

CITY OF FREMANTLE

LOCAL PLANNING POLICY 2.9

RESIDENTIAL STREETSCAPE POLICY

ADOPTION DATE: 19 February 2013
AMENDED DATE: 6 May 2014, 28 November 2018 (31 March 2020 - WAPC)
AUTHORITY: LOCAL PLANNING SCHEME NO.4
Planning and Development (Local Planning Schemes)
Regulations 2015

STATUTORY BACKGROUND

Clause 4.2.2 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 states that a Local Planning Policy may contain provisions that amend or replace specific deemed-to-comply provisions.

Those deemed-to-comply provisions of the Residential Design Codes that are varied or replaced by this policy are clauses 5.1.2 C2.1, 5.1.6 C6, 5.2.1 C1.1, C1.2,-C1.5, and 5.3.5 C5.1, C5.2, C 5.3.

The Planning and Development (Local Planning Schemes) Regulations 2015 empowers the Council to consider a broad range of considerations and impose conditions relating to these in dealing with an application for planning approval.

APPLICATION

The provisions of this policy apply to all residential development assessed under Part 5 of the Residential Design Codes, except where specific provisions are contained within a Local Area Planning Policy or equivalent. In the event that there is a conflict between this policy, and a provision contained within a Local Area Planning Policy, the most specific policy provision shall prevail.

DEFINITIONS

Prevailing streetscape means the characteristics (generally limited to the setback and orientation of buildings including garages and carports from the primary or secondary street, front walls and fencing, building height, building/roof form and proportion) of the 3 properties, where appropriate, adjoining either side of the subject site, fronting the same street and in the same street block.

In the case of a corner lot where the dwelling is orientated to the splay, the characteristics of the adjoining three properties, where appropriate, facing both streets shall be considered.

Greater weight may be given to the characteristics of the two immediately adjoining properties on either side of the subject site fronting the same street(s).

For the purpose of this definition, properties separated by a street shall not be considered 'adjoining'.

Prescribed street setback means the minimum setback of a building as per table 1 of this policy (including garages and carports, but excluding a verandah, porch or balcony). The prescribed street setback is based on the development site's Local Planning Area and proposed development height. The prescribed street setback is measured on a right angle (90 degrees) from the street alignment to the building. There are two prescribed street setbacks for this policy – one for single storey development and the other for two storey development.

POLICY

1. Setback of Buildings including Garages and Carports under the main roof of the development

Table 1. Prescribed Primary Street Setback

Local planning Area	Minimum prescribed street setback for buildings with an external wall height of 4 metre or less	Minimum prescribed street setback for buildings with an external wall height of greater than 4 metres
Fremantle	5m	7m
North Fremantle	5m	7m
South Fremantle	7m	10m
Beaconsfield	7m	10m
White Gum Valley	7m	10m
Samson	6m	8m
O'Connor	8m	10m
Hilton (excludes the Hilton Heritage Area)	7m	9m

1.1 Buildings are to be setback from the primary street in accordance with the prescribed street setback for the applicable Local Planning Area as prescribed in table 1.

1.2 Variations to the requirements of clause 1.1 above may be considered, at Council's discretion subject to the proposed development meeting at least one of the following criteria:

- i. The proposed setback of the building is consistent with the setback of buildings of comparable height within the prevailing streetscape; or
- ii. The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or
- iii. The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites); or
- iv. Where there is no prevailing streetscape; or
- v. Where the proposed development is on a lot directly adjoining a corner lot, Council will consider a reduced setback that considers the setback of the corner lot in addition to buildings in the prevailing streetscape.

Notes: 1. *Development additionally needs to meet the requirements of Clause 4 of this policy which relate to building height and scale. The requirements of Clause 4 are not related to the requirements of Clause 1.*

2. *No prevailing streetscape applies to, but is not limited to, instances where development is proposed on a lot where there are no other Grouped Dwellings or Single Houses adjoining the lot (three either side) that front the same street. Examples include situations where the lot is the first to develop on a new street or right of way, or development of a lot that adjoins a commercial property.*

2. Setback of Garages and Carports not under the main roof of the development

2.1 Garages, carports and outbuildings, except as provided for below, are to be setback in line with or behind the front wall of the dwelling.

2.2 Where the property is not on the Heritage List, carports may be located in front of the dwelling where the development meets all of the following criteria:

- i. The carport is open on all sides with no door; and
- ii. The carport is constructed from timber or steel vertical supports no greater than 150mm in width in any direction; and
- iii. The carport does not exceed an average of 2.8 metres in height above natural ground level; and
- iv. The carport is located so as to maintain visibility of the dwelling from the street and surveillance from the dwelling to the street; and
- v. The maximum width of the carport is to be 6 metres on a property with a frontage of 12 metres or greater or on a property with a frontage of less than 12 metres, the maximum width of a carport is to be 3 metres; and
- vi. The carport is setback one metre or greater from any side 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 criteria:

- i. The proposed building is consistent with the character of buildings in the prevailing streetscape; or
- ii. The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or
- iii. The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites); or
- iv. The carport is lightweight in construction, appears simple in design and is visually subservient to the form and proportion of the dwelling. Additionally, the front setback area is designed in such a way so as to maintain visibility of the dwelling from the street and surveillance from the dwelling to the street.

2.4 Additional to clause 2.3 above, where the property is on the Heritage List the proposed development's compatibility with and impact on the heritage significance of the property will be considered. Due consideration will be given to the heritage assessment prepared under Local Planning Policy 1.6 Preparing heritage assessments and approval will only be granted where the development is considered compatible with the heritage significance of the property.

3. Building Orientation

3.1 Buildings shall be orientated parallel with the front boundary of the property with front doors and windows facing and clearly visible from the street.

3.2 Variations to the requirements of clause 3.1 above may be considered, at Council's discretion subject to the proposed development meeting at least one of the following criteria:

- i. The building orientation is consistent with the orientation of buildings in the prevailing streetscape; or
- ii. The proposed orientation is consistent with the traditional angular orientation of buildings, particularly in the case of corner lots where dwellings are typically set square to the corner splay of the lot; or
- iii. The development is specifically designed according to solar passive design principles to achieve a significantly higher level of energy efficiency than would otherwise be achieved by complying with the orientation requirements, and has negligible adverse amenity impacts on adjoining properties; or
- iv. The proposed orientation is required so as to retain a heritage listed building or a building in a heritage area.

4. Building Height and Scale

- 4.1 All properties not subject to specific provisions of Local Planning Scheme No. 4 or a local area planning policy (in relation to height), shall be subject to the category B building height requirements of Table 3 of the Residential Design Codes.

Note: Development additionally needs to meet the requirements of Clause 1 of this policy which relates to the prescribed street setback based on the development's external wall height. The requirements of Clause 1 are not related to the requirements of Clause 4.

- 4.2 Variations to the requirements of clause 4.1 above may be considered, at Council's discretion, subject to the proposed development meeting at least one of the following:
- i. The proposed building height is consistent with the predominant building height of development within the prevailing streetscape; or
 - ii. A portion of the building is over height by virtue of a sloping site and the development is likely to otherwise comply with the requirements of clause 4.1 above if the site's natural ground level comprised of less slope; or
 - iii. The development does not result in any significant adverse impact on adjoining properties in regards to building bulk, boundary setbacks, visual privacy, access to views of significance and overshadowing.

5. Additions and Extensions for heritage listed properties

- 5.1 Where the property is included on the City's Heritage List and is not subject to specific provisions of Local Planning Scheme No. 4 or a local area planning policy:
- i. Second storey additions to an existing single storey dwelling are to be setback behind the main roof ridge of the existing dwelling a minimum distance of four (4.0) metres; and
 - ii. Shall be designed and setback so as to retain the impression of a single storey house when viewed from the street.
- 5.2 Variations to the requirements of clause 5.1 above may be considered, at Council's discretion subject to an assessment of the proposed development's compatibility with and impact on the heritage significance of the property. Due consideration will be given to the heritage assessment prepared under Local Planning Policy 1.6: Preparing heritage assessments and approval will only be granted where the development is considered compatible with the heritage significance of the property.

6. Vehicular Access

- 6.1 Access to on-site parking spaces to be provided:

- Where available, from a right of way or access easement available for lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street;
- From a secondary street where no right-of-way exists; or
- From the primary street frontage where no secondary street or right of way or access easement exists.

6.2 Driveways to primary or secondary street provided as follows:

- driveways serving four dwellings or less not narrower than 3m at the street boundary,
- no driveway wider than 4.5m at the street boundary and driveways in aggregate no greater than 6m for any lot.

6.3 Driveways shall be:

- no closer than 0.5m from a side lot boundary or street pole;
- no closer than 6m to a street corner as required under AS2890.1 Parking Facilities: Off street Parking (as amended);
- aligned at right angles to the street, or where angled to restrict crossover width, tapered at a maximum rate of 1:5 to each side;
- located so as to avoid street trees, or, where this is unavoidable, the street trees replaced at the applicant's expense or re-planting arrangements to be approved by the decision-maker; and
- adequately paved and drained.

6.4 Variations to the requirements of clauses 6.1 and 6.2 above may be considered, at Council's discretion, against the design principles of the R-Codes, with additional due consideration being given to impact on any place of heritage significance.

Notwithstanding the requirement to minimise crossovers, an additional access point may be considered in the upgrade of existing dwellings as a condition of subdivision, where the primary outdoor living area is proposed to come off the primary indoor living area and would preclude vehicle access from the existing crossover.

Where variations are permitted, the development is to provide a landscaping plan demonstrating high quality landscaping features to soften the impact of the additional hardstand on the streetscape appearance and in accordance with Local Planning Policy 2.10: Landscaping of development and existing vegetation on development sites.

Note: Local Planning Policy 2.9 – Residential Streetscape Policy replaced the following policies which were revoked at Council's Ordinary Meeting 30 January 2013:

- *DBH1 – Urban design and streetscape guidelines*
- *DC6 – Garages/carports in front of dwellings/buildings.*

The formal revocation notice was published in the Fremantle Gazette 19 and 26 February 2013.

Local Planning Policy 2.9 – Residential Streetscape Policy was updated by Council resolution at the ordinary meeting of Council on the 23 April 2014 and amended on 26 November 2018 (Amendments approved by WAPC on 31 March 2020).