



# **CITY OF FREMANTLE**

## **LOCAL PLANNING POLICY 3.15**

### **FORMER KIM BEAZLEY SCHOOL SITE - WHITE GUM VALLEY**

**ADOPTION DATE:** Adopted by Council 17 December 2014  
**AUTHORITY:** LOCAL PLANNING SCHEME NO.4

#### **STATUTORY BACKGROUND**

Clause 5.2.2 of the City's Local Planning Scheme No. 4 states that unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes (R-codes) is to conform to the provisions of the R-codes.

Part 7 of the Residential Design Codes 2013 states that a Local Planning Policy may contain provisions that amend or replace deemed-to-comply provisions.

Those deemed-to-comply provisions of the Residential Design Codes that are varied or replaced by this policy are as follows:

- 5.1.2 C2.1 – Street setback
- 5.1.3 C3.1 – Lot boundary setback
- 5.1.4 C4 – Open space
- 5.1.6 C6 – Building height
- 5.2.1 C1.1– C1.5 – Setback of garages and carports
- 5.2.2 C2 – Garage width
- 5.3.1 C1.1 and C1.2 – Outdoor living areas
- 5.3.5 C5.1 – C5.3 – Vehicular access
- 5.4.1 C1.1 – Visual privacy
- 5.4.2 C2.1 and C2.2 – Solar access for adjoining sites
- 6.3.1 C1 – Outdoor living areas
- 6.3.3 C3.1 – Parking

Variations to this policy may be approved where the City is satisfied that the development application meets the design intent of this policy and the Design Principles of the R-Codes.

Clause 10.2 of the Scheme empowers the Council to consider a broad range of considerations and impose conditions relating to these in dealing with an application for planning approval.

The White Gum Valley Former Kim Beazley School Site Local Structure Plan also requires a Local Planning Policy to be adopted for the area prior to an application for development being approved.

#### **APPLICATION**

This policy applies to the land bound by Stevens Street, Yalgoo Avenue, Hope Street and Nannine Avenue (the former Kim Beazley Primary School site).

This policy is divided into three areas and specific provisions are provided for each. These policy areas are:

- Lots 4-10 & 12-28 - R35 and R40 density coding
- Lots 1,2 3 and 11 - R60 and R80 density coding
- Lot 7 - R40 density coding



**Figure 1 – Location and Residential Density Plan**

The provisions of this policy apply to residential development assessed under Part 5 and Part 6 of the Residential Design Codes. In the event there is a conflict between this policy, and a provision contained within another Local Planning Policy, the more specific policy provision shall prevail.

## DEFINITIONS

Habitable Living Area: has the same definition as “Habitable Room” in the R-codes but does not include bedrooms.

All other definitions are as defined in the R-codes and the City’s Local Planning Scheme No.4.

## POLICY

### Lots 4-10 and 12-28 (R35 & R40)

#### 1. Street Setbacks

- 1.1 Dwellings shall be setback from the Primary Street and secondary street(s) in accordance with Figures 2 and 3.

- 1.2 A portion of the main building line (including balconies) shall project towards the Primary Street a minimum of 0.5 metre from the main line of the garage setback.

## **2. Lot boundary Setback**

- 2.1 Dwellings shall be setback from the lot boundaries in accordance with Figures 2 and 3 including walls built up to the lot boundary.
- 2.2 Boundary walls are permitted in locations as identified on Figures 2 and 3 to a maximum of 70 per cent of the length of the boundary.
- 2.3 Variations to the requirements of clause 2.1 or 2.2 above may be considered, at Council's discretion, subject to the proposed development meeting at least one of the following:
  - i. Lot boundary setbacks may be varied if Clauses 6, 7 and 8 of this policy are satisfied.

## **3. Setbacks of Garages and Carports**

- 3.1 Garages shall be provided in locations where nominated designated or preferred garage location on Figures 2 and 3.
- 3.2 All garages shall be no greater than 6.0m in width (pillar to pillar).
- 3.3 Variations to the preferred garage location requirements of clause 3.1 may be considered at Council's discretion, subject to the proposed development meeting the following:
  - i. The alternative garage location has the same street frontage as the preferred garage location as nominated on Figures 2 and 3; and
  - ii. The proposed location ensures clear sight lines and does not detract from the streetscape or appearance of dwellings; and
  - iii. The garage location must be set back from the street or laneway in accordance with Figures 2 and 3.

## **4. Outdoor Living Areas**

- 4.1 All developments shall provide an outdoor living area with a minimum area of 25m<sup>2</sup> and minimum dimensions of 5m x 5m.
- 4.2 The outdoor living area may be provided with permanent roof cover up to two-thirds of the area required under clause 4.1 provided the development achieves the solar access requirements of Clause 7 of this policy
- 4.3 Variations to the requirements of clause 4.1 above may be considered, at Council's discretion subject to the proposed development meeting the following:
  - i. The minimum outdoor living area dimension may be reduced to 4m if the outdoor living area meets a minimum area of 28m<sup>2</sup>.

## **5. Open Space**

- 5.1 The minimum open space provided as part of any development may be reduced to 30% of the total site area (no discretion to vary) if compliance with Clauses 6, 7 and 8 and Figures 2 and 3 of this policy is achieved.
- 5.2 Notwithstanding the Design Principles of the R-Codes, there is no ability to vary the minimum open space requirement under 5.1 of this policy.

## **6. Visual Privacy**

- 6.1 The minimum visual privacy setbacks that apply to any development are as follows:

Type of habitable rooms/active habitable spaces	Setback distance (metres)
Major openings to bedrooms and studies	3.0
Major openings to habitable rooms other than bedrooms and studies	4.5
Unenclosed outdoor active habitable spaces	6.0

## **7. Solar Access**

- 7.1 Notwithstanding the boundary setbacks prescribed on Figures 2 and 3, dwellings shall be designed to ensure effective solar access to key internal and external spaces. Accordingly, the following applies:
- Development is to demonstrate that a minimum of 25% of the minimum outdoor living area (refer Clause 4) has direct access to sunlight at midday, 21 June. In undertaking this calculation, it is to be assumed that the adjoining dwellings are built to the full extent of the nominated building envelope identified on Figures 2 and 3.
  - A minimum of 1 habitable living area is to receive direct access to sunlight at midday, 21 June.

## **8. Solar Access for Adjoining Sites**

- 8.1 Development shall be so designed that its shadow cast at midday 21 June onto any other adjoining property does not exceed 50% of any adjoining property's site area.

### **Lots 1-3 and 11 (R60 and R80)**

## **9 Street Setbacks**

- 9.1 Dwellings shall be setback from the primary street and secondary street(s) in accordance with Figures 2 and 3.

## **10 Communal Open Space**

- 10.1 A minimum of 20% of any site shall be set aside for communal open space purposes for the exclusive use of residents.
- 10.2 Variations to the requirements of clause 10.1 above may be considered, at Council's discretion, subject to the proposed development meeting the following criterion:

- i. The requirement for communal open space may be reduced by up to 5% if recreational facilities (i.e. fixed BBQ, seating and shade structures, hard and soft landscaping) are provided within the designated communal open space.

## **11 Outdoor Living Areas**

- 11.1 Each dwelling shall be provided with at least one balcony or terrace accessed directly from a habitable room with a minimum area of 10m<sup>2</sup> and a minimum dimension of 3.0m.
- 11.2 Notwithstanding clause 11.1 above, 1 bedroom apartments or studios may provide a balcony or equivalent space with a minimum dimension of 2.4m.

## **12 Building Priority Zones**

- 12.1 Developments shall provide a contiguous and activated built form frontage to the boundaries identified as “Building Priority Zones’ on Figures 2 and 3.
- 12.2 Design responses may include but are not limited to, the orientation of dwellings to the street, habitable rooms adjacent and overlooking the public realm and location of primary vehicle and pedestrian entrances for the streets.
- 12.3 No open car parking (carports or open at-grade car parking) is permitted within this zone.

## **Lot 7 (Gen – Y House)**

### **13 Building Height**

- 13.1 The maximum external wall height shall be no greater than 7.2m.

### **14 Parking**

- 14.1 Onsite parking and visitor parking is generally to be provided for in accordance with the R-codes, however variations may be considered where there is a suitable provision of scooter and bicycle bays and adequate nearby on-street parking.



