5.1 NO. 476 (LOT: 50; D/P: 29193) BEAUFORT STREET, HIGHGATE - PROPOSED ALTERATIONS TO COMMERCIAL DEVELOPMENT (PARTIAL DEMOLITION - HERITAGE)

Ward: South

Attachments: 1. Location Plan

2. Demolition Plans

3. Heritage Impact Statement

4. Structural Inspection Report

5. 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 Proposed Alterations to Commercial Development (Partial Demolition – Heritage) at No. 476 (Lot: 50; D/P: 29193) Beaufort Street, Highgate, in accordance with the plans shown in Attachment 2 and the Heritage Impact Statement in Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 5:

1. Demolition Plans

This approval is for Partial Demolition (Heritage) as shown on the approved demolition plans dated 1 November 2023 and 6 November 2023. No other development forms part of this approval; and

2. Heritage Impact Statement

The demolition works shall be undertaken in accordance with the approved Heritage Impact Statement, dated 1 November 2023. This includes the manual separation of the lean-to and outhouse from the retained portion of the existing heritage building to ensure the protection of the retained building, to the satisfaction of the City.

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for Proposed Alterations to Commercial Development (Partial Demolition – Heritage) at No. 476 Beaufort Street, Highgate (the subject site) that is included on the City of Vincent's Heritage List (Management Category A).

The application proposes the demolition of an outhouse and lean-to building located at the rear of the existing commercial building. A development application is required for the proposed works due to the heritage listing of the place.

The proposed demolition meets the objectives and acceptable development standards of the City's Local Planning Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties (Heritage Management Policy), which seeks to ensure the preservation of heritage value while enabling improvements to buildings.

The outhouse and lean-to buildings are not referenced in the Statement of Significance as buildings that contribute to the cultural heritage significance of the place in the heritage listing. The proposed development is acceptable as the demolition would not impact upon the cultural heritage significance of the place. 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 the outhouse and lean-to building used for storage, located to the rear of the existing commercial building on the subject site.

The applicant has stated that the demolition is proposed for safety reasons as the outhouse and lean-to building are in a dilapidated condition.

A Structural Inspection Report prepared by RSA Civil and Construction Consulting Engineers, has been provided by the Applicant which recommends that the structures are demolished for safety reasons.

The applicant's Heritage Impact Statement includes information regarding the heritage listing and the impact of the development on the heritage significance of the site. The Statement notes that once the demolition works have been completed, a fence will be erected at the rear of the site. The applicant has confirmed that these works do not form part of the current application and that development approval will be sought separately for the fence.

The proposed demolition plans are included as **Attachment 2**. The applicant's Heritage Impact Statement and Structural Inspection Report are included as **Attachment 3** and **4** respectively.

BACKGROUND:

Landowner:	B Saker & J Berinson
Applicant:	B Saker & J Berinson
Client:	B Saker & J Berinson
Date of Application:	30 October 2023
Zoning:	MRS: Urban & Other Regional Roads
	LPS2: Zone: Commercial R Code: N/A
Built Form Area:	Activity Corridor
Existing Land Use:	N/A
Proposed Use Class:	N/A
Lot Area:	501 square metres
Right of Way (ROW):	N/A
City of Vincent Heritage List:	Yes – Management Category A
State Register of Heritage Places	No

Site Context and Zoning

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

The subject site and adjoining properties to the north-east and south-west along Beaufort Street are zoned Commercial under the LPS2 and are within the Activity Corridor Built Form Area under the Built Form Policy. The adjoining property to the south-east is zoned Residential R80 and is within the Residential Built Form Area.

Heritage Listing

The subject site is listed on the City's Heritage List as Management Category A – Conservation Essential and is known as "RMEH" due to the arched pediments above the parapet of the upper floor which carry this name. The heritage listing for the subject site advises that it is not known what the letters refer to.

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

The corner shop, known as RMEH, is a rare and fine intact example of the Federation Italianate style, which is another corner landmark along Beaufort Street. It has been used continuously for commercial functions, of various kinds since its construction.

The Physical Description of the site, included in the heritage listing, references the two-storey commercial building including the ground floor and upper floor verandah, façade detailing and shop front design which face Beaufort Street.

The existing outhouse and lean-to building 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.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of 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
Heritage Management Policy	✓	

Detailed Assessment

The application satisfies all acceptable development standards in the City's policy framework, including the Heritage Management Policy.

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.

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 considered in the Comments section below.

CONSULTATION/ADVERTISING:

Community consultation was not undertaken for this application. This is due to the nature of works proposed which includes the proposed demolition of the outhouse and lean-to building that are not referenced as buildings that contribute to the cultural heritage significance of the place in the heritage listing. The demolition of the structures would also not adversely impact adjoining properties or the Beaufort Street and Broome Street streetscapes.

In accordance with the principles of the City's Community and Stakeholder Engagement Policy, such proposals are not required to be advertised.

Design Review Panel (DRP):

Referred to DRP: Yes

The proposal was referred to the City's DRP Member for comment who specialises in heritage conservation. 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 the following comments on the proposal:

- The proposed demolition of the existing outhouse and lean-to building is acceptable as they are in very
 poor condition and do not contribute to the site's noted significance regarding the Federation Italianate
 style of the corner shop which would be retained in full. While the outhouse may contain some heritage
 fabric it has a low degree of intactness and integrity and is not essential for the interpretation of the
 site's heritage significance.
- The proposed demolition will have a positive visual impact to the surrounding properties and on the street as the poor condition of the existing fabric draws undue attention away from the heritage corner shop and the wider streetscape character.
- The outhouse and lean-to have little to no contribution to the heritage significance of the place and do
 not relate to the Federation Italianate style of the corner shop. The Heritage Impact Statement notes
 that the structure will be separated from the corner shop ensuring the protection of significant and
 contributory heritage fabric throughout the works.

The corner shop component of the existing building on site, including the single storey annex at the
rear, will be retained in full maintaining the three-dimensional form of the building and all of the
contributory Federation Italianate style architecture. The demolition of the outhouse and lean-to
structure at the rear of the site will have no impact on its noted heritage significance.

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; 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 <u>Clause 67(2)</u> 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 City's local planning framework in relation to heritage management, the heritage significance of the place 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 demolition of structures on a heritage protected place. The demolition relates to the outhouse and lean-to building at the rear of the site.

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 to a minor portion of the building.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the 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, it is recommended for approval. The following key comments are of relevance:

- The demolition relates to the existing outhouse and lean-to building which do not contribute to the noted heritage significance of the place as referenced in the Statement of Significance. For this reason, the demolition would not impact upon the heritage significance of the place.
- The building fabric that does contribute to the heritage significance as referenced in the Statement of Significance would be retained and protected.
- The existing outhouse and lean-to building are unsafe and are proposed to be demolished for safety reasons.
- The demolition of these structures would improve the appearance and amenity of the subject site and Broome Street streetscape.

Heritage Management Policy

The proposed demolition meets the acceptable development standards of the Heritage Management Policy.

Comments are included below relating to how the proposed partial demolition to a heritage listed place meets the performance criteria and objectives of the Heritage Management Policy.

- <u>Heritage Demolition</u>: 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 proposed demolition relates to the existing outhouse and lean-to building which do not contribute to the site's noted cultural heritage significance regarding the Federation Italianate style of the corner shop, which would be retained. Further to the comments provided by the City's DRP Member, while the outhouse has fabric that relates to the original period of construction, it does not make a contribution to the heritage significance due to a low degree of intactness and integrity, and is not essential for the interpretation of the site's significance. The Heritage Impact Statement, included as **Attachment 3**, advises that the outhouse and lean-to building would be manually separated from the heritage portion of the building to minimise the impact on the contributory heritage fabric throughout the works. A condition of approval is included in the officer recommendation to ensure the demolition is carried out in accordance with the Heritage Impact Statement.
- <u>Heritage Preservation</u>: The cultural heritage significance of the existing building on-site would be preserved and would not be impacted by the proposed partial demolition. The proposed demolition results an outcome that responds to Article 8 of the Burra Charter by creating a more appropriate setting for the heritage building. This is because the demolition of the structures would result in an enhanced visual outcome to surrounding properties and the street as the poor condition of the existing outhouse and lean-to building draws undue attention away from the heritage corner shop component of the development.
- <u>Structural Integrity:</u> The applicant has provided a Structural Engineering Report prepared by a Structural Engineer, included as **Attachment 4**, that states the existing outhouse and lean-to have exhausted their design life and that further use of the buildings would be unsafe. The Report has been reviewed by the City's Building Services Team who have confirmed the findings. Administration notes that regardless of the structural integrity of the structures, the demolition is supported as the outhouse and lean-to do not contribute to the heritage significance of the place.
- <u>DRP Support</u>: Comments received from the City's DRP Member specialising in heritage conservation confirm that the proposed demolition is acceptable and would not impact the heritage significance of the place. This is because the outhouse and lean-to have little to no contribution to the heritage significance of the place and do no relate to the Federation Italianate style of the corner shop.

CITY OF VINCENT **SUBJECT** LOCAL PLANNING SCHEME NO. 2 SCHEME MAP 1 - LEEDERVILLE SITE LEGEND Mary St METROPOLITAN REGION SCHEME RESERVES Note: The Western Australian Flanning Commission care of the Department of Flanning should be consulted for full information on the actual land requirements for all Micropolitan Region Scheme Reserves. Æ50 PARKS AND RECREATION Kaadadjiny Lane Restricted Pubic Access PRIMARY REGIONAL ROADS RESERVATION R50 OTHER REGIONAL ROADS RESERVATION RAILWAYS PUBLIC PURPOSES Chatsworth Rd Hospital HS TS CP U High School Technical School Car Park University R80 CG SU Commonwealth Government Special Use WSD Water Authority of Western Australia Beaufort St CITY OF VINCENT LOCAL SCHEME RESERVES Š PUBLIC OPEN SPACE R Restricted ane PUBLIC PURPOSES PS CP CU HS Primary School Car Park Civic Uses High School Institute for the Deaf Water Supply Sewerage and Drainage Technical School W on Areas CITY OF VINCENT SCHEME ZONES RESIDENTIAL MIXED USE Broome St COMMERCIAL LOCAL CENTRE DISTRICT CENTRE REGIONAL CENTRE SPECIAL USE 15 Av R80 CP CU FC HC H Car Park Community Use Function Centre Hall and Non Residential Club Place of Worship Service Station Α ADDITIONAL USE ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES CODE AREA BOUNDARY SCHEME AREA BOUNDARY R20 DENSITY CODE

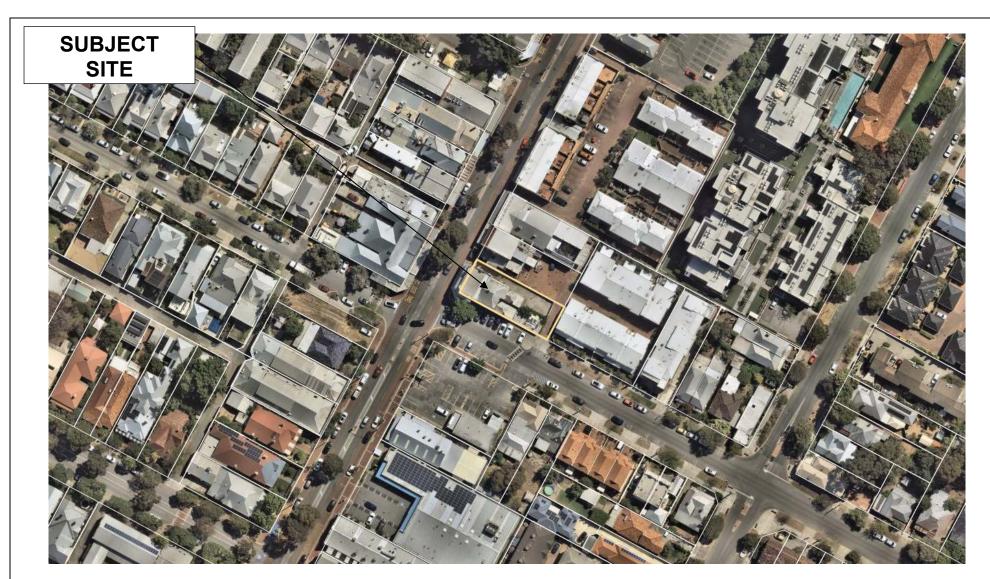


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Location Map

No. 476 Beaufort Street, Highgate

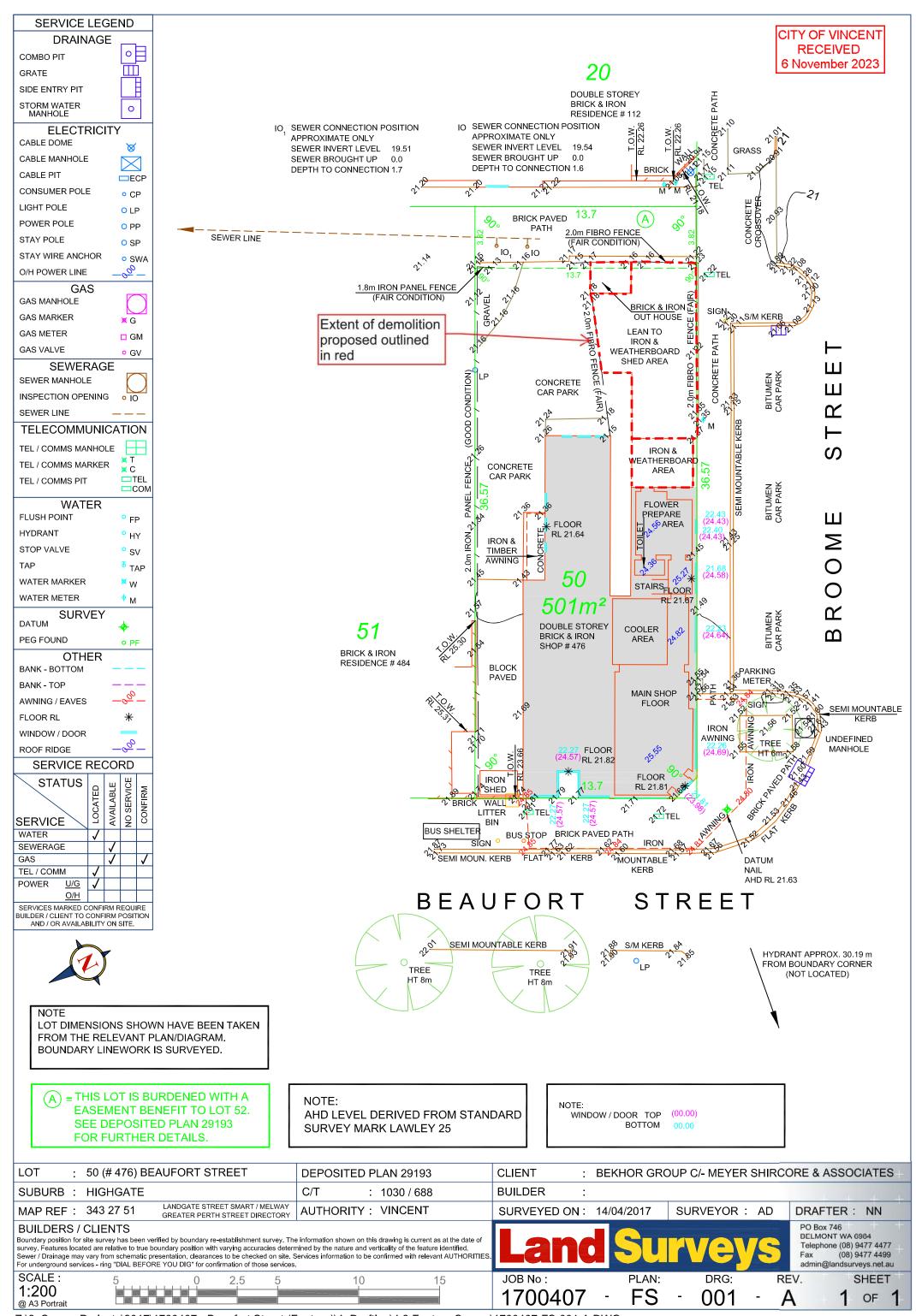


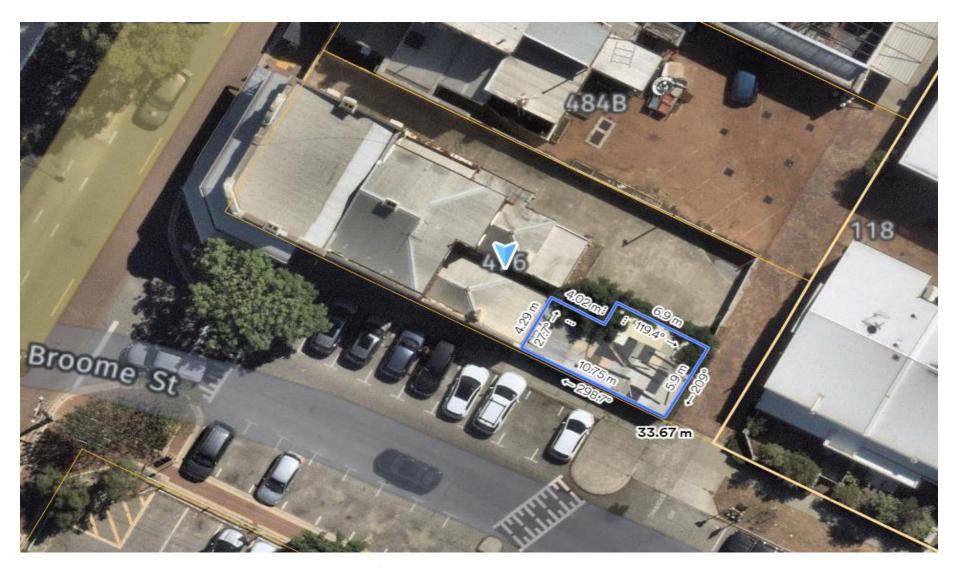




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Removal of timber frame extension and brick toilet. Access /Egress from rear laneway. Manual separation from main building and load out with mini excavator.





HERITAGE IMPACT STATEMENT

FORM	CITY OF VINCEN RECEIVED 1 November 202
Name of Place:	
Registration Date:	
The Place/Area:	
Prepared by:	
Prepared for:	
Date:	
Heritage listings:	
Statement of significance:	
	A TOP

CITY OF VINCENT RECEIVED The following aspects of the proposal respect or enhance the heritage significance of the place or area, 1 November 2023 for the following reasons: 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: Conclusion: References and attachments:

Contact us

Heritage Council of WA 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



Civil and Structural Consulting Engineers

Unit 6, 9 Playle Street Myaree WA 6154

08 9317 3331 info@rsaeng.com.au www.rsaeng.com.au



RSA-23-0155-RP-S-001 17 May 2023

Subject: Structural Inspection Report

SITE	
Street	476 Beaufort Street
Suburb	Inglewood, WA, 6061
Development Type	Rear toilet and Lean To

RSA has been engaged by S. Bekhor & Company to inspect the existing rear toilet and Lean To located at the above address. The inspection was undertaken by Brian Kabangu on behalf of RSA on 16th May 2023. The quality of the building materials used in our view were not very good.

Close inspection of the structure items has revealed severe degradation of the construction materials due to the natural wear and tear induced by environmental factors (i.e., rain, freeze/thaw effects). Inspection also reveals that various attempts have been made to remediate the structure to prolong its life.

Engineering practice requires that structures are to be designed to serve a design life varying between 25 and 50 years as per the National Construction Code (formerly Building Codes of Australia).

The current condition of the structure items strongly suggests that the structures has exhausted their design life and further use will prove to be a high risk for patrons using the building. RSA highly recommends that the structures are demolished for safety reasons to allow for future works on the property.

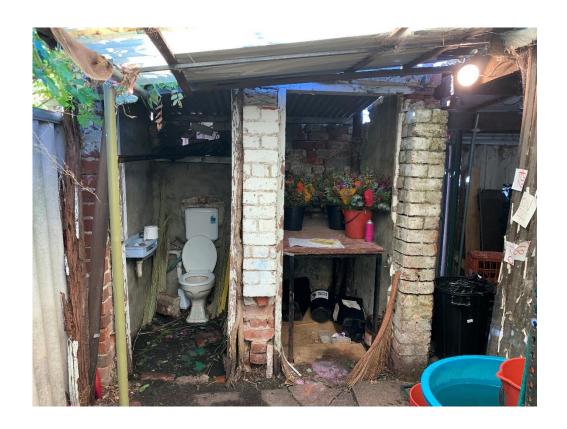
Please see attached appendices as required for further information.

Yours sincerely,

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APPENDIX B: FIGURES





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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 is 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. This is approval is subject to the requirements of an approved Demolition Management Plan (on the City's pro-forma). The Demolition Management Plan must include details of access to the site, any required footpath closures, work zone permits and include a Traffic Management Plan and Noise Management Plan. The Demolition Management Plan is to be submitted with the Demolition Permit Application, and approved by the City, prior the commencement of works.
- 11. This approval relates to partial demolition works only and the applicant is advised that further development approval may be required for future development works including fences or new additions in accordance with the City's Policy No. 7.6.1 Heritage Management Development Guidelines for Heritage and Adjacent Properties.