



MINUTES

Special Planning Services Committee

Wednesday, 30 June 2010, 6.00 pm

TABLE OF CONTENTS

ITEM NO	SUBJECT	PAGE
	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
	NYOONGAR ACKNOWLEDGEMENT STATEMENT	1
	IN ATTENDANCE	1
	APOLOGIES	1
	LEAVE OF ABSENCE	1
	PUBLIC QUESTION TIME	2
	DEPUTATIONS / PRESENTATIONS	2
	DISCLOSURES OF INTEREST BY MEMBERS	2
	LATE ITEMS NOTED	2
	TABLED DOCUMENTS	2
	DEFERRED ITEMS (COMMITTEE DELEGATION)	3
PSC1006-125	PRELIMINARY DISCUSSION OF HILTON LOCAL PLANNING AREA POLICY REVIEW (BC)	3
	REPORTS BY OFFICERS (COMMITTEE DELEGATION)	27
PSC1006-126	PRELIMINARY DISCUSSION OF LOCAL PLANNING POLICY REVIEW REGARDING RESIDENTIAL STREETSCAPES, GARAGES AND CARPORTS (BC)	27
	REPORTS BY OFFICERS (COUNCIL DECISION)	46
	CONFIDENTIAL MATTERS	46
	CLOSURE OF MEETING	46
	Summary Guide to Citizen Participation and Consultation	47
	MINUTES ATTACHMENTS	1

PLANNING SERVICES COMMITTEE

Minutes of the Planning Services Committee
held in the Council Chambers, Fremantle City Council
on 30 June 2010 at 6.00 pm.

DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 6.01 pm.

NYOONGAR ACKNOWLEDGEMENT STATEMENT

"We acknowledge this land that we meet on today is part of the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Nyoongar people as the custodians of the greater Fremantle/Walyalup area and that their cultural and heritage beliefs are still important to the living Nyoongar people today."

IN ATTENDANCE

Brad Pettitt	Mayor (<i>entered 6.03pm</i>)
Cr Robert Fittock	North Ward
Cr Andrew Sullivan	South Ward
Cr John Dowson	East Ward
Cr Bill Massie	Hilton Ward
Cr Josh Wilson	Beaconsfield Ward
Mr Graeme Mackenzie	Chief Executive Officer
Mr Philip St John	Director Planning and Development Services
Ms Natalie Martin Goode	Manager Development Services
Mr Paul Garbett	Manager Planning Projects and Policy
Mr Peter Pikor	Director Technical Services
Mr Brett Cammell	Strategic Planning Officer
MS Agneishka Kiera	City Heritage Architect
Mrs Tanya Toon-Poynton	Minute Secretary

There were approximately 29 members of the public and 0 members of the press in attendance.

APOLOGIES

Cr Tim Grey-Smith

LEAVE OF ABSENCE

Nil

PUBLIC QUESTION TIME

Nil

DEPUTATIONS / PRESENTATIONS

The following member/s of the public spoke in favour of item PSC1006-126:

Maria Marrollo

The following member/s of the public spoke in favour of item PSC1006-125:

Justin Paris
Nicholas Gurr
Dave Hume
Sam Perica
Jesse Williamson
Terry Gabriel
Tom Campbell
Peter Shilling
Terry Vaughan

The following member/s of the public spoke against item PSC1006-125:

Maryanne Goodlich

The following member/s of the public spoke to item PSC1006-125:

Bob Smith
David Bebbington
Jenny Loverock
Lynette Fraser
Kathy Bonus

DISCLOSURES OF INTEREST BY MEMBERS

Nil

LATE ITEMS NOTED

Nil

TABLED DOCUMENTS

Nil

DEFERRED ITEMS (COMMITTEE DELEGATION)

The following items are subject to clause 1.1 and 2.1 of the City of Fremantle Delegated Authority Register

Cr R Fittock vacated the chamber at 7.15 pm.
Cr R Fittock returned to the meeting at 7.16 pm.

PSC1006-125 PRELIMINARY DISCUSSION OF HILTON LOCAL PLANNING AREA POLICY REVIEW (BC)

DataWorks Reference: 117/007
Disclosure of Interest: Nil
Responsible Officer: Director Planning and Development
Actioning Officer: Strategic Planning Officer
Decision Making Level: Council
Previous Item Number/s: PSC0708-244, N1002-1, PSC1004-78
Attachment 1: D.G.H3 Hilton Local Planning Area Policy



PURPOSE

The primary purpose of this report is to determine whether a review of the development standards of the current Hilton Local Planning Area policy is warranted. Secondly the report establishes development design issues that are intended to form the basis of a revised draft local planning policy and/or Scheme amendment.

EXECUTIVE SUMMARY

This report was previously presented to the Planning Services Committee on 21 April 2010. The Committee resolved to ‘defer the item to a Special Planning Services Committee at an appropriate time’, to provide dedicated time to discuss the review of the policy.

Council resolved to review and consolidate the Hilton Local Planning Area policy at its Ordinary Meeting of Council in February 2010.

The purpose of this report is to generate discussion about the objectives and intent of the current Hilton Local Planning Area policy and to determine whether a review of the development standards of the policy is required. Should Council decide to review the standards of the policy, this report examines draft development standards for a revised local planning policy and/or Scheme amendment. It is anticipated that specific development requirements will require substantial consideration by Council and will undergo a number of changes prior to Council resolving to formally request officers to initiate the proposed policy or amendment.

Once Council resolves to adopt a draft policy and/or Scheme amendment, formal adoption and amendment processes will commence, including public consultation.

BACKGROUND

Background to Local Planning Policy *D.G.H3 Hilton Local Area Planning Policy*

In 1992 the Hilton Study identified approximately 600 individual houses that contributed to the Hilton Precinct that was adopted in the City’s former Town Planning Scheme No. 3 (TPS3). A document entitled “D.G.H2 Hilton Residential Redevelopment Policy and Urban Design Guidelines” was adopted as the local planning policy document for the area.

The Municipal Heritage Inventory (MHI) for Fremantle was adopted by Council in September 2000, including the approximately 600 individual houses identified in the Hilton Precinct.

On 21 October 2002 Council resolved to adopt a review process for Hilton’s Municipal Heritage Inventory (MHI) and to determine the composition of the Hilton MHI Review Committee. For further details relating to the background of this review, particularly an account of issues that lead to the review, please refer to item SP192 from the Council minutes of 21 October 2002.

Council adopted Terms of Reference and membership of the committee on 16 December 2002. The MHI Review Committee coordinated a review of the MHI within Hilton which included a review of the former Hilton local planning policy.

Six community workshops were held during the middle of 2003 for the purpose of obtaining the community's views towards what was considered important and significant to the suburb and to discover the community's visions for Hilton. Five of the workshops were attended by a total of 128 community members whilst the sixth workshop was held for representatives of the Department of Housing and Works. External heritage consultants were engaged to prepare a report on the outcomes of the workshops and to provide recommendations to further the review process. The MHI Review Committee considered and endorsed the recommendations of the consultant's report and provided additional recommendations to Council in August 2003.

On 8 September 2003 the Strategic Planning Committee (SPC), under the delegated authority of Council, resolved to adopt the recommendations of the MHI Review Committee which included a recommendation to review the document 'D.G.H2 Hilton Residential Redevelopment Policy and Urban Design Guidelines' (refer SP0309-28). During the same meeting in September 2003, the SPC adopted a draft version of the local planning policy, *D.G.H3 Hilton Local Area Planning Policy*, for the purpose of advertising (refer SP0309-34).

On 5 April 2004 the SPC considered a report on the submissions received during the advertising period of the draft policy, *D.G.H3 Hilton Local Area Planning Policy*. The SPC requested further consideration to certain aspects of the policy and to revise the policy accordingly (refer SP0404-28).

On 13 December 2004 Council resolved to defer a decision on the adoption of the draft local planning policy to enable a response be given to the Hilton Precinct on the information they requested (refer SP0412-93).

On 14 March 2005 Council resolved to adopt Local Planning Policy, *D.G.H3 Hilton Local Area Planning Policy*.

Review of Local Planning Area Policies

On 24 February 2010 Council resolved to modify the order in which a review and consolidation of the Local Planning Area Policies should be carried out from the order previously determined on 22 August 2007 (refer N1002-1). The revised order was resolved to be as follows:

1. *Hilton*
2. *Fremantle (excluding City Centre)*
3. *North Fremantle*
4. *South Fremantle*
5. *White Gum Valley*

CONSULTATION

Community consultation has not commenced at this stage of the policy review. Community consultation will begin should Council resolve to adopt a revised local planning policy for the purpose of advertising or initiate a Scheme Amendment, in accordance with clause 2.4.1 of the Scheme and the *Town Planning Regulations 1967*.

PLANNING COMMENT

The primary purpose of this report is to examine the current policy provisions and determine whether a review is necessary. During discussion of this report, there are some general factors that may support a review of the current policy.

Subdivision of Residential lots

A significant number of residential lots within Hilton are capable of supporting subdivision either under the standard R20 residential density coding or the R20/R25 split density coding that was introduced with the gazettal of Local Planning Scheme No. 4. The Hilton local planning policy encourages a 'battleaxe' style of subdivision, an objective based on the retention of the existing front dwelling. Development on these sites is considered to be well catered for in the current policy in the 'Infill Development' section which requires development to comply only with the building height requirements of the policy, as well as the relevant Residential Design Codes (R-Codes) provisions.

However the subdivision of corner lots or 'kite shaped' lots has resulted in odd shape lots that are not battleaxe shaped and still possess a street frontage, albeit a much narrower frontage than a traditional lot. Development on these lots has put pressure on the current policy given the narrower width, odd shape and street frontage. Recent examples of applications for development on these types of lots are No. 2A Snook Crescent (PSC1002-39, DA0575/09) No. 79B Snook Crescent (PSC1002-34, DA0641/09), No. 35 Grigg Place (PSC0910-180 & PSC1001-3, DA0366/09) and No. 30 Howson Street (PSC0908-148, DA180/09).

Community Development Expectations

It is not considered unreasonable to state that the housing expectations of most property owners and prospective property owners are closely aligned to the offering of 'project' homes or 'home packages'. These 'project' homes offered by the major building companies possess a number of common characteristics. The majority of 'project' homes offered are 3 or 4 bedroom, of brick and tile construction with a 25 degree roof pitch and provide double garages at the front of the dwelling. The design of these homes arguably reflects the demands of the broader population. Generally speaking these 'project' homes are not consistent with the design requirements of the current Hilton local planning policy and the costs associated with amending such 'project' home designs are reasonably substantial. Whilst it is by no means impossible to design a home in strict accordance with the Hilton policy, the costs involved seem to be fairly restrictive and beyond the reach of the 'average' home buyer.

Policy Drafting Issues

The current policy, D.G.H3, provides for a range of design requirements relating to setbacks, building height, form and proportion, conservation and subdivision that are intended to achieve the broader objectives of the policy – generally to preserve and enhance the existing character of the Hilton Garden Suburb Precinct. However certain aspects of the current policy have been difficult to implement due to a number of ‘aspirational’ type statements that lack the necessary design detail and a lack of discretionary criteria where certain requirements cannot be met.

The primary intent of this report is to determine whether a review of the design requirements of the current policy is warranted. Should Council decide to review the development requirements, consideration should be made not only to what the revised requirements should be, but also to whether there should be any discretion for Council to vary such requirements. Should the Council wish to have the discretion to vary the requirements, then factors relevant to a performance based assessment need to be included.

For example, Council may wish to apply a maximum building height of one storey within the policy area. However Council should then address whether the height limit applies to all development or whether there may be circumstances where a greater height limit may be warranted. Council may consider that a two storey dwelling would be appropriate where the dwelling is located on a rear lot, setback a sufficient distance from the street and the two storey element will not dominate the streetscape. If this was the case, certain criteria should be included in the policy to accompany this discretion to vary the height requirements.

Discussion of Policy Design Requirements

The existing design requirements of the current policy are discussed separately below as well as a discussion relating to open space. A brief reasoning for each design requirement is provided and then a comment as to whether such a requirement is capable of being addressed by a local planning policy or would need to be included in the Scheme or otherwise. Whilst an officer recommendation is provided for each of the design requirements, this report is intended to generate discussion around the following design requirements in order to provide City officers with guidance as to what development standards should form part of a revised local planning policy and/or Scheme amendment.

Minimum and Maximum Height Requirements

Policy requirements: A minimum external wall height from ground level of 3.0 metres to the top of the wall plate or floor level to eaves, 2.4 metres, applies. A maximum external wall height of 3.5 metres (equivalent to single storey and a loft*) and a maximum roof ridge height of 6.5 metres applies. Loft additions for new dwellings are required to be designed to be located at the rear of the building to maintain a single storey front façade appearance. Ideally the floor level of all new dwellings on the street frontage shall be raised a minimum of 500mm above the ground.

Basis for requirement: Traditional houses within Hilton are single storey, but are elevated up to 600mm from ground level with internal floor to ceiling heights of 2.7 to 2.9 metres. This makes a total external wall height up to 3.5 metres. The basis of this requirement is to ensure that new houses are compatible with the existing character of housing in the area.

Statutory considerations: Building height is a matter which may be the subject of a local planning policy under the Residential Design Codes (R-Codes). Alternatively these requirements may be included in Local Planning Scheme No 4.

Discussion and Recommendation: The relatively consistent height of dwellings within the Hilton area is considered an important feature that is worth preserving and enhancing. However it is recognised that the majority of modern dwellings do not raise the internal floor levels up to 600mm and thus the external wall height of modern dwellings is generally less than 3.0m. Additionally should Council consider that a garage may form part of the dwelling's façade, a minimum external wall height of 3.0m is considered unnecessary and may in fact add to the prominence of the garage door in terms of scale. It is therefore recommended that the minimum external wall height or minimum floor level provisions of the current policy not be included in either the revised draft policy or amendment.

However, it is recommended that the maximum external wall height and maximum roof height detailed in the current policy are included in either the revised draft policy or Scheme amendment. It is further recommended that discretionary criteria be provided where conventional two storey houses may be permitted based on compatibility with the streetscape and no significant impact on the amenity of adjoining properties.

Side Boundary Setbacks (excluding boundary walls)

Policy requirements: Side boundary setbacks (excluding rear) are required to be a minimum of 1.5 metres, including carport, to one side and a minimum of 3.5m (another section of the policy refers to this as 4m) to the reverse side. This may include an existing access leg or driveway to a rear house or lot.

Basis for requirement: Traditional houses within Hilton are smaller than most contemporary homes, and tend to be well set back from side boundaries. The greater 3.5/4 metre requirement to one side serves two purposes, allowing for the spacious character to be maintained and allowing vehicular access along the side of a house to enable garage location at the rear of the house.

Statutory considerations: Side setbacks (excluding boundary walls) are not a matter which may be the subject of a local planning policy under the R-Codes, therefore a policy attempting to enforce this would be ultra vires. These requirements would have to be included in the Scheme to be legally effective.

Discussion and Recommendation: It is recommended that side boundary setbacks are not included in a revised draft policy or Scheme amendment.

Boundary Walls

Policy requirements: Boundary walls are prohibited under the current policy.

Basis for requirement: With the exception of traditional terrace housing, the use of boundary walls in residential development is relatively recent. The policy prohibits boundary walls in Hilton as they are not part of the traditional built form and may undermine the overall spacious garden suburb character of the area. Other issues with boundary walls, not specifically related to Hilton, include impacts on neighbour's outlook, overshadowing, sense of confinement etc.

Statutory considerations: Boundary walls may be dealt with as a local planning policy under the Residential Design Codes. The City currently has local planning policy, *LPP2.4 Boundary Walls in Residential Development*, which provides replacement Acceptable Development requirements to those of the R-Codes. The policy is currently the subject of a separate report to Council proposing minor amendments. Essentially the Boundary Walls policy intends to only regard boundary walls as meeting the acceptable development provisions where there is minimal impact on the amenity of the adjoining property (about an existing wall, non-residential use, specifically permitted under the Scheme or other policy) or where the physical characteristics of the lot restrict the development potential (lots less than 10m frontage).

Proposed boundary walls that do not meet the acceptable development provisions of the policy are to undertake a performance assessment where Council needs to be satisfied that the proposed boundary wall will not pose a significant impact on the amenity of the adjoining property.

Boundary walls may be dealt with under a local planning policy as discussed above, or may be specifically prohibited in the Scheme.

Discussion and Recommendation: The City's current local planning policy, *LPP2.4 Boundary Walls in Residential Development*, is considered sufficient to address boundary wall development within the Hilton policy area as, in most cases, a performance based assessment will be required. It is therefore recommended that provisions pertaining to boundary walls are not included in a revised draft policy or Scheme Amendment.

Setback of Buildings (including Garages/Carports)

Policy requirements: The policy prescribes a street setback of 7m (greater than the 6m required by the R-Codes for R20 and R25 coded properties). This includes carports and garages and does not allow for averaging. The front face of a single garage or carport width only to the street in line with the house or behind the front dwelling is permitted, but no carports or garages are permitted within the front setback area. A carport may be permitted where located within the side setback subject to compliance with the Residential Design Codes.

The policy does not contain specific requirements relating to secondary street setbacks.

Basis for requirement: The street setback requirement exists to maintain the spacious suburban character of Hilton, and by ensuring generous front setbacks a more open and spacious streetscape is maintained. The avoidance of the use of double garage doors as part of the façade of a house maintains a much stronger relationship between the house and the street, and generally facilitates a more symmetrical house façade appearance.

The lack of policy requirements relating to secondary street setbacks is most likely linked to the policy provision requiring that new dwellings on *'facetted corners of blocks are to be set square to the splay.'*

Statutory considerations: The minimum setback provisions of buildings (including garages/carports) from both the primary and secondary street are provisions that may be dealt with as a Local Planning Policy under the Residential Design Codes. A local area policy may contain discretionary criteria where a variation may be permitted. The R-Codes' definition of a 'primary street' states:

'Unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling.'

A secondary street is defined by the R-Codes as:

'In the case of a site that has access from more than one public road, a road that is not the primary street but which intersects with or adjoins that road.'

The R-Codes' provisions relating to the width of a garage door in the R-Codes can be varied by a local planning policy. The acceptable development provisions of the R-Codes require a maximum width of 50% of the frontage of the lot where the dwelling is single storey. The performance criteria relating to garage doors states:

'The extent of frontage and building façade occupied by garages assessed against the need to maintain a desired streetscape not dominated by garage doors.'

Discussion and Recommendation: The generous front setbacks of dwellings extant in the Hilton area are considered to significantly contribute to the character of the area. The existing policy requirement regarding the front (primary street) setback of 7m for buildings is recommended to be included in a revised draft policy or Scheme Amendment. Garages and carports that are under the main roof of the development will also be subject to this primary street setback requirement.

It is recommended that garages or carports not under the main roof of the development (i.e. detached or under a separate roof form from the dwelling) shall be subject to slightly different criteria. Principally garages and carports not under the main roof of the development shall still be required to be setback in line with or behind the front wall of the dwelling. However carports that are not under the main roof of the development may be located in front of the dwelling where:

- The carport is open on all sides with no door,
- The carport is of simple and lightweight construction,
- The carport will be located so as to maintain visibility of the house from the street and surveillance from the house to the street, and

- The maximum width of a carport is to be 6 metres on a property with a frontage of 10 metres or greater. On a property with a frontage of less than 10 metres, the maximum width of a carport is to be 3 metres.

It is also recommended that the revised policy provide discretionary criteria relating to the setting back of buildings.

Further, it is recommended that the policy or amendment specify that the local government is to determine the primary street where a development site has two street frontages, i.e. a corner lot. The primary street shall be determined with regard to the existing streetscape, orientation, physical characteristics of the lot and preferred locations for vehicle crossovers.

The R-Codes require a 1.5m setback from the secondary street for development on properties coded R20 or R25. Council may consider increasing this secondary street setback to complement the increased primary street setback of 7m. This may be dealt with by a local planning policy or Scheme Amendment. However it is considered that the 1.5m setback from the secondary street required by the R-Codes for R20 and R25 coded properties would be sufficient to achieve the objectives of the revised policy. It is therefore recommended that the revised policy does not include acceptable development provisions relating to the secondary street setback.

It also is recommended that the revised policy requires garages to be setback in line with or behind the front wall of the dwelling. Garage doors can potentially dominate the appearance of a dwelling and result in a streetscape dominated by garage doors. Whilst double garage doors are not associated with the traditional housing type of the Hilton area, double garages are provided in most 'project' homes offered today and arguably reflect the demands of the wider community. It is therefore recommended that Council include a provision in the revised policy or amendment limiting the width of a garage door to 40% of the width of the dwelling as viewed from the street, rather than 50% of the frontage of the lot as detailed in the R-Codes. Under the R-Codes method, a garage could potentially still dominate the façade of a dwelling, as the maximum width of the garage is proportionate to the width of the lot rather than proportionate to the width of the dwelling. By measuring the width of the garage door in relation to the width of the dwelling, the potential for the garage door to dominate the appearance of the dwelling is addressed, which in turn will assist in minimising the impact of the garage doors on the streetscape. It is further recommended that Council establish factors for consideration where a performance based assessment is required for the width of garages.

Open Space

Policy requirements: The existing policy does not provide specific requirements pertaining to open space provisions, rather this is assessed against the open space provisions of the R-Codes.

Basis for requirement: n/a

Statutory considerations: Open space requirements are not a matter which may be the subject of a local planning policy under the R-Codes, therefore a policy attempting to enforce this would be ultra vires. In order to alter the minimum amount of land required for open space from that provided for in the R-Codes, a specific requirement would have to be included in the Scheme to be legally effective.

Discussion and Recommendation: The traditional development of the Hilton Garden Suburb, with the modest housing stock and retention or planting of numerous trees, tended itself to be fairly 'open' in appearance. The R-Codes require all residential development to provide 50% of the site as open space in accordance with the current residential density codings of the Hilton area (R20 and R20/R25). Council may wish to vary this requirement to require a greater amount of open space, however this would need to be in the form of a Scheme Amendment. It is recommended that a greater open space requirement than that provided for in the R-Codes is not required in the Hilton area, however Council may consider incorporating some factors to consider when assessing a variation to the open space requirements of the R-Codes into a revised draft policy.

Form / Proportion

Policy requirements:

- Maintain the wall plate height of new dwellings consistent with the original Hilton houses as specified in height requirements
- Hipped or gabled roofs with a minimum roof pitch of 27.5 degrees and maximum of 35 degrees, reflecting and articulating the floor plan and providing the ridge is parallel to the street.
- Minimum eave width of 450 mm;
- Front door facing the street and clearly visible;
- All front rooms to contain windows to the street with a horizontal emphasis.
- Front façade to be articulated with a projecting front room, a porch or a verandah. Minimum front projection 1200 mm beyond main face of house.
- Ridgeline of the main roof to run parallel to the front face of the building.
- Wall plate to ridge level height is to be between 1.8 metres and 2.7 metres.
- Elements such as windows are to have a horizontal emphasis. The number of vertical elements is to be kept to a minimum.
- The front rooms to have windows that face to the street. The entry door to be visible from the street
- Apart from corners lots, houses are to be set square to the street.
- Houses on faceted corners of blocks are to be set square to the splay.

Basis for requirement: The intent of these requirements is to promote a housing form within Hilton which is broadly consistent with the character of traditional houses within the area.

Statutory considerations: These are matters which may be the subject of a Local Planning Policy under Local Planning Scheme No 4.

Discussion and Recommendation: The existing form and proportion requirements of the policy promote a built form that is reflective of and sympathetic to the traditional form of housing within Hilton. It is recommended that the form and proportion requirements of the policy pertaining to new development, with the exception of one discussed below, be included in the revised policy, albeit with some consolidation to avoid duplication and to assist in interpretation.

One requirement of the existing policy is for houses on corner lots to be set square to the splay – in other words, to face the street corner of the lot rather than one particular street. This required positioning of the dwelling is typical of the positioning of the traditional houses. However this positioning results in generous setback areas in front of the dwelling and little outdoor area at the rear of the original dwelling, especially should the corner lot be subdivided. Furthermore the retention of the original houses on corner lots when subdividing has resulted in the awkward shaped lots discussed previously, where development in accordance with the existing policy has been difficult. It is considered that development of these corner lots could address either streets without significantly impacting on the significance of the area, particularly if the recommended provision for the Council to determine the primary and secondary street is adopted. It is therefore recommended that this provision not be included in a revised policy or amendment.

Materials of Houses

Policy requirements:

- The roofs are to be concrete or terracotta tiled or colourbond in traditional colours.
- External walls can be of flat or weatherboard profile fibrous cement sheeting.

Basis for requirement: The intent of these requirements is to promote building materials sympathetic to and consistent with the traditional construction materials of Hilton houses.

Statutory considerations: These are matters which may be the subject of a Local Planning Policy under Local Planning Scheme No 4.

Discussion and Recommendation: The use of flat or weatherboard profile fibrous cement sheeting in the construction of today's housing is relatively uncommon. Whilst the use of only these materials could be enforced through the provisions of a local planning policy, it is considered that the use of other building materials, such as brick, rendered brick or colourbond sheeting would not significantly impact on the significance of the area. Therefore the inclusion of specific building materials is not recommended as part of the revised policy.

Similarly the potential use of roofing materials other than tiles or colourbond sheeting in traditional colours is not anticipated to significantly impact on the significance of the area. It is perhaps worth noting that the use of such roofing materials is fairly prevalent in modern housing in any case. The inclusion of specific roof materials in a revised policy is thus not recommended.

Site Levels

Policy requirements: The policy states that the area around new dwellings shall be maintained at the natural ground level, and that large infill and retaining walls will not be supported.

Basis for requirement: The intent of these requirements is to promote a housing form within Hilton which is broadly consistent with the character of traditional houses within the area. The policy provision to minimise filled areas of land and retaining walls is reflective of the minimum site works involved in the construction of the original houses.

Statutory considerations: The filling of land and construction of retaining walls, where no higher than 500mm above natural ground level, is permitted development under the provisions of the Scheme. As such, the policy cannot control this aspect of development unless an amendment to the Scheme is undertaken.

Planning Approval is required for fill and/or retaining walls greater than 500mm above the natural ground level in accordance with the current provisions of the Scheme.

Discussion and Recommendation: Filling of land and the construction of retaining walls is not reflective of the traditional development of housing within Hilton. This is due largely to the prevalence of wooden stumped homes rather than the concrete slab construction commonly used today. Filling of land greater than 500mm currently requires planning approval under the Scheme and can therefore be dealt with under the Scheme and R-Codes.

Filling of land within the front setback area is permitted without planning approval up to 500mm above the natural ground level and as such cannot be dealt with under a local planning policy. However this level of fill has the potential to impact on the natural impression of the land and streetscape, particularly in an area of significance such as the Hilton area, and is perhaps a factor that should require planning approval. This issue is not isolated to the Hilton area and as such it is recommended that a future report be presented to Council to consider a broader amendment to the existing Scheme provisions to require planning approval for any filling of land within the front setback area.

Timber Dwellings

Policy requirements: The policy encourages the use of timber in the construction of new dwellings. The policy also encourages the relocation of timber dwellings from elsewhere that complement the traditional homogeneity of housing forms in Hilton.

Basis for requirement: The intent of these statements is to promote a housing form within Hilton which is broadly consistent with the character of traditional houses within the area, particularly the prevalent construction materials.

Statutory considerations: The use of specific construction materials may be the subject of a Local Planning Policy under Local Planning Scheme No 4.

Discussion and Recommendation: These statements in the existing policy 'encourage' the use of timber and encourage the relocation of timber dwellings rather than specifically 'requiring' it. It is therefore recommended that these statements not be included in the draft revised policy and/or Scheme Amendment.

Conservation of Existing Dwellings including upgrading, extensions and additions

Policy requirements:

- Where replacement is necessary, original elements should be replaced with matching materials.
- In determining proposals the following shall be considered:
 - a) Any external alterations should, as far as practicable, help to conserve the overall character, architectural style and the original form of the house, particularly the external form;
 - b) New extensions should be located at the rear of the original dwelling;
 - c) Asbestos cladding may be replaced by weatherboards, "hardy-plank", external plywood or similar materials; and
 - d) Upward extensions shall be located behind the ridge line of the original dwelling.
- As far as practicable:
 - a) The original size and position of openings, visible from the street, should be conserved; and
 - b) Replacement doors and windows, where necessary, should use traditional materials and reflect the styles of original Hilton houses.
- Generally the original size and position of verandahs and porches visible from the street should be conserved; and the enclosure of front verandahs and porches is not supported.
- Generally the original form of the roof should be conserved; and roof materials should be clay or concrete tile. If metal or colourbond is the only acceptable option it should be of a coloured finish to match the range of traditional colours.
- The significant characteristics of the original house are to be conserved
- The external form of the front and sides of the conserved house is to be retained; the rear may be adapted.
- Roof types of rear extensions are to be hipped or gabled, concrete or terracotta tiled or *colourbond* in traditional colours.
- The existing roof may be replaced to match rear extension.
- External walls of rear extensions can be of flat or weatherboard profile fibrous cement sheeting, timber weatherboarding, exterior-plywood or face brickwork.

Basis for requirement: The intent of these statements is to promote the restoration and conservation of the original housing stock within Hilton in a manner that is sympathetic and compatible with the character of traditional houses within the area.

Statutory considerations: Details relating to the form, design and construction materials for residential development, including restorations and additions, may be the subject of a Local Planning Policy under Local Planning Scheme No. 4.

Discussion and Recommendation: The current policy provisions relating to specific construction materials are not recommended to be included in a draft revised policy or amendment as the use of other materials not listed such as rendered brick are not anticipated to significantly impact on the significance of the Hilton area. It is recommended that the provisions relating to the form and proportioning of the dwellings be included in a revised draft policy with some consolidation of the wording. Additional discretionary criteria are also recommended for inclusion where the policy provisions may be varied where the development will not be visible from the street and where the property is not on the Heritage List.

Sustainability

Policy requirements:

- The following initiatives are encouraged:
 - a) Use of rainwater tanks located at the rear of houses that face the street;
 - b) Use of solar panels provided they are not visible from the street.
 - c) Minimum R2.5, ideally R4 insulation.

Basis for requirement: These statements are to encourage improved environmental sustainability of housing within the Hilton area.

Statutory considerations: The installation of rainwater tanks and solar panels in locations similar to those stated in the policy is permitted development under the current provisions of Scheme. A local planning policy cannot require additional development such as rainwater tanks, solar panels or insulation, unless such features relate directly to the proposed development or at a time of subdivision. The existing provisions of the Scheme relating to split density coded residential property enable the Council to apply sustainable development requirements in certain circumstances similar to those encouraged by this policy at the time of subdivision through a restrictive covenant or as part of the development of an additional dwelling.

Discussion and Recommendation: These statements in the existing policy 'encourage' the installation of rainwater tanks, solar panels and insulation rather than specifically 'requiring' such development. It is therefore recommended that these statements not be included in the draft revised policy and/or Scheme Amendment.

Infill Development

Policy requirements: With the exception of the height requirements outlined above, infill development shall be in accordance with the requirements of the Residential Design Codes. For the purpose of this section, infill development is defined as a house on a battleaxe lot or site as defined by the Residential Design Codes

The requirement for vehicles to enter the street in forward gear may be waived where it would minimise the number of crossovers to the street, contribute to the conservation of an original house and would not compromise the safety of pedestrians.

Basis for requirement: These provisions of the policy are intended to relax the specific design requirements of the policy to encourage infill (battleaxe) development whilst retaining the existing housing stock. The building height requirements for the policy area are retained for infill development to ensure a compatible and sympathetic scale of buildings however other design requirements are relaxed as development on battleaxe lots poses a lesser impact on the streetscape and surrounding area.

Statutory considerations: As previously discussed, building height is a matter which may be the subject of a Local Planning Policy under the Residential Design Codes or may be included in the Scheme.

The Residential Design Codes provide performance criteria where a turning area for vehicles cannot be provided. The performance criteria require vehicle access to be *'provided so as to minimize the number of crossovers, avoid street trees, to be safe in use and not detract from the streetscape.'* This existing performance criteria is considered sufficient where a turning area cannot be provided due to the retention of an existing dwelling.

Discussion and Recommendation: It is recommended that the current infill development provisions, that retain the policy height requirements though relax the other design requirements, be included in the draft revised policy. However it is recommended that the ability to relax the turning area requirements of the R-Codes be deleted as the performance criteria of the R-Codes are considered sufficient to address this issue.

Trees

Policy requirements:

- New development, including vehicular access crossovers, should be located, where practical, to enable the retention of significant, mature trees, including those located on street verges.
- Council may consent to minor variations to the policy and Codes to facilitate the retention of a significant tree (s).
- The removal of any existing trees on site as a result of development will require the provision of replacement trees.
- All new development shall include suitable tree plantings within the design to improve solar protection and enhance the garden suburb character.

Basis for requirement: The intent of these requirements is to retain or replace the existing vegetation within Hilton as the vegetation contributes to the garden suburb character.

Statutory considerations: Verge vegetation is a matter that requires consideration under the Vehicle Access provisions of the Residential Design Codes as well as the current provisions of the Scheme. The removal of trees and vegetation areas on private land is permitted development under the provisions of the Scheme, except where the trees or vegetation areas are identified in the register of significant trees or vegetation areas.

Council resolved on 24 March 2010 to advertise two local planning policies, *LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites* and *LPP2.12 Planning Applications Impacting Upon Verge Infrastructure and Verge Trees*.

LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites intends to provide guidance on the requirement for and assessment of landscape plans; and the process for assessing planning applications which affect tree(s) and vegetation considered worthy of conservation but which are not listed on the City's register of significant trees. Additionally the policy will enable to consider the retention of tree(s) and vegetation where other provisions of the Scheme or policy are proposed to be varied. In essence the draft policy seeks to encourage the retention of tree(s) or vegetation even where the retention of the tree(s) or vegetation may restrict the development of the site.

LPP2.12 Planning Applications Impacting upon Verge Infrastructure and Verge Trees intends to provide guidance in assessing planning applications that include new crossovers, or require the removal or modification to existing verge infrastructure and/or verge trees. Where a development requires the removal of a verge tree, the applicant will be required to seek the approval of the relevant City of Fremantle department and, in the case of street trees, to demonstrate that such a tree can be replaced in a manner that is consistent with the streetscape, character and amenity of the locality.

A requirement to plant tree(s) and/or vegetation at the time of new development is a matter which may be the subject of local planning policy or included in the Scheme.

Discussion and Recommendation: It is recommended the provisions of the current policy regarding trees not be included in the draft revised policy and/or Scheme Amendment as similar provisions are, or are proposed to be, included elsewhere in the City's Scheme and policy regime.

Fences

Policy requirements:

- Fencing forward of the building line shall be a maximum height of 1.2 metres and visually permeable from top to bottom.
- On South Street, between Stock Road and Carrington Street, Council may consider front fencing to a maximum height of 1.6 metres and only in cases where the dwelling is setback less than six metres from the street.
- Solid masonry fencing is permitted where onto Stock Road to a maximum height of 2.0 metres.
- Boundary fencing other than to the street and forward fences will be required to be upgraded to a maximum height of 1.8 metres as part of any new development.

Basis for requirement: This requirement exists to maintain an open and spacious streetscape that is characteristic of Hilton.

Statutory considerations: Fencing may be dealt with as a Local Planning Policy under the Residential Design Codes or under the Scheme. The requirement to upgrade boundary fencing is considered difficult in that the *Dividing Fences Act 1960* affords joint rights and responsibilities to adjoining landowners relating to boundary fencing. A requirement to upgrade boundary fencing may not be possible should the two adjoining landowners not reach an appropriate agreement, which would then render such a condition unenforceable.

Discussion and Recommendation: It is recommended that the provisions of the current policy be included in the draft revised policy and/or Scheme Amendment, with the exception of the provision pertaining to the upgrading of boundary fencing.

Demolition

Policy requirements: Conservation of original dwellings within the policy area is encouraged. Council may consider demolition subject to submission of a development application for demolition and plans for a replacement house in accordance with policy.

Basis for requirement: This policy requirement encourages the retention and conservation of the original housing stock however also provides guidance in the assessment of demolition proposals.

Statutory considerations: Demolition is regarded as development under the Scheme and as such requires the approval of Council. The submission of replacement development plans where demolition is proposed was a requirement under the previous Scheme (TPS3) however is no longer required under the current Scheme and as such cannot be included as a Local Planning Policy provision.

Discussion and Recommendation: It is recommended that the provisions of the policy relating to demolition not be included in the draft revised policy and/or Scheme Amendment.

Subdivision

Policy requirements:

- The Council shall request that new lots have a minimum frontage of 16 metre and, as far as practicable, access legs for battleaxe subdivision should provide reciprocal or common access to both front and rear dwellings or grouped dwellings;
- All new subdivision will be required to upgrade the existing pedestrian path fronting the original lot, and existing and new crossovers shall be upgraded and designed to meet the City's specifications.
- Existing boundary fencing to be upgraded to a minimum height of 1.8 metres.

Basis for requirement: This requirement exists to maintain the spacious suburban character of Hilton and to ensure an open and spacious streetscape is maintained. The widths of the original lots within Hilton are generous by today's standards, ranging from approximately 15m to 22m. The requirement to upgrade the pedestrian paths, vehicle crossovers and boundary fencing is to encourage the ongoing maintenance and upgrade of this infrastructure.

Statutory considerations: Subdivision approval is determined by the Western Australian Planning Commission. Nevertheless, Part 10 of the *Planning and Development Act 2005* requires the Commission to consult with the local government where the Commission considers the subdivision proposal may affect the functions of the local government. Minimum lot frontage is not a provision that can be varied within a Local Planning Policy under Residential Design Codes however may be included as a requirement under the Scheme. The local authority's comments to the Commission would then be based upon the Scheme provisions, including a minimum lot frontage.

The City is able to recommend a condition of subdivision approval to provide a new crossover for the newly created lot under the current provisions of the Residential Design Codes.

The policy requirement that pedestrian paths and boundary fencing be upgraded upon subdivision is not provided for in the Residential Design Codes, State Planning Policies or Development Control Policies. These requirements are considered dubious as to whether such a condition would pass the 'nexus test' of reasonable development conditions in that the requirements are not directly relevant to the adequate servicing of the proposed lots. The provision of pedestrian paths is a general responsibility of the Local Government, rather than that of the individual landowner. The requirement to upgrade boundary fencing is considered problematic in that the *Dividing Fences Act 1960* affords joint rights and responsibilities to adjoining landowners relating to boundary fencing. A requirement to upgrade boundary fencing may not be possible should the two adjoining landowners not reach an appropriate agreement, which would then render such a condition unenforceable. It is also worth reiterating that the City is not the determining authority for subdivision applications and as such can only recommend such conditions.

Discussion and Recommendation: It is recommended that the current policy provisions relating to a minimum lot frontage of 16m and battleaxe style subdivision be included in a Scheme Amendment. However it is recommended that the existing provisions to upgrade pedestrians paths, vehicle crossovers and boundary fencing are not included in the draft revised policy and/or Scheme Amendment.

Conservation Incentives

Policy requirements: This section of the policy provides information about the incentives available to encourage the conservation of places of cultural heritage significance. This section also briefly outlines the process for places to be included on the Municipal Heritage Inventory.

Basis for requirement: This section of the policy provides information to landowners and applicants of the available incentives for the conservation of the heritage places.

Statutory considerations: This section of the policy does not directly relate to any statutory considerations, rather provides information to landowners and applicants. The procedures for adopting a place on the Municipal Heritage Inventory and Heritage List are covered by the Local Planning Policy, *LPP2.6 Procedure for Amending the Municipal Heritage Inventory (MHI) and Heritage List*.

It is worth noting that the current provisions of the Scheme regarding split density coded properties allow Council to grant the higher density coding where a building of cultural heritage significance is retained on the lot.

Discussion and Recommendation: It is recommended that the statements of the current policy regarding conservation incentives and MHI adoption not be included in the revised draft policy and/or Scheme Amendment.

Council could consider whether the relocation and restumping of the original housing stock within Hilton could assist in encouraging the retention of the traditional stock whilst allowing for infill development in accordance with the policy. The relocating of original dwellings on corner lots could potentially enable the subdivision of these lots in a more conventional manner, rather than the awkward lots that currently arise from the retention of the dwelling in its original location. Future development on the created lots could address both streets and the built form would be addressed by policy requirements, thus ensuring compatibility with the Hilton area.

CONCLUSION

This report is primarily to determine whether a review of the current design requirements of the Hilton Local Area Planning Policy is required. Should Council decide that a review of the current policy is necessary, draft development issues are recommended to form the basis for a future revised draft local planning policy and/or Scheme amendment. It is anticipated that the specific development requirements will require substantial consideration by Council and will necessitate a number of changes prior to Council resolving to formally request officers to initiate the proposed policy and/or amendment.

OFFICER'S RECOMMENDATION

That a draft Scheme Amendment to Local Planning Scheme No. 4 and Local Planning Policy for Hilton be prepared for Council consideration that addresses development design issues based on the following principles:

Building Height

1. No requirement to be included for a minimum external wall height.
2. No requirement to be included to raise the floor level of new dwellings.
3. Maximum external wall height of 3.5 metres (equivalent to single storey and a loft).
4. Maximum roof ridge height of 6.5 metres.
5. Variation to the maximum building height requirements may be considered subject to Council being satisfied that the development is compatible with the streetscape and presents no significant impact on the amenity of the adjoining properties.

Note: Should Council agree to point 5 above, criteria for assessing the compatibility with the streetscape will be determined and presented to Council at a later date.

Setback of Buildings including Garages/Carports where under the main roof of the development

1. Minimum primary street setback for buildings of 7m.
2. Garages and carports are to be setback in line with or behind the front wall of the dwelling.
3. Minimum secondary street setback for buildings as per the R-Codes.
4. Primary and secondary street to be determined by the Council taking into consideration the existing streetscape, orientation and physical characteristics of the lot.
5. Variations to the minimum primary and secondary street setback of buildings (and garages or carports under the main roof of the development) may be considered subject to discretionary criteria relating to consistency and compatibility with the streetscape.

Setback of Garages/Carports where not under the main roof of the development

1. Garages and carports are to be setback in line with or behind the front wall of the dwelling.
2. Carports may be located in front of the dwelling where:
 - a. The carport is open on all sides with no door;
 - b. The carport is of simple and lightweight construction;
 - c. The carport will be located so as to maintain visibility of the house from the street and surveillance from the house to the street; and
 - d. The maximum width of a carport is to be 6 metres on a property with a frontage of 10 metres or greater. On a property with a frontage of less than 10 metres, the maximum width of a carport is to be 3 metres.
3. Variations to the above requirements may be considered subject to discretionary criteria relating to consistency and compatibility with the streetscape.

Building Design of Garages

1. The width of a garage door (whether under the main roof of the development or not) shall comprise of no more than 40% of the width of the front of the dwelling as viewed from the street.
2. Variations to the maximum width of the garage doors may be considered subject to discretionary criteria relating to consistency and compatibility with the streetscape.

Boundary Setbacks

1. No specific requirements to be included for the setting back of buildings from the boundary. The setting back of buildings from the boundary will be subject to the requirements of the R-Codes.

Boundary Walls

1. No specific requirements to be included relating to boundary walls. The local planning policy, *LPP2.4 Boundary Walls in Residential Development*, shall be applicable for the assessment of boundary walls.

Open Space

1. The acceptable development requirements of the R-Codes shall apply; those being a minimum open space requirement of 50% for Residential zoned land coded R20 and R25.
2. Variations to the acceptable development requirements of the R-Codes regarding open space may be considered subject to discretionary criteria relating to consistency and compatibility with the streetscape and Heritage Area.

Form / Proportion

1. Maintain and consolidate the following existing policy provisions relating to the form and proportion of new dwellings:
 - i. Hipped or gabled roof (minimum roof pitch of 27.5 degrees and maximum of 35 degrees).
 - ii. Minimum eave width of 450 mm.
 - iii. Front door facing the street and clearly visible.
 - iv. All front rooms to contain windows to the street with a horizontal emphasis.
 - v. Front façade to be articulated with a projecting front room, a porch or a verandah. Minimum front projection 1200 mm beyond main face of house.
 - vi. The ridgeline of the main roof to run parallel to the front face of the building. The wall plate to ridge level height is to be between 1.8 metres and 2.7 metres.
 - vii. Front façade composition: Elements such as windows are to have a horizontal emphasis. The number of vertical elements is to be kept to a minimum.
 - viii. The front rooms to have windows that face to the street.

2. The following existing policy provisions relating to the form and proportion of new dwellings are not to be included:
 - i. Roofing - Concrete or terracotta tiled or colourbond in traditional colours.
 - ii. External walls can be of flat or weatherboard profile fibrous cement sheeting, timber weatherboarding, exterior-plywood or face brickwork.
 - iii. Houses on faceted corners of blocks are to be set square to the splay.
3. Variations to the above requirements may be considered subject to discretionary criteria relating to consistency and compatibility with the streetscape and Heritage Area.

Site Levels

1. A report to be presented before Council discussing a potential amendment to the Local Planning Scheme to require planning approval for the filling of land and construction of retaining walls within the front setback area.

Timber Dwellings

1. Specific requirements or statements 'encouraging' the use of timber and the relocation of timber dwellings are not to be included.

Conservation of Existing Dwellings including upgrading, extensions and additions

1. Maintain and consolidate the following existing policy provisions relating to the form and proportion for alterations, additions and restoration of existing dwellings not on the Heritage List:
 - a) Any external alterations should, as far as practicable, help to conserve the overall character, architectural style and the original form of the house, particularly the external form.
 - b) New extensions should be located at the rear of the original dwelling.
 - c) Upward extensions shall be located behind the ridge line of the original dwelling.
 - d) The original size and position of openings, visible from the street, should be conserved.
 - e) Replacement doors and windows, where necessary, should use traditional materials and reflect the styles of original Hilton houses.
 - f) The original size and position of verandahs and porches visible from the street should be conserved.
 - g) The enclosure of front verandahs and porches is not supported.
 - h) The original form of the roof should be conserved.
 - i) The external form of the front and sides of the conserved house is to be retained; the rear may be adapted.
 - j) Rear extensions shall be single storey or a loft type.
 - k) Rear extension roof types: Hipped or gabled. Existing roof may be replaced to match rear extension.
 - l) Roof pitch to match retained front part of house. Eaves overhang 450 mm.

- m) Roof form: Where the roof of the rear extension becomes part of the original roof the retained ridge at the front of the house will remain the highest point of the roof.
 - n) Where the roof of the rear extension is kept separate from the retained original roof, the wall plate to ridge height can be a maximum of 2.7 metres.
2. Council may consider variations to the above design requirements where the property subject to discretionary criteria relating to consistency and compatibility with the streetscape and Heritage Area.
 3. The following existing policy provisions and statements relating to the form and proportion of alterations, additions and restoration of existing dwellings not on the Heritage List are not to be included:
 - a) Roofing - Concrete or terracotta tiled or colourbond in traditional colours.
 - b) External walls can be of flat or weatherboard profile fibrous cement sheeting, timber weatherboarding, exterior-plywood or face brickwork.
 - c) Houses on faceted corners of blocks are to be set square to the splay.

Sustainability

1. The existing policy provisions under the heading 'Sustainability' are not to be included.

Infill Development

1. With the exception of the height requirements of the policy, infill development shall be in accordance with the requirements of the Residential Design Codes.

Trees

1. No specific requirements to be included relating to trees or vegetation. The proposed local planning policies, *LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites* and *LPP2.12 Planning Applications Impacting upon Verge Infrastructure and Verge Trees*, shall be applicable for the development that impacts on trees and vegetation.

Fences

1. Fencing forward of the building line shall be a maximum height of 1.2 metres and visually permeable from top to bottom.
2. For properties located on South Street, between Stock Road and Carrington Street, Council may consider front fencing to a maximum height of 1.6 metres and only in cases where the dwelling is setback less than 6 metres from the street.
3. Solid masonry (brick) fencing shall be permitted for those properties backing onto Stock Road to a maximum height of 2.0 metres to provide for noise attenuation.
4. The existing policy provisions requiring the upgrading of boundary fencing as part of any new development shall not be included.

Demolition

1. The existing policy statements and provisions relating to the demolition of dwellings shall not be included.

Subdivision

1. A report to be presented before Council discussing a potential amendment to the Local Planning Scheme regarding the following:
 - a. The minimum frontage of lots shall be 16 metres.
 - b. Subdivision shall be in the form of 'battleaxe' style lot to facilitate the retention of the existing dwelling.
 - c. As far as practicable, access legs for battleaxe subdivision should provide reciprocal or common access to both front and rear dwellings or grouped dwellings.
2. The existing policy provisions requiring the upgrading of existing pedestrian paths, crossovers and boundary fencing shall not be included.

Conservation Incentives

1. The statements relating to conservation incentives in the existing policy are not to be included.

COMMITTEE DECISION

MOVED: Cr A Sullivan

To defer the item to the next appropriate Planning Services Committee meeting.

CARRIED: 6/0

For	Against
Mayor, Brad Pettitt Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Bill Massie Cr Andrew Sullivan	

REPORTS BY OFFICERS (COMMITTEE DELEGATION)

The following items are subject to clause 1.1 and 2.1 of the City of Fremantle Delegated Authority Register

PSC1006-126 PRELIMINARY DISCUSSION OF LOCAL PLANNING POLICY REVIEW REGARDING RESIDENTIAL STREETSCAPES, GARAGES AND CARPORTS (BC)

DataWorks Reference:	117/039
Disclosure of Interest:	Nil
Meeting Date:	30 June 2010
Responsible Officer:	Director Planning and Development
Actioning Officer:	Planning Officer
Decision Making Level:	Planning Services Committee
Attachment 1:	<i>D.B.H1 Urban Design and Streetscape Guidelines</i>
Attachment 2:	<i>D.C6 Carports/Garages in Front of Dwellings/Buildings</i>

PURPOSE

The purpose of this report is to generate discussion about the objectives and intent of the City of Fremantle local planning policies dealing with streetscapes, garages and carports, and to determine whether a review of the development standards within these policies is required. This report is intended to seek Council's guidance in the possible formulation of a revised streetscape policy that considers design elements relevant to residential streetscapes including garages and carports.

BACKGROUND

The current local planning policy prescribing development requirements relating to streetscapes is *D.B.H1 Urban Design and Streetscape Guidelines (DBH1)* which was adopted by Council on 18 November 1991 and amended in 1997, under the provisions of the City's former Town Planning Scheme No. 3 (TPS3).

DBH1 provides guidelines and expresses desirable built form outcomes with respect to the traditional aspects that make up a streetscape such as:

- Setbacks from the street
- Orientation and alignment of buildings
- Fences
- Infill development
- Building scale and mass
- Design and materials of new buildings and extensions to new buildings
- Retention of vegetation on site

DBH1 also goes beyond the scope of what can be strictly classified as urban design and/or streetscape issues, and addresses matters such as:

- Site coverage

- Side and rear setbacks
- On site parking
- Visual privacy (overlooking)
- Overshadowing
- Location of boundary walls
- Design of rear additions/extensions
- Passive solar design
- Retention of historic boundary walls and outbuildings, toilet and stables

The current local planning policy relating to the development of garages and carports is *D.C6 Garages/Carports in Front of Dwellings/Buildings (DC6)* which was adopted by Council on 18 July 1988, under the provisions of TPS3

Since the adoption of the abovementioned policies, a number of significant changes have occurred to the planning framework within Fremantle and Western Australia as a whole. Specifically, TPS3 was rescinded with the gazettal of Local Planning Scheme No. 4 (LPS4) in 2007 and the Western Australian Planning Commission adopted the Residential Design Codes in 2002, with amendments adopted in 2008. Additionally the approach to policy development has also changed, in that current policies are written with a much greater emphasis on clarity of requirements, statutory rigour and certainty, and inclusion of clear criteria for discretionary decision making.

The introduction of the first edition of the R-Codes in 2002 introduced ten 'design elements' to deal with all matters relating to residential development. Design element 2 relates to streetscape and provides some specific 'Acceptable Development Criteria' (AD provisions) and some more subjective 'Performance Criteria' for all of the significant contributors to a streetscape such as setbacks, street surveillance, front fences, garages/carports and building design.

The R-Codes allow for a local government to adopt local planning policies under its Local Planning Scheme that vary or replace select acceptable development criteria of the R-Codes, limited to the following 'urban design and streetscape' related issues:

- Setback of buildings from the primary and secondary street
- Setback of garages and carports
- Street surveillance
- Street walls and fences
- Sightlines at vehicle access points
- Building design (design of carports and garages, colour, scale, materials, roof pitch, extent to which views of upper levels of the building should be limited)
- Garage doors
- Appearance of retained dwellings

As noted above, *DBH1* goes beyond the scope of the R-Codes streetscape related criteria in a number of areas. It is considered necessary to review this policy to ensure that it is consistent with the City's current approval to policy formulation, and also to be consistent with the R-Codes.

Additionally it is considered *DC6* also warrants review and possible consolidation into a revised streetscape based policy. Based on some recent decisions made by Council, particular with reference to free standing carports in front of buildings, *DC6* is no longer considered to reflect the Council's current collective position on the control of garages and carports.

The purpose of this report is to generate discussion about the objectives and intent of *DBH1* and *DC6* and to determine whether a review of the development standards within these policies is required. This report is intended to seek Council's guidance in the possible formulation of a revised streetscape policy that considers design elements relevant to residential streetscapes including garages and carports.

CONSULTATION

Community consultation has not commenced at this stage of the policy review. Community consultation will begin should Council resolve to adopt a revised local planning policy for the purpose of advertising or initiate a Scheme Amendment, in accordance with clause 2.4.1 of the Scheme and the *Town Planning Regulations 1967*.

PLANNING COMMENT

The primary purpose of this report is to examine the current local planning policy provisions relating to residential streetscapes, garages and carports and to determine whether a review of these provisions is required. This report has been structured into what Officers consider to be the important aspects of development that contribute to the streetscape characteristics. These individual aspects are listed as follows:

1. Setting back of buildings from the primary and secondary street – including garages and carports under the main roof of the dwelling.
2. Setting back of carports and garages from the primary and secondary street where not under the main roof of the dwelling (including detached or freestanding structures).
3. Building height.
4. Roof types.
5. Additions and extensions.
6. Existing boundary walls and historic outbuildings.
7. Front fences.
8. Orientation and alignment.
9. Excavation and fill in front of the building.
10. Hard outdoor surfaces in front of the building.
11. Trees and vegetation in front of the building.

The above listed aspects of development are discussed separately below. The provisions of the City's existing local planning policies are discussed as well as the relevant provisions R-Codes. Whilst an officer recommendation has been provided for each design element, the purpose of this report is to seek Council's guidance as to what development standards should form part of a revised local planning policy regarding residential streetscapes, garages and carports.

Purpose and Scope of the Policy

The purpose of the revised policy, should Council wish to proceed with the revision of *DBH1* and *DC6*, would be to establish clear provisions relating to residential development within Fremantle. The general approach to policy formulation should be to prescribe simple and clear 'acceptable development' criteria that enable a 'tick and flick' assessment. This will benefit the assessment process for applicants and City officers in that the provisions form an acceptable standard that will facilitate a planning approval. Should the development propose variations from the 'acceptable development' provisions, discretionary criteria would need to be formulated where the development will be required to demonstrate that it meets the objectives of the policy. In this instance, these criteria will be based upon the development demonstrating compatibility with the streetscape.

The revised policy will apply to all properties with a residential coding within the Fremantle Scheme area, except where the specific provisions of LPS4 or a local area planning policy exist. For instance, this policy will not apply within the Hilton Heritage Area as a specific policy already exists for that area. Similarly the proposed building height provisions of the revised policy will not apply to the North Fremantle Local Planning Area as LPS4 already prescribes specific height criteria for this area. In effect, the revised policy will provide 'default' development criteria relevant to residential streetscapes.

Revised Policy Provisions

- 1. SETTING BACK OF BUILDINGS FROM THE PRIMARY AND SECONDARY STREET (INCLUDING GARAGES AND CARPORTS UNDER THE MAIN ROOF OF THE DEVELOPMENT)**

Determination of the Primary and Secondary Street

R-Codes provisions

The R-Codes define a property's primary secondary street as follows:

'Unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling.'

A secondary street is defined as:

'In the case of a site that has access from more than one public road, a road that is not the primary street but which intersects with or adjoins that road.'

Discussion and Recommendation

It is recommended that the revised policy specify that the local government is to determine the primary street where a development site has two street frontages, i.e. a corner lot. For a typical rectangular shaped lot within grid formation, the primary street will be the street that abuts the shorter property boundary. In the case of non-rectangular shaped sites (kite, triangular, diamond or otherwise) the primary street will be determined with regard to the design of the proposed dwelling, existing streetscape, orientation of buildings and lots, topography and solar access of the lot and preferred locations for vehicle crossovers.

It is recommended that the definition of a secondary street remain as per the R-Codes.

Primary Street setback

For the purpose of this section, buildings shall include garages and carports that are constructed under the main roof of the dwelling.

Policy and R-Codes provisions

The existing provisions of *DBH1* and the acceptable development provisions of the R-Codes are detailed as follows:

DBH1 provisions	AD provisions of R-Codes – clause 6.2.1
<p><i>“The front setback of new houses should ... reflect any existing established pattern within the street” (p.2).</i></p> <p><i>“New development should almost always be in a straight line unless the existing street pattern varies” (p.5).</i></p>	<ul style="list-style-type: none"> - In accordance with table 1 (primary and secondary street setbacks), or - In line with the average setback of the dwellings either side of the site fronting the same street, or - Setback of table 1 reduced by up to 50% where an equal amount of open space is provided behind the setback line.

Discussion

Generally *DBH1* seeks to ensure that new development is setback in line with the existing setback of buildings within the street. However the non-prescriptive style of wording of the policy does not provide clear guidance to applicants and officers as to what would be considered an acceptable and measurable setback of buildings from the street.

The AD provisions of the R-Codes prescribe a street setback distance that in part reflects the residential density coding of the property. As the residential coding increases (smaller lot areas) the required street setback distance decreases. The requirements of Table 1 are clear requirements that are easily measured.

However, a common critique of this approach is that the setback requirements of Table 1 may not reflect the existing setback of dwelling within the street. Examples of this can be seen in the suburb of Beaconsfield or White Gum Valley, where the current density coding of R25 allows a minimum setback from the primary street of 6m which, at times, is at odds with the traditional 10-12m setback of buildings in these localities. However, it should be considered that the current density coding of most of White Gum Valley and Beaconsfield (R20 or R25) generally supports the subdivision of the original lots and as such it is anticipated that a significant proportion of these suburbs will be redeveloped in the near future. The prescriptive approach offered by Table 1 of the R-Codes is considered the most appropriate approach in establishing a consistent streetscape taking into account the smaller lot sizes that result from subdivision. Additionally this approach is considered to provide better procedural efficiency through simplicity.

The R-Codes attempt to cater for situations where the existing setback from the street is less than that prescribed in Table 1 of the R-Codes, by averaging the setback of the two adjoining dwellings facing the same street. However it is considered that this method of averaging is too focussed in that only the setback of the two adjoining properties is taken into account and could potentially result in a streetscape of inconsistent setbacks. From a procedural and practical point of view, this approach can be problematic as a quick and simple method to prescribe a minimum setback.

The AD provisions of the R-Codes also provide for a 50% reduction in the front setback requirement to enable some protruding building elements into the front setback area, providing that the intrusion is compensated for by at least an equal area of open space behind the setback line and a line drawn parallel to it at twice the setback distance. This method is commonly referred to as 'averaging' in that, essentially, the setback of the building is averaged. This method is not considered appropriate in establishing a consistent streetscape setback as it allows for up to a 50% reduction in the prescribed setback distance, which may present an intrusive element to the street.

It is therefore considered there are three practical options for prescribing a street setback requirement for the revised policy.

1. Buildings setback from the primary street as the AD provisions of the R-Codes (Table 1, averaging of two adjoining properties, reduced setback for intrusions provided compensation with open space).
2. Buildings setback from the primary street as per Table 1 of the R-Codes with no 'averaging' or provision to allow for intrusions into the front setback area. This would provide simple and clear guidance to applicant and officers.
3. Street setbacks determined by an appropriate averaging methodology. The methodology could widen the properties taken into consideration from the two adjoining as per the R-Codes to perhaps 3 properties either side. This would provide a setback requirement that is better representative of the existing streetscape, however would be relatively more complicated and open to interpretation than the first two methods.

It is perhaps worth reiterating that the revised policy proposes to address garages and carports under the main roof as part of the 'building'. Thus, additional provisions should be included within this section that require the garage and/or carport element (under the main roof) to be setback in line with or behind the front of the dwelling.

The setting back of garages and carports in line with or behind the front of the dwelling is consistent with the objective of local planning policy, *D.C.6 Carports/Garages in front of Dwellings/Buildings*.

Recommendation

It is the officer’s recommendation that the second option form the basis for the street setback provision of a revised policy. As a ‘default’ position, this option provides a simple and clear method to determine the minimum setback of buildings from the primary street in areas that are not already subject to specific provisions of the Scheme or other local planning policies.

Additionally it is recommended that the revised policy include a ‘maximum’ street setback requirement as it is considered buildings setback significantly greater than the established streetscape present a similar detrimental impact on the streetscape as do buildings that are setback less than the established streetscape. It is recommended that buildings should not be setback any further than 1m behind the minimum street setback line.

It is recommended that discretionary criteria be included based upon the proposed variations being consistent with the established streetscape. These discretionary criteria may include an appropriate averaging methodology to establish compatibility with the broader setback of buildings within the street.

Secondary Street Setback

The existing provisions of *DBH1* and the acceptable development provisions of the R-Codes are detailed as follows:

<i>DBH1</i> provisions	AD provisions of R-Codes – clause 6.2.1
Corner houses – New corner houses to reflect the existing setback patterns of both streets.	Primary and secondary streets differentiated. Different setback requirements for secondary streets that is generally less than those for primary street setback. Eg. R25 coding 6m primary street setback, 1.5m secondary street setback.

Similar to the provisions relating to primary street setback, generally *DBH1* seeks to ensure that new development on corner lots is setback to reflect the existing setback patterns of both streets. However the non-prescriptive style of wording of the policy does not provide clear guidance to applicants and officers as to what would be considered an acceptable setback of buildings from the street.

The R-Codes provide a setback requirement from the secondary street as per Table 1. For properties with a density coding of R20 and R25 the secondary street setback requirement is 1.5 metres.

Discussion and Recommendation

With regards to the proposed method of determining the primary street discussed above, it is recommended that different setback requirements be prescribed in the revised policy for 'rectangular' and 'non-rectangular' shaped lots.

It is recommended that the secondary street setback requirement for rectangular shaped lots be as per Table 1 of the R-Codes. Traditionally development on these corner lots addressed only one street whilst the setback from the secondary street was significantly less. The prescribed secondary street setbacks of Table 1 of the R-Codes are considered consistent with this form of traditional development.

However it is considered important to recognise that dwellings on non-rectangular lots such as kite or diamond shaped lots traditionally addressed both street frontages. Whilst this style of orientation and alignment is atypical of modern dwellings, it is considered that the secondary street setback of new development on these non-rectangular shaped lots should be greater than that prescribed in Table 1 of the R-Codes to provide to better reflect the setback of buildings particularly in the secondary street.

It is recommended that discretionary criteria be included based upon the proposed variations being consistent with the established streetscape. These discretionary criteria may include an appropriate averaging methodology to establish compatibility with the broader setback of buildings within the street.

2. SETBACK OF GARAGES/CARPORTS WHERE NOT UNDER THE MAIN ROOF OF THE DEVELOPMENT

Policy and R-Codes Provisions

The existing provisions of DC6 and the acceptable development provisions of the R-Codes are detailed as follows:

DC6 provisions	AD provisions of R-Codes – clause 6.2.3
<p>1. Carports and garages will not be allowed in the front setbacks unless:</p> <p>(i) There is an existing pattern of carports/garages in the street;</p> <p>(ii) The topography of the land is such that the carport/garage can form part of the existing slope/cliff or retaining wall;</p> <p>(iii) The topography of the land is such that the existing house is significantly below the street level;</p> <p>(iv) The house is located on a corner lot. In this case a carport/garages can be built to the secondary street;</p> <p>(v) The existing house's setback is significantly greater than other setbacks in the street; or</p> <p>(vi) The subject lot is irregular in shape and location.</p>	<p>Garages:</p> <ul style="list-style-type: none"> - behind the primary street setback line; - 4.5m from the primary street where not exceeding 50% of the frontage; - 1.5m from secondary street; <p>Carports:</p> <ul style="list-style-type: none"> - Allowed within the front setback area where not exceeding 50% of the frontage and surveillance of the street and dwelling is provided.

Discussion and Recommendation

The provisions of *DC6* prohibit the location of garages and carports in front of the dwelling except in the circumstances described above. The intent of the policy is to limit the streetscape presence of garages/carports and their associated structures. Garages and carports should be designed as part of the dwelling rather than represent a projecting intrusive element. However the R-Codes enable the building of garages and carports within the front setback where not exceeding 50% of the frontage.

It is recommended that garages not under the main roof of the development should still be setback in line with the front wall of the dwelling as per the existing provisions of *D.C6* in the revised policy. Discretionary criteria should also be included to assess variations to the policy requirements, for instance where the site characteristics prohibit the setting back of the garage or where the location of the garage would be consistent with the established streetscape.

It is also recommended that, in the first instance, carports that are not under the main roof of the dwelling are setback in line with the dwelling. However it is proposed that carports may be permitted in front of the dwelling where:

- The carport is open on all sides with no door,
- The carport is of simple and lightweight construction,
- The carport will be located so as to maintain visibility of the house from the street and surveillance from the house to the street, and
- The maximum width of a carport is to be 6 metres on a property with a frontage of 10 metres or greater. On a property with a frontage of less than 10 metres, the maximum width of a carport is to be 3 metres.

Discretionary criteria is also recommended to be included to assess proposed variations to the above requirements.

3. BUILDING HEIGHT AND SCALE

Policy and R-Codes Provisions

The existing provisions of *DBH1* and the acceptable development provisions of the R-Codes are detailed as follows:

DBH1 provisions	AD provisions of R-Codes – clause 6.2.7
<p><i>‘A two storey limit will be generally applied to the design of new infill houses.’ (N.B. ‘infill’ not defined in policy)</i></p> <p><i>‘In a predominantly single storey narrow inner urban street, the new development should be single storey at the street frontage, with any two storey extension constructed to the rear.’</i></p> <p><i>‘Alternatively, on larger lots in wider streets a traditional two-storey built form may be appropriately located in line with other residences in the street.’</i></p>	<p>Building height as per category B of Table 3, unless otherwise provided for in the Scheme or a Local Planning Area policy.</p>

Discussion and Recommendation

The general two storey height limit of *DBH1* is consistent with the Category B requirements of Table 3 of the R-Codes (6m external wall height, 9m roof ridge height). However *DBH1* includes provisions regarding two storey developments where the existing streetscape is predominantly single storey or the street is of narrow width. In these instances *DBH1* requires the setting back of the second storey element to reduce the visual impact of the development on the streetscape and to maintain the single storey street frontage.

These provisions of *DBH1* are considered to have some merit, particularly in the traditional and Heritage Areas of Fremantle. In order to maintain the single storey street frontage of dwellings in these areas, Council could consider that a single storey height limit be applied in the revised policy. However specific criteria should also be included where a second storey element may be permitted provided the development still presents as single storey 'as viewed from the street'. An associated line of sight diagram is considered a useful method to determine this provision. This would enable two storey developments at the rear of existing single storey houses or on rear survey strata or battleaxe lots.

For non-heritage areas, such as Beaconsfield, White Gum Valley, O'Connor and Samson, it is considered the Category B requirements of Table 3 of the R-Codes are sufficient.

It is therefore recommended that the height requirements of a revised policy be drafted on the following principles:

- 1) Properties within Heritage Areas, not subject to specific provisions of Local Planning Scheme No. 4 or a local area planning policy, shall be subject to the Category A building height requirements of Table 3 of the Residential Design Codes.
- 2) Properties not located within a Heritage Area, or not subject to specific provisions of the Local Planning Scheme No. 4 or a local area planning policy, shall be subject to the Category B requirements of Table 3 of the Residential Design Codes.
- 3) Variations to the above requirements may be considered subject to discretionary criteria relating to the development demonstrating consistency and compatibility with the streetscape based upon:
 - i. The average height of dwellings on the 3 properties either side of the site fronting the same street,
 - ii. Line of sight diagrams demonstrating that the development will not impose on the streetscape by way of building bulk,
 - iii. The performance criteria of the Residential Design Codes regarding building height.

4. ROOF FORM

Policy and R-Codes Provisions

DBH1 encourages traditional forms of roof on infill houses in the older residential areas. Further the policy states that ‘*flat roofs would not generally be supported particular where traditionally pitched roofs form a coherent streetscape.*’ The R-Codes do not contain specific provisions relating to roof forms.

Discussion and Recommendation

It is proposed not to include provisions restricting the style of roofs in a revised streetscape policy. Whilst a consistent roof form can contribute to the character of a particular streetscape, it is considered the building setback, alignment, height and massing are more prominent features of the built form that amount to a consistent streetscape. Furthermore, flat or skillion type roof forms are a common feature of modern or environmentally design houses that are considered to provide diversity and variety to the built form without imposing on the general amenity of the streetscape.

Development controls that prohibit certain roof styles are considered to be more appropriately dealt with in a specific local area planning policy where the roof form is defined and consistent and contributes significantly to the character of the area, for example, within the Hilton Heritage Area.

5. ADDITIONS AND EXTENSIONS

Policy and R-Codes Provisions

DBH1 requires any additions and extensions to be designed in such a way as to retain and enhance the character and integrity of the existing house and to minimise any impact of new additions on the streetscape and neighbouring properties. Generally the policy encourages additions and extensions to be at the rear of the existing dwelling, and where a second storey is proposed, this should be setback from the main roof ridge of the original dwelling to reduce its impact on the streetscape.

The R-Codes provide design elements relating to boundary setbacks, building height, open space, overshadowing and visual privacy to address impacts on the amenity of the neighbouring properties. The streetscape design element of the R-Codes caters for the development’s impact on streetscape, however is not as specific as *DBH1*.

Discussion and Recommendation

It is considered that the existing provisions of the R-Codes relating to boundary setbacks, open space, building height, overshadowing and visual privacy are sufficient for assessing additions and extensions to the rear of dwellings. However it is recommended that the provisions of *DBH1* relating to the setting back of the second storey element should be included in a revised streetscape policy, particularly for dwellings on the City’s Heritage List or within a Heritage Area.

6. EXISTING BOUNDARY WALLS AND HISTORIC OUTBUILDINGS

Policy and R-Codes Provisions

DBH1 requires the retention and conservation, wherever practicable, of existing limestone boundary walls, stables, toilets, laundries etc. These features should be retained as freestanding features able to convey their original uses.

The R-Codes do not contain any specific provisions relevant to existing boundary walls and historic outbuildings.

Discussion and Recommendation

It is recommended that the provisions of *DBH1* relating to existing boundary walls and historic outbuildings be retained in a revised streetscape policy, though specifically where the property is included on the City's Heritage List.

7. FRONT FENCES

Whilst front fencing is also considered an important aspect of development that contributes to a streetscape, the City currently has local planning policy, *LPP2.8 Fences Policy*, which deals with fencing. This policy was adopted by Council on 22 October 2008 and is not proposed to be reviewed as part of this discussion. The provisions of this policy are considered sufficient for dealing with the streetscape implications of front fencing.

8. ORIENTATION AND ALIGNMENT

Policy and R-Codes Provisions

DBH1 requires new buildings to respect the existing orientation and alignment of development with the street. Generally new buildings shall be aligned parallel with the front lot boundary and orientated to address the street however the policy recognises factors where this traditional building orientation may be varied. For instance, the policy states that '*Council may support the selective, justifiable and small-scale use of design elements which would add interest and diversity to the streetscape*', however discourages the 'indiscriminate' use of these and other architectural fashions that detrimentally impact on the streetscape. The policy encourages the consideration of passive design principles when assessing a buildings orientation however considers a '*building form that both contributes to the traditional pattern of the streetscape and incorporates passive solar principles*', as 'most desirable'.

The R-Codes do not contain specific requirements dealing with the orientation of development.

Discussion and Recommendation

It is recommended that the revised policy should retain the general principles of *DBH1* relating to building orientation and alignment. Orientation and alignment are considered important aspects of development that contribute to a streetscape. Buildings should be aligned parallel with the front boundary with front doors and windows facing and clearly visible from the street. It is further recommended that discretionary criteria be included to address situations where the traditional alignment and orientation isn't possible, for instance:

- where the lot is of an unusual shape or orientation,
- where the building incorporates solar possible design principles that necessitate a non-traditional building alignment and/or orientation,
- where the street pattern is less from due to more complicated landforms,
- where development within the street has not been developed in a predominantly grid pattern, or
- where traditional built form incorporated angular orientation or alignment.

9. EXCAVATION AND FILL IN FRONT OF THE BUILDING

Policy and R-Codes Provisions

DBH1 does not specifically address the issue of excavation or fill in front of the building. LPS4 currently exempts excavation and fill from planning approval, where there is less than 500 mm change to the natural ground level. The AD requirements (6.6.1 A1.1) of the R-Codes state:

'Excavation or filling between the street alignment and building, or within 3m of the street alignment, whichever is the lesser, not exceeding 0.5m, except where necessary to provide access for pedestrians or vehicles, or natural light for a dwelling'

The performance criteria of the R-Codes state:

'Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.'

Discussion and Recommendation

The current provisions of LPS4 permit site works within the front setback without the need for planning approval, up to a 500mm change in natural ground level. It is considered that excavation or fill, even under 500mm, has the potential to impact on the natural impression of the land and streetscape. Furthermore, if excavation or fill greater than 500mm is required for vehicle access, then this would be considered to satisfy the AD of the R-Codes, irrespective of the impact on the natural impression of the land from the street.

It is recommended that Council consider 'tightening' these development controls regarding excavation and fill in front of the building. As this form of development (excavation or fill less than 500mm) does not require approval under the current provisions of the Scheme, an amendment to the Scheme would be necessary. Furthermore, the AD requirement of the R-Codes referred to above (6.6.1 A1.1) is unable to be varied with a local planning policy, meaning that assessment criteria would need to be included in the Scheme as part of the amendment should Council wish to control excavation and fill proposed for vehicle and pedestrian access, or natural light for a dwelling.

It is therefore recommended that Council request a report proposing an amendment to the Scheme to 'tighten' the development controls regarding excavation and fill in front of the building.

10. OUTDOOR HARD SURFACES

Policy and R-Codes Provisions

Neither *DBH1* or the R-Codes contain provisions specific to outdoor hard surfaces, except where landscaping is required for grouped and multiple dwelling developments. LPS4 currently exempts the need for planning approval where the *'finished level of the surface is no more than 500mm above natural ground level'* except where the property is on the Heritage List. Where the property is on the Heritage List, planning approval is required for outdoor hard surfaces in front of the dwelling, however approval is not required for outdoor hard surfaces within the side or rear setback (excluding secondary street setback areas).

Discussion and Recommendation

The paving or sealing of the area in front of dwellings is considered to potentially impact on the visual aesthetics of a streetscape. Under the current provisions of LPS4, the entire front setback area of a dwelling could be paved or sealed without the need for planning approval. This potential outcome is not considered desirable from a streetscape point of view and is therefore an aspect of development that warrants some form of planning control. It may be considered that a limit of perhaps 50% of the front setback area may be an outdoor hard surface without the requirement for planning approval. Assessment criteria could then be included in the revised policy where a landowner wishes to pave or seal greater than 50% of the front setback area, based upon the compatibility with the streetscape.

Accordingly it is recommended that Council request a report proposing an amendment to the Scheme to require planning approval for outdoor hard surfaces in the front setback where greater than 50% of the front setback area.

11. TREES AND VEGETATION IN FRONT OF THE BUILDING

Policy and R-Codes Provisions

LPS4 currently permits the removal of trees or vegetation areas except where trees and vegetation areas are identified in the register of significant trees or vegetations areas. The R-Codes require landscaping and retention of some trees in the communal open spaces associated with grouped or multiple dwelling developments, however does not contain any provisions relating to single house development. *DBH1* generally encourages the retention of mature trees on private land and the retention and enhancement of the existing landscaped areas in the street.

An item is being presented to the Ordinary Meeting of Council on 23 June 2010 recommending the final adoption of two local planning policies that deal with trees and vegetation, both on private and verge land:

- *LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites*
- *LPP2.12 Planning Applications Impacting upon Verge Infrastructure and Verge Trees*

LPP2.12 details an assessment process where a development application will impact on the verge infrastructure, including trees and vegetation. Where a tree is required to be removed as part of a development, a replacement tree will be required.

LPP2.10 considers landscaping and tree/vegetation retention on private land. The policy contains three parts:

1. Details where a landscaping plan is required as part of an application.
2. Specific requirements for a landscaping plan where a plan is required.
3. Enables Council to consider variations to provisions of the Scheme or policy where a tree and/or vegetation deemed 'worthy of retention' is to be retained. Furthermore the policy includes a recommended advice note encouraging the retention of a tree and/or vegetation recognised as being 'worthy of retention'.

Discussion and Recommendation

Trees and vegetation are considered to form part of the streetscape, and as such are an aspect that perhaps should be subject to planning controls. However it is doubtful that Council would want to create a situation whereby all forms of tree or vegetation planting, maintenance or removal requires the approval of Council. As a suggestion Council may wish to exempt the need for planning approval for the planting and maintenance of trees and/or vegetation but require approval for the removal of trees with a trunk greater than a specified diameter or a tree greater than a specified height. However it is considered preferable to adopt an 'incentive' style approach regarding trees and/or vegetation. The proposed policy, *LPP2.10*, enables Council to vary provisions of the Scheme or policy (where these provisions may lawfully be varied and such a variation to be acceptable on planning grounds) to encourage the retention of trees and/or vegetation recognised as being 'worthy of retention'.

It is considered that the provisions of the proposed *LPP2.10* are sufficient for the purpose of dealing with trees and/or vegetation within the front setback area.

CONCLUSION

The purpose of this report is to generate discussion about the objectives and intent of the City of Fremantle local planning policies dealing with streetscapes, garages and carports, and to determine whether a review of the development standards within these policies is required.

Design elements relating to residential streetscapes including garages and carports are recommended to provide guidance in the formulation of a revised streetscape policy, subject to Council's consideration. It is anticipated that the specific development requirements will require further consideration by Council prior to Council resolving to formally request officers to initiate a revised policy and/or amendment to the Scheme.

OFFICER'S RECOMMENDATION

That a draft Scheme Amendment to Local Planning Scheme No. 4 and a revised Local Planning Policy relating to Residential Streetscapes incorporating Garages and Carports in front of the Dwelling be prepared for Council's consideration that addresses development design issues based on the following principles:

1. Setback of Buildings including Garages and Carports under the main roof of the development
 - a. Policy to define the primary and secondary street.
 - b. Setback of buildings from the primary street as per Table 1 of the Residential Design Codes (Minimum of 6m for R15, R20 and R25. Minimum of 4m for R30 and R40)
 - c. No provision to average the setback with regard to the adjoining dwellings or to reduce the setback distance by compensating for the area of intrusion with an equivalent area of open space.
 - d. Buildings shall be setback from the primary street no more than 1 metre further back than the minimum setback prescribed above.
 - e. Garages and carports under the main roof of the development shall be in line with or behind the front of the dwelling.
 - f. Setback of buildings from the secondary street shall be:
 - i. As per Table 1 of the R-Codes for rectangular shaped lots, or
 - ii. Minimum of 3 metres for non-rectangular shaped lots.
 - g. Variations to the above requirements may be considered subject to discretionary criteria relating to consistency and compatibility with the streetscape.
2. Setback of Building including Garages and Carports not under the main roof of the development
 - a. Garages and carports not under the main roof of the development shall be in line with or behind the front of the dwelling.
 - b. Where the property is not on the Heritage List, carports may be permitted in front of the dwelling where:
 - i. The carport is open on all sides with no door.

- ii. The carport is of simple and lightweight construction.
 - iii. The carport will be located so as to maintain visibility of the house from the street and surveillance from the house to the street, and
 - iv. The maximum width of a carport is to be 6 metres on a property with a frontage of 10 metres or greater. On a property with a frontage of less than 10 metres, the maximum width of a carport is to be 3 metres.
- c. Variations to the above requirements may be considered subject to discretionary criteria relating to consistency and compatibility with the streetscape.

3. Building Height and Scale

- a. Properties within Heritage Areas, not subject to specific provisions of Local Planning Scheme No. 4 or a local area planning policy, shall be subject to the Category A building height requirements of Table 3 of the Residential Design Codes.
- b. Properties not located within a Heritage Area, or not subject to specific provisions of the Local Planning Scheme No. 4 or a local area planning policy, shall be subject to the Category B requirements of Table 3 of the Residential Design Codes.
- c. Variations to the above requirements may be considered subject to discretionary criteria relating to the development demonstrating consistency and compatibility with the streetscape based upon:
 - i. The average height of dwellings on the 3 properties either side of the site fronting the same street,
 - ii. Line of sight diagrams demonstrating that the development will not impose on the streetscape by way of building bulk,
 - iii. The performance criteria of the Residential Design Codes regarding building height.

4. Roof Form

- a. No requirements relating to roof forms.

5. Additions and Extensions

- a. Where the property is included on the City's Heritage List or within a Heritage Area, and is not subject to specific provisions of Local Planning Scheme No. 4 or a local area planning policy:
 - i. Second storey addition to existing single storey dwellings are to be setback behind the main roof ridge of the existing dwelling, and
 - ii. Shall be designed and setback so as to retain the impression of a single storey house when viewed from the street.
- b. Council shall have regard to the heritage significance of the dwelling, any statement of significance and statement of heritage impact in relation to the proposal.
- c. Variations to the setback distances prescribed above subject to discretionary criteria relating to the development demonstrating consistency and compatibility with the streetscape.

6. Existing Boundary Walls and Historic Outbuildings

- a. Where the property is included on the City's Heritage List, existing limestone boundary walls, stables, toilets, laundries and other such features that form part of the original surviving setting of the house and have been recognised as part of the heritage significance of the place, should be conserved and retained in the development, wherever practicable, as distinct freestanding features able to convey their original uses.

7. Front Fences

- a. No requirements relating to front fences. Local Planning Policy, *LPP2.8 Fences Policy*, applies to front fencing.

8. Orientation and Alignment

- a. Buildings shall be aligned parallel with the front boundary of the property with front doors and windows facing and clearly visible from the street.
- b. Variations to the above requirement may be considered subject to discretionary criteria relating to the development demonstrating compatibility with the streetscape.

9. Excavation and Fill in Front of the Building

- a. A report to be presented before Council discussing a potential amendment to the Local Planning Scheme No. 4 to require planning approval for excavation and filling of land in front of the dwelling.

10. Outdoor Hard Surfaces

- a. A report to be presented before Council discussing a potential amendment to the Local Planning Scheme No. 4 to require planning approval for outdoor hard surfaces in the front of the building where the hard surface will comprise of an area greater than 50% of the front setback area.

11. Trees and Vegetation in Front of the Building

- a. No requirements relating to trees or vegetation in front of the building. Local Planning Policies, *LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites* and *LPP2.12 Planning Applications Impacting upon Verge Infrastructure and Verge Trees*, apply to trees and vegetation on private land and within the verge.

COMMITTEE DECISION

MOVED: Cr A Sullivan

To defer the item to the next appropriate Planning Services Committee meeting.

CARRIED: 6/0

For	Against
Mayor, Brad Pettitt Cr John Dowson Cr Robert Fittock Cr Josh Wilson Cr Bill Massie Cr Andrew Sullivan	

REPORTS BY OFFICERS (COUNCIL DECISION)

Nil.

CONFIDENTIAL MATTERS

Nil.

CLOSURE OF MEETING

THE PRESIDING MEMBER DECLARED THE MEETING CLOSED AT 9.10 PM.

SUMMARY GUIDE TO CITIZEN PARTICIPATION AND CONSULTATION

The Council adopted a Participation Policy in August 2001 to give effect to its commitment to involving citizens in its decision-making processes.

The City values citizen participation and recognises the benefits that can flow to the quality of decision-making and the level of community satisfaction.

Effective participation requires total clarity so that Elected Members, Council officers and citizens fully understand their respective rights and responsibilities as well as the limits of their involvement in relation to any decision to be made by the City.

How consultative processes work at the City of Fremantle	
The City's decision makers	1. The Council, comprised of Elected Members, makes policy, budgetary and key strategic decisions while the CEO, sometimes via on-delegation to other City officers, makes operational decisions.
Various participation opportunities	2. The City provides opportunities for participation in the decision-making process by citizens via its Advisory Committees and Task Forces, its Community Precinct System, and targeted consultation processes in relation to specific issues or decisions.
Objective processes also used	3. The City also seeks to understand the needs and views of the community via scientific and objective processes such as its annual Community Survey.
All decisions are made by Council or the CEO	4. These opportunities afforded to citizens to participate in the decision-making process do not include the capacity to make the decision. Decisions are ultimately always made by Council or the CEO (or his/her delegated nominee).
Precinct focus is primarily local, but also city-wide	5. The Community Precinct System establishes units of geographic community of interest, but provides for input in relation to individual geographic areas as well as on city-wide issues.
All input is of equal value	6. No source of advice or input is more valuable or given more weight by the decision-makers than any other. The relevance and rationality of the advice counts in influencing the views of decision-makers.
Decisions will not necessarily reflect the majority view received	7. Local Government in WA is a representative democracy. Elected Members and the CEO are charged under the Local Government Act with the responsibility to make decisions based on fact and the merits of the issue without fear or favour and are accountable for their actions and decisions under law. Elected Members are accountable to the people via periodic elections. As it is a representative democracy, decisions may not be made in favour of the majority view expressed via consultative processes. Decisions must also be made in accordance with any statute that applies or within the parameters of budgetary considerations. All consultations will

How consultative processes work at the City of Fremantle	
	clearly outline from the outset any constraints or limitations associated with the issue.
Decisions made for the overall good of Fremantle	8. The Local Government Act requires decision-makers to make decisions in the interests of “the good Government of the district”. This means that decision-makers must exercise their judgment about the best interests of Fremantle as a whole as well as about the interests of the immediately affected neighbourhood. This responsibility from time to time puts decision-makers at odds with the expressed views of citizens from the local neighbourhood who may understandably take a narrower view of considerations at hand.
Diversity of view on most issues	9. The City is wary of claiming to speak for the ‘community’ and wary of those who claim to do so. The City recognises how difficult it is to understand what such a diverse community with such a variety of stakeholders thinks about an issue. The City recognises that, on most significant issues, diverse views exist that need to be respected and taken into account by the decision-makers.
City officers must be impartial	10 City officers are charged with the responsibility of being objective, non-political and unbiased. It is the responsibility of the management of the City to ensure that this is the case. It is also recognised that City Officers can find themselves unfairly accused of bias or incompetence by protagonists on certain issues and in these cases it is the responsibility of the City’s management to defend those City officers.
City officers must follow procedures	11 The City’s consultative processes must be clear, transparent, efficient and timely. City officers must ensure that policies and procedures are fully complied with so that citizens are not deprived of their rights to be heard.
Consultation processes have cut-off dates that will be adhered to.	12 As City officers have the responsibility to provide objective, professional advice to decision-makers, they are entitled to an appropriate period of time and resource base to undertake the analysis required and to prepare reports. As a consequence, consultative processes need to have defined and rigorously observed cut-off dates, after which date officers will not include ‘late’ input in their analysis. In such circumstances, the existence of ‘late’ input will be made known to decision-makers. In most cases where citizen input is involved, the Council is the decision-maker and this affords citizens the opportunity to make input after the cut-off date

How consultative processes work at the City of Fremantle	
	via personal representations to individual Elected Members and via presentations to Committee and Council Meetings.
Citizens need to check for any changes to decision making arrangements made	13 The City will take initial responsibility, via 'Consultation Process notifications', for making citizens aware of expected time-frames and decision making processes, including dates of Standing Committee and Council Meetings if relevant. However, as these details can change, it is the citizens responsibility to check for any changes by visiting www.freofocus.com/projects/html/default.cfm , checking the Port City Column in the Fremantle Herald or inquiring at the Service and Information Desk by phone or in-person.
Citizens are entitled to know how their input has been assessed	14 In reporting to decision-makers, City officers will in all cases produce a Schedule of Input received that summarises comment and recommends whether it should be taken on board, with reasons.
Reasons for decisions must be transparent	15 Decision-makers must provide the reasons for their decisions.
Decisions posted on www.freofocus.com/projects/html/default.cfm	16 Decisions of the City need to be transparent and easily accessed. For reasons of cost, citizens making input on an issue will not be individually notified of the outcome, but can access the decision at www.freofocus.com/projects/html/default.cfm or at the City Library or Service and Information counter.

Issues that Council May Treat as Confidential

Section 5.23 of the new Local Government Act 1995, Meetings generally open to the public, states:

1. Subject to subsection (2), the following are to be open to members of the public -
 - a) all council meetings; and
 - b) all meetings of any committee to which a local government power or duty has been delegated.
2. If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:
 - a) a matter affecting an employee or employees;
 - b) the personal affairs of any person;
 - c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - e) a matter that if disclosed, would reveal –
 - i) a trade secret;
 - ii) information that has a commercial value to a person; or
 - iii) information about the business, professional, commercial or financial affairs of a person.
Where the trade secret or information is held by, or is about, a person other than the local government.
 - f) a matter that if disclosed, could be reasonably expected to -
 - i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - ii) endanger the security of the local government's property; or
 - iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety.
 - g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
 - h) such other matters as may be prescribed.
3. A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.



MINUTES ATTACHMENTS

Planning Services Committee

Wednesday, 30 June 2010, 6.00 pm

