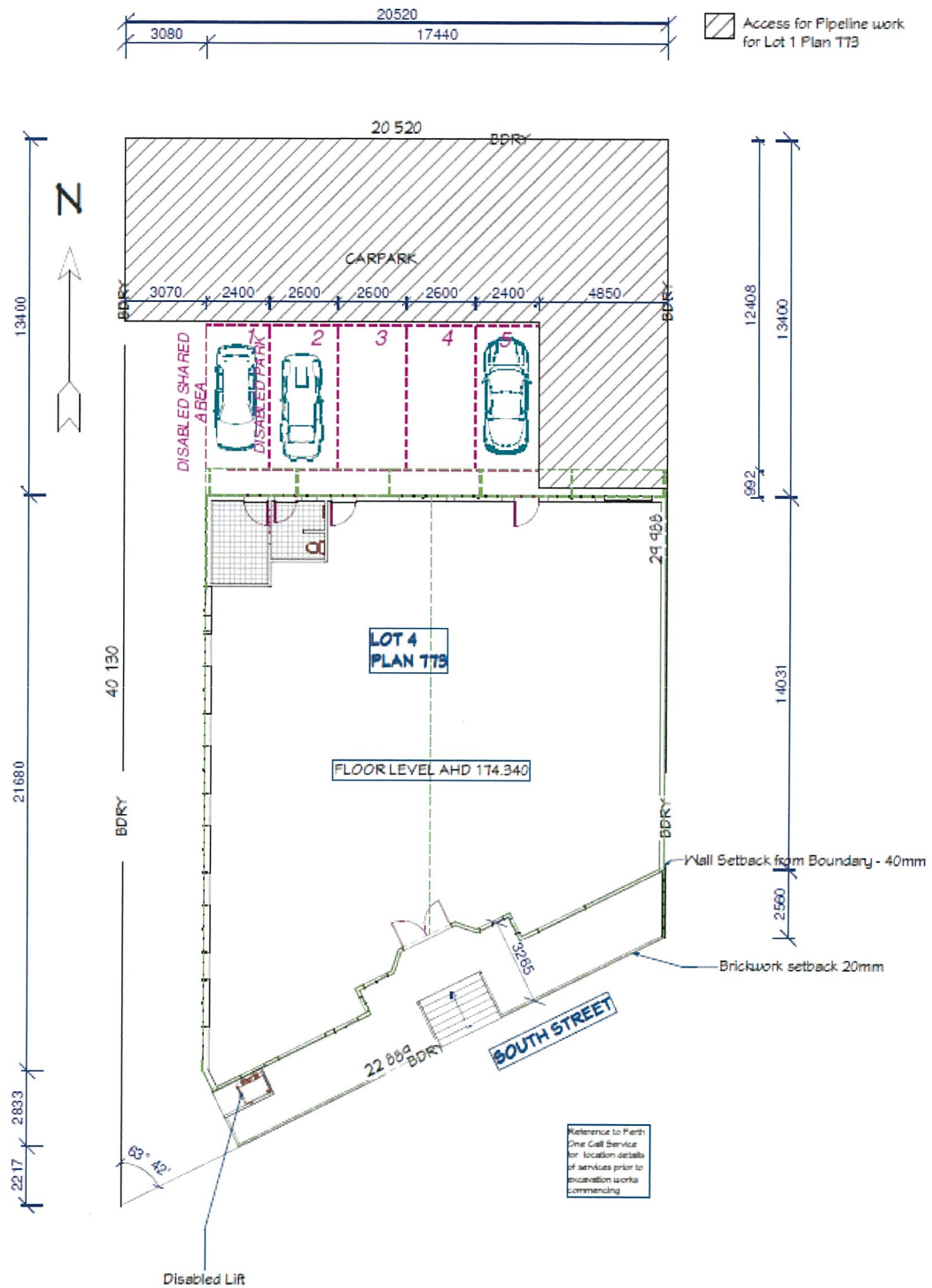


LOCATION PLAN





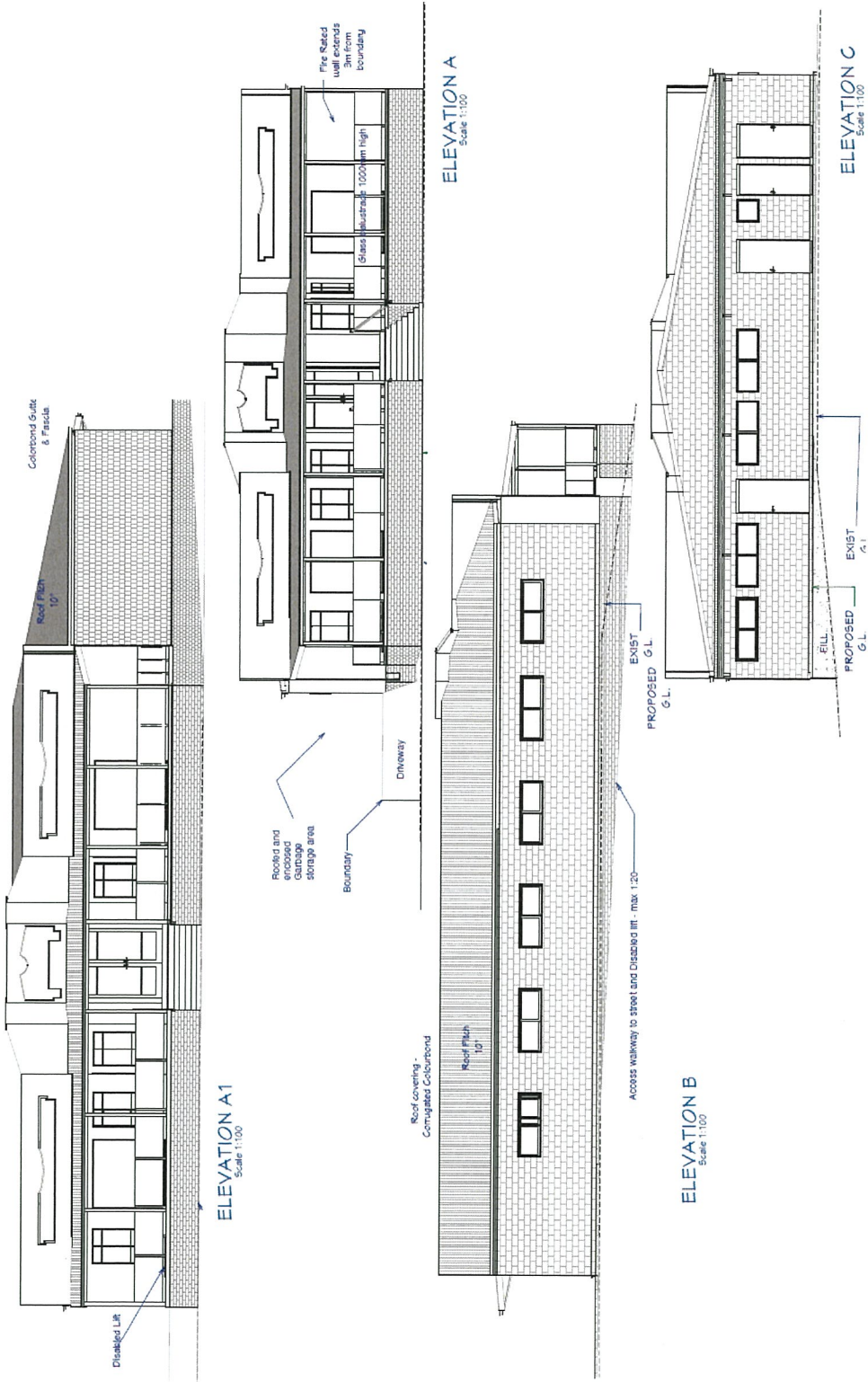
SITE PLAN







ELEVATIONS





## SCHEDULE OF SUBMISSIONS

Schedule of Submissions					
Original Proposal					
No.	Date Submission Received	Name	Property Affected	Summary of Submission	Officer's Comment
1.	28 Oct 2014	National Trust	124 Avon Tce, York, 6302	<ul style="list-style-type: none"> <li>No objection to the proposed development.</li> </ul>	Noted.
2.	29 Oct 2014	Bendigo Bank	Lot 19 (114) Avon Tce, York, 6302	<ul style="list-style-type: none"> <li>The Board of York and Districts Community Financial Services Ltd (franchisee of Bendigo and Adelaide Bank) met today and discussed the proposed development</li> <li>The board's main concern is access to the rear of the company's property at 114 Avon Terrace where York and Districts Community Bank branch of Bendigo Bank is located. It is important that there is unrestricted access to the property for staff parking and access to the storage shed on the company's land behind the bank building.</li> <li>Currently, access is via a right of way on the land at the rear of the premises along Avon Terrace towards South Street and beside Lot 4 (6) mentioned above. The board strongly supports action by the Shire to ensure guaranteed access to the company's property into the future.</li> <li>The board also endorses the above proposal being referred for review with the Heritage Council in view of the fact that it is in a heritage area of the town.</li> </ul>	Noted.
3.	27 Nov 2014	Department of Water	n/a	<ul style="list-style-type: none"> <li>There are concessions in setting commercial (ie, non-habitable) building floor levels lower than our normally recommended habitable floor levels (ie, 0.5 metre above the 100 year ARI flood level) in York; and this was addressed in your Shire of York TPS 2 Amendment 35 in ~2008.</li> <li>For Lot 4 South Street, the attached plan shows contour mapping of the lot and this shows the land to be ~173.5 m AHD and rising to ~174.0 m AHD.</li> <li>Based on the Avon River Flood Study, the following flood levels are expected at this lot:               <ul style="list-style-type: none"> <li>10 year ARI flood level = 172.34 m AHD lot not affected by flooding</li> <li>25 year ARI flood level = 173.02 m AHD lot not affected by flooding</li> <li>100 year ARI flood level = 174.19 m AHD ~0.20 m depth of flooding at highest part of the lot</li> </ul> </li> <li>I understand that there are other planning issues involved in setting building floor levels (ie, disability access, streetscaping, local drainage, etc) and so for this situation, based on your TPS 2 Amendment 2, we will initially recommend a</li> </ul>	Noted.

**ITEM 9.1.3  
APPENDIX 4**

				<p>minimum floor level of 174.0 m AHD but we would like some feedback on how the other previously mentioned planning issues fit in with this floor level.</p> <ul style="list-style-type: none"> <li>Also, any electrical installations should be set at a minimum of 174.70 m AHD.</li> </ul> <p>Further to the preliminary submission (Ref York 03-14 dated 10 November 2014), a site meeting with the owner on 14 November 2014, and a follow up with sketch suggestions, I make the following response to the formal development application that has been lodged:</p> <ul style="list-style-type: none"> <li>...</li> <li>The plans indicate that the owner has made a considered response to the comments and onsite discussion.</li> <li>With reference to Shire of York LPP Heritage Precincts and Places (Update 2009)</li> <li>Policy 4.0 Commercial Development. In my opinion, the proposal I responds to the Policy guidelines with regard to many of the issues that were noted in the preliminary submission:</li> <li>Although new commercial development shall have a verandah or awning over the public footpath, the site restrictions pertaining to this proposal negate that opportunity. However the awning across the entire frontage now provides a similar outcome, and provides effective weather protection along the building forecourt and frontage. The verandah posts enhance the rhythm of the frontage and diminish the bulk and scale of the building.</li> <li>Similarly, all commercial development shall respond to and reinforce the existing characteristics of rooflines in the Central York Precinct. This proposal, despite the scale and bulk of the building, presents a parapet frontage that is appropriate to the precinct.</li> <li>It is not evident on the drawings whether the windows flanking the central entries to each of the three front tenancies have a dado wall below the windows or not, but it would be preferable if that were the case.</li> <li>The central truncated recessed entry is a very good element, as are the central entry stairs, although if they could be exactly aligned with the entry that would be preferable.</li> <li>There is no indication of the balustrade detail along the entire frontage. It would be preferable if that were really simple unobtrusive and not obstruct the view of the building frontage or become a visual barrier along the pedestrian pavement.</li> <li>I note the deletion of the extensive ramp that would have been required, and commend that initiative with the lift.</li> <li>Overall, with reference to the plans as submitted, and the relevant policies, I support the proposal and complement the Owner on his consideration of the issues and the well resolved compliant outcome.</li> </ul>		<p>Noted.</p> <p>The proposal has been assessed against the provisions of the Heritage Policy. A final schedule of colours and materials has been conditioned as part of the approval.</p>
4.	16 Feb 2015	Laura Gray	n/a	<ul style="list-style-type: none"> <li>The proposed finished floor level of 174.34m AHD provides 100 year ARI flood protection albeit with a minimal amount of freeboard (~0.15m)</li> <li>We acknowledge that our recommended minimum habitable floor recommendation may impact on other planning issues (such as access, privacy, streetscaping, etc.) when integrating with existing adjacent development. Should these issues be identified, consideration may be given to a lower habitable floor level.</li> <li>The proposal is for commercial use rather than a dwelling.</li> </ul>		<p>Noted.</p> <p>The proposed finished floor level complies with clause 5.4 (g) of the Scheme and the requirements of the Department of Water. Conditions of approval for notifications on title as well as for electrical installations have been recommended.</p>



					<ul style="list-style-type: none"> <li>It is recommended that all electrical installations should be located above 174.69m AHD and suitably insulated.</li> <li>Based on the above comments the proposal is considered acceptable with regard to major flooding.</li> </ul>	
Amended Proposal						
No.	Date Submission Received	Name	Property Affected	Summary of Submission	Officer's Comment	
6.	8 May 2015	Western Power	n/a	<ul style="list-style-type: none"> <li>Western Power does not have any specific comments at this time to the above proposal, however we would appreciate being kept informed of developments</li> <li>As there are overhead powerlines and/or underground cables, adjacent to or traversing the property the following should be considered, prior to any works commencing at the above site/development/property or if any alignments, easements or clearances are encroached or breached.</li> <li>Working in proximity to Western Power Distribution Lines – all work must comply with Worksafe Regulation 3.64 – Guidelines for Work in the Vicinity of Overhead Power Lines.</li> <li>...</li> <li>Western Power must be contacted if the proposed works involve any changes to existing ground levels around poles and structures or working under overhead powerlines and/or over underground cables.</li> <li>Western Power is obliged to point out that any change to the existing (power) system; if required, is the responsibility of the individual developer.</li> <li>That the Materials and colours reflect the conditions of the heritage policy for that area and fit with the surrounding buildings.</li> <li>That the down posts be made of wood</li> <li>That the south wall could be a feature using local materials e.g. rock</li> <li>Traffic – if the turn around is difficult for trucks unloading rather than reverse into South Street, which in itself would be dangerous; they may well choose to unload in Avon Terrace in front of businesses they are delivering to. This is not good for the tourists' view of Avon Terrace.</li> <li>With regards to the parking requirements it looks ok though the shared disabled bay seems to be included in the main access which will cause problems, and with the vehicle access lane there needs to be some thought into managing the traffic movement from a safety point of view with not being able to see if vehicles are entering or leaving the property.</li> <li>Further to the preliminary submission (Ref York 03-14 dated 10 November 2014), a site meeting with the owner on 14 November 2014, and a follow up with sketch suggestions, and comments to the formal development application (Ref York 03-14-15 dated 16 February 2015). I make the following comments to the amended plans as a result of comparison to the plans per the February 2015 submission I</li> </ul>	<p>Noted.</p> <p>A note has been included in the approval for work in the vicinity of overhead power lines.</p>	
7.	20 May 2015	The York Society	n/a	<ul style="list-style-type: none"> <li>That the Materials and colours reflect the conditions of the heritage policy for that area and fit with the surrounding buildings.</li> <li>That the down posts be made of wood</li> <li>That the south wall could be a feature using local materials e.g. rock</li> <li>Traffic – if the turn around is difficult for trucks unloading rather than reverse into South Street, which in itself would be dangerous; they may well choose to unload in Avon Terrace in front of businesses they are delivering to. This is not good for the tourists' view of Avon Terrace.</li> <li>With regards to the parking requirements it looks ok though the shared disabled bay seems to be included in the main access which will cause problems, and with the vehicle access lane there needs to be some thought into managing the traffic movement from a safety point of view with not being able to see if vehicles are entering or leaving the property.</li> <li>Further to the preliminary submission (Ref York 03-14 dated 10 November 2014), a site meeting with the owner on 14 November 2014, and a follow up with sketch suggestions, and comments to the formal development application (Ref York 03-14-15 dated 16 February 2015). I make the following comments to the amended plans as a result of comparison to the plans per the February 2015 submission I</li> </ul>	<p>Noted.</p> <p>Submission of a final schedule of colours and materials has been conditioned.</p> <p>Access has been considered in this assessment.</p>	
8.	22 May 2015	Allan Rourke, Works Manager	n/a	<ul style="list-style-type: none"> <li>With regards to the parking requirements it looks ok though the shared disabled bay seems to be included in the main access which will cause problems, and with the vehicle access lane there needs to be some thought into managing the traffic movement from a safety point of view with not being able to see if vehicles are entering or leaving the property.</li> <li>Further to the preliminary submission (Ref York 03-14 dated 10 November 2014), a site meeting with the owner on 14 November 2014, and a follow up with sketch suggestions, and comments to the formal development application (Ref York 03-14-15 dated 16 February 2015). I make the following comments to the amended plans as a result of comparison to the plans per the February 2015 submission I</li> </ul>	<p>Noted.</p> <p>Revised site plan required as condition of approval.</p>	
9.	25 May 2015	Laura Gray	n/a	<ul style="list-style-type: none"> <li>Further to the preliminary submission (Ref York 03-14 dated 10 November 2014), a site meeting with the owner on 14 November 2014, and a follow up with sketch suggestions, and comments to the formal development application (Ref York 03-14-15 dated 16 February 2015). I make the following comments to the amended plans as a result of comparison to the plans per the February 2015 submission I</li> </ul>	<p>Noted.</p> <p>The proposal has been assessed against the provisions of the Heritage Policy.</p> <p>A final schedule of colours and materials has been conditioned as part of the approval.</p>	

				<p>note;</p> <ul style="list-style-type: none"> <li>The rear carparking configuration has altered- no effect on heritage issues.</li> <li>The verandah width at the lift location has been amended- no effect on heritage issues.</li> <li>The glass balustrade note has been added.</li> <li>Overall, with reference to the plans as submitted, and the relevant policies, there seems minimal amendment with regard to heritage issues, and as previously stated, I support the proposal and complement the Owner on his consideration of the issues and the well resolved outcome.</li> </ul>	
10.	26 May 2015	Department of Water	n/a	<ul style="list-style-type: none"> <li>The proposed finished floor level of 174.34m AHD provides 100 year ARI flood protection albeit with a minimal amount of freeboard (~0.15m)</li> <li>We acknowledge that our recommended minimum habitable floor recommendation may impact on other planning issues (such as access, privacy, streetscaping, etc.) when integrating with existing adjacent development. Should these issues be identified, consideration may be given to a lower habitable floor level.</li> <li>The proposal is for commercial use rather than a dwelling.</li> <li>It is recommended that all electrical installations should be located above 174.69m AHD and suitably insulated.</li> <li>Based on the above comments the proposal is considered acceptable with regard to major flooding.</li> </ul> <p>Noted.</p> <p>The proposed finished floor level complies with clause 5.4 (g) of the Scheme and the requirements of the Department of Water. Conditions of approval for notifications on title as well as for electrical installations have been recommended.</p>	

**ASSESSMENT**

**DA ASSESSMENT REPORT**

DA No. P940

Address: Lot 4 (6) South Street, York

Proposal: Showroom

**MATTERS FOR CONSIDERATION**

a) The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.

The property is zoned Town Centre.

Showroom is a use defined in the Scheme as *a building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature*. It is considered that the application suitably falls within this definition.

However, showroom is a use not listed in Table 1 (Zoning Table) of the Scheme and therefore has no defined use permissibility and must be assessed as a 'use not listed' in accordance with 3.2.4 of the Shire of York Town Planning Scheme No. 2. See bb) for further information.

The application's compliance with the specific development requirements of the Scheme are as follows;

**4.5. Car Parking Requirements**

*4.5.1 A person shall not develop or use any land or erect use or adapt any building for the purpose indicated in Schedule 4 unless car parking spaces as specified in Schedule 4 are provided and such spaces are constructed and maintained in accordance with the Scheme.*

Car parking requirements for a showroom are detailed as "three (3) spaces for up to the first 200m<sup>2</sup> of NLA and thereafter one (1) space for every additional 100m<sup>2</sup> of NLA or part thereof.

Total Building Area – 312.5m<sup>2</sup>

$312.5 / 200 = 1.5625$

$1.5625 \times 3 = 4.6875$

Therefore, 5 spaces.

The application proposed 5 spaces, and is considered compliant with this requirement. Further assessment of this will be required as per the amended site plan to be submitted with regard to pedestrian access and disabled provisions.

*4.5.2 When considering any application for planning consent, the local government shall have regard to and may impose conditions on the provision of car parking spaces and the details of locating and designing the required spaces; landscaping, and pedestrian spaces on the lot. In particular, the local government shall take into account and may impose conditions concerning:*

a) *the proportion of car spaces to be roofed or covered;*

The proposed spaces are open – this is considered acceptable.

b) *the means of access to each car space and the adequacy of any vehicle manoeuvring area;*

Manoeuvring of vehicles has been considered – dimensions of parking spaces have been detailed in accordance with Schedule 4 of the Scheme and the access and egress has been assessed by our works manager.

Comments from the Works Manager can be found in aa).

c) *the location of the car spaces on the site and their effect on the amenity of adjoining development, including the potential effect if those spaces should later be roofed or covered;*

The car parking is not required to be covered.

d) *the extent to which car spaces are located within required building setback areas;*

Setbacks of the Town Centre are at the discretion of the local government. The spaces do not abut adjacent properties and provide an appropriate setback.

e) *the locations of proposed public footpaths, vehicular crossing, or private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;*

A revised site plan is required to detail the accessway from the car parking provided to the entry/entries of the building i.e. front and rear.

- f) *the suitability and adequacy of proposed screening or landscaping;*

No screening or landscaping has been proposed, nor is it necessary in this case for the purposes of car parking as the parking area is behind the development.

- g) *the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for landscaping and pedestrian space.*

Not applicable.

*4.5.3 The parking spaces shall measure not less than the dimensions as shown in Schedule 4 for the type of parking layout adopted, except that the local government may exercise absolute discretion to vary the number or dimension of spaces where to do so would allow for retention of existing vegetation worthy of such retention.*

Car parking is provided in accordance with Schedule 4 of the Scheme.

*4.5.4 Parking bays shall be serviced by all necessary accessways, and the parking area shall be surfaced to the satisfaction of the local government.*

The parking area has a driveway that accesses South Street. Adjoining this property on the western boundary is an easement used by the western neighbouring properties however this particular property does not have benefit to this. The proposed accessway is suitable to service the lot however further detail is required regarding the access for disabled persons.

Currently the western easement access also uses this private property. It is recommended that the landowner consult with the neighbouring properties to find a practical solution, perhaps a reciprocal right of access over the land.

*4.5.5 Where the local government so decides, it may accept cash payment in lieu of the provision of parking spaces but only subject to the following requirements:*

- a) *the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking spaces required by the Scheme plus the value, as determined by the Valuer General or a Licensed Valuer appointed by the local government, of that area of the land which would have been occupied by the parking spaces.*
- b) *(b) payments made under this clause shall be paid into a parking fund to be used for the provision of public car parking facilities. The local government may use this fund to provide public parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.*

Not applicable.

#### 4.9. Town Centre Zone

##### 4.9.1. Objectives

- a) *to retain the town centre of York as the principal place for retail, commercial, civic, and tourist-oriented uses in the District.*

The proposal is for a commercial use.

- b) *to preserve the unique qualities of the town centre as a heritage place, including the conservation of existing heritage buildings, and to avoid development which will detract from those qualities.*

The proposal is complementary to the surrounding development and is consistent with the heritage policy.

- c) *to ensure development complies with Design Guidelines adopted by the local government for the town centre.*

The proposal has been assessed against the heritage policy and is considered consistent with its objectives.

- d) *to encourage a high standard of development of commercial facilities to service the residents, the farming sector, tourists, and travellers.*

The proposal has been purposefully designed for the precinct and the use will be of benefit to the residents of York.

- e) *to encourage a high standard of landscaping in and around the town centre; the local government will undertake planting of shade trees in road reserves and public carparks where appropriate.*

Not applicable.

- f) *To encourage a high standard of residential and residential mixed use development in appropriate locations that contribute to the amenity, security and economic sustainability of the town centre.*

The proposal is not for a residential purpose. The finished floor level of the development is considered acceptable for its intended use however does not comply with the requirement for habitable, residential purposes. Notification on title is required.

The proposal is consistent with the objectives of the zone.

##### 4.9.2 Site Requirements

*The following minimum building setbacks shall apply:*

*Front : ) At the*

*Rear : ) local government's*

*Side : ) discretion*

- Northern boundary – 13.4m
- Eastern boundary – 0m

- Southern boundary – 0m (verandah)
- Western boundary – 3.07m

These setbacks are considered suitable and consistent with surrounding development.

#### 4.9.3 Development Requirements

- a) *Development shall not exceed 2 storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided the local government's objectives are not compromised.*

The proposed building does not exceed 2 storeys.

- b) *In considering an application for planning consent for a proposed development (including additions and alterations to existing development) in the Town Centre the local government shall have regard to Design Guidelines adopted by the local government, and:*

- (i) *the colour and texture of external building materials; (the local government may require the building facade and side walls to a building depth of 3 m to be constructed in masonry);*

Original colours proposed complied with the Scheme and heritage requirements however a number of changes have since been submitted. This can be conditioned – a final schedule of colours and materials is to be submitted to and approved by, the local government prior to the commencement of works.

- (ii) *building size, height, bulk, roof pitch;*

At 312.5m<sup>2</sup> the total building area takes up 44% of the total site at 708m<sup>2</sup>. The above impacts have been considered and the proposal will not have any impact.

- (iii) *setback and location of the building on its lot;*

Setbacks are as follows;

- Northern boundary – 13.4m
- Eastern boundary – 0m
- Southern boundary – 0m (verandah)
- Western boundary – 3.07m

These setbacks have taken into consideration the requirements of the heritage policy.

- (iv) *architectural style and design details of the building;*

The building has been designed based on the feedback from the Shire's heritage consultant Laura Gray.

- (v) *function of the building;*

The building is to be used as a showroom.

- (vi) *the relationship to surrounding development having particular regard to any impact upon the heritage significance of the York townscape, its streetscapes, and any Heritage Place or Heritage Precinct; and*

The proposal has been assessed against the objectives of the heritage policy and is considered consistent. See f) for further detail.

- (vii) *other characteristics considered by the local government to be relevant.*

Nil.

- c) *Landscaping shall complement the appearance of the proposed development and the town centre.*

N/a

- d) *Layout of car parking shall have regard for traffic circulation in existing car parking areas and shall be integrated with any existing and adjoining carpark.*

Traffic circulation has been considered and car parking configuration has been assessed by the Works Manager. See bb) for additional information.

- e) *Development of land for residential purposes only within the Town Centre zone shall comply with the requirements of the Residential Design Codes R40 density.*

N/a – the building is for commercial uses.

- f) *The density of the residential component of any mixed use development shall be determined by Council taking into account any relevant policy, and include consideration of heritage protection and design.*

N/a

- g) *In regard to Lots 103-107, 800 and 801 Avon Terrace and Lot 46 Christie Retreat the following requirements shall apply prior to subdivision or development –*

- (i) *provision of reticulated sewerage;*

- (ii) *with the exception of an application for a Single House, preparation of an Outline Development Plan in accordance with clause 5.10 of the scheme that deals with an appropriate setback from the river and the provision of public open space.*

N/a

The proposal has been assessed against the LPP Heritage Precincts and Places (see f). No other provisions are applicable for assessment.

#### 5.4. Avon River Flood Fringe

Notwithstanding anything elsewhere appearing in the Scheme development of land identified in the Avon River Flood Study adopted by the Water & Rivers Commission as within the extent of 100 year flood fringe shall be subject to the following: AMD 9 GG 17/10/03

- (a) *Proposed development that is located within the floodway (i.e. filling, building, or any land improvements) and is considered obstructive to major river flooding as determined by the appropriate State Government water agency and the local government and shall not be permitted.*

The Department of Water have stated that the proposal is not considered obstructive. Submission in Schedule of Submissions within report.

- (b) *For land within the designated flood fringe development or endeavours thereto shall require planning consent in addition to a building licence (including a single house).*

Application received and referred to Department of Water

- (c) *In determining an application for planning consent the local government shall consult with the appropriate State government water agency and State Government environment and conservation agency.*

Department of Water have been consulted and provided comments.

- (d) *Any application for development or land use shall require a Notification pursuant to section 70A of the Transfer of Land Act 1893 (as amended), or a similar legal instrument, to be placed on title of the land to the effect that the land is subject to inundation during a flood event.*

Condition of consent

- (e) *Any habitable building to be located within the flood fringe boundary shall have a minimum floor level of 500 millimetres above the adjacent 100 year ARI flood level, as determined from time to time by the relevant State Government department.*

The building is not habitable and will not be able to be used/converted to residential purposes unless second storey addition. Notification on title to this effect required as condition of consent.

- (f) *The erection of a fence within the floodway is permitted providing it is of a non-obstructive nature to flood flows, such as post and rail fencing, so that it does not alter the direction of natural water flows nor retain surface water that may affect adjoining properties.*

Not applicable to this application – note of consent

- (g) *At the local government's discretion, where proposed non habitable development is in the flood fringe, but within a designated heritage streetscape area, a minimum floor level of 300mm above the centre of the road fronting the property may be approved.*

The minimum floor level proposed is 300mm above the centre of the road.

- (h) *Any developments proposed in the flood fringe should consider potential opportunities for environmental improvements and rehabilitation.*

The proposal was forwarded to the Department of Water for their comment. See aa) for further details.

The proposal is consistent with the Shire of York Town Planning Scheme No. 2

- b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought.

No new planning scheme or amendment technically applies.

However, consideration has been given to Scheme Amendment 50. Council has adopted a scheme amendment, Omnibus Scheme Amendment 50, which includes 'showroom' as an 'AA' use in the Town Centre zone. An 'AA' use is a use that is not permitted unless the local government has exercised its discretion and has granted planning consent.

Due to delays associated with this Omnibus, this amendment has not been finally adopted.

- c) Any approved statement of planning policy of the Commission.

Nil

- d) Any approved environmental protection policy under the *Environmental Protection Act 1986*.

Nil

- e) Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.



Nil
f) Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme.
<p>The property is located with the Central York Heritage Precinct. Provisions of the local planning policy, <i>Heritage Precincts and Places</i>, applies.</p> <p><u>Local Planning Policy – Heritage Precincts and Places</u></p> <p>4.0. Commercial Development</p> <p>4.2. Policy Objectives</p> <ul style="list-style-type: none"> <li>To facilitate commercial development that respects the existing character of an area. The proposed development has considered the surrounding character.</li> <li>To ensure that the primacy and heritage significance of Avon Terrace is maintained. The heritage significance of the area will not be impacted.</li> <li>To protect and encourage the conservation of the important heritage places within the Central York Precinct. The property is currently vacant.</li> <li>To ensure that all commercial development, including new development and the modification or extension of existing buildings, respects the scale, form, siting, appearance and general fabric of existing buildings and the streetscape in the Central York Precinct. Consideration of these has been given within this assessment. See a) and the below assessment for further information.</li> <li>To ensure that new development is of a high architectural quality that contributes to, and enhances, the Precinct as a whole. The design is based on feedback from Laura Gray, the Shire's heritage advisor and architect. The design has considered the heritage significance of the precinct and was based on the requirements of the policy.</li> </ul> <p>4.4. Policy Guidelines</p> <p>4.4.1. Scale and Size The scale and size of the proposed development will be consistent with the surrounding development.</p> <p>4.4.2. Form The form of the proposed development will be complementary to the character of the town.</p> <p>4.4.3. Siting <i>Front setbacks – shall maintain a zero setback to the street commercial development shall be located parallel to the street and must be built up to the public footpath edge. This shall occur even if the lot is set at an acute angle to the road reserve.</i> A zero setback was considered however in this case, given the requirement to build above the associated ARI flood level, the impact of the building having a nil setback would be considerably negative. Therefore, a variation to this was suggested by the heritage adviser in relation to having a nil setback to the verandah which would be more complementary to the area than a nil setback to the building. <i>Car parking location – no parking bays and area shall be provided in front of any building between the building and public footpath. Car parking areas associated with all commercial shall comply with the provisions of the Town Planning Scheme.</i> Car parking has been assessed in a).</p> <p>4.4.4. Materials and Colours <i>Walls</i> There have been a number of changes to the building resulting in possible changes to the materials of the building. This can and will be conditioned on approval. <i>Colours</i> The colours to be used in all commercial development will have regard to the following criteria:</p> <ol style="list-style-type: none"> <li>The colours used in an existing building and in neighbouring properties in the streetscape. Colours should respond to the original colours used or a contemporary interpretation of those colours;</li> <li>Colours selected from heritage ranges will be acceptable. Guidance may be taken from the colour palette available for viewing at the Shire of York offices;</li> <li>For new buildings, sympathetic modern colours may be acceptable;</li> <li>Colours which take their inspiration from local, natural elements such as tree leaves, bark and soils may also be appropriate;</li> <li>The use of bright or garish colours in large areas visible from the street is not permitted</li> <li>Feature brickwork should not be painted.</li> <li>Colour schemes should include a range of tones of varying intensity to complement and enhance the complexity of architectural detail and decoration of the existing buildings.</li> <li>Monochromatic schemes are not appropriate on heritage buildings in the Central York Precinct and should be avoided.</li> <li>The application to new and existing buildings of "Corporate Standard" colour schemes or materials that are not</li> </ol>

*sympathetic to the character of the Central York Precinct will not be supported.*

*The colours to be used in heritage places, including places on the State Register of Heritage Places, the Shire of York Municipal Inventory of Heritage Places or any Heritage List of a Town Planning Scheme, should be based on the original colours used in the building, which can usually be determined by paint scrapings.*

As a condition of approval, a final schedule of colours and materials is to be submitted to and approved by the local government prior to the commencement of works.

#### 4.4.5 Detailing

The proposed building has a skillion verandah with symmetrical detailing above. The door has been purposefully centrally placed.

#### 4.4.6. Setting

Details of the front fencing are required with the schedule of colours and materials.

#### 5.0. Signage.

Signage is not a part of this application – any proposed signage is subject to a separate assessment.

The proposal has been assessed against the Policy and is considered consistent with the requirements.

g) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.

Not applicable.

h) The conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.

The property is not state listed, nor is it listed on the local heritage municipal inventory however is located within the central York heritage precinct.

The proposal has been assessed against the relevant LPP in f).

i) The compatibility or a use or development with its setting.

Commercial development is compatible with the surrounding setting.

j) Any social issues that have an effect on the amenity of the locality.

There are no associated social issues reasonably anticipated by the proposed development.

k) The cultural significance of any place or area affected by the development.

The area is significant to York from a heritage perspective. The impact of the proposal has been assessed in f).

l) The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.

The proposal is not likely to have significant impact on the natural environment.

m) Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.

The property is located within a flood affected area.

The proposal has been forwarded to the Department of Water who have provided advice in relation to these issues. See aa) for further detail.

n) The preservation of the amenity of the locality.

The amenity of the locality has been considered will not likely be impacted.

o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.

The development has been assessed against the Scheme and Heritage Policy requirements. See a) and f) for further detail.

p) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.

Car parking has been assessed against the provision of the Town Planning Scheme. Works Manager Allan Rourke has provided a technical assessment against the traffic impacts.
q) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.
The proposal is not likely to cause a significant increase in traffic based on the proposed use as a showroom. It is considered that the visitor numbers will be relatively low and intermittent.
r) Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.
Not applicable
s) Whether public utility services are available and adequate for the proposal.
Existing public services are considered adequate for the proposal. A sewer line runs along the property boundary however no comments were received from Water Corporation regarding this infrastructure and the impact of the proposal.
t) Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).
Appropriate access and staff facility are provided.
u) Whether adequate provision has been made for access by disabled persons.
The building is to comply with the relevant provisions for disabled access in accordance with the Building Code of Australia and Disability (Access to Premises-Buildings) Standard 2010 and AS1428.1-2009. However the building will require a building permit and as part of that process, compliance will be required, therefore not appropriate to condition on planning consent.
v) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.
Landscaping has not been detailed and is not considered necessary in this case.
w) Whether the proposal is likely to cause soil erosion and degradation.
The proposal will not cause soil erosion or degradation
x) The potential loss of any community service or benefit resulting from the planning consent.
There is a potential community benefit in additional commercial building/use
y) Any relevant submissions received on the application.
Comments were received on the original and amended documentation. All submissions have been taken into consideration. See Schedule of Submissions in Appendix 4.
z) The potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses.
Nil
aa) The comments or submissions received from any authority consulted under clause 7.4.
Notification was sent to the Department of Water, the York Society, Western Power, Telstra, Water Corporation, and our local heritage advisor Laura Gray. The Dept of Water, Western Power and Laura Gray provided comments.  An internal referral was also sent to Allan Rourke, the Works Manager. See Schedule of Submissions in Appendix 4.

<p>bb) Any other planning consideration the local government considers relevant.</p>
<ul style="list-style-type: none"> <li>• Currently, this land is being used by surrounding property owners/tenants for parking – this is technically not legal. The western side is also being used as part of an accessway. There is an easement on the adjoining western properties that is used for the purposes of access however Lot 4(6) South St, whilst used for access, is not technically a part of this easement. This easement is used to unload goods and services to the rear of these properties so this development may impact to the functionality of this area however it is not the applicant's legal responsibility to provide access to these properties.</li> <li>• Water Corporation Infrastructure – no comments received. Any damages to the infrastructure associated with this development is responsibility of the landowner</li> <li>• An easement burden exists on the land for pipelines rights; this was originally for septic system that no longer exists, the applicant has not yet consulted with the beneficiary to remove the easement. Access to car parking is through the easement, which will not impede the rights of the benefit landowner.</li> </ul>
<p>Recommendation</p>
<p>That the Commissioner approve the development application for a showroom at Lot 4 (6) South Street, York, subject to the following conditions;</p> <ol style="list-style-type: none"> <li>1. Development must substantially commence within two (2) years from the date of this decision.</li> <li>2. All stormwater is to be managed on site to the satisfaction of the local government.</li> <li>3. Prior to the commencement of works, a revised car parking and access site plan is to be submitted to and approved by the local government (see note 5).</li> <li>4. A schedule of colours and materials is to be submitted to and approved by, the local government prior to the commencement of work (see note 6).</li> <li>5. Development must take place in accordance with the stamped approved plans.</li> <li>6. Prior to the commencement of works, a Notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the lot. The notification is to state as follows:  "This lot is partially located within the Avon River floodway and flood fringe and may be subject to flooding and inundation from time to time."</li> <li>7. Prior to the commencement of works, a Notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the lot. The notification is to state as follows:  "The development approved [DATE TO BE UPDATED AS PER COUNCIL RESOLUTION], P940, has a finished floor level of 174.34m AHD. This is considered acceptable for commercial use in relation to flood protection however is not consistent with the required finished floor level for habitable development"</li> <li>8. Electrical installations are to be located above 174.69m AHD and be suitably insulated.</li> </ol>
<p>ADVICE NOTES:</p> <p>Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval will lapse and be of no further effect.</p> <p>Note 2: Where an approval has so lapsed, no development is to be carried out without the further approval of the local government having first been sought and obtained.</p> <p>Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning &amp; Development Act 2005. An appeal must be lodged within 28 days of the determination.</p> <p>Note 4: This approval is not a building permit. In accordance with the provisions of the Building Act 2011, an application for a building permit must be submitted to, and approval granted by the local government prior to any change of classification or prior to the commencement of any structural works within the development hereby permitted.</p> <p>Note 5: The car parking and access site plan is to detail the general parking spaces, disabled parking space and subsequent compliant access ways to the building. The vehicle accessway is to comply with the Schedule 4 requirements as well as the relevant access standards.</p> <p>Note 6: The schedule of colours and materials is to address the requirements of the Local Planning Policy, Heritage Precincts and Places, specifically clauses 4.4.4, 4.4.5, and 4.4.6.</p> <p>Note 7: All other development, including fencing, advertising signage, etc, is not subject to this application and will require separate approval.</p> <p>Note 8: It is recommended that the landowner consult with the adjoining property owners with regard to making arrangements for reciprocal rights of access.</p>