect the setting is not considered appropriate.

In accordance with Article 22.1 of the Burra Charter, new development is acceptable where it respects the cultural significance of the place. In accordance with Article 22.2 of the Burra Charter, the works should be readily identifiable but should respect the cultural significance of the place.

State Planning Policy 3.5 – Historic Heritage Conservation

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

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

As the subject site and adjoining properties to the north east and south west are heritage listed properties, the proposal is required to be assessed against both Parts 4 and 5 of the Heritage Management Policy.

The objectives of the Heritage Management Policy are to:

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

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

P1 *Development is to comply with the statement of significance outlined in Heritage Assessment, Heritage Impact Statement and/or Place Record Form.*

P2 *Alterations and additions to places of heritage value should be respectful of and compatible with existing fabric and should not alter or obscure fabric that contributes to the significance of the place.*

P3 *To ensure the cultural heritage significance of a place is conserved and the majority of the significant parts of the heritage place and their relationship to the setting within the heritage place should be retained.*

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

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

Brookman/Moir Guidelines

At its 22 August 2023 Ordinary Meeting, Council resolved to revoke Appendix 6 of the City of Vincent Planning and Building Policy Manual – Brookman and Moir Streets Development Guidelines and adopt the Brookman/Moir Guidelines.

The Brookman/Moir Guidelines is a performance-based policy. Applications for development approval need to demonstrate that the design achieves the objectives of each element. While addressing the Deemed-to-Comply criteria is likely to achieve the objectives of these guidelines, they do not provide automatic approval and the proposal is to be assessed in the context of the entire design solution to ensure the objectives are achieved.

In considering the acceptability of the proposal, Council is to have due regard to the relevant local housing objectives of the planning element being considered, and the overall objectives of the Brookman/Moir Guidelines, which are to:

- *Retain, conserve, and protect the cultural heritage significance of the Brookman and Moir Streets Heritage Area as identified by its entry on the State Register of Heritage Places and as a designated heritage area protected under the City's Local Planning Scheme No. 2;*
- *Ensure that additions to existing heritage places do not adversely impact the significance of the area, the contributory buildings, or neighbouring heritage places;*
- *Ensure that future development is sympathetic to the existing built form, context of the streetscape, roof form, and public domain in all elements of design;*
- *Maintain and improve existing street vegetation and front gardens in a manner that conserves the significance;*
- *Ensure front fences, if required, are low height or open style and are consistent with the precinct in terms of materiality and colour; and*
- *Encourage a high standard of architectural and sustainable building design for alterations to contributory buildings.*

Delegation to Determine Applications:

This matter is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments.

This is because the delegation to Administration to determine applications does not extend to development applications that propose demolition of any structure on a heritage protected place, or to applications for development approval that propose alterations and additions to a place listed on the State Register of Heritage Places that are in front of the building line of the heritage building.

The application seeks approval for the unauthorised demolition of existing buildings and structures and the erection of a new fence that is in front of the existing heritage building on a property that is on the State Register of Heritage Places.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

Innovative and Accountable

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

SUSTAINABILITY IMPLICATIONS:

This application does not contribute to any sustainability outcomes. There is limited ability for the development to influence the environmental impact of the entire house on the site through this application. This is because the limited scope of the application which includes demolition, installation of decking, and relocation of a meter box which have already been undertaken. Proposed works are limited to the construction of a fence and landscaping.

PUBLIC HEALTH IMPLICATIONS:

This application 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 this application against the planning framework, Administration recommends approval. The following key comments are of relevance:

- The proposed fence would be identifiable as a new and contemporary addition to the existing dwelling and would be consistent with other masonry fences within the streetscape. Uninterrupted views of the house would be maintained as a result of its low height.
- The demolition of the rear outbuilding and front fence is supported as they did not form original components of the development of the Precinct and were not elements that contributed to the cultural heritage significance of the Precinct. The outbuilding was not visible from the street and its demolition does not affect the Moir Street streetscape.
- The installation decking to the front verandah restores the appearance of the dwelling to an earlier state, consistent with the Local Housing Objectives of the Brookman/Moir Guidelines and was supported by the DRP member and HCWA.
- The proposed landscaping works are low in scale and would not obscure the facade of the contributory building consistent with the objectives of the Brookman/Moir.

Front Fence & Landscaping

The proposed front fence satisfies the Deemed-to-Comply provisions of the Brookman/Moir Guidelines. The proposed fence to Moir Street also satisfies the Local Housing Objectives and Objectives of the Brookman/Moir Guidelines for the following reasons:

- Sympathetic Scale and Character: The proposed fence would be identifiable as a new and contemporary addition to the existing dwelling. The solid component of the fence would be low, ranging in height from 0.15 metres to 0.5 metres, with a maximum overall height of 1.2 metres. The fence would be sympathetic with the existing streetscape because it would be consistent with other the scale of other masonry fences within the precinct, including Nos. 12, 14, 17 and 19 Moir Street. The proposed colour of cream for the masonry component would be consistent with the heritage colours found within the precinct. The application of a black colour to the fencing infill, would be consistent with other fences found within the street. The proposed blade style of fencing infill would be consistent with the fencing to No. 26 Moir Street, directly opposite the subject site, which is also black in colour.

- Maintenance of Views to Dwelling: The solid portion of the fence would range from 0.15 metres to 0.5 metres above the footpath level and would be visually permeable above this height, to a maximum of 1.2 metres above the footpath level. As a result of these heights and the visual permeability of the fencing infill, it would maintain views between the street and the existing dwelling.
- Support of HCWA and DRP: The applicant has amended the proposal to reduce the height of the fence to be no more than 1.2 metres high, and the solid portion of the fence to be no more than 0.5 metres high. This is consistent with the conditional support provided by the HCWA, and advice provided by the DRP member. As the proposed plans are not to-scale, conditions of approval are included in the Administration recommendation to ensure that the total height of the fence does not exceed 1.2 metres in height and the solid portion of the fence does not exceed 0.5 metres in height.
- Landscaping Works: The proposed landscaping works are low in scale and would not obscure the façade of the dwelling. This is because the bench seat would be 0.5 metres above the natural ground level. The grass and paving would be at ground level and would not impact views of the dwelling. Plantings within the precinct are not original and are noted in the Statement of Significance as being *"of little significance"*.

Demolition

The demolition satisfies the Deemed-to-Comply provisions of the Brookman/Moir Guidelines. This is because the outbuilding was not a contributory building identified in either the Brookman/Moir Guidelines or the Statement of Significance for the precinct.

In relation to the demolition, the applicant advises that the structure was demolished due to safety concerns:

"The original construction of the structure did not adhere to safety standards and consisted of poorly assembled pieces of tin sheeting, timber and plywood. The structure posed a risk to the occupants and passers-by with the roof frequently dislodging and falling into the [ROW] during periods of inclement weather."

As the structure has been demolished, Administration cannot verify these comments.

The demolition satisfies the Local Housing Objectives and Objectives of the Brookman/Moir Guidelines for the following reasons:

- Outbuilding did not form part of the original fabric of the Precinct: A review of aerial imagery, building records and sewerage maps indicates that the demolished outbuilding was constructed between 1965 and 1974. The outbuilding was an ad-hoc structure and there is no building licence for the construction of the building. Figure 2, below, taken from a 2018 real estate listing, shows the outbuilding:

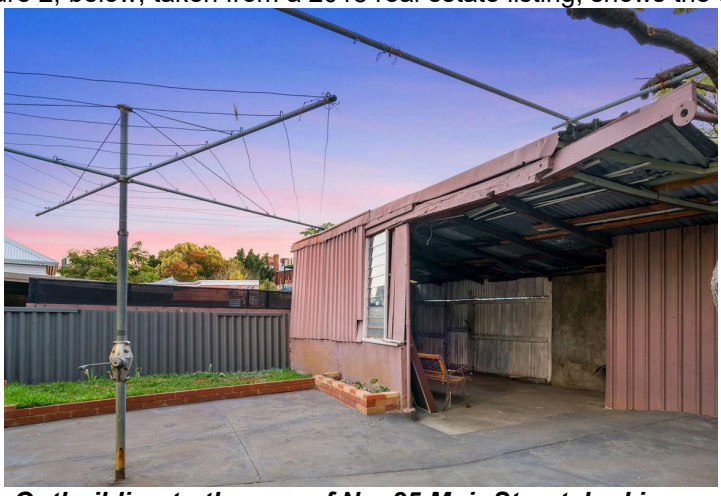


Figure 2: Outbuilding to the rear of No. 25 Moir Street, looking north-west.

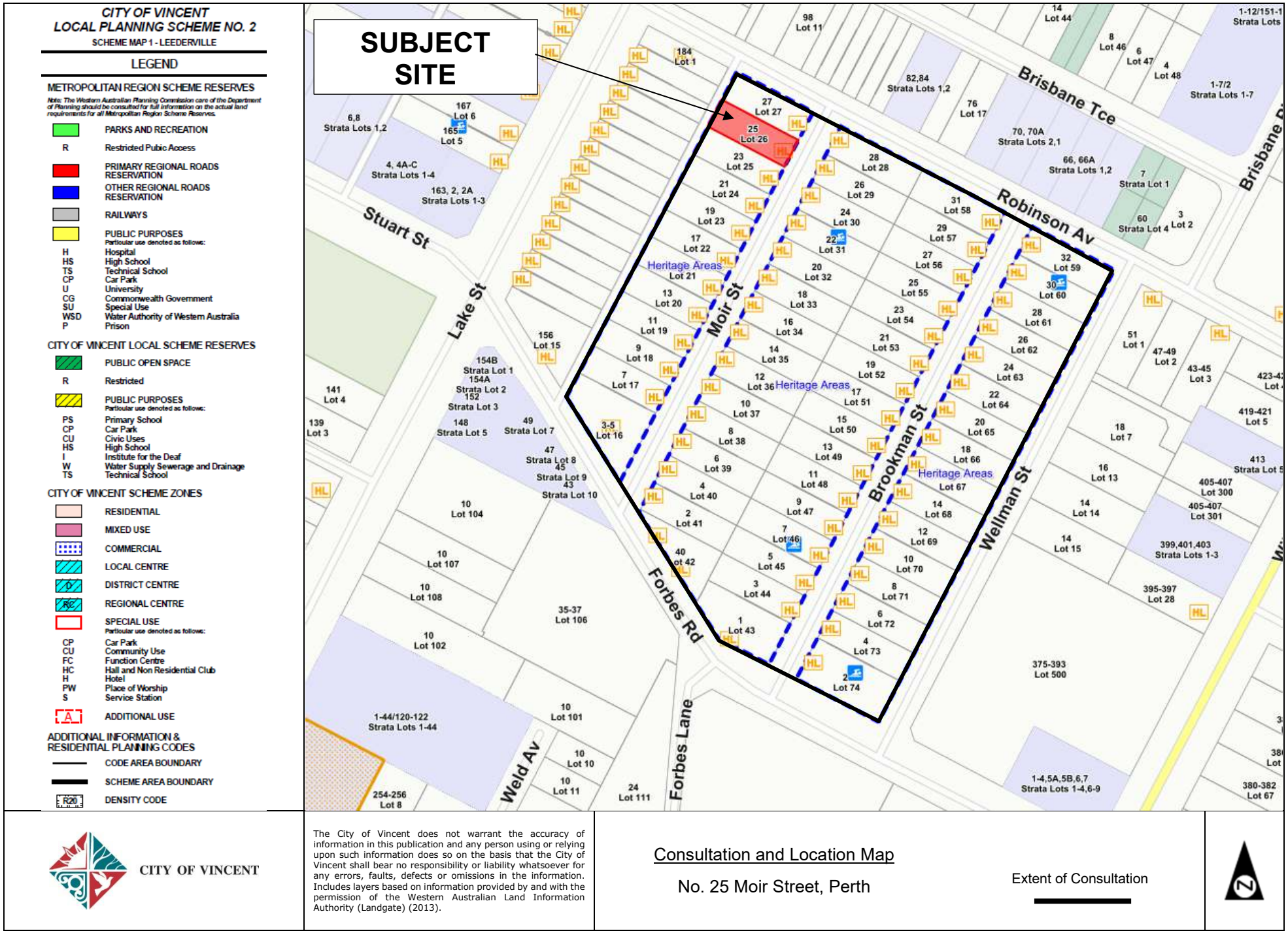
- Outbuilding not identified in the Statement of Significance: While the assessment documentation for the State Heritage Register entry makes reference to *"a wide variety of outbuildings, garages and old brick-construction water closets facing onto the [ROW]"*, it does not make specific reference to the subject outbuilding. The outbuilding is not referred to in the statement of significance for the Precinct and is not identified as a contributory building or an element to be retained in the Brookman/Moir Guidelines. Officers from the HCWA have confirmed that reconstruction of the outbuilding would not be a suitable outcome and is not sought.

- Demolition of outbuilding does not impact streetscape: The demolition of the outbuilding was supported by the City's DRP member due to its location and its character as a later addition to the site. Because it was located to the rear of the subject site, the demolition of the outbuilding does not impact the presentation of the dwelling to Moir Street or any portion of the public domain, as defined in the Brookman/Moir Guidelines.
- Front Fence did not contribute to heritage significance: The demolition of the fence does not affect the cultural heritage significance of the place. This is because houses in the Precinct have traditionally not included fencing to the street. The masonry and timber fence were not original to subject site, which is supported by the statement of significance for the Precinct notes that *"Generally, the present property fencing… [is] of little significance"*.

Verandah & Meter Box

The replacement of the tiles on the verandah with timber and relocation of the meter box satisfies the Local Housing Objectives and Objectives of the Brookman/Moir Guidelines, Performance Criteria of the Heritage Management Policy and Objectives of the R Codes because:

- Consistent with the original appearance of house: The installation of decking is consistent with the original appearance of the dwelling and would be sympathetic to the heritage of the place. The verandah and stairs were previously covered in square mottled yellow tiles. As outlined in the assessment documentation, the original verandahs to houses in the Precinct were timber. The removal of the tiles and reinstatement with timber restores the verandah to an earlier state and is consistent with the original appearance of the verandah. Officers from the HCWA and the DRP member both confirmed that the decking was an acceptable development outcome and is supported.
- Removal of an intrusive element: Meter boxes are not an original component of the houses in the Precinct. This is evidenced by the lack of consistency in their size and location. The relocation of the meter box positively impacts the Moir Street streetscape because it removes a visually intrusive later addition from the Moir Street façade of the house. The meter box has been relocated to a less visually obtrusive location on the southwestern elevation of the dwelling and is now perpendicular with the street. This reduces its visibility from the street and is consistent with other dwellings in the Precinct, including Nos. 15, 17, and 21 Moir Street. A condition of approval is included in the Administration recommendation to paint the meter box to match the brick of the wall to which it is attached, to further minimise its impact on the streetscape.
- Minimisation of visual impact of External Fixtures: The relocation of the meter box minimises the impact of the external fixture on the streetscape by relocating it to the south-western elevation of the house, which is perpendicular to the street. Because of this location, the meter box is integrated with the dwelling and is not visually obtrusive to the street.


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 Pubic 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
A ADDITIONAL USE
ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES
CODE AREA BOUNDARY
SCHEME AREA BOUNDARY
R20 DENSITY CODE
SUBJECT SITE
Brisbane Tce
Robinson Av
Stuart St
Lake St
Moir St
Brookman St
Wellman St
Forbes Rd
Forbes Lane
Weld Av
Heritage Areas
Heritage Areas
Heritage Areas
CITY OF VINCENT
The City of Vincent does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that the City of Vincent shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Includes layers based on information provided by and with the permission of the Western Australian Land Information Authority (Landgate) (2013).
Consultation and Location Map
No. 25 Moir Street, Perth
Extent of Consultation
N

CITY OF VINCENT

No. 25 Moir Street, Perth

N

CITY OF VINCENT
RECEIVED
3 August 2023

SECTION (A)

1200

BENCH SEAT

LEVEL GROUND PAVED

500

SECTION (B)

470

EXISTING DECKING

EXISTING FENCE

GARDEN BED HEIGHT

NEW FRONT FENCE HEIGHT 1000

LEVEL GROUND

Meter Box

EXISTING BRICK WALL

HOUSE

500

MADE FROM TIMBER

200mm HIGH SLEEPER

SIDE WALKWAY EXISTING

500 HIGH 500 WIDE

BOUNDARY

RAISED SEAT

3.0

PAVED AREA LEVEL TO THIS POINT (A)

EXISTING FOOTPATH

GRASS AREA (B)

GARDEN BED

BOUNDARY

3400

GATE

PLANTER

PLANTER

GATE

PLANTER

GARDEN BED

470

PROPOSED WALL 8700

1200

EXISTING PIER + PROPOSED GATE

* SMALL FLOWERS

25 MOIR ST, PERTH

FRONT YARD PLANS

EXISTING PILLAR
IS 1350 mm HIGH

Refer to Condition 2 of Approval

AIREY TAYLOR CONSULTING
ENGINEERS + SCIENTISTS
18 HARVEST TERRACE, WEST PERTH
CHECKED J Taylor FIEAust CPEng (Gen) NER
DATE 8/2/2023
JOB NO. 23020
COMMENT Structurally adequate.

BOUNDARY

A

POWDERCOATED CARRIKON STEEL FENCE PANELS + GATE

1200

1.2 metres

0.5 metres

500

NEW HEIGHT OF PLANTER

EXISTING BRICK PILLAR

BRICK WALL PIERS AND PLANTERS RENDER + PAINT.

REINFORCED CONCRETE FOOTING, STEPPED TO LEVELS. Note: COMPACTION REQ'D.

TYPICAL ALL PIERS: KEY EVERY THIRD BRICK COURSE INTO PIERS: BOTH SIDES OF PLANTER.

25? MIN. 3° BELOW PAVEMENT.

LIGHT CREAM RENDER + DARK GREY STEEL PANELS

STREET ELEVATION 1:50.

Refer to Condition 3 of Approval

350x470 BRICK PIERS RENDER + PAINT

PLANTER. PLANTER. GATE PLANTER.

110 250 110 470

350 900 350 1700 350 1700 350 1100 350 2390

8700 O/A INCLUDING RENDER. - C.O.S.

BOUNDARY

A

PLAN 1:50.

Note: COMPACTION: Min compaction under footing to be 7 blows per 300 mm.

PROPOSED STREET FRONTAGE FENCE
25 MOIR STREET
PERTH W.A.

MAX 192

350 x 470 BRICK PIER BEYOND. CAPPED AND RENDERED.

BRICK WALL RENDER AND PAINT.

SOIL FILLED PLANTER CEMENT BAGGED AND PARGED INTERNALLY.

INTERNAL G.L.

FOOT PATH

MINIMUM 13° BELOW G.L.

OPEN DRAINAGE PERPENDS.

250

SLOTM TRENCH MESH MIN 65 BOTTOM COVER.

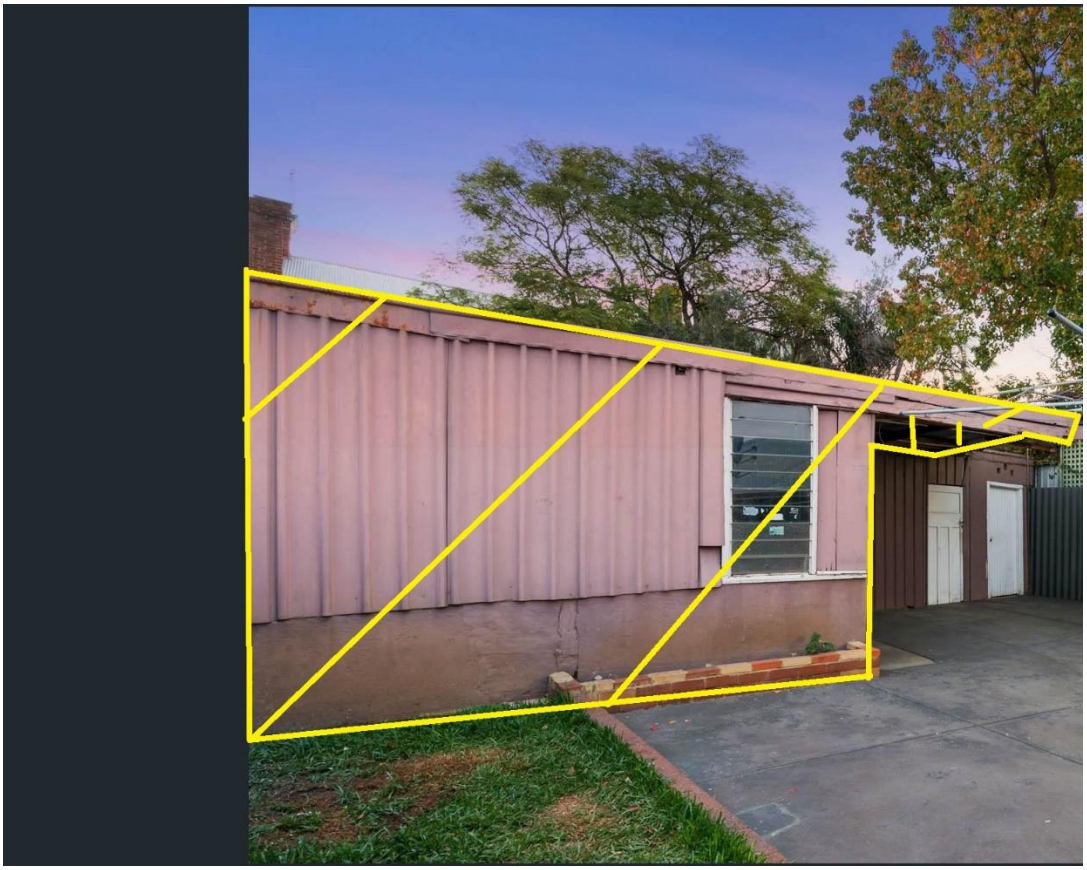
550

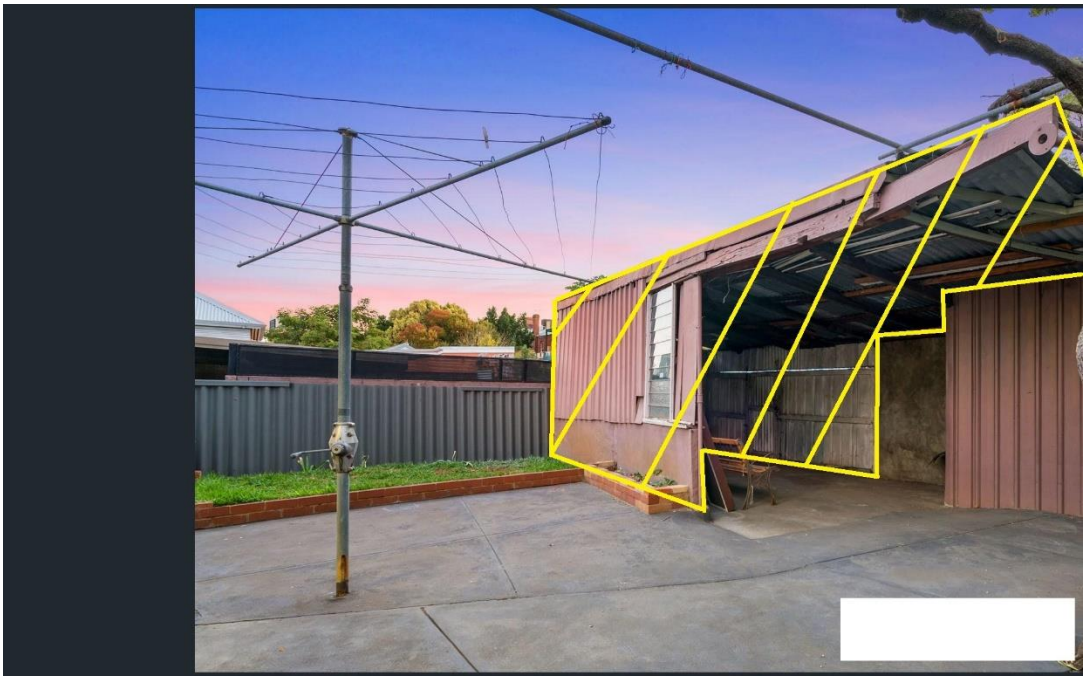
SECTION A-A 1:10 REINFORCED CONCRETE FOOTING, PLANTER & PIERS.

25 Moir St Design Plans

Removal of Shed

Bird's Eye View Depicting Area of Old Shed





Yellow Area Outlines the Part of the Old Shed that was Removed

Note in the first picture that the outdoor WC is the rightmost door; which is not involved.

GOVERNMENT OF WESTERN AUSTRALIA

HERITAGE COUNCIL

HERITAGE IMPACT STATEMENT

A GUIDE

INTRODUCTION

This guide explains what a heritage impact statement is, when one is needed, and the level of detail that is required.

This guide has been prepared to:

(a) assist people who wish to carry out development that could impact on a heritage place or area

(b) assist local governments in considering whether to approve such development.

Local governments may adapt the document to suit their own circumstances.

What is a heritage impact statement?

A heritage impact statement (HIS) describes and evaluates the likely impact of a proposal.

An HIS is a clear and concise account of the proposed work that addresses three basic questions:

- How will the proposed works affect the significance of the place or area?
- What measures (if any) are proposed to ameliorate any adverse impacts?
- Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

When is a heritage impact statement needed?

Many local governments encourage proponents to submit an HIS with any development proposal affecting a heritage place.

Whether or not a local government may require an HIS, and the amount of detail expected, will depend on:

(a) the significance of the place; and

(b) the likely impact of the proposal on that significance.

For instance, a proposal to partially demolish, or construct an addition to a place that is listed in the highest category in the local Heritage List, will typically require a detailed HIS.

Minor works to a place of lesser significance may not require an HIS at all.

How is the significance of a place or area determined?

An HIS will always be based on a Statement of Significance for the place, which clearly spells out the identified heritage values.

Typically, this will be drawn from a State Register entry, a Local Government inventory entry, or a Conservation Management Plan or Strategy (CMP or CMS). If none of these sources exist, it may be necessary for a significance statement to be prepared.

It may also be necessary if an existing statement is very brief and gives little useful guidance about the significance of the place and its fabric.

If a CMP and CMS exists, direct reference should be made to the conservation policies.

How should a heritage impact statement be presented?

An HIS should be concise.

It should contain a conclusion that addresses the three key questions outlined under '*What is a heritage impact statement?*'.

In preparing the HIS, it may be useful to address some more detailed questions, such as those ***outlined in the table at Appendix 1***. If the Local Government or heritage agency dealing with the proposal has ***decision guidelines or planning policy*** in relation to the place or area, these should be specifically addressed.

Relevant supporting documentation, where it exists (e.g. a statement of significance, conservation plan or conservation policy, physical condition report or any other consultant's report), should be referred to in the statement and relevant extracts attached. These documents should not simply be repeated verbatim within the HIS.

QUESTIONS TO BE ANSWERED IN A HERITAGE IMPACT STATEMENT

APPENDIX ONE

PROPOSED CHANGE TO HERITAGE PLACE	SOME QUESTIONS TO BE ANSWERED IN A STATEMENT OF HERITAGE IMPACT
Demolition of a building or structure *NB. Check State Planning Policy 3.5 - Historic heritage conservation*	▪ Have all options for retention and adaptive re-use been explored? ▪ Is demolition essential at this time, or can it be postponed in case future circumstances make retention and conservation more feasible? ▪ Can any new development can be located elsewhere on the site, so the significant elements of the place can be retained? ▪ Has the advice of a heritage consultant been taken? If not, why not?
Minor partial demolition (including internal elements)	▪ Is the demolition essential for the heritage place to function? ▪ Are important features of the place affected by the demolition (e.g. fireplaces or staircases)? ▪ Is the partial demolition sympathetic to the heritage significance of the place? ▪ If the partial demolition is proposed because of the condition of the fabric, is it certain that the fabric cannot be repaired?
Change of use	▪ Has the advice of a heritage consultant been implemented? If not, why not? ▪ Does the existing use contribute to the significance of the heritage place? ▪ Why does the use need to be changed? ▪ What changes to the fabric are required as a result of the change of use? ▪ What changes to the site are required as a result of the change of use? ▪ Has the advice of a heritage consultant been taken? If not, why not?
Minor additions (see also minor partial demolition)	▪ How is the impact of the addition on the heritage significance of the place to be minimised? ▪ Can the additional space be located within an existing structure? If not, why not? ▪ Will the additions visually dominate the heritage place? ▪ Are the additions sympathetic to the heritage place? In what way (e.g. form, proportions, design, materials)?
New development adjacent to a heritage place (additional buildings and major additions)	▪ How is the impact of the new development on the heritage significance of the place or area to be minimised? ▪ Why is the new development required to be adjacent to a heritage place? ▪ How does the new development affect views to, and from, the heritage place? What has been done to minimise negative effects? ▪ Is the new development sympathetic to the heritage place? In what way (e.g. form, siting, proportions, design, materials)? ▪ Will the new building(s) visually dominate the heritage place? How has this been minimised? ▪ Will the public and users of the place, still be able to view and appreciate its significance?
Subdivision	▪ Could future development resulting from this subdivision compromise the significance of the heritage place (e.g. by requiring demolition of part of a heritage building, or by siting new buildings too close to a heritage building)? ▪ How are negative impacts to be minimised? ▪ Could future development that results from this subdivision affect views to, and from, the heritage place? How are negative impacts to be minimised?
Repainting (Using new colour schemes)	▪ Have previous (including original) colour schemes been investigated? Are previous schemes being reinstated? ▪ Will the repainting affect the conservation of the fabric of the heritage place?

PROPOSED CHANGE TO HERITAGE PLACE	SOME QUESTIONS TO BE ANSWERED IN A STATEMENT OF HERITAGE IMPACT
Re-roofing/re-cladding	▪ Have previous (including original) roofing/cladding materials been investigated (through archival and physical research)? ▪ Is a previous material being reinstated? ▪ Will the re-cladding effect the conservation of the fabric of the heritage place? ▪ Are all details in keeping with the heritage significance of the place (e.g. guttering, cladding profiles)? ▪ Has the advice of a heritage consultant or skilled tradesperson (e.g.roof slater) been taken?
New services (e.g. air conditioning, plumbing)	▪ How has the impact of the new services on the heritage significance of the place been minimised? ▪ Are any of the existing services of heritage significance? In what way? Are they affected by the new work? ▪ Has the advice of a heritage consultant (e.g. architect) been taken?
Fire services upgrades	▪ How has the impact of the fire upgrading on the heritage significance been minimised? ▪ Are any of the existing services of heritage significance? In what way? Are they affected by the new work? ▪ Has the advice of a conservation consultant (e.g. architect) been taken (and if so how)? ▪ Has the advice of a fire consultant been taken as to options that would have less impact on the heritage place (and if so how)?
New landscape works and features (including carparking and fences)	▪ How has the impact of the new work on the heritage significance of the existing landscape been minimised? ▪ Has evidence (archival and physical) of previous landscape work been investigated/ Are previous works being reinstated? ▪ Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented? ▪ Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered? ▪ How does the work impact on views to, and from, adjacent heritage items?
Tree removal or replacement *NB: Always check the tree preservation provisions of your local government when proposing the removal of trees*	▪ Does the tree contribute to the heritage significance of the place? ▪ Why is the tree being removed? ▪ Has the advice of a tree surgeon or horticultural specialist been taken (and if so how)? ▪ Is the tree being replaced and with what species? Why?
New Signage *NB: Check whether the local government has a signage policy or design guidelines*	▪ How has the impact of the new signage on the heritage significance of the place been minimised? ▪ Have alternative signage forms been considered (and if not why not)? ▪ Will the signage visually dominate the heritage place or heritage area? ▪ Can the sign be remotely illuminated rather than internally illuminated?

Contact us

Heritage Council of WA
140 William Street, Perth
Locked Bag 2506
Perth WA 6001

T: (08) 6551 8002
FREECALL (regional): 1800 524 000
E: info@dplh.wa.gov.au
W: www.dplh.wa.gov.au

HERITAGE IMPACT STATEMENT

FORM

Name of Place:	25 Moir St, Perth, 6000
Registration Date:	17 february 2023
The Place/Area:	
Prepared by:	louis donovan
Prepared for:	17 February 2023
Date:	17 February 2023

Heritage listings:

The Brookman and Moir Street Precinct is a State Heritage listed precinct for its intact, nineteenth century streetscape made up of Federation Queen Anne style residential buildings. The streets have 58 similarly constructed semi-detached dwellings that were used as rental accommodation for the working class in the late nineteenth to early twentieth centuries to service the Western Australian Gold Boom demand.
The residential buildings visually homogenous design, materials and colours provides a concentrated landmark area that provide a historically unique streetscape that are no longer constructed in inner-city residential areas.

Statement of significance:

The precinct consists of 58 semi-detached workers' cottages, built as a residential estate for working class families between 1897 and 1898. The precinct was included in the State Register of Heritage Places in 2006.

After careful consideration of the heritage significance of the site and the proposed works, it is my professional opinion that the construction of a new front brick wall will have a minimal impact on the heritage value of the property. The design of the wall is sympathetic to the existing character and materials of the building, and the construction will be carried out in a way that respects the historical and architectural context of the site.

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

The black rendered brick masonry wall will enhance the streets modern aspect by;
bordering off the pathway to the property;
incorporating a rendered brick with a modern powder coated steel;
leading into a grassed area behind the fence with a sit down courtyard to the left

The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

no aspects of the design will detriment the heritage significance

Conclusion:

Tegan's Cottage is a good example of a federation Queen Anne Style, built at the commencement of the Gold Boom period and makes an important contribution to the streetscape. Much of the front of the building is in original condition but in need of an upgrade to meet current standards and expectations. The proposed front masonry wall will follow existing details and has been designed in a manner that is sympathetic to the original.

We recommend that the proposed works be approved subject to the conditions outlined in the plan, including the use of appropriate building materials and techniques to ensure the new wall complements the existing building fabric and preserves the heritage value of the site.

References and attachments:

Contact us

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Perth WA 6001

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W: www.dplh.wa.gov.au

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.**

2. **This is an approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.**

3. **This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.**

4. **The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.**

5. **An Infrastructure Protection Bond together with a non-refundable inspection fee shall be lodged with the City by the applicant, prior to the commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable.**

6. **The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.**

7. **With reference to Condition 5, the meter box should be painted in a colour consistent with the red face brick of the wall to which it is attached. The applicant it encouraged to contact the City with a specific colour proposal to ensure that the paint colour will satisfy this condition.**