

**CITY OF SUBIACO**  
**LOCAL PLANNING POLICY 3.4**

**DEVELOPMENT GUIDELINES FOR RESIDENTIAL HERITAGE AREAS**

**ADOPTION DATE:** 26 November 2013  
**REVIEW DATE:** 27 June 2017, 23 March 2021

**AUTHORITY**

- **City of Subiaco Local Planning Scheme No. 5**
- **Planning And Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)**

**STATUTORY BACKGROUND**

This local planning policy is made pursuant to Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* relating to local planning policies.

The policy applies to properties located in residential heritage areas designated under clause 9 of the Deemed Provisions of the LPS Regulations. These properties are also subject to development requirements contained within Local Planning Scheme No. 5, State Planning Policy 3.1 and other Local Planning Policies.

Clause 12 of the Deemed Provisions of the LPS Regulations, permits Council to vary any site or development requirement within Local Planning Scheme No. 5 to facilitate a positive heritage outcome. Local Planning Policy 3.3 – Exercising Discretion under Clause 12 of the Deemed Provisions provides guidance on the submission, assessment and determination of applications for development approval where the local government may exercise its discretion under Clause 12 of the Deemed Provisions.

The requirements within this policy augment those of State Planning Policy 3.1 ‘Residential Design Codes’ in order to ensure consistency between State and Local Planning Policy approaches in conserving the character and amenity of the Policy Area.

The provisions of the relevant precinct policy still apply to development within a heritage area, however should there be any inconsistencies between the provisions of this policy and:

- (i) The Residential Design Codes, the provisions of this policy prevail;
- (ii) Other local planning policies, the provisions of this policy prevail; and
- (iii) The relevant heritage area policy specific to that area, then the provisions of the relevant heritage area policy prevail.

**PURPOSE**

- (i) To ensure that the preparation and assessment of applications for planning approval for the development of properties within heritage areas achieve the objectives of this Policy in an accountable, comparable and consistent manner;

- (ii) To provide guidance to landowners and the City of Subiaco in preparing and assessing applications for planning approval in heritage areas;
- (iii) To ensure that the heritage places that contribute to the domestic scale and architectural character of heritage areas are retained and that, where adaptations or extensions are necessary to ensure their ongoing sustainability, development is innovative and contemporary and does not reduce the heritage value of the places or their contribution to the heritage significance and traditional streetscape character of the heritage area; and
- (iv) To provide development requirements for residential development within heritage areas.

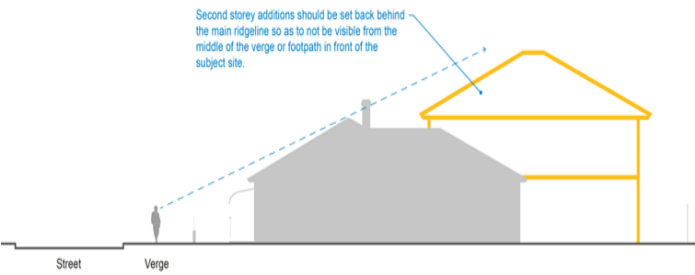
**OBJECTIVES**

- (i) To conserve existing buildings identified as making a considerable or some contribution to the heritage significance and traditional streetscape character of a designated heritage area;
- (ii) To encourage innovative and contemporary new building developments, and alterations and additions to existing buildings, that are in harmony with, and maintain the integrity of, the heritage area’s cultural heritage significance, its established character and visual amenity; and
- (iii) To conserve and enhance the cultural heritage significance and character of heritage areas.

**DEFINITIONS**

The following terms are defined for the purpose of this policy:

<p><b><i>Contributory Building</i></b></p>	<p>Are those places within a heritage area that are identified as making ‘considerable’ or ‘some’ contribution to the heritage values of the area.</p> <p>For further information, refer to the respective Heritage Area Policy and Local Planning Policy 3.2 ‘Assessment of Cultural Heritage Significance’.</p>
<p><b><i>Line of sight</i></b></p>	<p>Line of sight is calculated 1 metre from outside the property boundary with an ‘eye line’ height of 1.65 metres as illustrated by the following figure:</p> <p>Figure 1: Line of sight</p>

	 <p>Notes:</p> <ul style="list-style-type: none"> <li>• The line of sight is measured from the ridgeline of the ground floor of the dwelling.</li> <li>• The line of sight will vary depending on the wall height, roof pitch and overall height of the dwelling.</li> <li>• The line of sight is generally measured from the middle of the street boundary, however this may vary depending on the dwelling design.</li> <li>• An upper floor may still be located within the line of sight, although part(s) of the upper floor may be visible from the street. For example, due to design factors such as width, roof form and pitch, an upper floor may be visible to either side of the ground floor ridge.</li> </ul>
<b>Nearby Contributory Buildings</b>	Includes any contributory places on the five lots on either side of the proposed development, on both sides of the street that the subject building is oriented towards. More significance will be given to development in the immediate locality (that is closer to the proposed development).
<b>Public Streetscape</b>	In the context of this policy streetscape means the total visual impression gained from any one location within a street including the natural and man-made elements. It is made up of the appearance of, and the relationships between, the buildings (in terms of design, scale, materials, colours, finishes), signs, street furniture, roads, footpaths, verges and landscaping.
<b>Significant Fabric</b>	In this context significant fabric means those parts of a contributory place (including building fabric, landscape elements and fencing) that contribute to the heritage significance and heritage character of the place within its streetscape setting (i.e. as visible from the public realm).

## Works not Requiring Development Approval

Development approval is not required for:

- Normal maintenance and internal alterations provided the works do not adversely affect the **significant fabric** of the place.
- Repair works where original fabric is being replaced 'like for like' or, in cases where the material being replaced is not readily available, the use of an equivalent building material that has a similar appearance to the original.

As an example, works that would have an adverse impact on a principal façade include painting or rendering previously unpainted face brickwork; replacing deteriorated timber window frames with new steel framed windows; or installing pvc downpipes.

For further information regarding all works that do not require development approval, refer to Local Planning Policy 1.8 'Development Approval Exemptions'.

## **Assistance**

Owners of places located within a heritage area can obtain complimentary professional architectural and conservation advice through the City of Subiaco's Heritage Advisory Service. This will help ensure that specific proposals meet all the relevant heritage conservation requirements of this policy.

Council is able to vary any site or development requirement within Local Planning Scheme No. 5 (including the Residential Design Codes) to enhance or preserve heritage values in a heritage area.

The fee required for the submission of a development application for works that would normally be exempt from the need for approval may be waived at the discretion of the Local Government in accordance with Local Planning Policy 1.2 'Refunding and Waiving Planning Fees'.

## **Development Application Requirements**

The information required by the City of Subiaco to accompany a Development Application is set out in Schedule 2, Part 8, Clause 63 of the Deemed Provisions.

Property owners intending to make alterations and additions to their properties are urged to consult with the Heritage Officer at the City of Subiaco at the earliest stage of the design process.

If any individual place is also included on the City of Subiaco's Heritage List adopted under the Scheme, and/or on the State Heritage Register, other specific requirements may apply (please check with the Heritage Officer at the City of Subiaco for details).

## **POLICY**

### **1.0 Development Guidelines**

The following guidelines:

- a) Relate specifically to the parts of each place that directly contribute to the **public**

**streetscape;**

- b) Are primarily concerned with the conservation of the **significant fabric** and its setting; and
- c) Need to be considered on a case-by-case basis in order to develop innovative solutions that achieve a reasonable degree of development, while still protecting key heritage features and elements as part of a wider community benefit (including, perhaps most importantly, other local residents who have invested in the heritage area at least in part because of its heritage character). In accordance with *Clause 12 of the Deemed Provisions*, this may include the use of discretion by the Council to apply variations to standards for the purpose of achieving development without adversely impacting on heritage values.

Other development constraints, such as small lot size or limited opportunities for under-cover off-street parking, will not be accepted as a justification for variation of these guidelines, if such variation is to the detriment of the heritage significance or traditional streetscape character of the heritage area.

## **2.0 Development Pattern (Lot Subdivision or Amalgamation)**

The significance of the heritage area, and of the individual contributory places, relies in part on the original setting and context of each building, inclusive of the pattern of development along the street. Further subdivision or amalgamation will not generally be supported by the Council unless it is satisfied that:

- a) The proposal will not adversely impact on the **significant fabric** or setting of any contributory place.
- b) The proposal will not adversely impact on the heritage significance of the heritage area or the heritage character of the streetscape.
- c) The proposal will reflect the traditional patterns and proportions of the existing lots in the heritage area.
- d) Any proposed demolition of existing building(s) is consistent with the guidelines for demolition in this Planning Policy.
- e) Any lot that is created is capable of being developed in a manner that is compatible with the key features/elements of the heritage area (inclusive of scale and setbacks), as identified in the Policy for the specific heritage area.
- f) Any proposed development on the subdivided/amalgamated site is consistent with the guidelines for new development in this Local Planning Policy.

## **3.0 Demolition**

In considering an application for demolition the Council shall have regard to the following:

- a) Applications for demolition of a building, or any part of a building that is visible from the street, will be required to demonstrate that the building fabric to be demolished does not contribute to the heritage significance or traditional streetscape character of the heritage area.
- b) Demolition of non-contributory buildings is permissible, however the Council may defer consideration of the application for demolition of any building that addresses the main street frontage(s) until there is a planning approval granted for a new building that complies with this Planning Policy.
- c) If it is considered that it is not reasonable to retain the building or that it is unsafe for occupation, the Council may consider demolition approval of a contributory building

on the grounds of structural inadequacy, as demonstrated by structural condition assessment (prepared by a qualified structural engineer).

- d) If there is evidence that structural inadequacy is a result of a long-term lack of maintenance (otherwise known as demolition by neglect), reconstruction to a known earlier state may be required.

An archival record, prepared in accordance with Council's Guidelines for Preparing Archival Records, will be required as a condition of planning approval when approval has been given for the complete or partial demolition, of a contributory building. Council's Guidelines for Preparing Archival Records can be obtained on the City's website or provided on request.

It is strongly recommended that where demolition of all or part of a building is contemplated, the applicant liaise with the City in the first instance to discuss the heritage implications.

## **4.0 Contributory Buildings – Alterations and Additions**

### **4.1 Alterations to Contributory Buildings**

Alterations should not remove, change or obscure original materials or detailing (except as part of required conservation works). This includes, but is not limited to, works impacting on roof form, materials and details; wall finishes and details; verandahs and verandah details; windows and window openings; and doors and door openings.

Alterations should not introduce new 'heritage' detailing that is inconsistent with the style of the building and/or the physical or documentary evidence, as this distorts an understanding of the original character and design of the place.

With the above in mind, in considering an application for alterations to **contributory buildings**, the Council shall have due regard to the following:

- a) Where it can be demonstrated that original fabric has been previously removed or unsympathetically altered, restoration/reconstruction of the street front facades to their original form and detailing is strongly encouraged, where practical. This should be based on evidence such as remaining traces of earlier fabric and old photographs, or by direct comparison with the original fabric remaining to other places of the same age, style, scale and level of detail.
- b) If the **significant fabric** has deteriorated to the point where it requires replacement, the use of 'like for like' materials and detailing is strongly encouraged. However, the introduction of alternative materials and techniques that have a similar appearance to the original may also be acceptable, provided the new fabric will not adversely impact on the streetscape character of the place.

### **4.2 Additions – General Design Issues**

- a) When proposing additions to contributory buildings, particular consideration must be given to the original:
  - Plan form;
  - Height of the wall plate;
  - Proportions of door and window openings;
  - Roof form and pitch;

- Width and style of eaves overhangs;
  - Balance of walls to openings;
  - Balance of different materials and colours: and
  - Presentation to the Primary Street and where applicable, the Secondary Street.
- b) Additions should be carefully designed to:
- a. Respect the scale, massing and proportions of the existing building and its key design elements;
  - b. Involve the least possible alteration to the **significant fabric**, and not remove or obscure significant elements/details;
  - c. Enable the design and scale of the original building to be readily understood; and
  - d. Ensure the original part of the building remains the prominent element in streetscape views.
- c) In terms of the detailing, materials and finishes, additions to the rear of **contributory buildings** that are not visible from a secondary street frontage may be in the same general style as the existing building or designed in an openly contemporary, but still sympathetic, manner.
- d) Additions fronting secondary streets can have a considerable visual impact upon a heritage area. In such cases the preferred approach is for additions to be designed in the same general style as the existing building. This can be achieved by responding to the architectural characteristics of the original building, particularly the roof form and materials used.

### 4.3 Additions – Location and Scale

In considering the location and scale of additions to **contributory buildings**, the following criteria must be adhered to:

#### 4.3.1 Front Setback

- a) No additions are permitted within the front setback of the existing building, unless it can be clearly demonstrated that the new structure will not:
- Dominate the contributory building;
  - Obscure streetscape views of the building (or an adjacent contributory building);
  - Obscure views or access to the main entrance to the building;
  - Adversely impact on the heritage character of the heritage area.

#### 4.3.2 Additions to the Side

- a) Additions to the side of the house should be set back not less than 1.2m from any existing front wall of the building.  
In considering a reduced setback, justification is required to demonstrate that the new structure will not:
- Obscure an understanding of the scale/design/setting of the original building; and
  - Adversely impact on streetscape views of the building (or an adjacent contributory building).
- b) Single storey, rear additions are preferred.

#### 4.3.3 Secondary Street Additions

Additions fronting secondary streets can have a considerable impact upon the associated streetscape for that heritage area. To reduce the impact of these additions, the following criteria must be adhered to:

- a) Single storey additions located in view of a secondary street frontage must be set back a minimum of 1.5m from the secondary street; and
- b) Second storey additions must be setback a minimum of 1.0 metres from the wall of the ground floor façade that faces the secondary street.

#### 4.3.4 Upper Floor Additions

- a) Loft additions may be constructed where there is sufficient space within the existing roof, or where the alterations to the roofline will be largely concealed from view of the street.
- b) Second storey additions over the main roof line of the original building (excluding rear wings or skillion additions), or to the side of the main part of the house, will not be supported.
- c) *Second storey additions should be set back behind the main ridgeline and contained behind the **line of sight** so as not to be visible from the street in front of the subject site.*

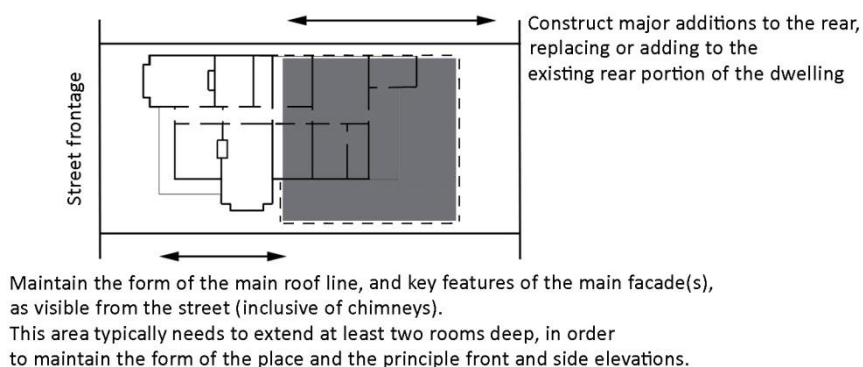


Figure 2: General location for additions and alterations to the original external fabric (indicative sketch only, not to scale)

## 5.0 Non-Contributory Buildings – Alterations and Additions

Alterations and additions to non-contributory buildings present an opportunity for innovative new works, which harmonise with and are sympathetic to the contributory buildings within the heritage area, without falsely mimicking heritage detailing.

### 5.1 General

- a) Where the place was constructed in the period during which the majority of contributory buildings were erected, but has been extensively altered over time, alterations to the existing fabric may aim to return the place towards a known earlier state. As far as possible, this should be based on evidence such as remaining traces of earlier fabric, old photographs, or comparison with other places of the same age, style and level of detail. Such works should comply with the guidelines for alterations and additions to contributory buildings (Clauses 4.1 and 4.2).
- b) Alternatively, new works may aim to modernise the place in a sympathetic manner by applying the guidelines for new building development in Clause 7.



## **5.2 Corner Lots**

- a) Single storey additions located in view of a secondary street frontage must be set back a minimum of 1.5m from the secondary street;
- b) Second storey additions must be setback a minimum of 1.0 metres from the wall of the ground floor façade that faces the secondary street;
- c) Additions that are visible from the secondary street can have considerable visual impact upon a heritage area therefore additions should be designed to respect and harmonise with nearby contributory buildings. This can be achieved by responding to the architectural characteristics of nearby contributory buildings, particularly the roof form and materials used.

## **6.0 Off Street Parking for Existing Buildings**

Specific requirements for the setback and design of carports and garages, and vehicle access within a heritage area include:

### **6.1 Garages and Carports**

- a) Where practical, garages and carports are to be located to the rear of dwellings and access must be from the rear or side lanes.
- b) Where this cannot be reasonably achieved garages and carports accessed from the street are to be set a minimum of 1.2m behind the original front wall of the building. Where the main façade steps back from the street, the 1.2m is to be measured from the front wall closest to the new garage.
- c) Carports are not generally permitted forward of the main facade (as per the guidelines for additions and new buildings).
- d) Any new garages or carports visible from the street frontage(s) of existing buildings shall be designed as secondary elements that do not obscure views of the building or negatively impact on streetscape views.

### **6.2 Hardstand and Driveways**

- a) When considering vehicle access from the primary or secondary street, there is to be a maximum of one, single width crossover per lot.
- b) A single-width hardstand for car parking may be permitted forward of the primary building line, if this provides the only opportunity to meet off-street parking requirements and/or supports an overall heritage outcome for the place.
- c) Any new driveways and hardstands off the street shall be designed to minimise the visual and physical impact on the setting of the contributory buildings and the streetscape.

Where the Council is satisfied that car parking cannot physically be provided off a rear or side right-of-way, and the required amount of on-site parking cannot be provided without adversely impacting on the heritage values of the heritage area, the Council may approve a variation to Design Element 5.3.3 of the Residential Design Codes (on-site parking requirements) in order to achieve a positive heritage outcome that is consistent with this Planning Policy.

## **7.0 New Building Development**

The construction of a new building will only be considered where the guidelines for development pattern and demolition have been met contained within Clauses 2 and 3 above.

Where appropriate opportunities exist for the development of a new building, innovative solutions are encouraged, subject to the following broad guidelines.

### 7.1 General Design Issues

- a) Any new buildings must respect and harmonise with **nearby contributory places**, without falsely mimicking heritage detailing. Contemporary designs should respond to, and interpret, the articulation and detail of nearby contributory buildings in a modern, innovative and sympathetic way, without mimicking these buildings. This requires careful attention to design aspects such as roof pitch and form, eaves overhang, street front plan form, location of main entries, front verandahs, window and door proportions and configuration, materials and colours.
- b) 'Faux' or 'mock' heritage designs and applied 'heritage' detailing detract from an understanding and appreciation of the original buildings and will not be supported.
- c) In the event that demolition of a contributory building is supported under Clause 3 (or the place is destroyed by fire or another unanticipated event), reconstruction of the facade and roof to a known earlier state (as visible from the street) may be required if the place is a key element of the streetscape and/or part of a larger complex, such as a duplex.

### 7.2 Orientation and Development Pattern

- a) The orientation of new buildings must match the traditional orientation of contributory buildings along the street.
- b) Development on corner blocks is to respect the traditional pattern of development and streetscape character of both frontages.

### 7.3 Setbacks and Orientation

- a) New buildings shall be constructed with setbacks from the front boundaries similar to the typical setbacks of **nearby contributory places**. For the purposes of determining the front setback of a new building, the average front setbacks of **nearby contributory places** shall be calculated.
- b) A new building should not be built forward of an adjacent **contributory building**. When considering the front setback of a new building forward of an adjacent contributory building, the City will require justification to demonstrate that this will not adversely impact on the heritage or streetscape values of the heritage area and/or its component parts.
- c) Where applicable, the ground floor of new buildings shall be constructed with a minimum setback of 1.5 metres from the secondary street.
- d) For the extent that side boundaries are clearly visible from the street, they should be similar to the typical setbacks for **nearby contributory places** on blocks of a similar size. For the purposes of determining the side setback of a new building, the average side setbacks of nearby contributory places shall be calculated.

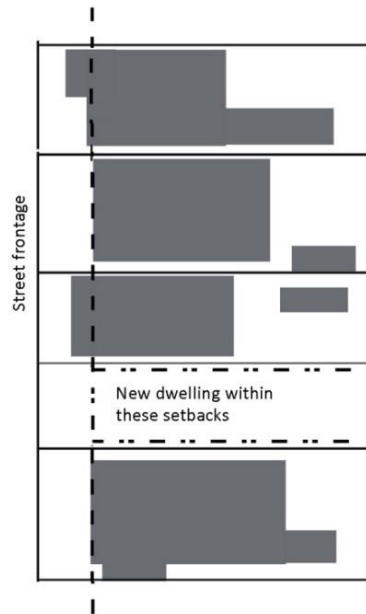


Figure 3: Setbacks for New Buildings (indicative sketch only, not to scale)

#### 7.4 Scale and Form

- a) Buildings that present as two storeys to the primary street frontage and where applicable, the secondary street frontage will not be permitted.
- b) In considering the scale and form of new buildings, the City will consider the new building as viewed from the street frontage(s). New buildings should be of similar form, bulk, scale, proportions, height and level of articulation as the contributory buildings in the Heritage Area. In particular, the manner in which articulation is used, and the height, size and shape of the roof, are key elements that can help a contemporary building blend into a heritage streetscape.
- c) Where applicable, the upper floor of a new building should be setback a minimum of 1.0 metre from the wall of the ground floor façade that faces the secondary street.
- d) New buildings can have a two storey section at the rear, provided the two storey section is set back from the main ridgeline so as not to be visible within the **line of sight**.



Within this general design envelope, articulation and detailing will need careful attention for a successful outcome.

Figure 4: Example of a broad design envelope for a new building. Two storey wings can be included at the rear, provided these are not visible from the street in front of the house.

#### 7.5 Off Street Parking

Where practical, garages and carports are to be located to the rear of dwellings and

access must be from the rear or side lanes.

Where this cannot be reasonably achieved, garages or carports should be set back from the main frontage of the building by at least 1.2m and comprise no more than 33% of the frontage.

## **8.0 Street Fences**

The treatment of street fences and of the return boundaries (back to the front walls of the building) has a major impact on the streetscape character of a heritage area.

### **8.1 Street Fence Height**

- a) High masonry walls, high solid infill panels and horizontal boarding will not be supported.
- b) Fence panels shall not exceed 1.2m above footpath level, with up to 1.5m permitted for the capping of slender posts. The main panels of masonry walls should be limited to around 600mm above footpath level.
- c) Visual permeability requirements where driveways are adjacent to front fences shall be in accordance with Element 5.2.5 of the Residential Design Codes.

### **8.2 Street Fence Design and Materials**

- a) Street fencing is required where this has been a traditional development characteristic of the streetscape.
- b) All new fences shall be designed to complement the style of the existing building and the traditional streetscape character.
- c) New fences should be designed to retain clear public views to the front of each house and open streetscape views.
- d) Fences in traditional styles (appropriate to the age, style and scale of the building) are preferred for contributory buildings.
- e) Large masonry posts will only be acceptable where used for traditional fence styles to the street frontage of a large house on a wide block.

## **9.0 Incidental Development**

Specific requirements for incidental development include:

- a) Any new rainwater tanks, climate control systems or other modern services are to be installed in locations that are not intrusive in public views to the place except in regards to the following:
  - i. Solar Panels  
Solar panels visible from the primary street are permitted on north facing dwellings as long as the system is mounted in a way that does not require the removal of, or unduly damage, any significant fabric. Any fixing holes etc. should be able to be satisfactorily repaired when the system is removed at a future date.
- b) Service meters and other related infrastructure must be placed in a location that is not readily visible from the street.

For further information regarding works that do not require development approval, refer to Planning Policy 7.7 'Development Approval Exemptions'.

## **10.0 Public Realm**

The public realm (comprising the roadways, lanes, footpaths, verges, gutters, street trees, street lighting etc) makes an important contribution to the cultural heritage values of the Heritage Area. The Subiaco Streetscape Plan for Conservation Areas gives consideration to this.

Maintaining these areas in a good condition, conserving any identified heritage elements and ensuring that all new works are compatible with the heritage values of the heritage area, are important conservation measures. All private proposals for changes to the verge area must be submitted to the City for approval.