

9.1.4 Lot 3 Stirling Terrace, Toodyay - Proposed external window changes and outbuilding/carport

Date of Report:	29 July 2022
File Reference:	P2022-67 / A2021/3STIT
Author:	T Prater – Planning and Compliance Officer
Responsible Officer:	H de Vos – Manager Development and Regulation
Previously Before Council:	No
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Quasi-Judicial
Attachments:	1. P2022-67 - Application & Plans; and 2. HCWA Submission.

SUMMARY

Applicant: Cheryl Jean
Owner: Cheryl Jean
Proposal: External window changes and outbuilding/carport
Location: Lot 3 Stirling Terrace, Toodyay

PURPOSE OF THE REPORT

To consider an application for development approval for the construction of an outbuilding/carport and external window changes located at Lot 3 Stirling Terrace in Toodyay. As this application is in the Roman Catholic Church precinct, it may only be determined by Council.

BACKGROUND

Lot 3 Stirling Terrace in Toodyay is a 2,034m² (0.2034 ha) property within the Central Toodyay Heritage Area. It is currently zoned 'Mixed Business' under the Shire of Toodyay's *Local Planning Scheme No. 4* (LPS4).

The property is also within the Roman Catholic Church Group which has been included into the *State Register of Heritage Places* (Place No. 4125) in 2019.

Proposal

On 24 June 2022, the Shire of Toodyay received an application to construct an outbuilding/carport, remove and recover an existing timber double hung sliding sash window from the kitchen and replace with a smaller timber sash window. Reinstall original timber double hung sliding sash window from the kitchen by removing the sitting room French doors at the front of the house.

AREA	PROPOSED WORKS
Kitchen	Remove and recover timber double hung sliding sash window that adjoins the kitchen and replace with a new smaller timber framed, fixed pane window. The smaller window will allow for more bench space in the kitchen.
Sitting Room	Reconstruct original timber double hung sliding sash window recovered from kitchen to the sitting room by removing French doors. This proposed change will bring back symmetry to the front of the house and provide additional security.
Outbuilding/Carport	Freestanding Skillion roof carport with attached outbuilding, located at the rear of the property.
Original Features	All reconstructed brickwork and render shall be carried out in a like for like manner that matches existing materials profiles and finishes.

For more information, please refer to the **Attachment 1: P2022-67 - Application & Plans.**

Timeframe to determine.

The Shire received this application on 24 June 2022 which required advertising. Pursuant to Schedule 2, clause 75(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this application must be determined within 90 days, being 22 September 2022.

COMMENTS AND DETAILS

The applicant has been working closely with advice and instruction from the Heritage Council of Western Australia (HCWA) to produce an appropriate development outcome.

The HCWA, in its submission, has stated that the proposed development is supported subject to the conditions of which further information will be provided in the consultative implications to consider following this section of the report.

It is recommended that Council approves this application subject to conditions.

IMPLICATIONS TO CONSIDER

Consultative:

As the development site is located within a Heritage Place and is under the State Heritage Register (Place No. 4125), the development application must be formally referred to the Heritage Council. This was done in accordance with the referral process under Division 2, Section 73 of the *Heritage Act 2018*.

The HCWA, in its submission, has stated that they support the proposed development subject to the conditions:

1. All reconstruction of brickwork and render shall be carried out in a like for like manner that matches existing materials, profiles and finishes.
2. A photographic archival record shall be made according to the guide.

It is recommended that the HCWA conditions are applied to any development approval. For more details, please refer to **Attachment 2: HCWA Submission**

In addition, the application was referred to the Toodyay Historical Society (THS), which also supports the proposal.

Strategic:

Shire of Toodyay Strategic Community Plan -Toodyay 2028

In the built environment, the community wants to see the heritage of the town protected and restored.

Shire of Toodyay Heritage Master Plan 2015

2.2.1 Place No.11; Catholic Church Precinct

Encourage the private owners to retain and conserve the area.

Shire of Toodyay Local Planning Strategy 2018

A key objective of the LPS is to recognise and encourage the protection of places of cultural heritage value.

Policy related:

State Planning Policy 3.5 Historic heritage conservation

6.6 Development control principles

The following development control principles should be applied in considering planning applications in relation to a place entered in a heritage list, a place or area entered in the state register, or a heritage area designated pursuant to a local planning scheme.

The weight given to heritage as a consideration will vary, depending on the degree of significance of a place or area, and relevant economic, social, or environmental factors that may apply.

Alterations, extensions or change of use affecting a heritage place

- Development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure and should involve the least possible change to the significant fabric.
- Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural style and form, materials, and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it.

Shire of Toodyay Local Planning Policy No. 20

Objectives

- To improve quality of development within the Central Toodyay Heritage Area.
- To improve the streetscape within the Central Toodyay Heritage Area.
- To ensure that development within the Central Toodyay Heritage Area occurs in a manner that complements the existing heritage buildings within Central Toodyay.
- To retain and enhance the heritage qualities within Central Toodyay.
- To facilitate quality development within the Shire of Toodyay.

The Catholic Group in Stirling Terrace comprises a group of mostly double story brick buildings and has cultural significance for the following reasons:

- It represents associations with the Sisters of Mercy, the Catholic Church and Catholic education in Toodyay since c.1863.
- The collective and individual landmark qualities of the buildings; and
- The cultural environment makes a significant contribution to the streetscape, townscape and character of Toodyay representing a significant landmark at the southern entry into Stirling Terrace.

Principles of Development

All applications within the Central Toodyay Heritage Area shall have regard to and respect the following principles of development:

- a) All development shall enhance and reinforce the historic character of the Central Toodyay Heritage Area.
- b) New construction, demolition, intrusions, or other changes that would adversely affect the setting or relationships within the Central Toodyay Heritage Area are not appropriate.
- c) Additions to heritage places must ensure that they do not visually intrude on the existing building or street context and that they are in sympathy with the character of the existing property. Additions should be distinguishable from the original building and the distinction may be subtle if desired.

Financial:

Development Application fee per *Planning and Development Regulations 2009*.

Should Council choose to refuse this application, the applicant has the right of appeal through the State Administrative Tribunal. Were this to happen, the Shire would likely have to commit additional funds to undergo this process, and there is a potential financial implication for loss of productivity due to Officer time required in dealing with such matters.

Legal and Statutory:

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Regulations 2009

Heritage Act 2018

Heritage Regulations 2019

Shire of Toodyay Local Planning Scheme No. 4

The Scheme provides the mechanism for protecting and enhancing the environment of the district, controlling land, and building development, setting aside land for future reserves and other matters authorised by the *Planning and Development Act 2005*.

Risk related:

Should Council choose to refuse the application there is a risk of a review at the State Administrative Tribunal (SAT).

Workforce related:

Should this matter be referred by the applicant to the State Administrative Tribunal, significant Officer time will be required.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council, pursuant to clause 68(2)(b) of the deemed provisions for local planning schemes, approves the application for Development Approval for an outbuilding/carport and external window changes at Lot 3 Stirling Terrace, Toodyay, subject to the following conditions:

- (a) The development hereby permitted must be commenced within two years from the date of this decision letter.
- (b) The development hereby permitted taking place in accordance with the approved plans.
- (c) All reconstruction of brickwork and render shall be carried out in a like for like manner that matches existing materials, profiles and finishes.
- (d) A photographic archival record shall be made according to the guide.
- (e) The stormwater shall be discharged in a manner so that there is no discharge onto the adjoining properties to the satisfaction of the local government.

TOODYAY SHIRE DEVELOPMENT APPLICATION COVER LETTER REF PROPOSED EXTERNAL CHANGES
TO HOUSE AT 34 STIRLING TERRACE TOODYAY.

PLUS ADDITION OF CARPORT.

I am making application for changes to be made to the external appearance of my heritage listed home at 34 Stirling Terrace Toodyay. The proposed changes are as follows;

- Replace parlour doors at front of house leading to front verandah with a 12 pane Georgian sash window same as one in situ. This will bring back the symmetry to the home and give me additional security. Brick work and cement render will be completed to match existing window.
- Back window in kitchen area to be removed and replaced with a timber framed fixed pane window, of a smaller in size. Cement render, brick work will be done to match other side of back door. This small change will alter the kitchen inside, allowing me more bench space.

My other request is for a carport to be added to the property. This will be situated at the end of the driveway.

I have enclosed photos of the areas of the home for change and a letter from Lara Watson, Heritage Officer, detailing her input in relation to these changes.

Regards,



Cheryl-Jean

cheryljean3@hotmail.com

From: Lara Watson <lara.watson@dph.wa.gov.au>
Sent: Monday, 16 May 2022 2:44 PM
To: cheryljean3@hotmail.com
Subject: Referral DR P4125-49557 - reinstatement of window and other works to 34 Stirling Tce Toodyay

Hi Cheryl

Thank you for your email, enquiring about changes you are contemplating to your home at 34 Stirling Terrace Toodyay.

The place is entered on the State Register as part of P4125 *Roman Catholic Church Group, Toodyay* and is a two-storey Victorian Georgian style brick and iron building, known as 'The Ship', which was constructed in the c.1860s. I understand you are seeking our preliminary advice on the following works to assist your application to the decision-maker:

1. Kitchen - remove and recover ex. timber double hung sliding sash window from rear (north) wall; build up sill height of ex. opening to provide clearance internally for Kitchen bench, aligning to base of opening to top of ex. external render; install new fixed window in modified opening.
2. Sitting Room - reconstruct original double hung sliding sash window to front (south) elevation. This will involve: removal of ex. 6-panel part glazed French doors; partial infill of door opening to match original window sill height; installation of ex. timber sliding sash window recovered from Kitchen north wall.

I've had quick look at the Heritage Council's assessment documentation and the Conservation Management Plan (*Avondown Centre, Toodyay Conservation Plan*, Gavan Reilly Architect with Helen Burgess, Historian, May 2003) and can advise that in principle the changes seem supportable subject to the following comments:

- It is noted that the window you are proposing to relocate from the Kitchen to the Sitting Room is currently fitted with single pane sashes, which differ from the 6-pane sashes to the existing Kitchen front window. It would be preferable for the reconstructed Sitting Room window to match the original 6-pane sash configuration evidenced in the existing Kitchen front window. Perhaps the sashes can be modified to meet this requirement?
- The new fixed window on the north side should preferably be of timber construction so as to be compatible with other existing windows on the building.
- Masonry and rendered surfaces should be made good to match existing.
- It would also be useful to make an archival record of the existing French doors and rear window prior to undertaking the works.

Please note that these comments are based on an a preliminary assessment of the proposal's impact on P4125 *Roman Catholic Church Group, Toodyay* and are given from a heritage perspective to assist your application to the decision-maker.

These comments do not replace the need for any required approvals from the decision-maker.

If I can be of any further assistance, please contact me via phone or email.

Kindest regards

Lara Watson | Principal Heritage Officer | Heritage Services
140 William Street, Perth WA 6000
6552 4023
www.dph.wa.gov.au

WESTERN



AUSTRALIA

3/DP415396

DUPLICATE
EDITION
1DATE DUPLICATE ISSUED
5/5/2021

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 4001 FOLIO 912

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 3 ON DEPOSITED PLAN 415396

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

CHERYL JEAN OF 11 DUNSFOLD STREET BUTLER WA 6036

(T 0936960) REGISTERED 10/11/2021

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. *O687046 NOTIFICATION. HERITAGE ACT 2018. AS TO PORTION ONLY - SEE DEPOSITED PLAN 415396. LODGED 30/3/2021.
2. EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR SEWERAGE PURPOSES TO WATER CORPORATION - SEE DEPOSITED PLAN 415396

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP415396
PREVIOUS TITLE: 1729-310
PROPERTY STREET ADDRESS: 34 STIRLING TCE, TOODYAY.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF TOODYAY

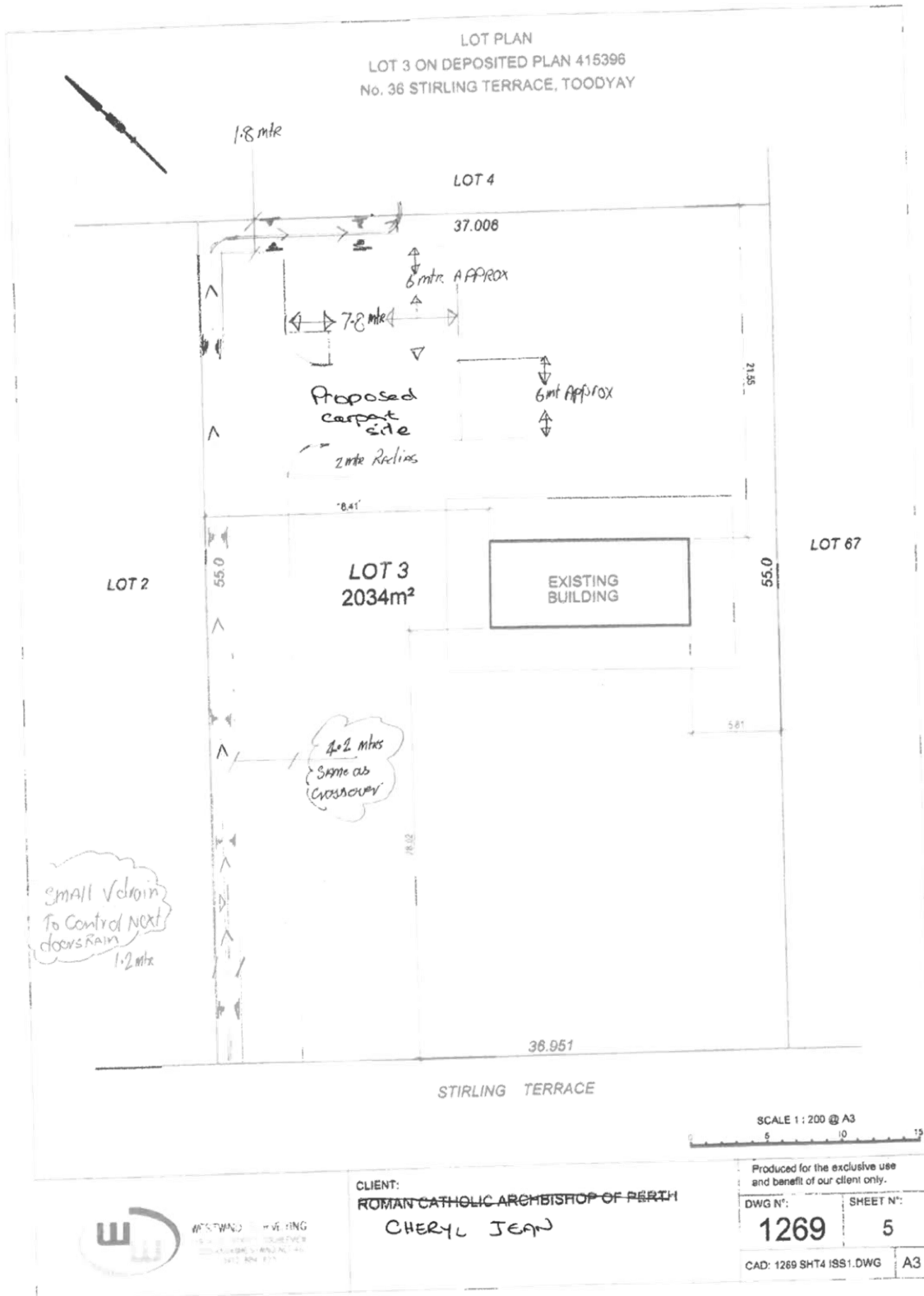
NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING
O936960

LANDGATE COPY OF ORIGINAL NOT TO SCALE 09/03/2022 11:37 AM Request number: 63296133



Landgate

www.landgate.wa.gov.au



**PROPOSED CARPORT/SHED
FOR C. JEAN
LOT 3 - 34 STIRLING TERRACE
TOODYAY**

Engineer certified
copy.



AVON VALLEY DESIGN & DRAFTING SERVICE ©

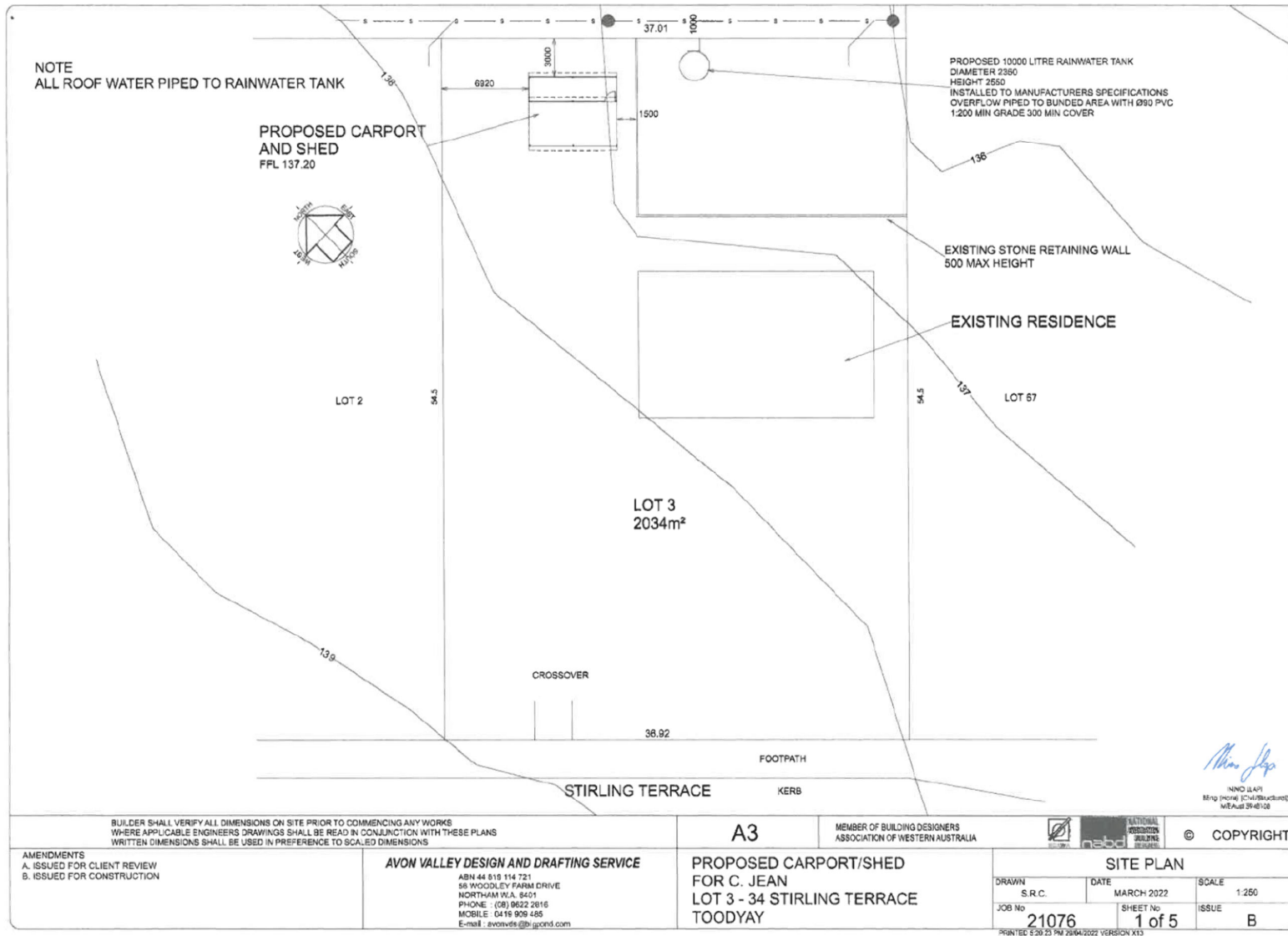
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NORTHAM W.A. 6401**

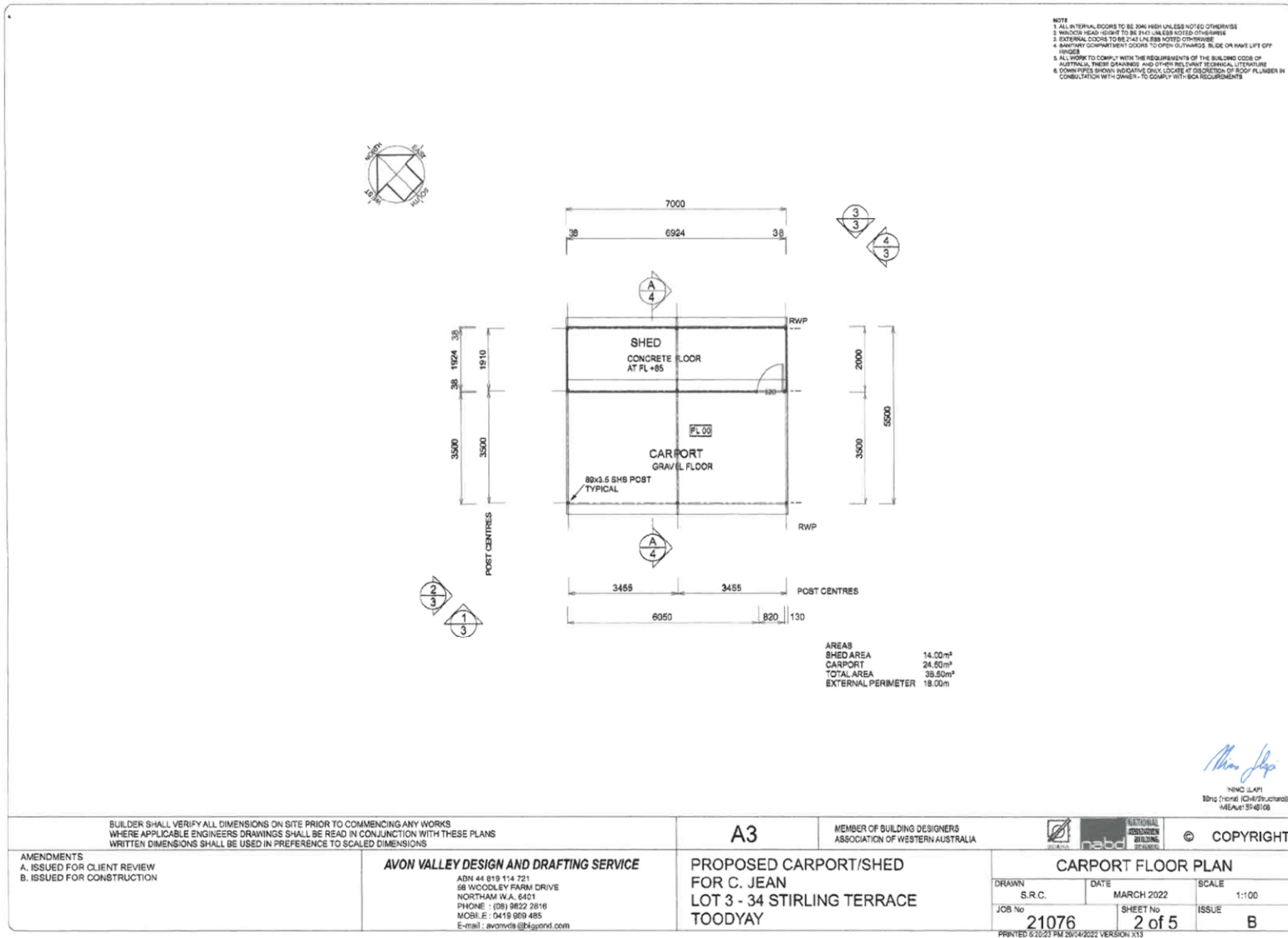
Phone (08) 9622 2816 Mobile 0419 909 485

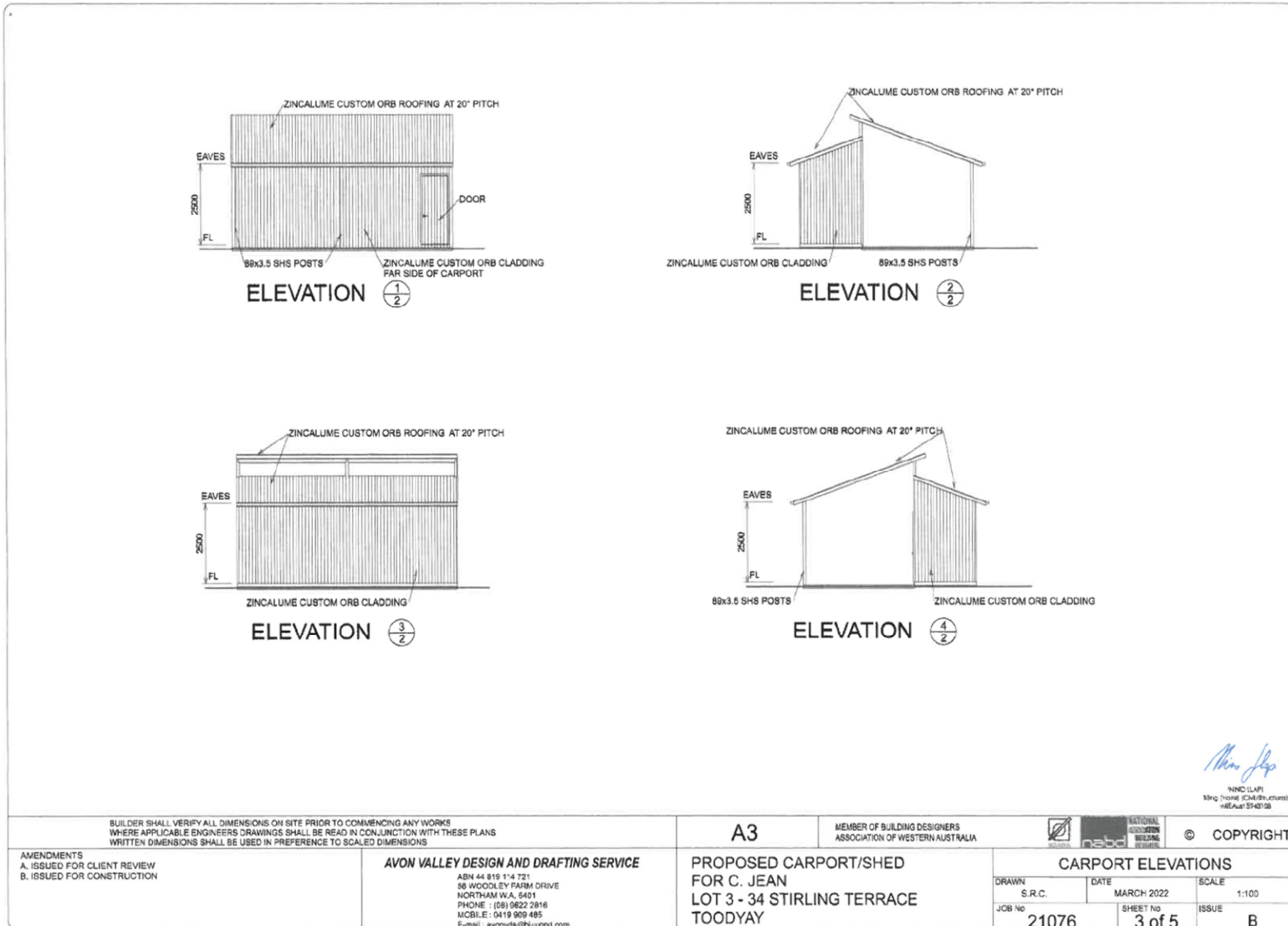


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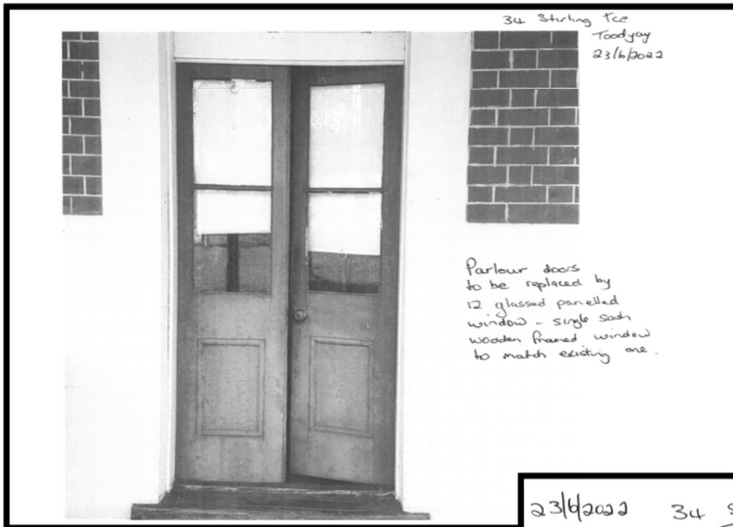
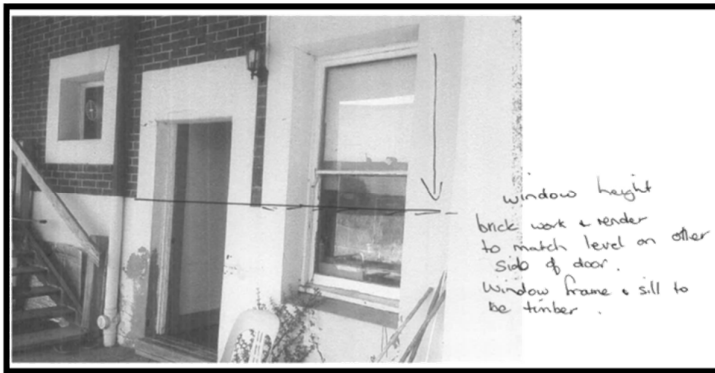


23/6/2022
34 Stirling Tce
Toodyay.

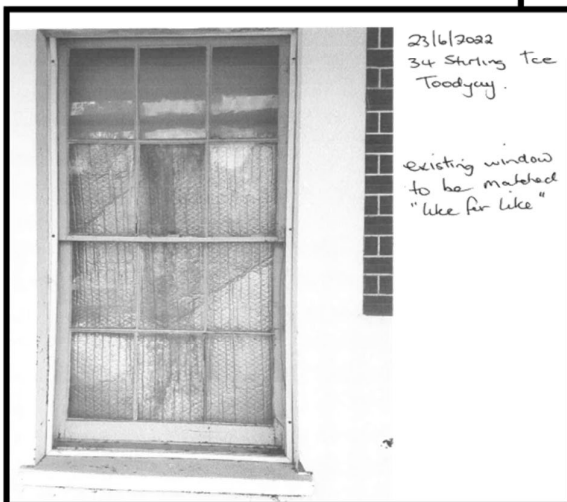
Picture showing front view of house.
Wanting to replace existing parlour
doors to bring back symmetry of
original structure.



to be replaced
with matching
window.



23/6/2022 34 Stirling Tce
Toodyay.



Proposed carport design.





Department of **Planning,
Lands and Heritage**

Your ref: P2202-67
Our ref: P4125/49748
Enquiries: Katie Davies (08) 6552 4638

Chief Executive Officer
Shire of Toodyay
dso@toodyay.wa.gov.au

Attention: Tobie Prater

Dear Sir

ROMAN CATHOLIC CHURCH GROUP, TOODYAY

Under the provisions of Section 73 of the *Heritage Act 2018*, the proposal as described below has been referred to the Heritage Council for its advice.

Place Number	P4125
Place Name	Roman Catholic Church Group, Toodyay
Street Address	34 Stirling Terrace
Referral date	30 June 2022
Proposal Description	Install carport and replace windows

We received the following information prepared by Cheryl Jean:

Cover Letter – Toodyay Shire Development Application – Proposed External Changes to House at 34 Stirling Terrace
Email from Lara Watson – Referral P4125-49557- reinstatement of window and other works to 34 Stirling Terrace Toodyay
Lot Plan
Proposed Carport/Shed – Site Plan
Proposed Carport/Shed – Floor Plan
Proposed Carport/Shed – Elevations
Proposed Carport/Shed – Sections & Details
Proposed Carport/Shed – Electrical Plan
Annotated Images of 34 Stirling Terrace Toodyay 1-5

The proposal has been considered in the context of the identified cultural heritage significance of *Roman Catholic Church Group* and the following advice is given:

Findings

- *Roman Catholic Church Group, Toodyay*, comprising 'The Ship' (fmr Residence, c.1860s, 1902, 1986-87), a two storey Victorian Georgian style brick and shingle (covered with corrugated iron) building; Mercy House Convent School (1903), a two storey Federation Queen Anne style brick and tile building with associated outbuildings, (construction dates

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wa.gov.au

unknown), including a Kitchen, Laundry, and Boiler Room; St Aloysius House (1921), a two storey Federation Arts and Crafts style building; O'Connor House (1928-29, 1939), a single storey Inter war Georgian Revival style brick and corrugated iron building; and St John the Baptist Church (1963), a Late Twentieth Century Ecclesiastical brick and tile church; all set in an open site adjacent to the Avon River, has cultural heritage significance is an excellent representative example of a purpose built complex of religious buildings.

- The proposal is for the onsite addition of a carport/shed and water tank, as well as window modifications to the residential building, known as 'The Ship', that is part of *Roman Catholic Church Group, Toodyay*.
- The proposed carport/shed and water tank are freestanding independent structures that are set to the rear of the site and will not dominate the significant residential building.
- The proposed modifications to the parlour window will reinstate the original feature of a twelve paned timber sash window. It will also reinstate the rendered brickwork and match the existing adjacent window like for like.
- The proposed modifications for the rear kitchen window will replace the existing with a new smaller timber sash window and increase the height of the rendered brick sill to match the height of the existing render line.
- Overall, the proposed additions and external window modifications will not negatively impact the heritage significance of *Roman Catholic Church Group, Toodyay*.

Advice

The proposal, in accordance with the plans submitted, is supported subject to the following condition:

1. All reconstruction of brickwork and render shall be carried out in a like for like manner that matches existing materials, profiles and finishes.

Please be reminded that you are required under r.42(3) of the *Heritage Regulations 2019* to provide us with a copy of the Council determination within 10 days after making the decision.

Should you have any queries regarding this advice please contact Katie Davies at katie.davies@dplh.wa.gov.au or on 6552 4638.

Yours faithfully



Adelyn Siew
Director
Historic Heritage Conservation

27 July 2022

cc: Cheryl Jean, cheryljean3@hotmail.com