



Local Planning Policy 2.2

Split Density Codes and
Energy Efficiency and
Sustainability Schedule

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Statutory background

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide the ability for local governments to prepare a local planning policy on any matter relevant to the planning scheme area.

Clause 4.3.4 of Local Planning Scheme No. 4 (the Scheme) prescribes the matters on which the Council is required to be satisfied in order to grant a higher density code to land having a split code.

Introduction and purpose

The Scheme map identifies several areas that are subject to split residential density codes (e.g. R35/R40). These areas are the subject of clause 4.3.4 of the Scheme, which states that:

"Where a site is identified as having a split density coding and is connected to reticulated sewerage, the higher code may only be applied where one or more of the following specific requirements are addressed to the satisfaction of Council:

- (a) a building of cultural heritage significance is retained on the lot,*
- (b) provision of "low income housing",*
- (c) buildings designed in accordance with Council's energy efficiency and sustainability schedule, and*
- (d) removal of a non-conforming use.*

In all other circumstances, the lower of the two Codes prevails."

This policy details the requirements for meeting each of these four pathways, providing further guidance to applicants seeking to access the higher codes, and decision-makers in assessing proposals.

Objectives

This policy assists in the consistent and effective administration of clause 4.3.4 of the Scheme and will help the City to achieve the following strategic community objectives:

- Increase the number of sustainable, intensive and higher value land uses and developments.

- Increase community awareness of and support for environmentally sustainable lifestyle and investment decisions.
- Promote building energy efficiency and deliver energy with renewable technologies.
- Manage water usage through minimisation and reuse strategies.
- Facilitate and promote investment in heritage.

Increase in diversity of dwellings (including adaptive, accessible and affordable housing).

Application

This policy applies to new dwelling development in any area identified on the Scheme map as being subject to a split residential density code, connected to reticulated sewer. However, it does not apply to renovations and/or additions to existing dwellings.

Policy statement

Part A - Split Density Codes – Requirements to satisfy

1. Retention of a building of cultural heritage significance

- 1.1 In this case a building of cultural heritage significance shall be taken to mean a building on the State Register of Heritage Places or the City of Fremantle Heritage List. The Council may, at its discretion, accept a building which is not on the State Register or Heritage List as having cultural significance where:
 - (a) this significance is demonstrated by the applicant through submission of a report prepared by an accredited heritage professional responding to the City's heritage assessment criteria and policy; and
 - (b) The landowner nominates the place for inclusion on the Heritage List.
- 1.2 In seeking approval under this pathway, applicants shall also submit a schedule of conservation works that will be undertaken on the property to achieve a positive conservation outcome, to the satisfaction of the City.
- 1.3 The higher density code may be granted on the basis of retention of a building of cultural heritage significance in the case of either subdivision or development of land. Where a higher density coding has been granted on the basis of retention of a building of cultural heritage significance:
 - (a) In the case of development, a condition will be imposed on the approval requiring that the building be retained and (where applicable) conservation works in accordance with the approved schedule of conservation works undertaken.
 - (b) In the case of subdivision, a condition will be recommended to the Western Australian Planning Commission requesting that a Restrictive Covenant be placed on the title of the new lot containing the building to be retained restricting future owners from demolition of the building and (where applicable) conservation

works in accordance with the approved schedule of conservation works undertaken.

2. Provision of 'low income housing'

- 2.1 The term 'low income housing' is defined in the Scheme. A higher density coding may be granted based on the provision of such housing in the case of either subdivision or development of land.
- 2.2 The higher density code may be granted on the basis of retention of provision of 'low income housing' in the case of either subdivision or development of land. Where a higher density coding has been granted on the basis of provision of 'low income housing':
 - (a) In the case of development, a condition will be imposed on the approval requiring that the new dwelling(s) be restricted in use to comply with the definition of 'low income housing' contained in Schedule 1 of the Scheme;
 - (b) In the case of subdivision, a condition will be recommended to the Western Australian Planning Commission requesting that a Restrictive Covenant be placed on the title of the vacant lot restricting future development and use of the land to purposes which comply with the definition of 'low income housing' contained in Schedule 1 of the Scheme.

3. Energy Efficiency and Sustainability Schedule

- 3.1 The Energy Efficiency and Sustainability Schedule referenced in Clause 4.3.4 b of the Scheme is shown as Part B of this policy.
- 3.2 The higher density coding may be granted on the basis of compliance with the Energy Efficiency and Sustainability Schedule in the case of either subdivision or development of land.
- 3.3 Where the higher density code is sought based on compliance with the Energy Efficiency and Sustainability Schedule:
 - (a) In the case of a development application, the applicant is required to demonstrate as part of the application that the new dwelling(s) to be constructed on the site will comply with the required elements of the Energy Efficiency and Sustainability Schedule which is contained as Part B of this policy;
 - (b) In the case of subdivision, a condition will be recommended to the Western Australian Planning Commission requesting that a Restrictive Covenant be placed on the title of the vacant lot(s) requiring that the land may not be developed or used in any manner which is not in accordance with the City of Fremantle Energy Efficiency and Sustainability Schedule.

4. Removal of a non-conforming use

- 4.1 The term 'non-conforming use' is defined in the Scheme.
- 4.2 The higher density coding may be granted based on the basis of removal of a non-conforming use in the case of either subdivision or development of land. In

both cases, a condition shall be imposed or recommended requiring that the use be ceased.

Part B - Energy Efficiency and Sustainability Schedule

- 1.** All of the following requirements must be achieved in order to comply with the City's Energy Efficiency and Sustainability Schedule:
 - 1.1 The dwelling shall be designed and constructed to a Nationwide House Energy Rating Scheme (NatHERS) star rating a minimum of one star in excess of the current energy efficiency requirement of the Building Codes of Australia for class 1A buildings, or an equivalent demonstrating comparable energy efficiency. The energy efficiency rating for the dwelling shall be certified by a suitably qualified and accredited energy assessor using accredited software and shall be provided at the development application stage; and
 - 1.2 Provision of a minimum 3kW photovoltaic solar panel system; and
 - 1.3 Provision of:
 - (a) a minimum 3000L capacity rainwater tank plumbed to either a toilet or laundry within the dwelling; or
 - (b) an approved greywater reuse system that collects greywater from the laundry and bathroom and re-directs it for garden irrigation/ground water recharge; or
 - (c) successful registration of an existing tree on the City's Significant Tree and Vegetation Areas Register and its subsequent retention;and
 - 1.4 Specification of solar, electric heat pump or PV-connected electric storage water heaters and electric (non-gas) cooking appliances.
- 2.** The following conditions of approval will be placed on all relevant planning approvals:
 - 2.1 The dwelling must be constructed to achieve a NatHERS accredited energy efficiency star rating of [insert relevant star rating] stars that is certified by a NatHERS accredited energy assessor to the satisfaction of the Chief Executive Officer, City of Fremantle;
 - 2.2 Prior to occupation, a minimum 3kW photovoltaic solar panel system shall be installed and maintained thereafter to the satisfaction of the Chief Executive Officer, City of Fremantle; and
 - 2.3 Prior to occupation, a 3000L rainwater tank plumbed to a toilet and/or laundry shall be installed and maintained thereafter to the satisfaction of the Chief Executive Officer, City of Fremantle; or, if a greywater reuse system is provided instead of a rainwater tank, the condition shall state:

Prior to occupation, an approved greywater reuse system that collects greywater from the laundry and bathroom and re-directs it for garden irrigation/ground water recharge shall be installed and maintained thereafter to the satisfaction of the Chief Executive



Officer, City of Fremantle; or, if a significant tree is to be retained, two conditions shall be imposed stating:

- 1) The (insert tree) as shown on the approved plan shall be maintained as part of the development, and shall not be removed unless further approval of the City of Fremantle is granted; and
- 2) The significant tree identified on the approved plan shall be protected during all phases of development in accordance with AS4970-2009 – Protection of Trees on Development Sites.

2.4 Prior to occupation, solely solar, electric heat pump, or PV-connected electric storage water heaters and electric (non-gas) cooking appliances to be installed.

In cases where an applicant demonstrates that the requirements of clause 1.2 and/or 1.3 of Part B cannot reasonably be met, Council may accept the achievement of an additional half (0.5) star NatHERS star rating in lieu of each of the items at clause 1.2 and/or 1.3 as an alternative means of complying with this policy.

Responsibility and review information	
Responsible officer:	Manager Strategic Planning and City Design
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