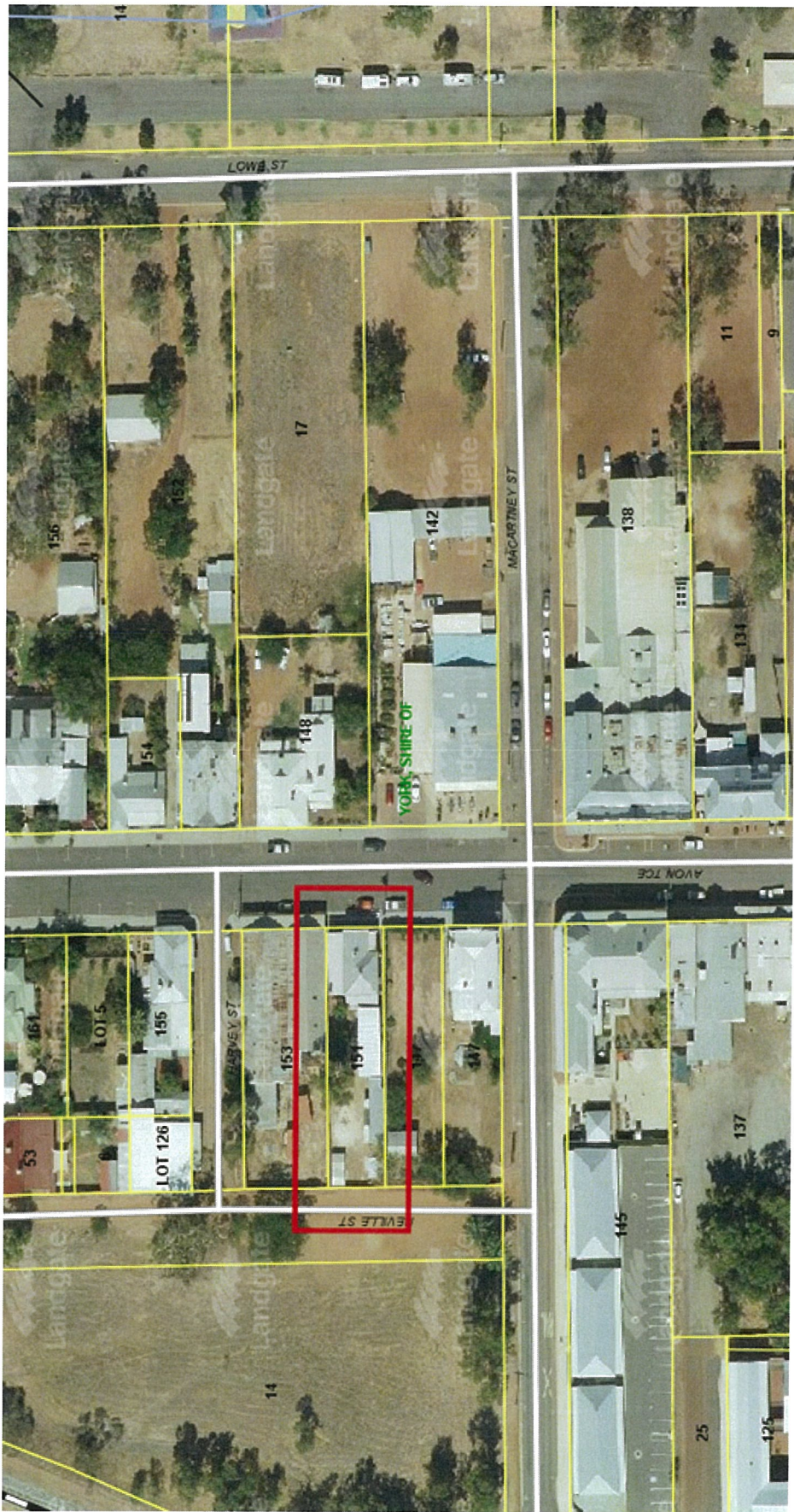


LOCATION PLAN



ITEM 9.1.4
APPENDIX 2

SITE PLANS
(Not to Scale)

151 AVON TCE, YORK
Lot 257 Deposited Plan 28343

DIAGRAM 2

"Outbuildings" modified 26.5.15

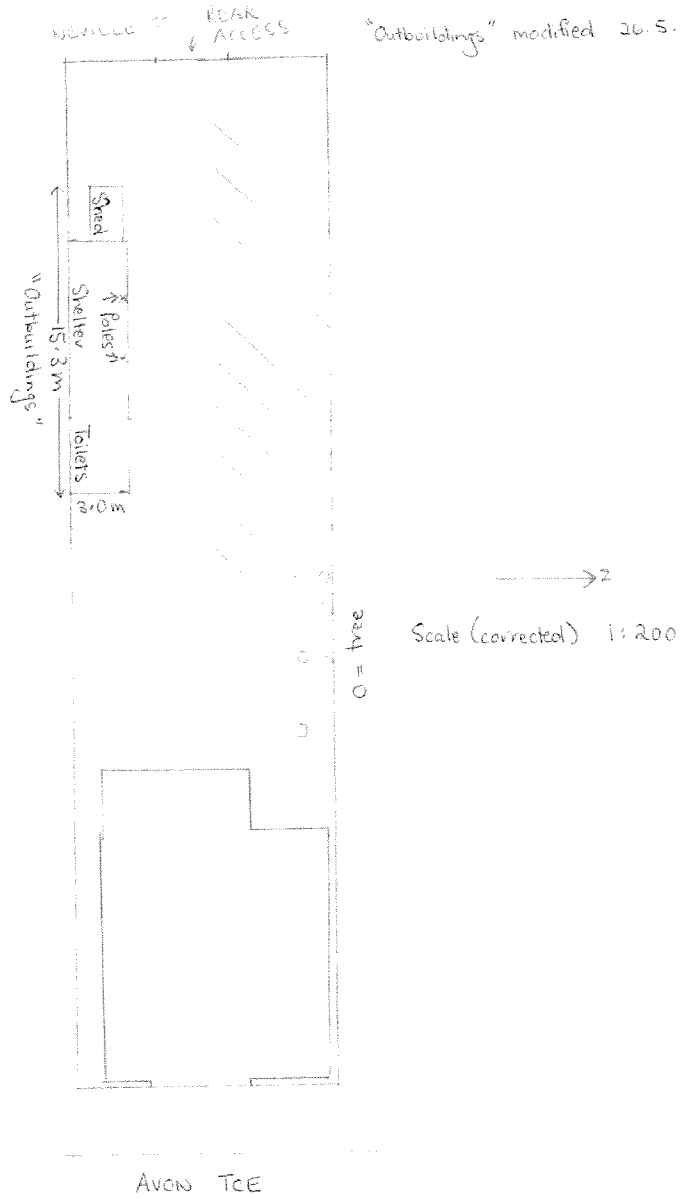
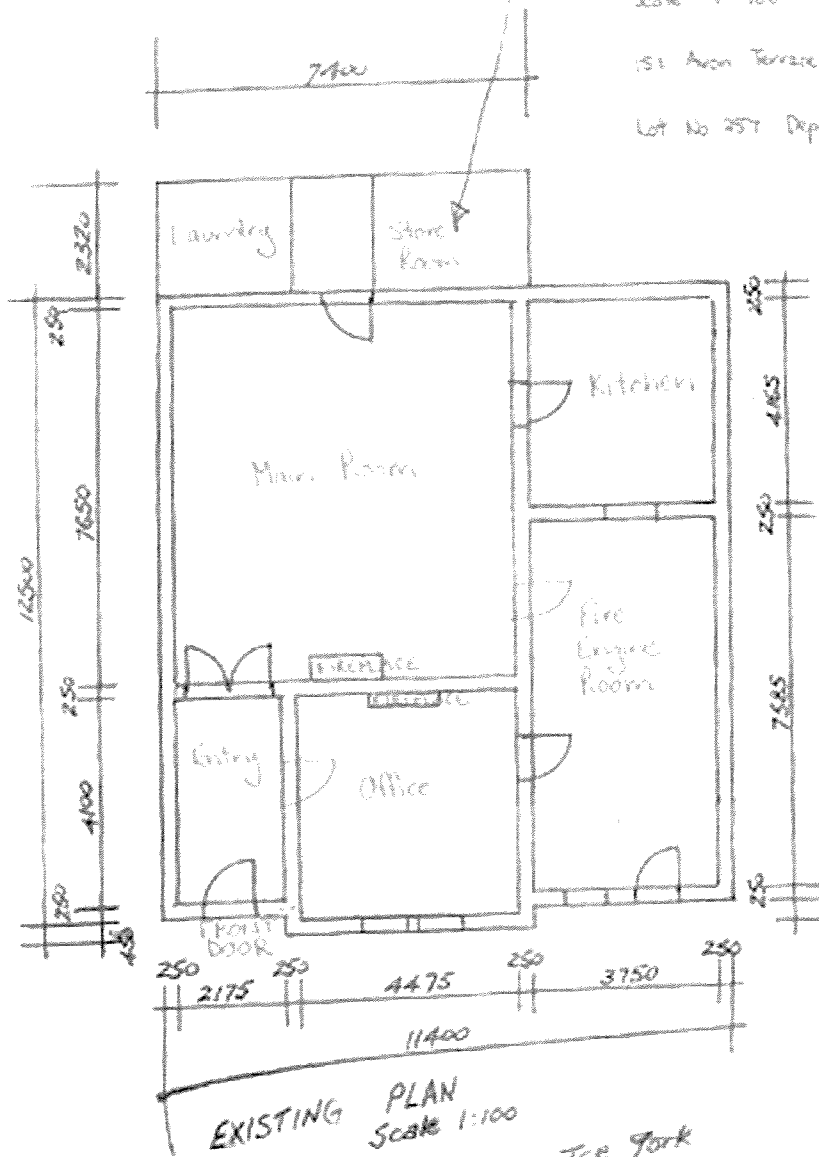


DIAGRAM 1

Scale 1:100

151 Avon Terrace

Lot No 257 Deposited Plan 28343



SCHEDULE OF SUBMISSIONS

Schedule of Submissions					
No.	Date Submission Received	Name	Property Affected	Summary of Submission	Officer's Comment
1.	29-Apr-15	State Heritage Office	n/a	<ul style="list-style-type: none"> • The referral is for a change of use to a bookshop and associated works. • The proposal includes exterior maintenance, including repair/replacement of gutters and like for like repainting. • New split-system air-conditioning and a new alarm system is proposed. The locations of internal and external units are appropriate and there will be no associated works to front façade. • A series of free-standing and attached bookshelves are proposed. Where attached, it is proposed that they are to be fixed to existing walls with a nail and plug system which could be later filled and therefore reversed. • We note that other internal works include the removal of carpet, a contemporary oven and light fittings. • We note that the proposed sign will be perpendicular to the building on a bracket cream/white and heritage red. The size will be approx. 60x50cm. • The existing sign to be removed is post 1970s and is of no heritage significance. 	Noted.

**ITEM 9.1.4
APPENDIX 3**

ASSESSMENT

DA ASSESSMENT REPORT

DA No. P969

Address: Lot 257 (151) Avon Terrace, York

Proposal: Change of use to a retail book store.

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.

3.2. The proposed book store is considered as a 'shop' in accordance with the SOY TPS2. A shop is a 'p' use in the Town Centre zone.

4.1. Requires planning consent for and use or development.

4.5. Car Parking Requirements

In accordance with Schedule 4: 6 for every 100m² NLA and 1 disabled bay for every 100 spaces.

Room	Dimensions	NLA
Main Room	7.65 x (2.175 +0.250+4.475) 7.65 x 6.9	52.785m ²
Kitchen	4.165 x 3.75	15.61875m ²
Fire Engine Room	7.585 x 3.75	28.44375m ²
Office	4.475 x 4.1	18.3475m ²
Entry	2.175 x 4.1	8.9175m ²
Total NLA		124.1125m ²

$124.1125 / 100 = 1.241125$

$1.241125 \times 6 = 7.44$ spaces

Therefore 8 spaces including 1 disabled space

9 spaces have been provided on the rear of the property. It has been suggested that this will be used predominantly by staff as the main entrance is at the front i.e. Avon Terrace.

Whilst the amount of parking provided on the property is in accordance with the scheme, the layout does not comply with the requirements of Schedule 4. In particular, there is only a single access point, therefore the single accessway will be two way (as reverse egress from retail parking areas is not provided for in the scheme, nor is it considered to meet safe access requirements). The distance provided between the angle parking bays and the nearest structure is insufficient to enable two way access. Safe, two way access will require a modified parking layout, which may not enable the provision of 9 bays as currently shown on the car parking plans.

As the rear parking area will generally only function as staff parking and sufficient customer parking is available in nearby public parking areas, a reduction in parking, to meet the minimum manoeuvring requirements of the scheme, can be supported. A condition of approval is recommended to provide staff parking on site (a minimum of 4 bays) in accordance with the manoeuvring requirements of Schedule 4 of the scheme, with the need for onsite public parking waived at the discretion of Council.

4.6. Discretion to Modify Development Standards.

Except for development in respect of which the R Codes apply under this Scheme, if a development the subject of an application for planning consent does not comply with a standard prescribed by the Scheme with respect to minimum lot

sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the local government may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit. The power conferred by this clause may only be exercised if the local government is satisfied that;

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

When considering the requirements for car parking, the use of this discretionary clause was applied. The building, being a state listed building built in the late 1890s, already exists with limited room at the rear.

As the rear parking will generally be for staff parking only, and the likelihood that customers will be accessing the building from the front, it is considered appropriate to apply discretion in this case.

However, there is still a necessity to provide car parking spaces for staff, hence the requirement for 4 spaces – a 50% reduction in the requirement.

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.
- 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.
- c) to ensure development complies with Design Guidelines adopted by the local government for the town centre.
- d) to encourage a high standard of development of commercial facilities to service the residents, the farming sector, tourists, and travellers.
- 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.
- 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 change of colour will provide maintenance on this property which will contribute to the appearance of the town centre.

The proposed use is consistent with the zone objectives and will have minimal impact on the existing development and streetscape.

4.9.2 Site Requirements

The following minimum building setbacks shall apply:

Front :) At the

Rear :) local government's

Side :) discretion

Not applicable

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.
N/a
- 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);
 - (ii) building size, height, bulk, roof pitch;
 - (iii) setback and location of the building on its lot;
 - (iv) architectural style and design details of the building;
 - (v) function of the building;
 - (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
 - (vii) other characteristics considered by the local government to be relevant.

N/a. The development already exists and no new development is proposed – assessment is against the use.

- 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 carparking areas and shall be integrated with any existing and adjoining carpark.
Car parking is proposed at the rear.
- 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
- 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 –

<p>(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.</p> <p>N/a</p> <p>The proposed use and associated signage is consistent with the objectives of the zone.</p>
<p>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.</p> <p>No new planning scheme or amendment applies.</p>
<p>c) Any approved statement of planning policy of the Commission.</p> <p>Nil</p>
<p>d) Any approved environmental protection policy under the <i>Environmental Protection Act 1986</i>.</p> <p>Nil</p>
<p>e) Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.</p> <p>Nil</p>
<p>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> <p>The property is listed as a category 1A on the local heritage MI. The property is also located within the Central York heritage precinct.</p> <p><u>Local Planning Policy – Heritage Precincts and Places</u></p> <p>4.0. Commercial Development 4.2. Policy Objectives</p> <ul style="list-style-type: none"> • To facilitate commercial development that respects the existing character of an area. • To ensure that the primacy and heritage significance of Avon Terrace is maintained. • To protect and encourage the conservation of the important heritage places within the Central York Precinct. • 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. • To ensure that new development is of a high architectural quality that contributes to, and enhances, the Precinct as a whole. <p>The proposed use and associated signage is consistent with the objectives of the zone.</p> <p>4.4. Policy Guidelines 4.4.1. Scale and Size N/a 4.4.2. Form N/a 4.4.3. Siting N/a 4.4.4. Materials and Colours Walls N/a Colours The colours to be used in all commercial development will have regard to the following criteria:</p> <ol style="list-style-type: none"> a) 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; The colours are considered complimentary to the streetscape. b) 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; The colours are acceptable c) For new buildings, sympathetic modern colours may be acceptable; The proposal is not a building. d) Colours which take their inspiration from local, natural elements such as tree leaves, bark and soils may also be appropriate; Not necessary. e) The use of bright or garish colours in large areas visible from the street is not permitted The colour is not considered garish.

- f) *Feature brickwork should not be painted.*
Complies
- g) *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.*
Proposed colours are complementary.
- h) *Monochromatic schemes are not appropriate on heritage buildings in the Central York Precinct and should be avoided.*
The colour scheme is not monochromatic.
- i) *The application to new and existing buildings of "Corporate Standard" colour schemes or materials that are not sympathetic to the character of the Central York Precinct will not be supported.*
The colour scheme is not considered "corporate standard".

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.
Not applicable.

No new colours or materials are proposed except for the signage which is proposed as red and cream. This is consistent with the policy.

4.4.5 Detailing

N/a

4.4.6. Setting

N/a

5.0. Signage

5.2. Policy Objectives

- *To permit adequate identification and business advertising.*
- *To recognise that advertising signs can help express the character of the Heritage Precincts, creating an attractive daytime and evening atmosphere.*
- *To limit the number, scale and position of advertising signs.*
- *To ensure that advertising signs are in keeping with the scale and character of the building upon which enhances and conserves the heritage place with which it is associated.*

The proposed signage is consistent with the policy objectives.

All signs within the Central York and Blandstown Precincts shall comply with the following principles:

- a) *Signs shall be discreet and shall complement the building and streetscape in which it is located;*
The proposed signage is considered discreet.
- b) *Signs shall be of a size, nature, colour and position so that the architectural characteristics of a building remain the dominant element of the building;*
The signs will not impact the architectural character of the building.
- c) *Signage must respect and not cover important architectural detail on historic buildings;*
The signs will not cover any important details.
- d) *Signage should respect the heritage values of the building and streetscape on which it is located, however should not attempt to recreate a historic character through the use of "olde" lettering or other imitation styles;*
The letters will not imitate such style – times new roman.
- e) *Signs shall be attached to a building in a manner which does not damage or compromise the structural integrity or heritage values of the building;*
The sign is to be appropriately and adequately secured – condition of approval.
- f) *Views into and out of shop windows should not be significantly obscured by signage;*
The window signage will not obscure the window.
- g) *All signs should be of a high standard in terms of materials, construction and graphics. All signs shall be designed, constructed, finished, installed and maintained to a standard compatible with its surroundings, including buildings, landscaping and other signs; and*
Sign is to be maintained appropriately – condition of approval.
- h) *Background colours used in signs shall generally be white or cream or colours from the colour palette available for viewing at the Shire of York offices.*
Proposed colours are red and cream.

The final sign has not been constructed however it is considered that the proposed details are consistent with the heritage policy requirements.

Signs that are not permitted;

- a) *Signs which consist of modern standardised corporate advertising, unless such signage is modified by placing the modern sign in a panel with a perimeter margin and the background colour of the sign is generally white or cream or colours from the colour palette available for viewing at the Shire of York offices, or appropriate to the period and the building to which it is affixed;*
See h) above.
- b) *Signs that obstruct the views to and/or from a street or public place and that have the potential to impede safe traffic movement;*
2.8m clearance proposed - Minimum clearance 2.75m required as condition of approval.
- c) *Signs that are likely to be confused with or mistaken for an official traffic light or sign, so as to contravene the Traffic Act 1919 or the Traffic Regulations;*

<p>The sign is highly unlikely to be mistaken for a traffic sign.</p> <p>d) <i>Signs which are affixed to a building in a manner that will damage the building, will negatively impact on the heritage values of the building, or which will affect the stability of the building;</i> Sign is to be appropriately and adequately secured – condition of approval.</p> <p>e) <i>Free-standing or portable signs, including A-frame signs, in a street or a public place, unless they are placed in a location(s) so that they do not impede pedestrian access or cause any form of hazard.</i> N/a</p> <p>f) <i>Pylon, tower or monolith signs;</i> N/a</p> <p>g) <i>Rotating, flashing and internally lit signs. Small neon signs hanging inside the windows of shops may be appropriate, provided they are of a size and dimension to not become a dominant townscape element;</i> The signs are not lit</p> <p>h) <i>Roof signs or signs which break a parapet or roof line;</i> N/a</p> <p>i) <i>Signs which involve the construction of walls or parapets that would not have been part of the traditional streetscape;</i> N/a</p> <p>j) <i>The painting of whole building facades or parapets in bright or corporate colours;</i> N/a</p> <p>k) <i>The painting of signage on historic buildings on unpainted brickwork or stonework;</i> N/a</p> <p>l) <i>Fluorescent and iridescent paint colours;</i> N/a</p> <p>m) <i>A sign located in any position where it would unreasonably obstruct or obscure the existing views from a dwelling or building of a significant feature such as the river or a public park; and</i> The signs will not obstruct any significant features.</p> <p>n) <i>Flags and bunting.</i> N/a</p> <p><i>Signs on side walls</i> N/a</p> <p><i>Appropriate Locations for Signs</i> The signs are located in appropriate locations in accordance with the policy.</p> <p><i>Required overhead clearance</i> All signage situated over the footpath or other pedestrian thoroughfare shall maintain a minimum clearway of 2.75m from the natural ground level. Signs situated under the verandah of a building shall not project beyond the outer edge of the verandah. Proposed 2.8m clearance – complies.</p> <p><i>Permitted Signage Content</i> Content complies</p> <p><i>Corporate Colours and Branding</i> Signs are relatively simple in design</p> <p><i>Illuminations of Signs</i> Signs are not illuminated</p> <p><i>Home Occupation and Business Signs</i> N/a</p> <p><i>Freestanding Signs</i> N/a</p> <p><u>Local Planning Policy – Advertising Signage</u> Signage provisions of the heritage policy apply.</p> <p>5.2.6. Window/Glazing Signs Complies</p> <p>6.1. Awning, Banner and Protecting Wall Signs Minimum clearance of 2.75m – Condition of approval</p>
<p>g) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.</p>
<p>The land is not reserved.</p>
<p>h) The conservation of any place that has been entered in the Register within the meaning of the <i>Heritage of Western Australia Act 1990</i>, 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.</p>
<p>The place is State Listed and has been referred to the SHO for comment. See aa)</p>

i) The compatibility or a use or development with its setting.
The proposed use is compatible with the setting.
j) Any social issues that have an effect on the amenity of the locality.
The proposal is not likely to negatively impact the locality, rather bring about a positive social use.
k) The cultural significance of any place or area affected by the development.
The property is particularly significant from a cultural point of view as it has a considerable history. It is also located within a significant heritage precinct. The proposed use will not impact this, rather complement the heritage of the property and place.
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 will not likely impact 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 proposal is not subject to such risks.
n) The preservation of the amenity of the locality.
The amenity of the locality will be preserved by using this building for a complementary purpose.
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.
N/a
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.
Parking of vehicles is noted at the rear of the property however it is unlikely that this will be where customers park. It is more than likely that most customers would park on Avon Terrace at the front of the property.
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 significantly increase traffic flow.
r) Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.
Public transport not available.
s) Whether public utility services are available and adequate for the proposal.
Existing services are adequate.
t) Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).
Not required.
u) Whether adequate provision has been made for access by disabled persons.
Revised site plan required showing upgrades in accordance with the Building Code of Australia and Disability (Access to Premises-Buildings) Standard 2010 and AS1428.1-2009. Changes are to be submitted to and approved by the local government in consultation with the SHO.
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.
Not required.
w) Whether the proposal is likely to cause soil erosion and degradation.
The proposed use is not likely to cause soil erosion or degradation.
x) The potential loss of any community service or benefit resulting from the planning consent.
The proposal will have a significant benefit to the community
y) Any relevant submissions received on the application.
See aa)
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.
The State Heritage Office provided comments on the proposal; "The proposed development, in accordance with the plans submitted, is supported".
bb) Any other planning consideration the local government considers relevant.
Nil
Recommendation
That the Commissioner approve the development application for a change of use to a retail book store (shop) at Lot 257 (151) Avon Terrace, York, subject to the following conditions;
<ol style="list-style-type: none"> 1. The change of use must substantially commence within two (2) years from the date of this decision. 2. Prior to the commencement of the use, an amended site plan is to be submitted to and approved by the local government in consultation with the State Heritage Office. The site plan is to illustrate; <ol style="list-style-type: none"> a. the necessary upgrades required in accordance with the Building Code of Australia and Disability (Access to Premises-Buildings) Standard 2010 and AS1428-2009; and b. a revised car parking plan showing a minimum of four (4) staff car parking spaces in accordance with Schedule 4 of the Shire of York Town Planning Scheme No. 2 (see note 5). 3. Development must take place in accordance with the stamped approved plans. 4. Prior to the erection of the sign, the applicant is to provide a copy of the final design for the sign to the local government for their approval. 5. The sign is to be appropriately and adequately secured. 6. The sign is to be maintained in good condition to prevent deterioration, oxidation, rust, and any other unsightly conditions.
ADVICE NOTES:
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.
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.
Note 3: If an applicant is aggrieved by this determination there is a right of appeal under the Planning & Development Act 2005. An appeal must be lodged within 28 days of the determination.
Note 4: This approval is <u>not</u> 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.
Note 5: The four (4) staff parking bays are to be provided and suitably constructed to the satisfaction of the local government, meeting the minimum manoeuvring requirements of Schedule 4 of the scheme for two way access. At least one (1) of the spaces is to comply with Disabled Access provisions of AS/NZS2890.6-2009.