

**POLICY NO: 7.5.15**

## **CHARACTER RETENTION AREAS**

### **PART 1 – PRELIMINARY**

#### **POLICY DEVELOPMENT**

This Policy has been prepared under the provisions of Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### **PURPOSE & APPLICATION**

The purpose of this Policy is to:

1. Establish a framework to identify areas within the City of Vincent that contain characteristics that are valued by the community; and
2. Provide guidance on development in identified Character Retention Areas.

This Policy applies to:

1. The preparation and/or amendment of local planning policies for the purpose of Character Retention Areas; and
2. All development applications within the identified Character Retention Areas.

#### **POLICY OBJECTIVES**

1. To identify areas within the City that contain characteristics valued by the community to be known as Character Retention Areas;
2. To establish a planning and design framework to protect the streetscapes located within Character Retention Areas;
3. To ensure that new buildings, including additions to existing buildings will be sympathetic to the unique character of the streetscape; and
4. To distinguish between buildings within each Character Retention Area that contribute to the integrity of the streetscape and those which do not.

#### **RELATIONSHIP TO OTHER DOCUMENTS**

This Local Planning Policy forms part of the City of Vincent local planning policy framework. Where this Policy is inconsistent with the City's local planning scheme, the local planning scheme prevails. Where this Policy is inconsistent with an adopted Local Development Plan, Activity Centre Plan or Structure Plan, the adopted Local Development Plan, Activity Centre Plan or Structure Plan prevails.

Where this Policy is inconsistent with the provisions of the Residential Design Codes the provisions of this Policy shall prevail.

Where this Policy is inconsistent with the provisions of another local planning policy the provisions of this Policy shall prevail.

## APPLICATION OF POLICY & DEVELOPMENT STANDARDS

### 1. Application

- 1.1. Part 2 Policy Provisions apply to the preparation and/or amendment of local planning policies for the purpose of Character Retention Areas pursuant Schedule 2, Part 2, Clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 1.2. Appendix 1 of this Policy applies to applications for development in the St Albans Avenue Character Retention Area identified on Figure 1 and in Table 1 in Appendix 1.
- 1.3. Appendix 2 of this Policy applies to applications for development in the Harley Street Character Retention Area identified on Figure 2 in Appendix 2.

### 2. Development Standards

- 2.1. The decision maker shall not refuse to grant approval to an application where the application satisfies the Deemed To Comply provisions of this Policy and the relevant provisions of the scheme and any relevant local planning policy.
- 2.2. Applications for development that seek departure from the 'Deemed To Comply' policy provisions may be deemed to be acceptable where:
  - 2.2.1. The applicant applies for assessment against the relevant Design Objectives, Character Objectives, Local Housing Objectives, Policy Objectives and Objectives of the local planning scheme;
  - 2.2.2. The applicant provides adequate justification against those Design Objectives, Character Objectives, Local Housing Objectives, Policy Objectives and Objectives of the local planning scheme; and
  - 2.2.3. The applicant obtains the support of the City's Design Advisory Committee.
- 2.3. The City will assess and determine at its discretion that the same or better outcome will be achieved than would have been provided by the 'Deemed to Comply' criteria.
- 2.4. Applications for development shall include a contextual elevation showing the elevation of the proposed development and the existing development on the adjoining properties either side pursuant to Schedule 2, Part 8, Clause 63(1)(d) *Planning and Development (Local Planning Schemes) Regulations 2015*.

## PART 2 – POLICY PROVISIONS

### **1. Character Retention Area Nomination**

- 1.1 A Character Retention Area may include the following:
  - 1.1.1 A collection of no less than five adjoining buildings;
  - 1.1.2 A street block; or
  - 1.1.3 A part of, or whole suburb.
- 1.2 A Character Retention Area may be nominated in writing by a member of the public or by the City.
- 1.3 The City will only proceed with the nomination of the Character Retention Area where it is demonstrated by the nominee that at least 40% of the owners of the affected properties support proceeding with the nomination.

### **2. Consultation and Preparation of Guidelines**

- 2.1 Following the successful nomination of a Character Retention Area, all owners of the affected properties will be notified of the intention to proceed with the nomination.
- 2.2 The City will invite all owners of the affected properties to attend a facilitated workshop to:
  - 2.2.1 Discuss what the prevailing character of the area is and how it can best be protected;
  - 2.2.2 Agree which buildings contribute to the character of the area and which do not; and
  - 2.2.3 Prepare a policy framework (the Guidelines) and draft provisions to protect the identified character of the area.
- 2.3 This workshop will be held at a mutually agreed time between the City and the owners of the affected properties. This group is not a decision making authority but acts only in an advisory capacity.
- 2.4 The City may abandon the nomination at any time during this process if there is a prevailing view from the community at this meeting or at any subsequent time that it no longer wishes to proceed.

### **3. Approval of the Guidelines**

- 3.1 Once the draft Guidelines have been prepared, Administration will request that Council initiate formal consultation in accordance with the City's community consultation policy.
- 3.2 Following advertising, Council will be asked to approve, refuse or approve with modifications the Guidelines to be included as an appendix to this policy based on the submissions received.

### **4. Amendments to the Guidelines**

- 4.1 The City may consider amending the Character Retention Area Guidelines where it can be demonstrated that at least 40% of the owners of the affected properties support the amendment(s).
- 4.2 Council must initiate formal consultation to advertise any amendment(s) in accordance with the City's community consultation policy.
- 4.3 Following advertising, Council will be asked to determine the amendment(s) on the basis of the submissions received.

**5. Rescission of a Character Retention Area**

- 5.1 The City will only consider initiating the removal of a Character Retention Area where it can be demonstrated that at least 60% of the owners of the affected properties support their removal.
- 5.2 If supported, Council must initiate formal consultation to amend the policy to remove the Character Retention Area in accordance with the City's community consultation policy.
- 5.3 Following advertising, Council will be asked to determine the amendment on the basis of the submissions received.

## APPENDIX 1: ST ALBANS AVENUE GUIDELINES

*Table 1: Properties included in St Albans Avenue Character Retention Area*

	Character Retention Areas Name	Street Number of Contributing Buildings	Street Number of Non-Contributing Buildings
1.	St Albans	6, 8, 10, 12, 14, 16, 18 7, 11, 15	9, 11A, 17

St Albans Avenue is located in the suburb of Highgate, to the west of Beaufort Street. Many of the residences located within the area were part of the 1890 Chatsworth Estate development, which was a residential development resulting from the Gold Boom. Buildings constructed during this time contribute to the highly intact and visually cohesive area.

### KEY CHARACTERISTICS

- The area is a highly intact example of late nineteenth to early twentieth century residential development comprising fine examples of modest, single storey dwellings constructed in the Federation period of architecture;
- The overall form, style, height, setback and selection of materials of the character dwellings contribute to the uniformity of the streetscape, providing a coherent character with a high level of retained original detail including street facing verandahs and decorative gables;
- Generally consistent lot widths (where semi-detached residences are considered as one);
- A low number of carports or garages to street fronts; and
- Generally consistent setback of dwellings from the street.

### DESIRED DEVELOPMENT OUTCOMES

- Retention and conservation of the Federation style dwellings;
- Retention of the visual dominance of late nineteenth to early twentieth century residential development within the Area.

### 1. DEVELOPMENT GUIDELINES FOR CONTRIBUTING BUILDINGS

Design Objectives
<p><b>1.1 Demolition</b></p> <p><b>1.1.1</b> Applications for the full demolition of the façade of dwellings will not be supported.</p> <p><b>1.1.2</b> The removal of original character features from a contributing dwelling which, are visible from the street will not be supported. Where original character features have been removed from dwellings, they should be reinstated where possible.</p>

<b>Design Objectives</b>	
<b>1.2</b>	<b>Building Setbacks</b>
1.2.1	Additions to the building, will only be supported where they are located behind the building.
1.2.2	Additions to the side of the original dwelling maybe supported where the applicant can demonstrate to the satisfaction of the Council that there are no adverse impacts on the original building façade and the character of the streetscape.
1.2.3	Side setbacks variations may be supported where they are in line with the existing dwelling and is in keeping with the rhythm of the existing streetscape.
<b>1.3</b>	<b>Building Walls</b>
1.3.1	Variations to the building wall height may be supported if the proposed height is a continuation of the existing dwelling, and is in keeping with the rhythm of the existing streetscape.
<b>1.4</b>	<b>Building Height</b>
1.4.1	Where an addition proposes an additional storey, it must not exceed 1 storey above the number of storeys of the original dwelling.
1.4.2	Any additional storey must be setback sufficiently to be in keeping with the rhythm of the streetscape.
<b>1.5</b>	<b>Car Parking, Garages and Car Ports</b>
1.5.1	Carports or garages are not to be located within the front setback area. Hardstand car parking bays may be supported where it can be demonstrated that there are no visual impacts on the streetscape.
1.5.2	Car ports and garages may be supported where they are located to the side or rear of a dwelling and are set back a minimum of 500mm behind the main building line. The structure must be open or a minimum of 50% visually permeable.
<b>1.6</b>	<b>Street Walls and Fences</b>
1.6.1	Traditional fencing types as illustrated in Figure 1 (Appendix 1) are encouraged. Minor variations to the examples indicated in Figure 1 may be supported.

<b>Design Objectives</b>	
<b>1.6.2</b>	The maximum height of new fences facing the street is to be 1200mm above the adjacent footpath level.
<b>1.6.3</b>	The maximum height of any solid portion of a new fence is to be 750mm above the adjacent footpath level. The remaining portion (up to 1200mm total height) is to be a minimum of 50% visually permeable.
<b>1.7 External Features and Decorative Treatments</b>	
<b>1.7.1</b>	Original and intact unpainted surfaces are not permitted to be rendered or painted.
<b>1.7.2</b>	Removal of paint/render from originally unpainted/non-rendered masonry is supported.
<b>1.7.3</b>	Loft additions may be supported where the development is contained wholly within the roof space and where no visible change to the dwellings appearance from the street is made.
<b>1.8 Roof Works</b>	
<b>1.8.1</b>	New roofing additions must be sympathetic to the existing roof form.

**2. DEVELOPMENT GUIDELINES FOR NON-CONTRIBUTING BUILDINGS**

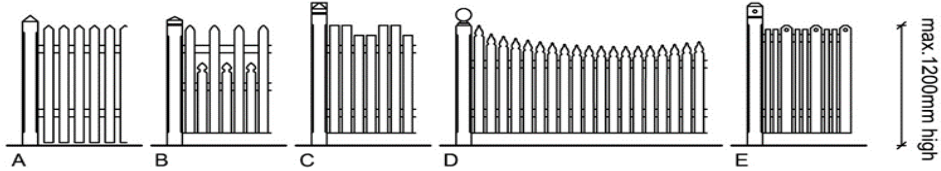
<b>Design Objectives</b>	
<b>2.1</b>	<b>Demolition</b>
2.1.1	Applications for full demolition of dwellings may be supported.
<b>2.2</b>	<b>Building Setbacks</b>
2.2.1	Setback variations may be supported where they are in line with existing dwellings on the street and is in keeping with the rhythm of the existing streetscape.
<b>2.3</b>	<b>Appearance of Additions &amp; New Dwellings</b>
2.3.1	New dwellings must address the street and be consistent with the bulk and scale of adjacent dwellings.
<b>2.4</b>	<b>Building Height</b>
2.4.1	The height of any new development shall not exceed 2 storeys.
<b>2.5</b>	<b>Street Walls and Fences</b>
2.5.1	The maximum height of new fences facing the street is to be 1200mm above the adjacent footpath level.
2.5.2	The maximum height of any solid portion of a new fence is to be 750mm above the adjacent footpath level. The remaining portion (up to 1200mm total height) is to be a minimum of 50% visually permeable.
2.5.3	The use of contemporary style fences that complement the existing streetscape will be supported.



### 3. APPROPRIATE FENCING TYPES FOR CHARACTER RETENTION AREAS

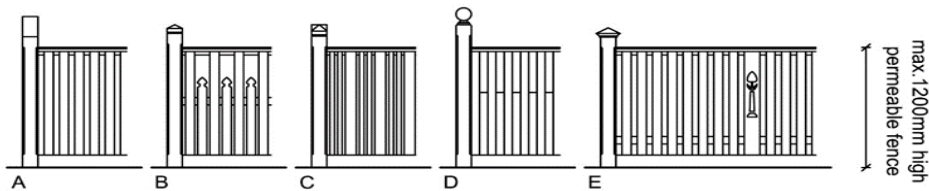
#### Open Picket Fencing Examples

- A Simple pointed picket
- B Alternating picket shape and height
- C Castellated
- D Shaped tops
- E Alternating picket width (particular example more typical of California Bungalow)



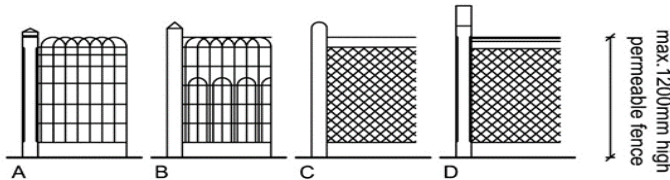
#### Closed Picket Fencing Examples

- A Simple
- B Alternating picket shape and height
- C Alternating picket width
- D Closed picket lower, open picket upper.
- E Wider picket with decorative cut out (particular example more typical of California Bungalow)

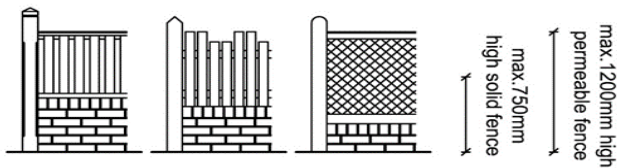


#### Wire Fencing Examples

- A&B Woven wire with timber posts and rails
- C&D Timber post, rail and cyclone wire



#### Masonry and Timber Fencing Examples



## APPENDIX 2: HARLEY STREET GUIDELINES

These guidelines are to be read in conjunction with the City's Policy 7.5.15 – Character Retention Areas.



Figure One: Harley Street Character Retention Area

### 1. PURPOSE

These guidelines have been adopted for the purpose of preserving and enhancing the established neighbourhood character and amenity of Harley Street, while allowing for new development that meets the changing needs of the community.

The guidelines:

1. Provide a comprehensive basis for the control of all development within Harley Street including new builds and additions/alterations to existing buildings;
2. Replace the deemed to comply requirements and/or provide additional deemed to comply requirements in relation to certain elements of the RCodes.

### 2. HARLEY STREET CHARACTER OBJECTIVES

- Retention and conservation of the original Federation style dwellings;
- Protection and enhancement of existing streetscape character;

- Retention of the visual dominance of late nineteenth to early twentieth century residential development;
- Additions to existing buildings and new dwellings are appropriately set back so as to maintain the visual prominence of the single storey streetscape when viewed from Harley Street;
- New development is to respond appropriately to the surrounding street context through:
  - consistent scale and bulk in relation to the original street pattern, maintaining front and side setback patterns;
  - built form that incorporates consistent physical built form elements without the requirement to mimic the style of the original character dwellings;
- The reinstatement and reconstruction of missing design elements to original building facades such a timber verandah, decorative timber gables and the removal of render from original brickwork; and site features such as landscaping and front fences;
- Maintain the absence of and promote the removal of visually intrusive car storage and vehicular crossovers to the primary streetscape; and
- Maintain an open atmosphere of street frontage by ensuring front boundary fences are low and/or visually permeable.

#### 4. DEVELOPMENT GUIDELINES FOR ALL DEVELOPMENT

Local Housing Objectives		Deemed to Comply	
<b>1.1</b>	<b>Street Setbacks</b>		
<i>Pursuant to clause 7.3.1 (b) of the R Codes, the following Local Housing Objectives augment the Design Principles in Sections 5.1.2 and 6.1.3 of the R Codes.</i>		<i>Pursuant to clause 7.3.1 (a) of the R Codes, the following provisions replace the Deemed to Comply requirements in Sections 5.1.2 and 6.1.3 of the R Codes.</i>	
O1.1.1	Development is to be appropriately located on site to maintain the existing streetscape character.	C1.1.1	Ground floor street setbacks to be an average of the two directly adjoining properties on either side of the proposed development.
O1.1.2	Upper storey additions are to be adequately setback to as to maintain the predominant single storey scale of the streetscape.	C1.1.2	Upper floor setbacks are not to be located within 10 meters of the front boundary in the case of new dwellings; or set back behind the main ridgeline of the original dwelling so that they cannot be viewed in the line of sight from Harley Street.
<b>1.2</b>	<b>Lot Boundary Setbacks</b>		
<i>Pursuant to clause 7.3.1 (b) of the R Codes, the following Local Housing Objectives augment the Design Principles in Sections 5.1.3 and 6.1.4 of the R Codes.</i>		<i>Pursuant to clause 7.3.1 (a) of the R Codes, the following provisions replace the Deemed to Comply requirements in Sections 5.1.3 C3.2 - C3.3 of the R Codes.</i>	
O1.2.1	The design of additions and new development on boundaries should be responsive to the orientation and built form of the existing neighbouring dwellings, maintaining adequate direct sun and ventilation to the building and open space on the site and adjoining properties.	C1.2.1	Rear setbacks are sufficient to accommodate car storage where a property has access to a right of way.

Local Housing Objectives		Deemed to Comply									
<b>1.3</b>	<b>Building Height</b>										
<i>Pursuant to clause 7.3.1 (b) of the R Codes, the following Local Housing Objectives augment the Design Principles in Sections 5.1.6 and 6.1.2 of the R Codes.</i>		<i>Pursuant to clause 7.3.1 (a) of the R Codes, the following provisions replace the Deemed to Comply requirements in Sections 5.1.6 and 6.1.2 of the R Codes.</i>									
O1.3.1	New development shall be appropriate in terms of scale and proportions and in keeping with the original street pattern.	C1.3.1	The plate height of new dwellings, particularly the portions in view from the street, should match the street's typical wall plate height.  <i>The plate heights on Harley Street are typically around 40 courses, usually starting above limestone footings equal to the internal floor level. Matching the plate height of new dwellings to the streets typical plate height will avoid an under scaled and 'squat' appearance to new dwelling when compared to neighbouring dwellings.</i>								
O1.3.2	Building height is to be considered to:  a) Limit the height of dwellings so that no individual dwelling dominates the streetscape; b) Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and c) Maintain the character and integrity of the existing streetscape.	C1.3.2	The maximum height of a dwelling is to be 2 storeys and comply with the following measurements:  <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Element</th> <th style="width: 40%;">Max allowable Heights for Two Storey Dwellings</th> </tr> </thead> <tbody> <tr> <td>Top of external wall (roof above)</td> <td style="text-align: center;">6 metres</td> </tr> <tr> <td>Top of external wall (concealed roof)</td> <td style="text-align: center;">Not permitted</td> </tr> <tr> <td>Top of pitched roof</td> <td style="text-align: center;">9 metres</td> </tr> </tbody> </table>	Element	Max allowable Heights for Two Storey Dwellings	Top of external wall (roof above)	6 metres	Top of external wall (concealed roof)	Not permitted	Top of pitched roof	9 metres
Element	Max allowable Heights for Two Storey Dwellings										
Top of external wall (roof above)	6 metres										
Top of external wall (concealed roof)	Not permitted										
Top of pitched roof	9 metres										
		C1.3.3	Loft additions may be supported where the development is contained wholly within the roof space and where no visible change to the dwellings appearance from the street is made.  <i>The addition of front facing dormer windows and gables to lofts are not permitted.</i>								
<b>1.4</b>	<b>Setback of Garages and Carports</b>										
<i>Pursuant to clause 7.3.1 (b) of the R Codes, the following Local Housing Objectives augment the Design Principles in Sections 5.2.1, 6.3.3 and 6.3.4 of the R Codes.</i>		<i>Pursuant to clause 7.3.1 (a) of the R Codes, the following provisions replace the Deemed to Comply requirements in Section 5.2.1 of the R Codes.</i>									
P1.4.1	Maintain the absence of visually intrusive car storage facilities within the streetscape.	C1.4.1	Carports, garages or hardstand car bays are to be located at the rear of the property where ROW access is available.								
<b>1.5</b>	<b>Street Surveillance</b>										
<i>Pursuant to clause 7.3.1 (b) of the R Codes, the following Local Housing Objectives augment the Design Principles in Sections 5.2.3 and 6.2.1 of the R Codes.</i>		<i>Pursuant to clause 7.3.1 (a) of the R Codes, the following provisions replace the Deemed to Comply requirements in Sections 5.2.3 and 6.2.1 of the R Codes.</i>									
O1.5.1	Development to be designed to enhance the safety and security of the surrounding area.	C1.5.1	Ensure a habitable front verandah is incorporated into the façade of new dwellings (at a minimum of 50% of the								

Local Housing Objectives		Deemed to Comply	
			width of the front facade) with a useable minimum depth of 1.8 metres.
	Development to be designed to enhance usability and habitability of the building façade to promote interaction at street level.	C1.5.2	For new dwellings, incorporate active habitable rooms to the front of the development with generous openings to provide street engagement and passive surveillance to the street.
<b>1.6</b>	<b>Street Walls and Fences</b>		
<i>Pursuant to clause 7.3.1 (b) of the R Codes, the following Local Housing Objectives augment the Design Principles in Sections 5.2.4 and 6.2.2 of the R Codes.</i>		<i>Pursuant to clause 7.3.1 (a) of the R Codes, the following provisions replace the Deemed to Comply requirements in Sections 5.2.4 and 6.2.2 of the R Codes.</i>	
O1.6.1	Ensure front boundary fences compliment the predominant style in the street and retain views to dwellings and front gardens.	C1.6.1	<ul style="list-style-type: none"> <li>a) The maximum height of new fences facing the street is to be 1.2 metres above the adjacent footpath level;</li> <li>b) The maximum height of any solid portion of a new fence is to be 500mm above the adjacent footpath level. The remaining portion is to be a minimum of 50% visually permeable; and</li> <li>c) The maximum height of fence piers with decorative capping to be 1.8 metres above the adjacent footpath level.</li> </ul> <p style="text-align: center;">or</p> <ul style="list-style-type: none"> <li>d) The maximum height of new fences facing the street is to be 1.8 metres above the adjacent footpath level;</li> <li>e) The maximum height of any solid portion of a new fence is to be 750mm above the adjacent footpath level. The remaining portion is to be a minimum of 80% visually permeable; and</li> <li>f) The maximum height of fence piers with decorative capping to be 2.0 metres above the adjacent footpath level.</li> </ul>
		C1.6.2	Fencing types as illustrated in the diagrams below are permitted. Variations to the examples indicated below may be supported where it can be demonstrated that they are compatible with the existing fence styles in the street.
<b>1.7</b>	<b>Roof Pitch</b>		
O1.7.1	The roof of a building is to be designed so that it complements the existing streetscape character.	C1.7.1	Roof pitch of ground and upper storey of between 30 and 40 degrees, with 35 to 45 degree pitches to gables.
<b>1.8</b>	<b>Building design</b>		
O1.8.1	New buildings must respond to the prevailing surrounding character and ensure unsympathetic contrasts in scale, mass and materials are avoided.	C1.8.1	New building design must respond to and interpret the articulation and detail of original buildings within the street in a sympathetic way.
O1.8.2	A high standard of architectural and sustainable design is required for all	C1.8.2	The orientation of new buildings must match the traditional orientation of original

Local Housing Objectives		Deemed to Comply	
	proposed developments.		dwellings along the street.
		C1.8.3	New dwellings should set internal floor levels to match, or mediate between properties on either side of the proposed dwelling. <i>Floor levels of the original dwellings in Harley Street are raised approximately 500mm above footpath level, which assists to define the verandah area and provide additional privacy as views into front rooms are obscured.</i>
		C1.8.4	Street facing windows proportions should have a vertical emphasis.
		C1.8.5	Additions to existing buildings will not be supported in the front setback area.
		C1.8.6	Additions to the building will only be supported where they are located behind the original facade and set back so that the original roof form remains visible.
			Additions visible from the street must be compatible with and respectful of the existing dwelling and the predominant character of the original dwellings within the street.
<b>1.9</b>	<b>Demolition</b>		
1.9.1	Applications for development approval should maintain the front façade of a contributing dwelling.	C1.9.1	Applications for development approval that retain the original dwelling are considered acceptable. <sup>1</sup>

<sup>1</sup> Schedule 2, Part 7, Clause 61(1)(e) in the *Planning and Development (Local Planning Schemes) Regulations 2015* does not require a development application for the demolition of a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool where the structure is not affected by heritage legislation. C1.9.1 has been included as the requirement in the Regulations may be removed and the provision could then be implemented.

## 5. RECOMMENDED FENCING STYLES FOR HARLEY STREET



**Date Adopted:** 22 September 2015  
**Date Amended:** NA  
**Date Reviewed:** NA  
**Date of Next Review:** September 2020