

## **2.6 DEMOLITION**

(ADOPTED 13 DECEMBER 2005)

### **1. INTRODUCTION**

The management of the built form of the City is important to ensure that new development complements the existing character of the area in which it is located. On this basis it is necessary that demolition is properly considered both in relation to the importance of the subject building and property and what will be constructed in its place.

Management of the City's built form also extends to the ongoing maintenance of sites that become vacant prior to redevelopment. This is achieved by requiring landscaping and other measures, to ensure that sites are maintained to a high safety and visual standard compatible with surrounding development, as well as controlling adverse impacts such as dust, litter and potential antisocial behaviour.

The City of Subiaco Town Planning Scheme No. 4 (TPS4) contains provisions relating to demolition. Clause 30 of TPS4 states that in considering an application for demolition, Council is to have regard to any relevant planning policy and:

- May defer consideration of the application until it has granted development approval for a subsequent development.
- Approve the application subject to:
  - the retention, maintenance or repositioning of any part of an existing building or structure or
  - where the approved development has not been substantially commenced within 6 months, landscaping or other treatment is to be undertaken.
- Refuse the application

This policy aims to detail a procedure for applications for demolition with reference to the requirements of TPS4.

### **2. NEED FOR DEVELOPMENT APPROVAL**

Development is defined in (TPS4) in accordance with the Town Planning and Development Act and includes "any demolition" of "any building or structure". Part 4 of TPS4 prescribes that all development, other than development specifically exempted under Clause 23, requires the prior approval of the City. Therefore, any demolition involving the whole or a part of a building or structure within the City of Subiaco requires development approval.

Nothing in this policy removes the need for compliance with other relevant statutory requirements, such as the need for obtaining a demolition licence for approved demolition, and the remediation of contaminated sites where required by the Environmental Protection Authority.

### **3. OBJECTIVES**

The purpose of this policy is to detail the procedures and information required for applications for demolition approval and to set out the framework under which such applications will be assessed and determined.

The objectives of this policy are:

- i) To establish the procedures for applications for demolition approval.
- ii) To ensure that development applications involving demolition are submitted and assessed according to agreed principles.
- iii) To ensure that the criteria used to determine development applications involving demolition are applied in a consistent and accountable manner.

#### **4. APPLICATION OF THE POLICY**

For the purposes of this policy, applications for demolition fall into two categories:

- i. Those that involve buildings or structures that are determined to have cultural heritage significance.
- ii. All other buildings and structures.

#### **5. PROCESS FOR DEALING WITH PROPOSALS FOR DEMOLITION**

The following process should be followed where it is proposed to demolish the whole or a part of a building:

- i. Applicants are encouraged to liaise with the City in the first instance to determine whether the proposal may involve a place of cultural heritage significance and, if so, whether it may be appropriate to retain and conserve the building or portion of a building. Generally such properties will be on the TPS4 Register of Places of Cultural Heritage Significance.
- ii) Over and above the requirements for development approval set out at Part 4 of TPS4, any application for demolition is to be submitted in accordance with the requirements of Part 6 of this policy relating to submission requirements.
- iii) Upon submission of an application for demolition the City will determine whether the application:
  - a) can be determined on the basis of the information submitted; or
  - b) requires a formal assessment to determine the cultural heritage significance of the subject building or place to be undertaken by the City's nominated heritage consultant at the City's cost.
  - c) Where an applicant disagrees with the advice provided by the City's heritage consultant, the applicant is able to obtain independent heritage advice.
  - d) Where advice from the City's heritage consultant and from an independent heritage consultant are conflicting, the matter will be referred to Council for determination.

The applicant(s) will be advised of the City's determination with respect to the above process.

- iv) Where it is determined that an application for demolition be refused, or that any conditions of development approval are unacceptable, the applicant has the right to request that the decision be reviewed by the State Administrative Tribunal within 28 days from the date of the decision.

#### **6. SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR DEMOLITION**

The general submission requirements for applications for demolition approval are set out at clause 25 of TPS 4 and are also outlined on the City's Development Application Checklist. These include:

- i. Scaled and dimensioned drawings including a site plan showing the location of all structures on the site, floor plans and elevations.
- ii. In cases where an existing building is proposed to be demolished in its entirety, the submission of a development application for the subsequent redevelopment of the site will also require approval by the City prior to any demolition approval being issued.
- iii. Any other supporting information the applicant deems necessary to address the assessment criteria set out at provision 7.1 of this policy.

In addition to the above, the following information will be required for buildings or structures that are determined to have cultural heritage significance in accordance with Part 5 of this policy:

- iv. Photographs are to be submitted in digital format and are to include the place and its setting, all external elevations and any other significant external or internal features.
- v. Any supporting information required to determine eligibility for the range of assistance measures set out in the City's Heritage Assistance Program.

## **7. ASSESSMENT OF APPLICATIONS FOR DEMOLITION**

### **7.1 Applications for Demolition**

When assessing such applications the City will have regard to the requirements for development approval set out at Clause 27 and 30 of TPS4.

### **7.2 Applications for Demolition Relating to Buildings or Places Determined to have Cultural Heritage Significance**

When assessing such applications the City will have regard to the requirements for development approval set out at Clause 27 of TPS4 and the City's Management of the Register of Places of Cultural Heritage Significance Policy, as well as the following matters;

#### **i) REFERRAL TO OTHER AGENCIES**

Some proposals (such as those relating to buildings identified on the State Register of Heritage Places) may require referral to the Heritage Council of Western Australia (HCWA) for comment. The City reserves the right to refer proposals to relevant agencies where it is considered necessary or desirable.

Comments received will be taken into consideration in the determination of applications for demolition.

#### **ii) SITE ASSESSMENT**

The following factors, relating to the feasibility of retaining existing buildings or structures on the site, will be considered:

##### **a) Cultural Heritage Significance**

This takes into account whether the building has cultural heritage significance, and may also address issues such as the level of intactness of the original structure and the quality of extensions and renovations undertaken in the past.

- b) **Condition**  
This takes into account the structural integrity and condition of the existing building. This assessment is based on both external condition (including the existence of hazardous materials), and internal condition (including the condition of existing services such as plumbing and electricity).

Other relevant factors include the potential costs involved in renovating the building to contemporary standards of habitation and/or useability, and a building's conformance or otherwise with current environmental design principles. The City encourages applicants to recycle building materials where it is practical and possible to do so.

- c) **Site constraints and opportunities**  
This takes into account factors that may prevent the adaptive re-use of an existing building on a site. This includes such matters as the location of the building on the site, buildings constructed over multiple lots, the desirability and practicality of protecting existing significant vegetation and the availability of appropriate access.

iii) **SITE CONTEXT**

Looks at the site with reference to the context of its immediate locality.

- a) **Zoning and development potential**  
This takes into account the zoning of the land, the form of existing development, the highest and best use of the land, development potential, and the related feasibility of retaining any significant building(s) or structures on the site.
- b) **Characteristics of existing streetscape**  
This takes into account the characteristics of the streetscape in which the site is located, such as the level of intactness of existing building stock, and the prevailing characteristics of the built form in the immediate locality.
- c) **Suitability of replacement building(s)**  
This takes into account the suitability of the structure(s) that is/are proposed to be constructed in place of existing structure(s) on the site. The suitability of a replacement building(s) is determined in accordance with the requirements of clause 27 of TPS4.