

**5.3 NO. 139 (LOT: 8; D/P: 56031) BUXTON STREET, MOUNT HAWTHORN - ALTERATIONS AND ADDITIONS TO COMMERCIAL DEVELOPMENT (OUTBUILDING)**

**Ward:** North

**Attachments:**

1. Consultation and Location Plan
2. Development Plans
3. Summary of Submissions - Administration Response
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 and Alterations and Additions to Commercial Development (Outbuilding) at No. 139 (Lot: 8; D/P: 56031) Buxton Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

**1. Development Plans**

This approval is for Alterations and Additions to Commercial Development (Outbuilding) as shown on the approved plans dated 17 November 2023. No other development forms part of this approval;

**2. Use of Outbuilding**

The outbuilding shall only be used for storage purposes associated with the property and not for human habitation or for the parking of vehicles, unless further approval is received, to the satisfaction of the City;

**3. External Fixtures**

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

**4. Colours and Materials**

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

**5. Stormwater**

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

**EXECUTIVE SUMMARY:**

The purpose of this report is to consider an application for development approval for Alterations and Additions to Commercial Development (Outbuilding) at No. 139 Buxton Street, Mount Hawthorn (the subject site) that is heritage listed under the City of Vincent's Heritage List (Management Category B).

The application proposes the demolition of an existing carport and sea container at the rear of the site to facilitate the construction of a new outbuilding (shed) in the same location. The proposed development plans are included as **Attachment 2**.

The elements of the proposal that require a design principles assessment and the exercise of discretion include the lot boundary setback provided to the western (rear) lot boundary. The shed is acceptable due to its obscured visibility from the adjoining property, the use of design elements to reduce impacts of building bulk and suit the adjoining residential context, including the inclusion of doors and windows and contrasting colours on the structure. The reduced setback does not result in overshadowing to the western property due to the favourable location and the setback provided allows ventilation to flow.

The proposed development is acceptable as it meets the objectives of the City's Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties (Heritage Management Policy), which ensures the preservation of heritage value while enabling improvements to the heritage buildings.

The existing carport and sea container were built between 1995 and 2000 respectively and do not contribute to the heritage significance of the place. The demolition of the carport and sea container is supported due to its location to the rear of the property and given the demolition has no impact to the cultural heritage significance of the place as referenced in the Physical Description or Statement of Significance. The building fabric that does contribute to the heritage significance as referenced in the Statement of Significance would be retained and protected.

### PROPOSAL:

The application proposes the demolition of carport and sea container used for storage, located to the rear of the existing commercial lot on the subject site.

The application proposes alterations and additions of a shed to the rear of the existing commercial lot on the subject site. A summary of the works proposed is as follows:

- The demolition of a carport and sea container that were constructed between 1995 and 2000. These structures are located to the north-west corner (rear boundary) of the subject site.
- The construction of an 8 metre by 6 metre shed, to replace the existing carport and sea container, to be used for the storing of goods and materials.

The proposed development plans are included as **Attachment 2**.

### BACKGROUND:

<b>Landowner:</b>	Roy Victor Burton & Ann Burton
<b>Applicant:</b>	Roy Victor Burton & Ann Burton
<b>Client:</b>	Roy Victor Burton & Ann Burton
<b>Date of Application:</b>	27 June 2023
<b>Zoning:</b>	MRS: Urban LPS2: Zone: Local Centre R Code: N/A
<b>Built Form Area:</b>	Activity Corridor
<b>Existing Land Use:</b>	Shop
<b>Proposed Use Class:</b>	Shop
<b>Lot Area:</b>	1,133m <sup>2</sup>
<b>Right of Way (ROW):</b>	N/A
<b>City of Vincent Heritage List:</b>	Yes – Management Category B
<b>State Register of Heritage Places:</b>	No

### DETAILS:

The subject site is bound by Buxton Street to the east, commercial development to the north, and residential properties to the south and west. A location plan is included in **Attachment 1**.

The subject site and adjoining properties to the north, located on the southern side of Scarborough Beach Road are zoned Local Centre under Local Planning Scheme No. 2 (LPS2) and are within the Activity Corridor Built Form Area under the City's Policy No. 7.1.1 – Built Form (Built Form Policy) (Built Form Policy). The adjacent properties to the east, on the northern and southern sides of Scarborough Beach Road are zoned Mixed Use under LPS2 and are within the Activity Corridor Built Form Area under the Built Form Policy. The adjoining properties to the south and west are zoned Residential R30 and are within the Residential Built Form Area under the Built Form Policy.

Heritage Listing

The subject site is listed on the City’s [Heritage List](#) as Management Category B – Conservation Recommended.

The Statement of Significance for the heritage listing reads as follows:

*No. 139 Buxton Street is a surviving example of immigrant initiative through a factory building constructed by immigrants, largely from materials of their own making. Now used as The Jazz cellar it has become a venue of social importance.*

The Physical Description included in the heritage listing is as follows:

*Originally constructed by two immigrants as a factory building, with the saw tooth form of construction common for factories. The concrete blocks for its construction may have been made by its builders, as the commercial production of concrete blocks did not occur until the Post World War Two period. Adapted in recent times for commercial purposes and used now as The Jazz Cellar. The Jazz Cellar occupies the basement and is accessed via a red telephone booth leading underground. Industrial building with added commercial façade.*

As mentioned above, the cultural heritage significance of the place relates to the portion of building along the eastern and southern boundary which now operates as a commercial business (Salvo’s). The existing carport and sea container located to the rear of the subject site are not referenced in the Physical Description or Statement of Significance for the place as having heritage value. For these reasons, the structures do not form part of the heritage significance of the place.

Approval History

The following development approvals have been granted for the site relevant to this development application:

- A retrospective development approval was issued 29 March 2018 for a carport and sea container. This was a 3 year, time limited approval and expired in 2021.
- A development approval was issued 13 May 2021 for the same structures to be approved as outbuildings with a purpose of storage. This was a 3-year, time limited approval and expires in May 2024. Both structures have been used to facilitate the storage of goods onsite, including a caravan, and have not been used to facilitate public parking.

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent LPS2, the City’s Built Form and the 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 Standards	Requires the Discretion of Council
Street Setback	✓	
Building Setbacks		✓
Building Height/Storeys	✓	
Roof Form	✓	
Parking & Access	✓	
Outbuildings	✓	
Heritage Management Policy	✓	

### Detailed Assessment

The Built Form Policy provides standards for assessing a development application, through element objectives or acceptable outcomes.

Element objectives are qualitative measures that describe the desired outcome to be achieved.

The acceptable outcomes standards are typically quantitative measures. The Built Form Policy sets out that meeting the acceptable outcome standards is likely to achieve the element objectives.

If an element of an application does not meet the relevant acceptable outcome, then Council's discretion is required to decide whether this element meets the element objectives.

The planning element of the application that does not meet the applicable acceptable outcomes and requires the discretion of Council is as follows:

Side and Rear Setbacks	
Acceptable Outcomes	Proposal
<p><b>Built Form Policy Clause 1.3</b></p> <p>Western (Rear) lot boundary setback required: 6.5 metres.</p>	<p>Western (Rear) lot boundary setback provided: 3.5 metres.</p>

The above planning element of the proposal has been assessed against the applicable design principles and local housing objectives in the Comments section below.

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 also requires consideration of the proposal against performance criteria even though it complies with the prescribed acceptable development standards. This is also considered in the Comments section below.

### CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 14 days between 6 September 2023 and 19 September 2023. The method of consultation included a notice on the City's website and eleven letters being sent to the adjoining and adjacent landowners and occupiers, as shown in **Attachment 1** in accordance with the City's Community and Stakeholder Engagement Policy.

The application underwent a second round of community consultation with a sign on site and a newspaper advertisement for a period of 14 days between 1 December 2023 and 14 December 2023. Following this consultation being undertaken, Administration noted it was not required, in accordance with the City's Community and Stakeholder Engagement Policy, on the basis that the demolition works proposed do not contribute to the cultural significance of the heritage place.

One submission was received during the initial advertising period objecting to the development. During the secondary advertising period the previous submitter reaffirmed their objection to the proposal and no further submissions were received.

Comments raised in the submission are summarised as follows:

- The existing sheds onsite are unauthorised development and have been built along the western fence line. These sheds have been constructed out of scrap metal with barbed wire and no stormwater management, creating an eyesore to surrounding properties.
- The proposed reduced setback to the western boundary is not appropriate.
- Contention over the subject site's heritage listing, with specific regard to the Statement of Significance being inaccurate, stating that the building was not constructed by migrants.

A summary of the submission received during community consultation along with Administration's responses to each comment is provided in **Attachment 3**.

**Design Review Panel (DRP):**

Referred to DRP: Yes

The proposal was referred to the City’s DRP Member specialising in heritage conservation for comment. This referral related to the demolition plans included in **Attachment 2** and comments were sought on the acceptability of the proposed partial demolition to a heritage-listed place.

The DRP Member provided comments in support of the proposal, which are summarised as follows:

- The proposed commercial shed is appropriate in its scale, massing and form and suits the commercial utilitarian character of the area.
- Whilst the shed will be partially visible from the street, the proposal involves the removal of existing temporary structures a proposing a more permanent high quality shed which improves the aesthetics of the site and preserves the commercial character of the area, which is supportive.
- The shed structure would not provide an amenity impact to adjacent commercial businesses.

The DRP Member provided comments on the elements that required further consideration or were not supported, which are summarised as follows:

- Further details regarding the specifications of colours and materials are needed to assess quality and long-term aesthetic as the shed will be partially visible from the street.
- Proposed heights to be assessed against the existing shed. Suggestion to not exceed current shed height to ensure appropriate built form and scale to adjoining residential properties.
- Further clarity needed regarding the proposed use. If the shed is habitable, further consideration is needed with regards to cross ventilation.

*Amended Plans (dated 17 November 2023)*

In response to the initial DRP Member comments, the applicant made the following changes to the proposal:

- Detail provided regarding the proposed colours and materials.
- Proposed shed reduced in size from 94 square metres to 48 square metres.
- Increased western (rear) setback from 0.5 metres to 3.5 metres.
- Change in roof form from concealed roof with a maximum height of 4.5 metres to a pitched roof with a maximum wall height of 2.7 metres and a maximum roof pitch height of 3.5 metres.
- Confirmation the shed would not be habitable and would largely be used for storage.

The DRP Member reviewed the additional information and revised plans and confirmed all outstanding comments had been addressed and therefore provided support for the proposal.

Design Review Progress		
	<i>Supported</i>	
	<i>Pending further attention</i>	
	<i>Not supported</i>	
	<i>Not relevant to this proposal</i>	
	Referral One – 27 June 2023	Referral Two – 17 November 2023
Principle 1 – <b>Context &amp; Character</b>		
Principle 2 – <b>Landscape Quality</b>		
Principle 3 – <b>Built Form and Scale</b>		
Principle 4 – <b>Functionality &amp; Built Quality</b>		
Principle 5 – <b>Sustainability</b>		
Principle 6 – <b>Amenity</b>		
Principle 7 – <b>Legibility</b>		
Principle 8 – <b>Safety</b>		
Principle 9 – <b>Community</b>		
Principle 10 – <b>Aesthetics</b>		

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Heritage Act 2018*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- Burra Charter;
- State Planning Policy 3.5 – Historic Heritage Conservation;
- Community and Stakeholder Engagement Policy;
- Policy No. 7.1.1 – Built Form Policy; and
- Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties.

*Planning and Development Act 2005*

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

*Planning and Development (Local Planning Schemes) Regulations 2015*

In accordance with [Clause 67\(2\)](#) of the Deemed Provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

The matters for consideration relevant to this application relate to the compatibility of the development within its setting, amenity and character of the locality, heritage significance, consistency with planning policies and advice from the DRP.

Burra Charter

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

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

State Planning Policy 3.5 – Historic Heritage Conservation

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

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

As the subject site is a heritage listed property, the proposal is required to be assessed against Part 4 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 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.*

#### **Delegation to Determine Applications:**

This application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments. This is because the delegation does not extend to proposals for the demolition of any structure or building on a heritage-protected place.

The application proposes the demolition of an existing carport and sea container that are located on a heritage-protected place.

#### **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 environmental sustainability outcomes. There is limited ability for the development to influence the environmental impact of the entire building on the site through this application. This is because the scope of the application is limited to demolition works and construction of a non-habitable shed.

#### **PUBLIC HEALTH IMPLICATIONS:**

This is in keeping with the following 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:**

In assessing this application against the planning framework, it is recommended for approval. The following key comments are of relevance:

- The demolition relates to the existing carport and sea container structure not contributing to the heritage significance of the place. For this reason, the demolition would not impact upon the heritage significance of the place.
- The location and design of the proposed shed are respectful and compatible with the elements of the existing commercial building on-site that are of heritage value as well as adjoining commercial and residential properties.
- The proposed shed would be clearly legible as 'new work' to a heritage building, and located at the rear of the property. The proposed works would result in minimal visual impact and would not adversely affect the amenity of adjoining properties.
- The proposed development is of a modest single-storey scale and would not adversely affect the amenity of the adjoining residential property. Due to its scale, location, design and proposed setback the development would minimise the presentation of bulk to the adjoining property and would not result in overshadowing of the adjoining property.
- The proposed additions are of a style, materiality and colour that are compatible with and responds to the heritage place, and ensures that the dwelling's street presentation to Buxton Street is preserved and received support from the City's DRP member.

Side and Rear Setbacks

The proposed lot boundary setbacks would satisfy the [Element Objectives](#) of the Built Form Policy for the following reasons:

- Reduced Building Bulk to Rear Property: The shed is located 3.5 metres from the eastern boundary of the adjoining residential property (No. 140 Egina Street). The shed is adjacent to the adjoining property's large rear garden area that includes an open space area as well as an outbuilding type structure and landscaping located to the rear eastern boundary and which would restrict some views towards the proposed shed. The western properties outdoor living area is situated approximately 10.5 metres from the shared boundary. These areas of the western property would not be adversely impacted from building bulk due to the following design elements:
  - The shed is proposed to be constructed in Colourbond Orb sheeting in a grey (Windspray) colour, with trimmings (window frames, door frames, down pipers etc) provided in white. The materials and contrasting colours provide appropriate design detail to reduce impacts of building bulk while also referencing materials and colours typically found within the residential context;
  - The scale of the shed is consistent with that of the adjacent residential built form. This is provided through the 2.7 metre wall height and maximum pitch of 3.5 metres.
  - The inclusion of a pedestrian door and window to the western façade breaks up areas of solid blank wall and reduces the impact of building bulk to western adjoining property.
  - The existing structures to be demolished provide a nil to 2.0 metre setback to the western boundary. The removal of these structures and construction of a new shed with a 3.5 metre setback to the western boundary would improve the overall visual impact and outcome when viewed from the adjoining western property.
- Solar Access: The proposed shed is located on the north-western portion of the lot which would result in shadows being cast internally, reducing southern shadow impacts to the adjoining western residential property.
- Ventilation: The proposed 3.5 metre western boundary setback in conjunction with the approximately 10.5 metre setback of the adjoining dwelling at No. 140 Egina Street provides sufficient space for ventilation to flow between the subject site and adjoining property.
- Impact to Streetscape: The proposed shed would have minimal visual impact on the Buxton Street streetscape. This is because the proposed shed would be setback 30.5 metres from the Buxton Street boundary and would only be visible when looking directly down the driveway due to the existing commercial building and fencing, which screen the shed from the street from most viewpoints. While the shed is partially visible, it has been designed with dark colours and includes openings to reduce the visual impacts to Buxton Street.
- DRP Support: The DRP Member provided support for the proposed lot boundary setback due to the appropriate scale, mass and form and suitable design, colours and materials.



Heritage Management Policy

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

Comments are included below addressing how the proposed development meets the [performance criteria](#) and [objectives](#) of the Heritage Management Policy.

- Heritage Demolition: The Heritage Management Policy accepts partial demolition to heritage listed places where the parts to be demolished do not contribute to the cultural heritage significance of the place. The demolition of the existing structures are acceptable as the proposed demolition would have no impact on the heritage significance of the place or structural integrity of the existing commercial building. A review of aerial imagery indicates that the carport and sea container were constructed between 1995 and 2000 respectively and are not part of the original fabric of the building. These structures are free-standing and are subsequent additions to the site, not forming part of the heritage significance of the place. The building fabric that does contribute to the heritage significance as referenced in the Statement of Significance is located to the front of the site and would be retained and protected.
- Materials and Finishes: The Heritage Management Policy accepts development to a heritage place where they are sympathetic to the existing material and readily identifiable as 'new work'. The colours and materials of the proposed additions would be compatible with the heritage fabric of the place, would not obscure the heritage fabric of the commercial building and could be distinguished as 'new work'. The proposed materials and finishes, including darker windspray cladding and white coloured paint, resembling a modern shed as opposed to mimicking or replicating historic styles and colours on-site.
- Doors and Openings: The inclusion of a door and window on the frontage of the shed breaks up the impact of bulk to the primary façade reducing the overall impact of the shed to Buxton Street. While the doors of the proposed shed would be visible from Buxton Street, they would be located 30.5 metres from the street boundary and would only be visible when looking directly down the driveway with the existing commercial building and front fencing screening the shed from view from most viewpoints. These design elements, in conjunction with the points raised above, mitigate the sheds impact to Buxton Street and to ensure that the principal façade is not obscured.
- DRP Support: Comments received from the City's DRP Member specialising in heritage conservation confirm that the proposal is compatible with the heritage listed lot. This is because the proposed development is of an appropriate scale and suitable and complimentary design (as discussed above) would result in minimal impact to heritage fabric.

**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**

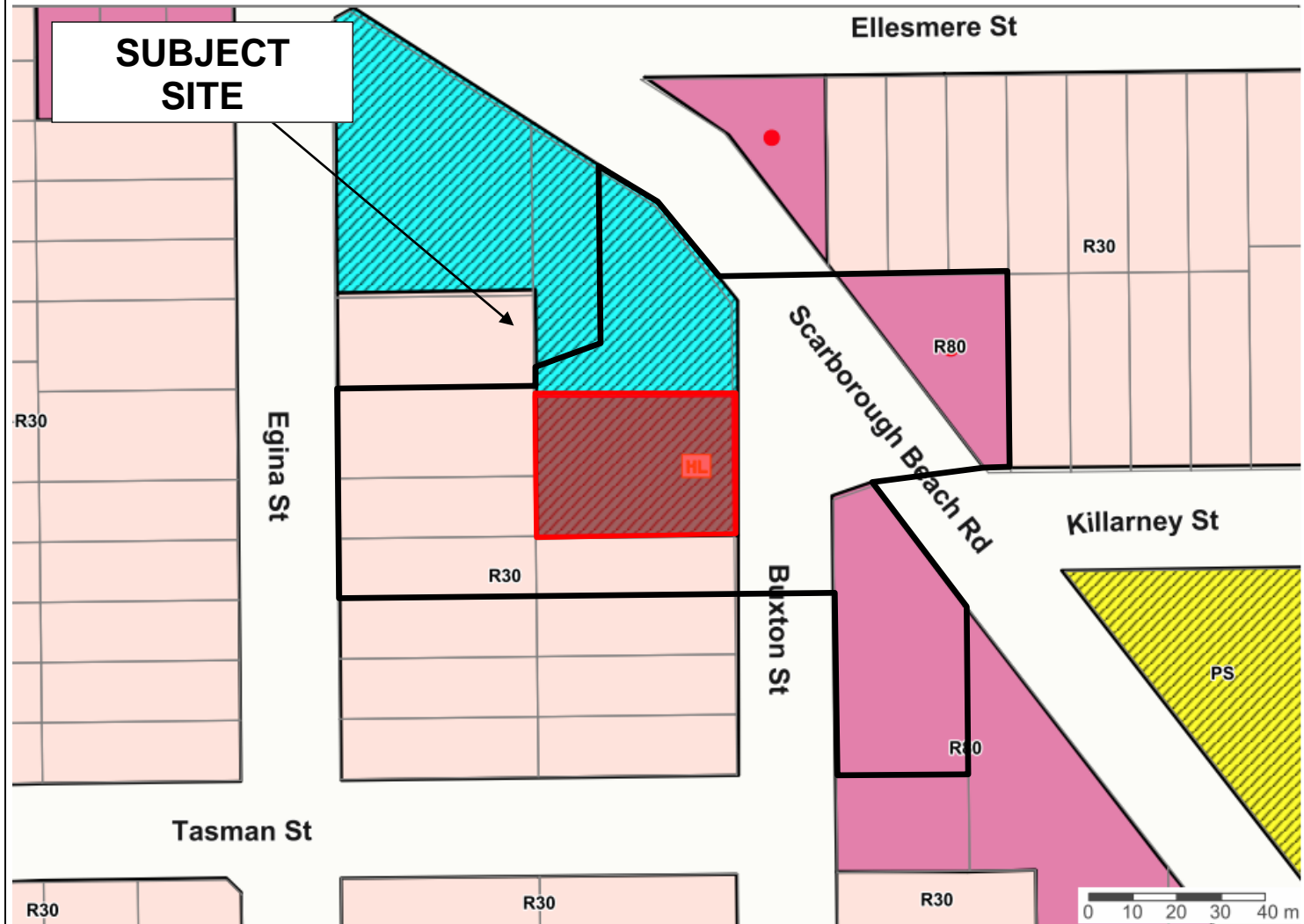
- RESIDENTIAL**
- MIXED USE**
- COMMERCIAL**
- LOCAL CENTRE**
- DISTRICT CENTRE**
- REGIONAL CENTRE**
- SPECIAL USE**  
Particular use denoted as follows:
- CP Car Park
- CU Community Use
- FC Function Centre
- HC Hall and Non Residential Club
- H Hotel
- PW Place of Worship
- S Service Station

**ADDITIONAL USE**

- ADDITIONAL USE**

**ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES**

- CODE AREA BOUNDARY**
- SCHEME AREA BOUNDARY**
- DENSITY CODE**



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Consultation and Location Map  
No. 139 Buxton Street, Mount Hawthorn

Extent of Consultation



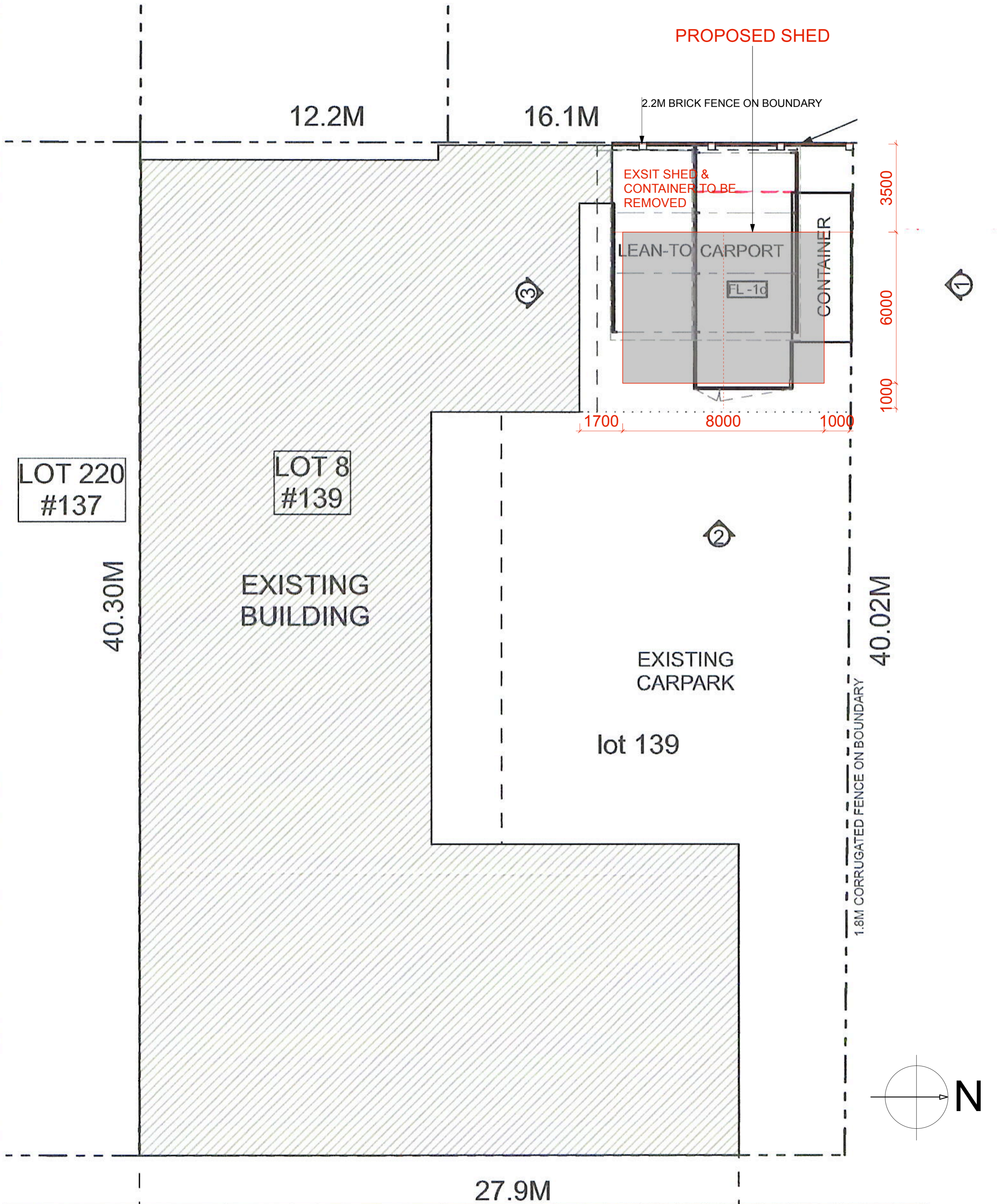


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No. 139 Buxton Street, Mount Hawthorn





LOT 220  
#137

LOT 8  
#139

EXISTING  
BUILDING

EXISTING  
CARPARK

lot 139

PROPOSED SHED

2.2M BRICK FENCE ON BOUNDARY

EXIST SHED &  
CONTAINER TO BE  
REMOVED

LEAN-TO CARPORT

FL-1d

CONTAINER

40.30M

12.2M

16.1M

3500

6000

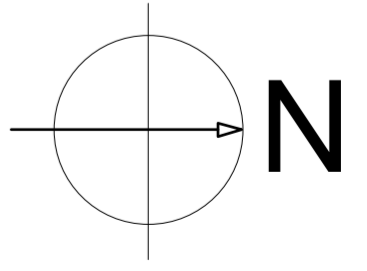
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40.02M

1.8M CORRUGATED FENCE ON BOUNDARY

27.9M

BUXTON STREET



INGRID SPELMAN  
ARCHITECT

PROPOSED SHED AT 139 BUXTON ST, MOUNT  
HAWTHORNE

Client: ROY BURTON

Drawing Title: PROPOSED SITE PLAN

Job No: 23.15 Draw No: 01 Rev:

Scale: 1:200 Drawn By: Ingrid Spelman

CITY OF VINCENT  
RECEIVED  
17 November 2023

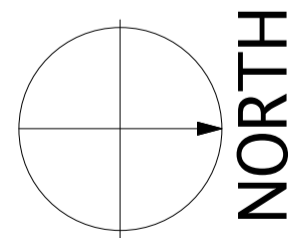
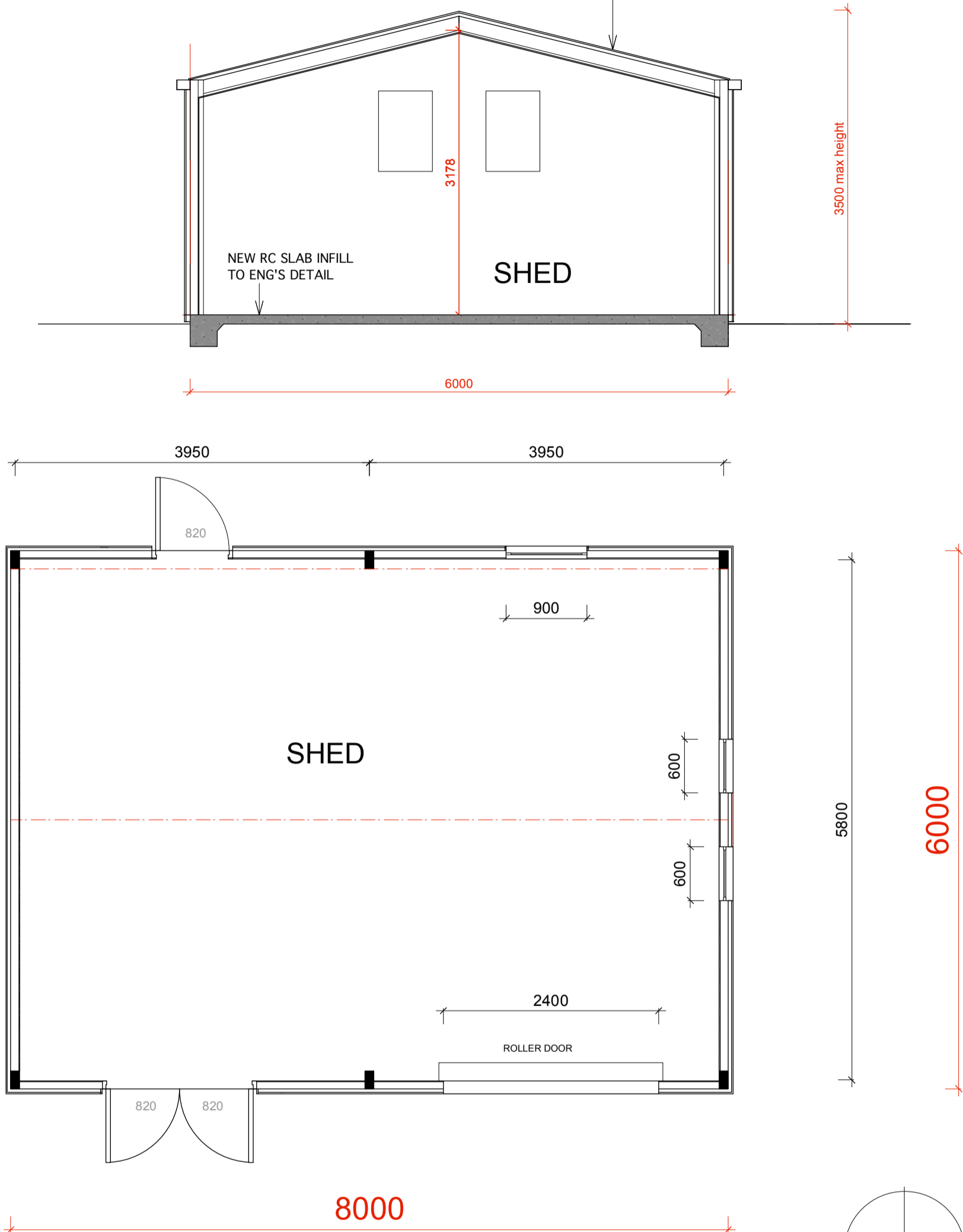
Amended Plan

PO BOX 672 DUNSBOROUGH 6281 WA  
0448 005755  
www.dunsuboroughdesign.com.au

Dunsuborough  
Design

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COLOURBOND ORB SHEETING COLOUR WINDSPRAY AT 14 DEGREES  
ON STEEL FRAME TO MANUFACTURER'S DETAIL WITH GYPROCK INSULATED  
CEILING AND WALLS



**INGRID SPELMAN**  
ARCHITECT

Project <b>PROPOSED SHED AT 139 BUXTON ST, MOUNT HAWTHORNE</b>		
Client <b>ROY BURTON</b>		
Drawing Title <b>PROPOSED PLAN/SECTION</b>		
Job No <b>23.15</b>	Dwg No <b>02</b>	Rev.
Scale <b>1:50</b>	Drawn By <b>Ingrid Spelman</b>	

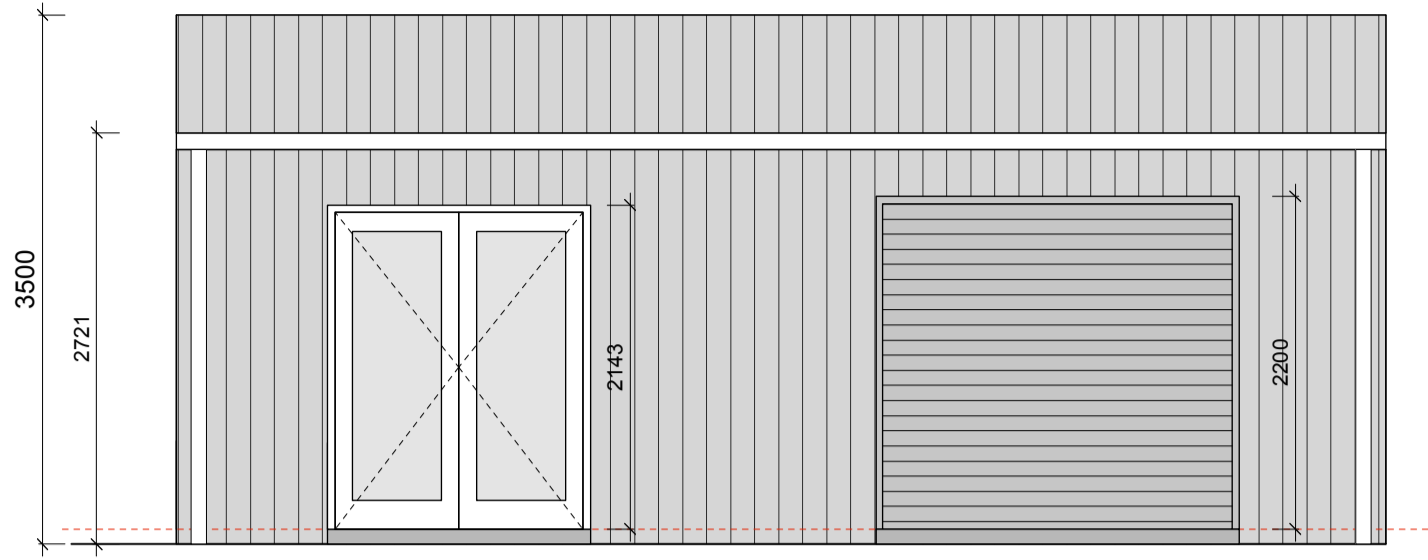
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17 November 2023**

**Amended Plan**

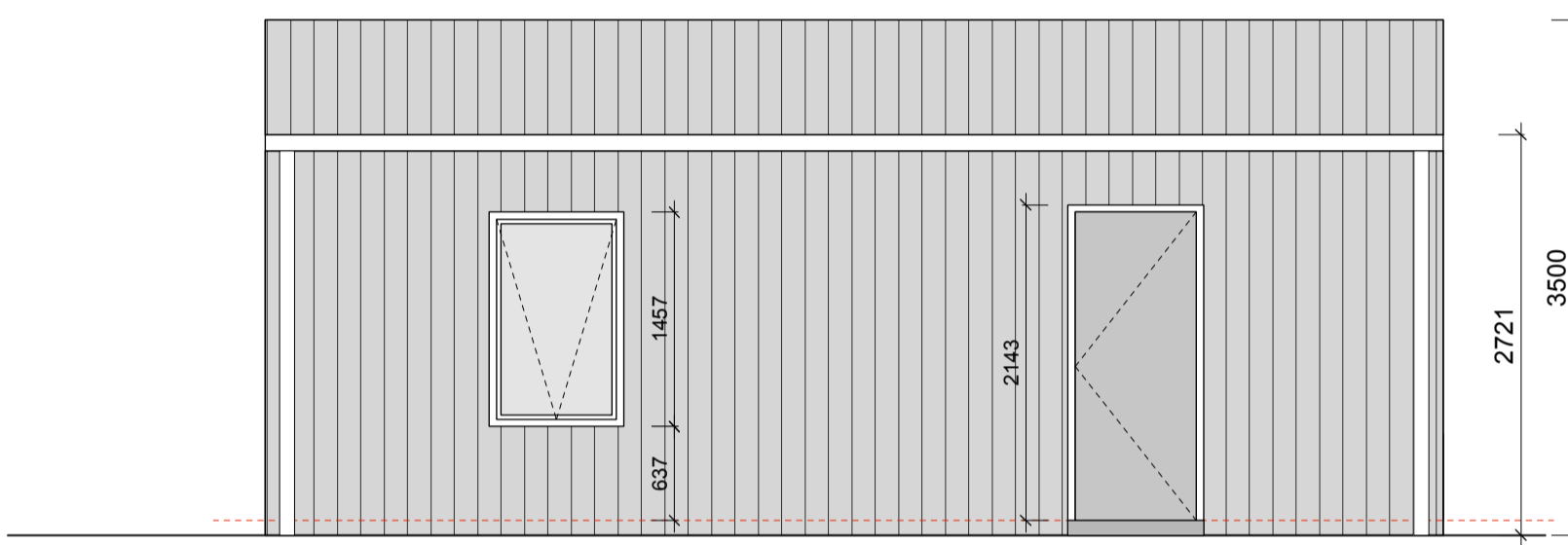
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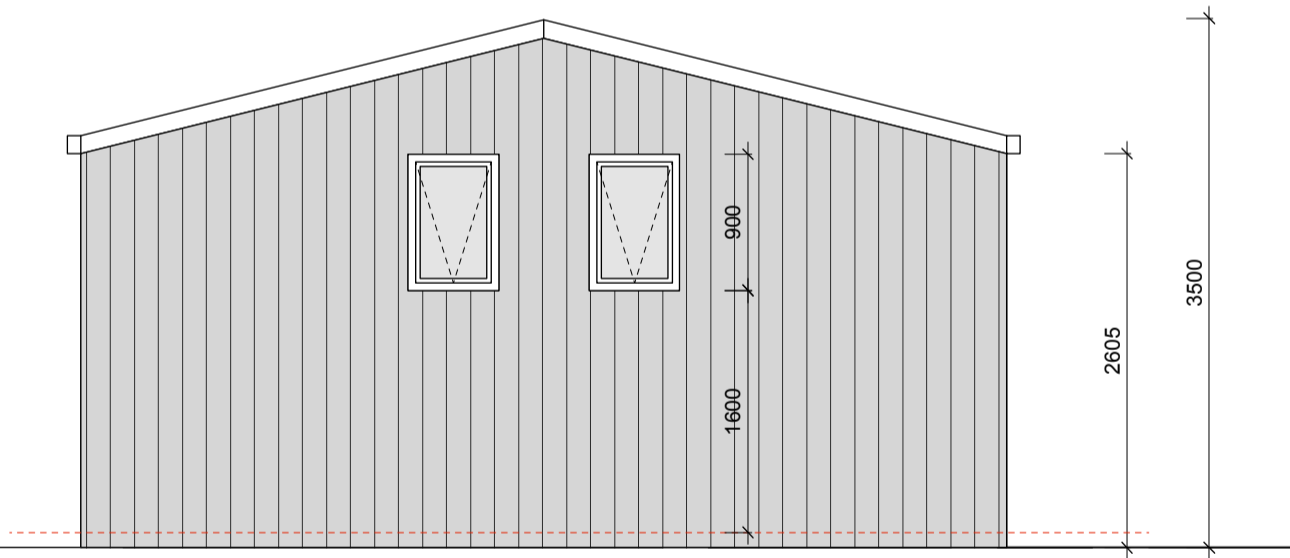
**Dunborough  
Design**



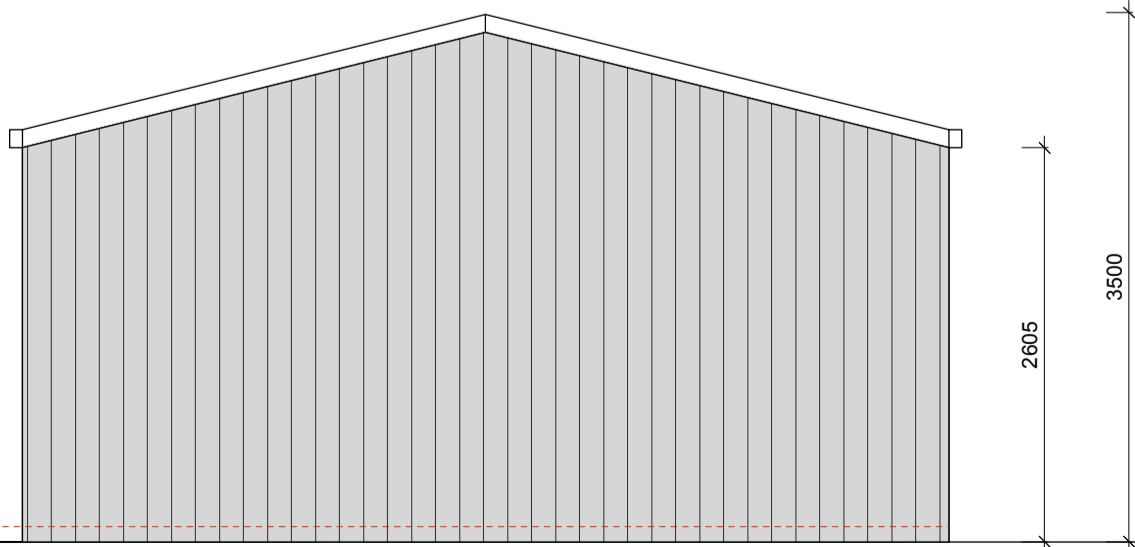
EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

**FINISHES**

COLOURBOND ORB ROOF SHEETING  
AND WALL CLADDING  
COLOUR WINDSPRAY  
WINDOW/DOOR FRAMES, GUTTERS, DP'S  
AND TRIMS COLOUR WHITE

CITY OF VINCENT  
RECEIVED  
17 November 2023

**INGRID SPELMAN**  
ARCHITECT

Project  
**PROPOSED SHED AT 139 BUXTON ST, MOUNT  
HAWTHORNE**

Client  
**ROY BURTON**

Drawing Title  
**PROPOSED ELEVATIONS**

Job No. **23.15** Drwg No. **03** Rev.

Scale **1:50** Drawn By **Ingrid Spelman**

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**Amended Plan**

**Dunsborough  
Design**

## Summary of Submissions:

The table below summarise the comments received during the initial advertising period (6 September 2023 to 19 September 2023) of the proposal, together with Administration's response to each comment.

Comments Received in Objection:	Administration Comment:
<p><u>General</u></p> <ul style="list-style-type: none"> <li>Note that the proposal would require approval from Water Corp prior to building permit due to the pipelines located within close proximity of the western boundary.</li> <li>Concerns regarding the unauthorised development of sheds being built along the western fence line.</li> <li>Concerns relate to the current carport being excessive and constructed out of scrap metal with barbed wire and no stormwater management, creating an eyesore to surrounding properties. This existing structure is therefore extremely dangerous &amp; hazardous.</li> </ul>	<ul style="list-style-type: none"> <li>The Water Corporation have provided comment with regards to the proposal confirming that the proposed setback is appropriate with regards to Water Corporation assets and infrastructure. The Water Corporation have advised that a separate approval for the proposed works (Minor Plan/Works) is required. An advice note have been included on as part of the determination letter.</li> <li>Any concern regarding unauthorised works on the subject site are recommended to be raised with the City's Compliance Services team for investigation, noting this development application does not seek approval for existing structures.</li> <li>The current development application seeks to demolish the existing carport. This structure received retrospective planning approval in 2018. The City recommended the owner remove the barbed wire but did not pursue the removal of the barbed wire it has been in place for several years (since 2000) and prior to the Fencing Local Law 2008 being enacted. The owner has informed the City that they will be removing the barbed wire upon Development Approval for the structures at the rear of the property.</li> <li>It is the responsibility of the landowner to ensure that rainwater is directed into an appropriate drainage system, soak well, or onto a paved surface, provided the surface is sloped away from any nearby buildings. A condition of approval is recommended requiring stormwater from all roofed and paved areas to be collected and contained on site and to not affect or be allowed to flow onto or into any other property or road reserve.</li> </ul>
<p><u>Lot Boundary Setbacks</u></p> <p>Concerns regarding the shed being located 0.5 metres from the western boundary.</p>	<p>Following the community consultation period the applicant provided amended plans increasing the rear setback to 3.5 metres. The provided setback is sufficient the shed provides a door and window to break up impacts of building bulk as well contrasting colours and materials. As the shed is located to the north-west corner of the site, all overshadowing falls internally and the setbacks between the shed and western adjoining properties dwelling is approximately 14 metres, allowing ventilation to flow between sites. For these reasons, the setback to the western boundary is acceptable.</p>

## Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Heritage</u></p> <ul style="list-style-type: none"> <li>Concern that the heritage listing allows for poor development outcomes to be proposed, approved and constructed.</li> <li>Contention over the subject site's heritage listing, with specific regard to the Statement of Significance stating that the building was built by immigrants.</li> </ul>	<ul style="list-style-type: none"> <li>The planning framework continues to apply despite the heritage listing. Further to the standard planning requirements, heritage listed properties are subject to additional requirements under Local Planning Policy 7.6.1 – Heritage Management and an assessment has been completed against this policy as detailed within the planning report.</li> <li>Noted. Not within the scope of this application. The application does not seek to add or remove the subject site from the City's Municipal Heritage List.</li> </ul>

The table below summarises the comments received during the second advertising period (1 December 2023 to 14 December 2023) of the proposal, together with Administration's response to each comment.

Comments Received in Objection:	Administration Comment:
<p><u>General</u></p> <p>Concerns relate to the shed impact on the amount of car parking for existing businesses on site.</p>	<p>The proposed demolition of the existing structures does not impact parking on site as these structures have been used for storage and have not facilitated public parking. The proposed shed largely retains the existing building footprint despite the proposed increased setback to the rear and does not encroach onto existing open-air parking spaces. As such, the existing parking at the rear of the property would not be impacted.</p>
<p><u>Lot Boundary Setbacks</u></p> <ul style="list-style-type: none"> <li>Concerns regarding the shed's rear setback impact on the access to natural light of the adjoining western dwelling.</li> <li>Concerns relate to the sheds reduced setback resulting in an unsightly western façade of the shed to the adjoining western dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>The subject shed is located to the east of the adjoining property and would not result in a reduction in access to direct sunlight at winter solstice as all overshadowing falls within the subject site.</li> <li>Addressed above.</li> </ul>



### **Determination Advice Notes:**

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
3. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
4. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
5. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
6. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
7. NO verge trees shall be removed. The verge trees shall be RETAINED and PROTECTED from any damage including unauthorised pruning.
8. 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.
9. 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.
10. The owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
11. All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
12. All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover (subject to the footpath being in good condition as determined by the Infrastructure and Environment Services Directorate), must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths.
13. Under Section 90 of the *Water Services Act 2012*, Water Corporation requires a separate approval for the proposed works (Minor Plan/Works). Approval can be obtained by submitting an application via <https://www.watercorporation.com.au/Developing-and-building/Working-near-assets/Approval-for-works>.