

# CITY OF FREMANTLE

## LOCAL PLANNING POLICY 3.16

### (BURT STREET, FREMANTLE)

**COUNCIL MEETING DATE: 24/05/2017**

**ADOPTION DATE: 10/06/2017**

**AUTHORITY: LOCAL PLANNING SCHEME NO.4**

#### STATUTORY BACKGROUND

Under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the Deemed Provisions contained in Schedule 2 of the Regulations are applicable to all local planning schemes, whether or not they are incorporated into the local planning scheme text. Accordingly these provisions are applicable to the City of Fremantle Local Planning Scheme No. 4 (the Scheme).

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

Part 7 of the Residential Design Codes 2015 states that a Local Planning Policy may contain provisions that amend or replace specific deemed-to-comply provisions.

Those deemed-to-comply provisions of the Residential Design Codes that are varied or replaced by this policy are clauses 6.1.2 Street Setback, 6.1.3 Lot boundary setback, and 6.1.5 Open Space. All other deemed-to-comply provisions of the R Codes are to be read alongside the provisions of this policy.

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

Clause 67 of the *Deemed Provisions* of the *Regulations* requires the Local Government to consider a broad range of matters when determining an application.

#### APPLICATION

This policy applies to the land bound by Skinner Street, Burt Street, East Street and Vale Street as shown below. Provisions relating to the development standards for this site are contained in Scheme under Sub Area 2.3.4 of Schedule 8.

In the event that there is a conflict between this policy, and a provision contained within a Local Area Planning Policy, the most specific policy provision shall prevail.

#### DEFINITIONS

**Deep soil area:** Soft landscape area on lot with no impeding building structure or feature above or below, which supports growth of medium to large canopy trees and meets a stated minimum dimension. Deep soil areas exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.

**Building Envelope:** The volume of space that can be occupied by a building, defined by its setbacks and maximum height permitted. It is not an indication of the final building form, mass or scale, but merely the outer limits for construction.

**Communal open space:** means outdoor areas within the lot and either at ground level or on structure that is accessible to and shared by residents for common recreational use and in some instances accessible to the public. It must promote gathering and social interaction. It does not include primary external circulation areas for vehicles or pedestrians however a seating niche or small gathering space within a circulation area is included.

**‘5 year tree rule’:** existing trees including those physically on-site or those that have been removed but can be clearly identified on an aerial photo within the past five years. Removed trees will be assumed to have been healthy unless evidence is provided.

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

## **PURPOSE**

The purpose of this policy is to ensure coordinated design of development within the subject area. The local planning policy is made up of three parts:

- Summary of schedule 8 provisions for sub area 2.3.4 of the Local Planning Scheme No. 4
- Site character and context analysis
- Local planning policy design elements assessment

The policy includes a series of overarching design elements that each includes objectives and design criteria. Proponents will need to demonstrate how new development meets the objectives of the policy.

## **CONSIDERATION BY THE DESIGN ADVISORY COMMITTEE**

Notwithstanding the zoning of the site, development applications for the site require referral to the Design Advisory Committee for consideration, unless otherwise agreed upon by the Manager of Development Approvals.

## **POLICY**

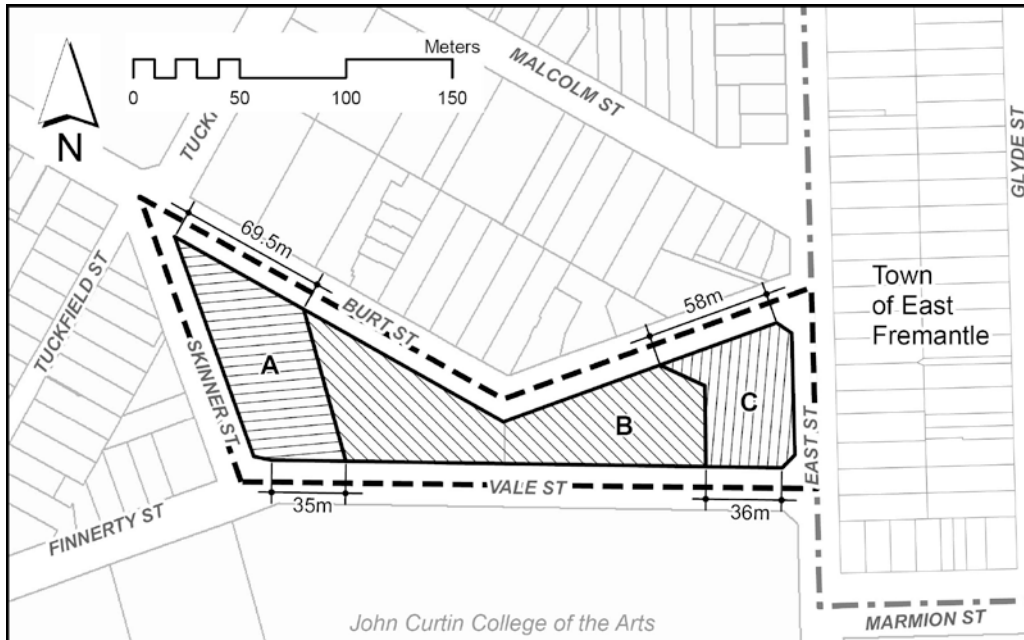
For specific policy provisions refer to the following:

## SCHEDULE 8 PROVISIONS – SUB AREA 2.3.4

### SUMMARY OF SCHEDULE 8 PROVISIONS

(contained within Local Planning Scheme No.4)

Clause 2.1 'height controls' and clause 2.2 'Matters to be considered in applying general and specific height controls' of the Local Planning Area 2 do not apply



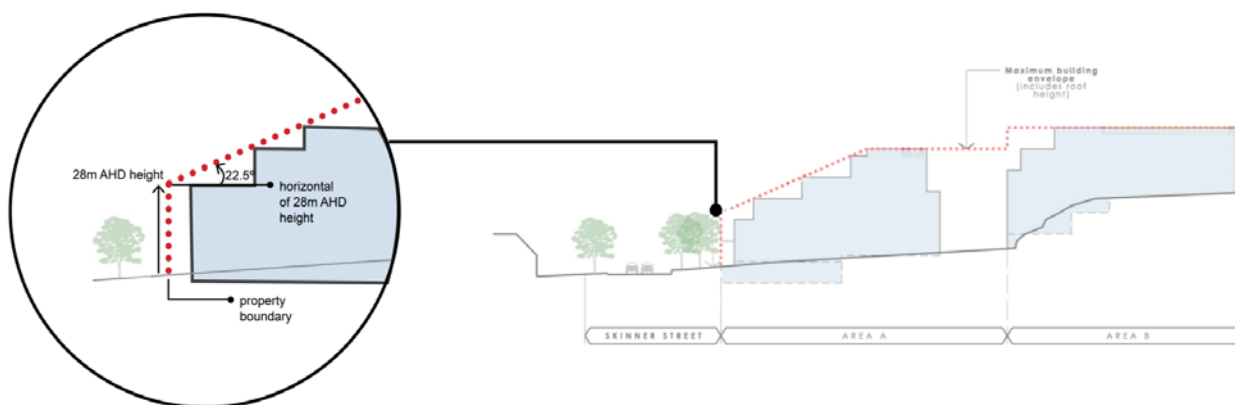
### BUILDING HEIGHT [specified in Australian Height Datum(AHD) metres]

|        |                                      |
|--------|--------------------------------------|
| Area A | Maximum building height of 37.0m AHD |
| Area B | Maximum building height of 40.0m AHD |
| Area C | Maximum building height of 42.0m AHD |

### AREA A BUILDING HEIGHT BUFFER

Development proposed within Area A shall comply with the following building height envelope:

- 1) Height plane is measured at an angle of 22.5 degrees above horizontal at a height of 28.0m AHD along the property boundary on the east side of Skinner Street.
- 2) Limit all building elements to height plane/building envelope.



## SUMMARY OF SCHEDULE 8 PROVISIONS

(contained within Local Planning Scheme No.4)

Clause 2.1 'height controls' and clause 2.2 'Matters to be considered in applying general and specific height controls' of the Local Planning Area 2 do not apply

### BUILDING SETBACKS

|                      |              |
|----------------------|--------------|
| East Street frontage | 5.0m minimum |
|----------------------|--------------|

### CAR PARKING AND VEHICLE ACCESS

|                        |                                   |
|------------------------|-----------------------------------|
| Primary vehicle access | Shall be located from Vale Street |
|------------------------|-----------------------------------|

Traffic Impact Assessment shall be submitted to support any planning application<sup>1</sup>.

### OTHER DEVELOPMENT REQUIREMENTS<sup>2</sup>

Retain and/or interpret any features of cultural heritage or landscape significance

Maximise opportunities to retain existing trees and provide significant areas of new planting

Provide street verge landscaping and vehicle parking for public use

Integrate with surrounding public areas

Provide visual permeability through the site and mitigate the impact of building bulk on streetscape

**Notes:**<sup>1</sup> The Traffic Impact Assessment (required as specified in Schedule 8 Provisions) is to be undertaken by a suitably qualified traffic engineer and shall be submitted in support of application for planning approval.

**Notes:**<sup>2</sup> Additional requirements must be met for Multiple Dwelling Diversity as per Clause 4.4.5 of LPS4 and the City's Memorandum of Understanding with the Housing Authority.

## SITE CHARACTER AND CONTEXT ANALYSIS

### *Existing Natural Features*

#### EXISTING MATURE TREES BY CANOPY COVER AND HEIGHT



*Existing Tree Canopy*

#### EXISTING MATURE TREES WITHIN THE AREA

The site and immediate surrounding area has several existing mature trees, shown above by height. The existing vegetation in the area assists in breaking up any continuous built form.





### HEIGHT DIFFERENCES AND NATURAL GRADIENT

The site has a significant gradient that falls from Burt Street to Vale Street as well as also falling to the West along Burt Street. These height changes have resulted in differing heights of surrounding developments.

The sloping natural topography should be used to enhance the visual interest to new developments through retention of some of these site features.



### UNIQUE SITE FEATURES

The limestone rock formation to the north eastern corner Burt Street and East Street is a unique natural feature and landmark to the site. This location of the limestone rock is of a similar size and shape to an existing pocket of green space to the north of the site and would respond well to the local context.



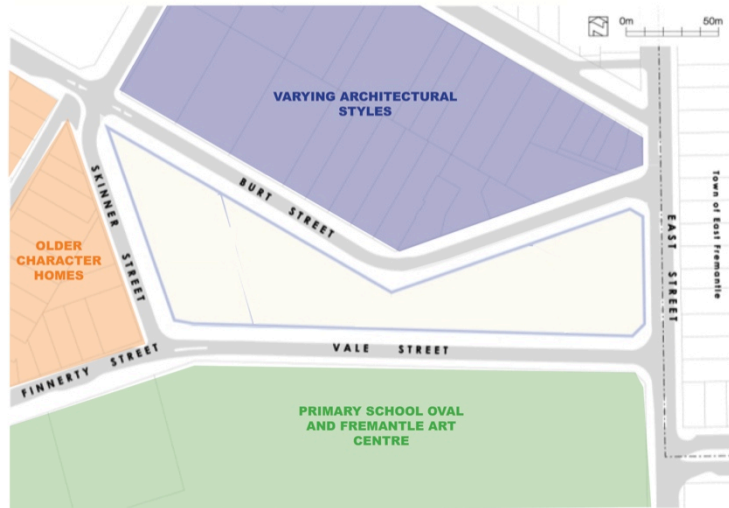
#### Development response to existing natural features:

Development should improve, acknowledge and be responsive to the unique natural features of the site and the surrounding area.

## SITE CHARACTER AND CONTEXT ANALYSIS

### *Built Form Character*

#### SURROUNDING BUILT FORM AND ARCHITECTURAL CHARACTERISTICS



#### BURT STREET FRONTAGES

Adjoining dwellings located on Burt Street vary in size and height however typically these dwellings are of two to three storeys in height. The buildings along Burt Street vary significantly in age and character which makes for an eclectic mixing of building frontages. Larger side setbacks and varying front setbacks mean that there is building articulation along the streetscape.



#### EAST STREET FRONTAGES

The building heights and architectural styles along East Street are similar to those along Burt Street. A higher proportion of sites are of single storey along East Street however, several dwellings range between three and four storeys.



### SKINNER STREET FRONTAGES



The dwellings along Skinner Street are of a similar era and architectural style, found typically in Fremantle. The dwellings are predominantly single storey and have minimal side and front setbacks. This results in limited articulation of buildings however the high degree of landscaping means existing vegetation softens the appearance of continuous buildings.

### VALE STREET FRONTAGES



The adjoining sites along Vale Street are predominantly undeveloped due to the location of John Curtin College and the heritage significant Fremantle Art Center.

Both of these adjoining sites provide expansive green space for the area which is available for active and passive use by the community. Importantly these sites also incorporate significant established native vegetation and planting.

The limited development on the adjoining properties means that important green corridors and view corridors are maintained.

#### **Development response to the surrounding built form character:**

Buildings will be visually interesting and responsive to the surrounding dwelling character with consideration of building materials and textures, colour and the articulation of building form and mass.

The sites development will contribute to establishing interesting, attractive and safe streets for residents and visitors.



## LOCAL PLANNING POLICY DESIGN ELEMENT

*Site Specific Development controls (in addition to Schedule 8 Provisions above)*

### DEVELOPMENT CONTEXT

#### Objectives:

Development should improve, acknowledge and be responsive to surrounding dwellings and buildings, with appropriate consideration of adjacent site view lines where applicable.

#### Design Criteria:

- Site design must be responsive to neighbouring sites, the existing context and neighbouring public realm resulting in a positive contribution to the neighbourhood.
- Development shall retain and/or interpret any features of cultural heritage or landscape significance.
- Development shall achieve visual permeability through the site, incorporating view lines achievable from the public realm (measured at height of standard person).

### SITE PLANNING

#### Objectives:

Consideration should be given to the unique topography of the land and thoughtful design approaches should be used when incorporating the varying gradients of the sites.

Development should improve, acknowledge and be responsive to surrounding development and contribute to the urban and natural context.

#### Design Criteria:

- Building orientation must consider the site, the street and neighbouring buildings to maximise residential amenity, including urban form to the street, solar access and visual privacy.
- Where possible, orientation of buildings should also consider any internal roads proposed as part of the redevelopment.
- Where level changes occur on sites, ensure floor levels and entrances to buildings appropriately interface with the ground plane.
- Design methods that work with the unique topography of the site should be encouraged in order to minimise the cutting and filling of the site.

## ARCHITECTURAL EXPRESSION, ARTICULATION AND DWELLING DESIGN

### Objectives:

Proposed development positively responds to the surrounding context and demonstrates consideration to the local urban environment and the site's interaction with the natural landscape.

Building breaks and articulation shall be used to create visual connections and interest across the site that assist with the positive interaction between the public realm and the development.

New development should encourage innovative and imaginative development that provides variety, articulation and high quality building outcome that will enhance the visual amenity of the area.

### Design Criteria:

- The length of buildings fronting Vale Street must be no greater than 40m in length and incorporate complete breaks between buildings of a minimum of 6m. Providing uninterrupted view through the site.
- Continuous horizontal and vertical building elements shall be broken into smaller components through architectural features, materials textures and/or building breaks.
- Internalised habitable rooms, including bedrooms, will not be permitted.
- At least 60% of apartments are naturally cross ventilated.

## CORNERS (BUILDINGS)

### Objectives:

To address and activate key street corners and where appropriate create landmarks that assist in defining local character.

### Development Criteria:

- Buildings facing the street have habitable room windows or balconies that face the street.
- Buildings on corners shall address both frontages to the street.
- Blank walls to corner frontages will not be permitted.

## ROOF FORMS

### Objectives:

To ensure that the appearance of the roof area does not negatively impact on the view from adjacent dwellings and from afar as part of the skyline.

### Design Criteria:

- The design of the roof shall be integrated into the overall building composition and development context.
- The building roof form shall be entirely located within the building height calculation.
- The provision of open space and landscaping on rooftops is encouraged, subject to acceptability, visual privacy, comfort levels, safety and security considerations.
- Roof design relates to the street. Design solutions may include:
  - (i) special roof features and strong corners;
  - (ii) use of skillion or very low pitch hipped roofs;
  - (iii) breaking down the massing of the roof by using smaller elements to avoid bulk;
  - (iv) using materials or a pitched form complementary to adjacent buildings; and/or
  - (v) concealed roofs.
- Roof treatments should be integrated with the building design. Design solutions may include:
  - (i) Roof design proportionate to the overall building size, scale and form;
  - (ii) Roof material complement the building;
  - (iii) Service elements are integrated into the design, considering position, alignment and screening where appropriate.

## CAR PARKING AND VEHICLE ACCESS

### Objectives:

Ensure that on-site vehicle parking and access are appropriately located to minimise adverse visual impact on the streetscape.

### Design Criteria:

- Car park access should be integrated with the building's overall facade. Design solutions may include:
  - select materials and colours to minimise visibility from the street;
  - security doors or gates at entries that minimise voids in the facade;
  - where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed.
- The visual prominence of underground car park vents should be minimised and located at a low level where possible.
- Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.
- Garbage storage areas should be permitted in areas other than the basement car parking areas only where it is clearly demonstrated to be more efficient and effective for collection. These storage areas must be appropriately screened.
- Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.
- On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking.
- In assigning any new vehicle access points the location of tree's suitable for retention should be given consideration.

## BUILDING SERVICES

### Objectives:

To ensure services are well integrated and have minimal visual impact from the public realm and adjacent buildings.

To provide efficient and effective building servicing while minimising visual and acoustic impact.

### Design Criteria:

- Waste management and storage should be located in basement car parks or out of view to minimise the impact on adjoining residences.
- Building mechanical services including plant and service equipment shall be integrated into the roof design and/or not be visible above the roof line of the building facade from the public realm.
- Lift overrun minor projections may be considered above the building height plane subject to design merit.

## BUILDING FACADES

### Objectives:

Building facades provide visual interest along each of the street interfaces while respecting the character of the local area.

Buildings will be visually interesting and responsive to the surrounding dwelling character with well-considered use of materials and textures, colour and the articulation of building form and mass.

### Design Criteria:

- Design solutions for front building facades may include:
  - (i) a composition of varied building elements
  - (ii) a defined base, middle and top of buildings
  - (iii) revealing and concealing certain elements
  - (iv) changes in texture, material, detail and colour to modify the prominence of elements.
- Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:
  - (i) well-composed horizontal and vertical elements;
  - (ii) variation in floor heights to enhance the human scale;
  - (iii) elements that are proportional and arranged in patterns;
  - (iv) public artwork or treatments to exterior blank walls;
  - (v) grouping of floors or elements such as balconies and windows on taller buildings.



## PUBLIC DOMAIN INTERFACE

### Objectives:

Buildings and their landscaped interfaces shall enhance the adjacent streetscapes and public spaces that give expression and character to this location.

The sites development will contribute to establishing interesting, attractive and safe streets for residents and visitors.

### Design Criteria:

- Upper level balconies and/or major openings shall face the public domain and/or communal open space areas to provide natural surveillance.
- Length of solid walls should be limited along street frontages and ensure visibility is maintained to the street.
- Direct street entry to terraces, balconies and courtyard apartments is desirable where it can be achieved.
- Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letterboxes and in private courtyards adjacent to streets.
- The provision of street verge landscaping and vehicle parking for public use shall be provided by the owner and or applicant. Additional approval by the City of Fremantle Parks and Landscaping department and/or Traffic and Civic Design will need to be obtained.
- Verge landscaping shall be integrated, where possible, with the provision of onsite open space.
- The use of awnings is encouraged to highlight the location of building entries and provide weather protection.

## EXISTING TREE RETENTION

### Objectives:

Development should improve, acknowledge and be responsive to the unique natural features of the site and the surrounding area.

### Design Criteria:

- Existing trees are considered appropriate for retention if they are:
  - (i) healthy specimens with ongoing viability; and
  - (ii) species not included on an applicable weed register; and
  - (iii) are 3m or more high; and/or
  - (iv) have a trunk with a diameter of 100mm or more, 1m from the ground; and/or
  - (v) have two or more trunks and the sum of their individual diameter at 1m above ground is 200mm or more; and/or
  - (vi) have a canopy 3m or more wide; and/or
  - (vii) are recognised for individual importance/significance.
- In determining whether a tree meets (i) above, specialist arboricultural advice should be requested to determine the tree's health and viability.
- The '5 year tree rule' applies to all trees on site and in the verge (refer to '5 year tree rule' definition in the definitions section of this policy).
- Existing trees identified for retention shall be:
  - (i) Retained; with appropriate landscape design measures to support trees' on going health and viability within proposed development; or
  - (ii) Replaced; by equivalent planting as part of the deep soil area requirement. Refer to *Open Space, Communal Open Space and Deep Soil Areas*; or
  - (iii) Replacement Offset; where an alternative solution for replacement planting in the road reserve can be agreed upon by the City of Fremantle.
- If trees are identified for retention, specialist arboricultural advice can be sought on tree protection specifically to provide direction on 'tree and root protection areas' and management during construction and during establishment following completion of the development.

**Advice Note - Subject to an arborists report, retention of healthy mature trees along the perimeter of the site should be prioritised**

*where possible, see general location of tree canopies across the site in Figure 1.*

**OPEN SPACE, COMMUNAL OPEN SPACE AND DEEP SOIL AREAS**

## Objectives:

To create an attractive landscape environment that is complimentary to the wider neighbourhood.  
To ensure that the development integrates with the surrounding urban context, streets, parks and neighbouring properties.

## Design Criteria:

- A minimum of 30% open space must be provided across the site. In calculating this percentage deep soil areas and communal open space are included in the calculation. These areas must be identified in site layout and meet the following minimum requirements:

| OPEN SPACE AREAS         | MINIMUM DIMENSION | MINIMUM AREA (% OF SITE AREA) |
|--------------------------|-------------------|-------------------------------|
| Open Space (entire site) | 1m                | 30%                           |
| Communal open space      | -                 | 20%                           |
| Deep soil area           | 6m                | 10%                           |

- In relation to the open space requirement above, no more than 10% of the culminated setback areas on the site are to be included in the open space calculation.
- Communal open space should be consolidated into a well-designed, easily identified and usable area. If this is not possible, smaller spaces can offer the balance of area required, provided they are well-integrated and offer complementary uses.
- The requirement for communal open space may be reduced by up to 5% if recreational facilities (i.e. fixed BBQ, seating and shade structures, hard and soft landscaping) are provided within the designated communal open space.
- Development shall maximise the opportunities to retain existing trees and incorporate them into communal open space areas or deep soil areas for their protection.
- If existing tree(s) are retained and incorporated into the development, the deep soil area requirement can be reduced to 8% of site area. See *Existing Tree Retention* Design Criteria below.
- Deep soil areas provide a minimum number of trees (with shade producing canopies) as follows:
  - Minimum 1 small tree for every 16sqm; or
  - Minimum 1 medium tree for every 36sqm; or
  - Minimum 1 large tree for every 64sqm; or
  - A combination of the above.

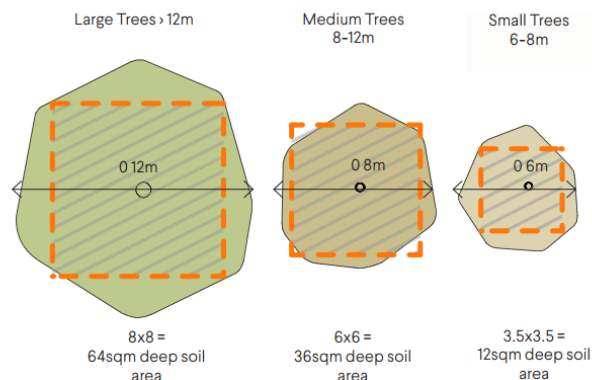


Figure 3.4c Tree size definitions for deep soil areas.

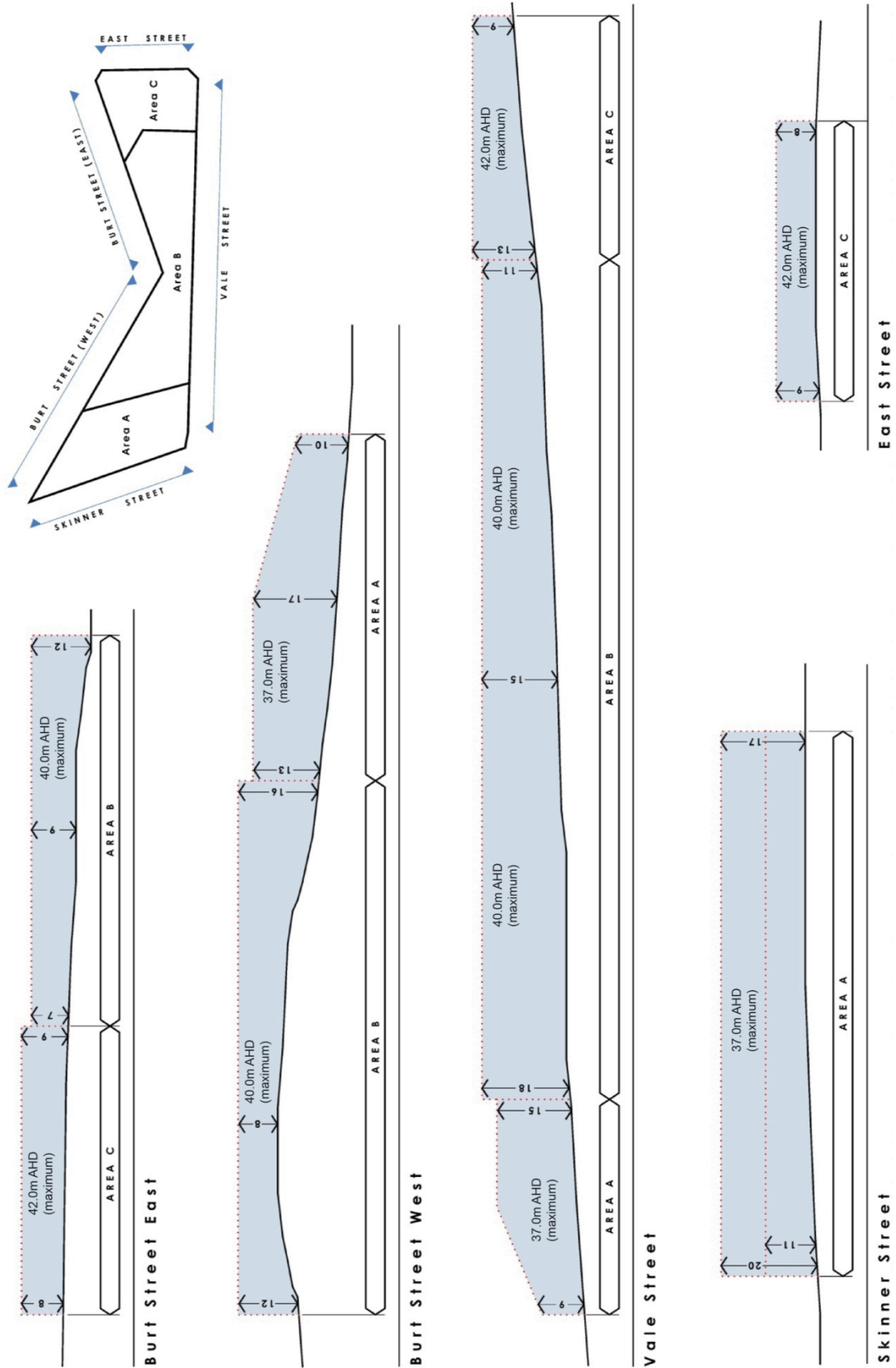
- Where landscaped building setbacks are included in the open space calculation, the form and design of these setbacks shall incorporate the adjacent public realm and provide a consolidated experience and sense of character.

| SITE SPECIFIC BUILDING REQUIREMENTS KEY  |                                |             |   |
|--|--------------------------------|-------------|---|
| All development to be in accordance with R160 Residential Design Code provisions, except where otherwise specified in this policy. |                                |             |   |
| BUILDING HEIGHT (maximum)  |                                |             |   |
| Area A - Skinner Street interface zone* <sup>1</sup>   | 28.0m-37.0m AHD                |             | A |
| Area A   | 37.0m AHD                      |             | B |
| Area B   | 40.0m AHD                      |             | C |
| Area C   | 42.0mAHD                       |             | D |
| BUILDING SETBACKS (minimum distance from property boundary)  |                                |             |   |
|  | Location                       | Requirement |   |
| Basement   | All boundaries                 | Nil         | E |
| Ground Floor<br>(measured from lot boundary)   | East Street                    | 5.0m        | F |
|  | Burt Street and Skinner Street | 2.0m        | G |
|  | Vale Street                    | 2.0m        | I |
| OPEN SPACE (Minimum)   |                                |             |   |
| Minimum Open Space requirement   | 30%                            |             |   |

**Notes:**

\*<sup>1</sup> No part of any building may project above a height plane measured at an angle of 22.5 degrees above horizontal at a height of 28.0m AHD along the property boundary on the east side of Skinner Street.









Street views illustrating permissible building height planes and approximate building heights above natural ground level





(Note: maximum heights at AHD requirement)

## LEGEND

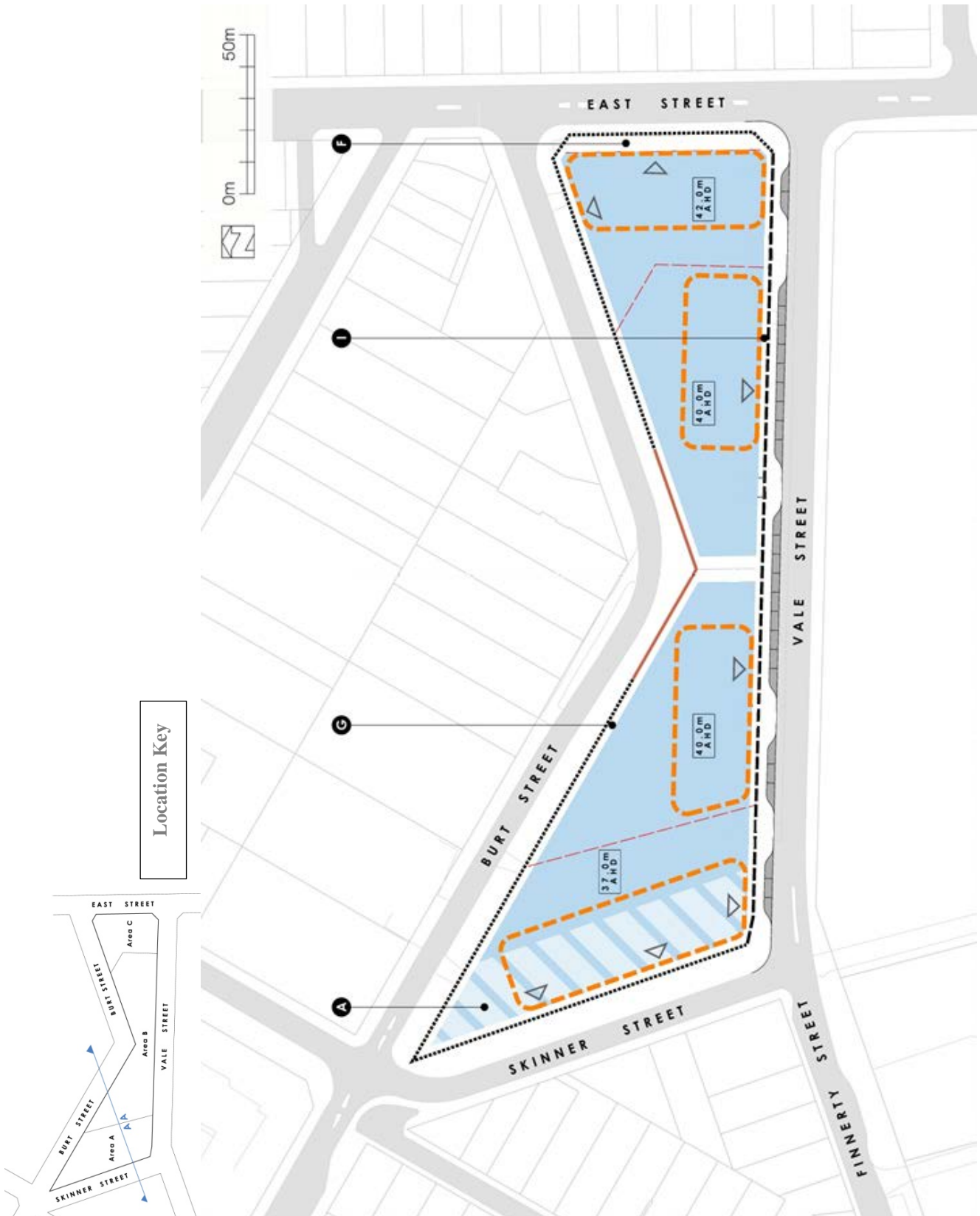
### Building Zones

-  Building Envelopes
-  Maximum Building Height (measured to the highest part of any building)
-  Skinner Street building height restriction zone (refer LPP detail for specifics)
-  Preferred (priority) building location and orientation

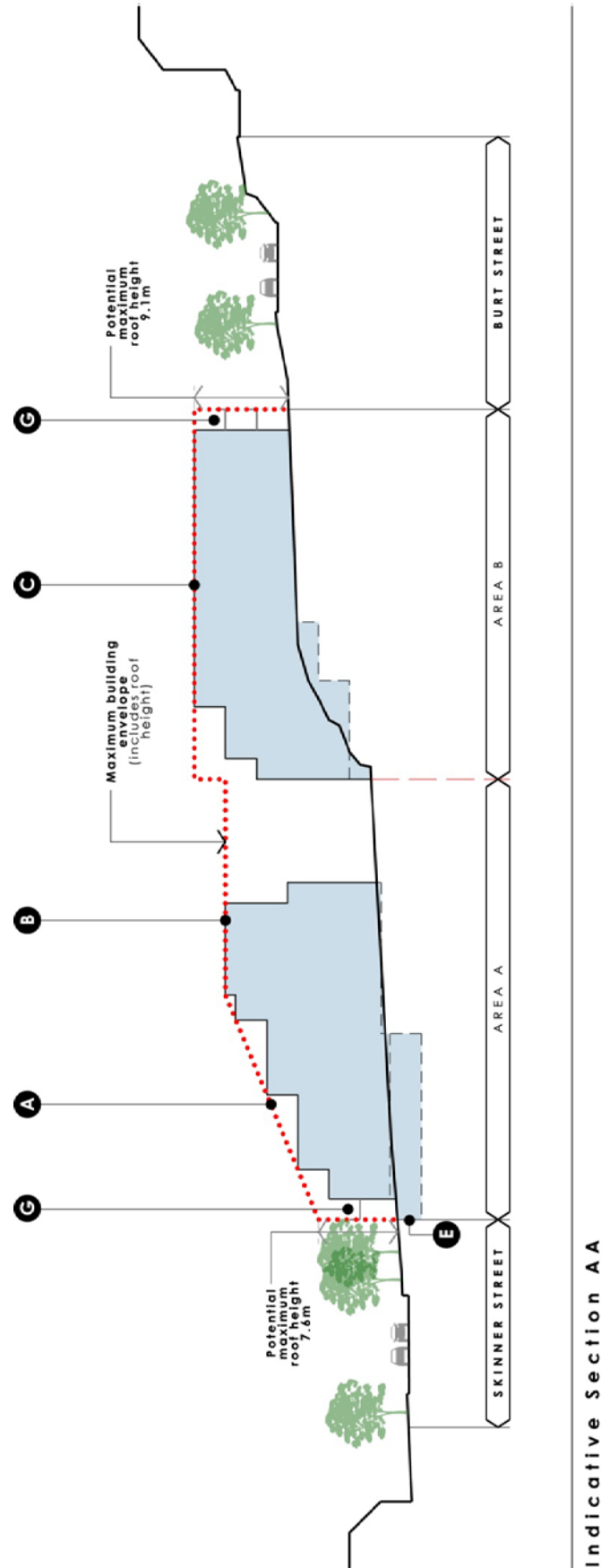
### Movement

-  No vehicle access permitted
-  Primary vehicle access frontage
-  Secondary (supplementary) vehicle access permitted only
-  Possible future Vale Street parking lane to be considered in building designs

**Legends regarding Site Specific Building Requirements (Diagram overleaf)**



Site Specific Building Requirement Diagram



Illustrative cross section – view north-west describing one possible building massing outcome