



Agenda

Strategic Planning and Transport Committee

Wednesday, 21 November 2018, 6.00pm

CITY OF FREMANTLE
NOTICE OF A STRATEGIC PLANNING AND TRANSPORT
COMMITTEE MEETING

Elected Members

A Strategic Planning and Transport Committee meeting of the City of Fremantle will be held on **Wednesday, 21 November 2018** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.

A handwritten signature in black ink, appearing to read 'Paul Garbett', with a long horizontal stroke extending to the right.

Paul Garbett
Director Planning and Projects

16 November 2018

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CITY OF FREMANTLE

Strategic Planning and Transport Committee

Agenda

1. OFFICIAL OPENING, WELCOME AND ACKNOWLEDGEMENT

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

2. ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

Cr Jon Strachan –leave of absence

3. DISCLOSURES OF INTERESTS

Elected members must disclose any interests that may affect their decision-making. They may do this in a written notice given to the CEO; or at the meeting.

4. RESPONSES TO PREVIOUS QUESTIONS TAKEN ON NOTICE

There are no responses to public questions taken on notice at a previous meeting.

5. PUBLIC QUESTION TIME

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time.

Further guidance on public question time can be viewed [here](#), or upon entering the meeting.

6. PETITIONS

Petitions to be presented to the committee.

Petitions may be tabled at the meeting with the agreement of the presiding member.

7. DEPUTATIONS

7.1 Special deputations

A special deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

There are no special deputation requests.

7.2 Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy 2018.

8. CONFIRMATION OF MINUTES

Officer's recommendation

That the minutes of the Strategic Planning and Transport Committee meeting dated 17 October 2018 be confirmed as a true and accurate record.

9. ELECTED MEMBER COMMUNICATION

Elected members may ask questions or make personal explanations on matters not included on the agenda.

11. REPORTS AND RECOMMENDATIONS

Committee delegation

Nil

Council decision

SPT1811-1 KINGS SQUARE PROJECT - PUBLIC REALM - PROJECT UPDATE

Meeting Date:	21 November 2018
Responsible Officer:	Kings Square Project Director
Decision Making Authority:	Council
Agenda Attachments:	<ol style="list-style-type: none">1. Materiality / Pavement Demonstration Area2. Project Delivery Staging3. Replacement Moreton Bay Fig Tree4. Lighting and Electrical Concept Design

SUMMARY

The purpose of this report is to present an update on the detailed work associated with the Kings Square public realm project. Highlights include:

- **Completion of the mature tree relocation program (10 trees).**
- **Identification of a suitable, mature, replacement Moreton Bay Fig.**
- **Completion of the Kings Square lighting and electrical concept design.**
- **Progress of material palette - pavement trial to be installed in December 2018.**
- **Detailed program / sequencing of works.**

This report recommends that Council receives the project update report, noting the progress made with various items as well as endorsing the replacement Moreton Bay Fig tree.

A presentation will be made to Strategic Planning and Transport Committee, summarising the key aspects of design development and project update.

BACKGROUND

On 28 February 2018 the council approved the Kings Square Public Realm Concept Design, including the playscape design, after a comprehensive engagement and consultation process. Council approved the plan noting the following will be actioned during the design development and detailed design stages:

- Referral to the Heritage Council
- Coordination with St John's Anglican Church
- Further traffic modelling and road safety design audit
- Play safety and accessibility audits
- Consultation with Whadjuk Working Group
- Public artwork, cultural and heritage interpretation
- Material palette trial (on site)
- Commencement of a future place management plan
- Refinement of overall project sequencing / budgets.

In July 2018, the council subsequently approved the removal of two additional Moreton Bay Fig trees and a proposal to replace them with mature trees (one Plane Tree and one Morton Bay Fig).

OFFICERS COMMENT

The following is a summary of activities and progress associated with the public realm project. Items 1 – 9 are in direct response to the council resolution on 28 February 2018. The items from 10 onwards are provided as additional information.

1. Heritage Council Referral

A formal referral to the State Heritage Office regarding proposed works to Kings Square has been submitted and approved. This also included an amendment to the referral covering the removal of the two additional Moreton Bay Fig trees.

2. Coordination with St John's Anglican Church

Coordination and communication with the church regarding works to Kings Square is on-going and remains positive and collaborative.

3. Traffic/Road Safety

Traffic and road safety have been considered as part of the design development. A formal road safety audit will be conducted on the detailed design in due course.

4. Play Safety and Accessibility Audits

A play safety audit was undertaken by an external consultant and resulted in minor changes to the playscape concept design for compliance with standards and budget.

5. Consultation with Whadjuk Working Group

Letters of appointment have been sent to three Whadjuk Noongar elders nominated by the Whadjuk Working Group at the South West Aboriginal Land and Sea Council. The first formal consultation is scheduled for November 2018. For more detail please refer to CONSULTATION section in this report.

6. Artwork and Interpretation

The concept 'Windows to the Past' was supported by council as part of the concept design - this idea of interpreting the archaeological finds of the former church in Kings Square will be further progressed in due course. A public artwork brief will be finalised in early 2019 to add further cultural depth to the public realm improvements. It is anticipated that the brief will have a significant focus on Aboriginal culture and will express/reveal/interpret the untold Whadjuk Noongar stories of this important place.

7. Materiality / Paving Palette - *Please refer to Attachment*

Further technical research and material cost assessment has been completed. A demonstration area of proposed pavement types will be installed in Kings Square in December 2018.

8. Place Management

Discussion has commenced within the administration regarding how Kings Square will be managed / curated / coordinated / maintained – once all the construction works are completed. Further detail anticipated in due course.

9. Project Sequencing / Budgets - Please refer to Attachment

The overall public realm project has been structured around a phased delivery, based on the current 10 year financial plan. The delivery of Newman Court and part of High Street is required as part of the original agreements in the Business Plan for Kings Square and is the priority in terms of construction and programing (timing with Sirona's and the City's practical completions of building contracts.) In addition, the installation of the playscape is being scheduled for completion in the same year as the new civic building. The remaining works, currently valued around \$5m, are scheduled to occur over subsequent years.

10. Mature Tree Relocation Program

Relocation of mature trees commenced on the 28 July 2017 with the relocation of two Canary Island date palms within Newman Court. During the months of April and July 2018, six London Planes and one more Canary Island date palm were relocated within Kings Square, to allow the demolition of the City of Fremantle administration building. In October 2018 the final mature London Plane tree was relocated from the forecourt of the old Civic Administration building to the main public space of Kings Square.

11. Moreton Bay Fig (Christmas Tree) Replacement - Please refer to Attachment

Following council's decision to replace the former 'Christmas Tree' with another Moreton Bay Fig, an arboriculturalist was commissioned to work with the project team to identify a suitable replacement tree. The following criteria were developed:

- tree size (mature)
- health
- shape
- ability to be transported.

From an initial list of 11 trees, 4 were shortlisted for detailed consideration. This resulted in only one of the original 11 trees being assessed as suitable. This is a Moreton Bay Fig tree in the median of Ord Street.

It is anticipated that preparation works around the tree will commence in early 2019 and some site remediation works in Kings Square (in preparation to receive the tree) will commence next month. The full program for preparation and relocation is around 12-18 months. Prior to works commencing, the City will ensure that details about the relocation are communicated to the community.

12. Lighting and Electrical Design - Please refer to Attachment

Lighting and electrical concept design has been developed by consultants ETC under the City's coordination and project management of the broader urban design project. Key aspects of the design include:

- Reinforcing the 'sense of place' and cultural significance of Kings Square.
- Environmentally sustainable.
- Simple, contemporary approach to lighting.
- Incorporating the principles of Crime Prevention through Environmental Design.

13. Existing Public Artwork / Memorials

There are two existing artworks that have been subject to recent discussions around their future locations:

- *John Curtin statue* – The City is currently working closely with the State Government (who commissioned the original work) in reaching an acceptable proposal for the future location of the statue.
- *Tom Edwards memorial* – The City has held discussions with family representatives of Tom Edwards; Unions WA; and the Maritime Union of Australia and the overwhelming view is to keep this memorial in Kings Square. There is general support to integrate it with the new landscape plans - this may require the memorial to be slightly repositioned on site.

14. Newman Court – Priority Works

The project team is currently focusing on the detailed engineering and urban design for Newman Court and part of High Street. It is noted that ongoing supply / procurement of large tree stock for the whole project has been secured. It is scheduled that this first package of works will be ready for tendering in the second quarter of 2019. It is anticipated that these works will be split into two separable portions, or even awarded to two separate contractors, to ensure that works tie-in with practical completion dates for the Sirona development as well as the City's civic building (which will be different dates).

FINANCIAL IMPLICATIONS

The overall project budget for improvements to the public realm in Kings Square is estimated to be in the order of \$8m. This is captured in the City's 10 year financial plan. Approximately \$2.14m of this estimate was anticipated as part of the Kings Square Business Plan, 2013, and will be used to fund upgrading works to Newman Court and part of High Street, upon completion of the major building projects.

The following table sets out the staging of budgets for the public realm as included in the current 10 year Financial Plan:

Project Staging	2018/19	2019/20	2020/21 +	Totals
Stage 1 Design & Construction : <i>Newman Court & High St</i>	\$2,114,545	Estimated as a carry forward		\$2,114,545
Stage 2 Design & Construction: <i>Kings Square Playscape</i>	\$50,000	\$450,000		\$500,000
Stage 3, 4 and 5 Design and Minor Works: Construction: <i>Civic Space; Adelaide St; William St, Churchyard and Forecourt</i>	\$80,000	\$345,000	\$4,564,000	\$4,989,000
Total <i>Minus expenditure to date and Queen Street</i>				\$7,603,545

A plan has been attached to this report indicating the sequence of works, based on the current availability of project funds.

It is noted that funding for the construction of Queen Street, including the two intersections with Adelaide Street and High Street, is not part of the Kings Square budget. It is proposed that the implementation of Queen Street needs to be considered as a whole (from Phillimore Street to Henderson Street) and its timing is interdependent with changes to bus movements and the future plans to relocate the bus station further north of the Railway Station Forecourt.

Funding for the Replacement Moreton Bay Fig Tree

There are sufficient funds in the Kings Square project budget for 2018/19 to commence the preparation works required for the replacement Moreton Bay Fig tree.

However, the total cost for the tree is approximately \$45,500 and was not included in the original scope of the public realm budget. The overall project budget will need adjusting over the next 12 months to include this, alternatively, the scope of the concept design will need adjusting.

LEGAL IMPLICATIONS

Nil.

CONSULTATION

At the 20 February meeting, council requested officers to report back on the outcome of the consultation with the Whadjuk Working Party (WWP).

On 14 March 2018, City representatives attended a WWP meeting at the South West Aboriginal Land and Sea Council (SWLASC). The main purpose was to seek guidance regarding how to establish a process for ongoing consultation with Whadjuk Noongar representatives – to ensure culturally appropriate interpretation of the place is integrated into the design.

On 29 March 2018, the SWALSC Legal Officer subsequently advised of three Whadjuk Noongar elders nominated by the WWP as advisors to the City for the Kings Square Public Realm project.

The purpose of engaging with WWP on renewing the Kings Square public space is essentially two-fold:

- To learn more about the Whadjuk significance of Walyalup (Fremantle), building on the Statements of Significance for the Fremantle area (2016).
- To collaborate with the WWP to explore how Whadjuk culture and history can be included in the renewal of Kings Square.

The consultation process is intended to commence in November 2018 and adopt the following process:

Phase		Deliverables/Tasks	Timeframe
1 Ni Listen	Listen to understand why Walyalup is important to Whadjuk people, what stories, information, associations and connections are linked to the place.	<ul style="list-style-type: none"> - Meeting representatives to listen - Document, theme, research outcomes - Send information for representative review - Advise WWP of progress 	Nov/Dec 2018
2 Balang Pursue	<p>Develop a creative brief, based on the outcomes of Ni (listen).</p> <p>Plan how Whadjuk culture and history will be incorporated into the design of the public space. For example: public artwork, lighting, playscape, landscaping, and materials.</p>	<ul style="list-style-type: none"> - Draft cultural brief - Meeting representatives to obtain feedback - Finalise cultural brief - Update WWP 	Jan /Feb 2019
3 Kadadjiny Thinking, Listening, Learning	<p>Develop a design brief for specific elements to be included in the design of the public space.</p> <p>For example: public artwork, cultural interpretation, lighting and playscape consultancy.</p>	<ul style="list-style-type: none"> - Draft design briefs for the purpose of contracting artists, designers or consultants to produce specific elements for the public space - Meeting representatives to obtain feedback - Finalise design briefs 	Feb/Mar 2019
4 Kolbang Go forward	Implementing the design.	<ul style="list-style-type: none"> - Final report to WWP - Develop / adapt designs. - Documentation - Delivery 	Apr 2018 onwards

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- 1. Receive the Kings Square Project - Public Realm - Project dated 21 November 2018.**

- 2. Endorses the proposed relocation of the Moreton Bay Fig Tree from Ord Street to Kings Square to replace the previous 'Christmas Tree', noting that:**
 - a) the Kings Square Project budget has sufficient funds in 2018/19 to commence preparation works immediately;**

 - b) the total program is estimated to be between 12-18 months;**

 - c) a communication plan will be developed to include advice to the community that a suitable tree has been identified and is now being prepared for relocation.**

SPT1811-2 KNUTSFORD URBAN DESIGN STRATEGY

Meeting Date: 21 November 2018
Responsible Officer: Manager City Design and Projects
Decision Making Authority: Council
Agenda Attachments: Knutsford Urban Design Strategy (draft)

SUMMARY

One of the positive legacies from the Knutsford industrial past is a range of wide road reserves which in combination with the unique cultural fabric of the precinct could create a unique urban structure. However, the precinct lacks the basic elements of a residential area such as a connected path network and street trees.

The purpose of this report is to present an overarching strategy for the approach to streetscape design for the Knutsford precinct in order to provide a consistent framework for various developments in this area that are anticipated to occur at different future dates.

This report recommends that council adopts a draft Knutsford Urban Design Strategy for the purposes of community consultation.

BACKGROUND

Urban design aspects of Knutsford Street – in particular, the design of the public realm - have been discussed over several years through various design enquiries, including:

- *'Knutsford Research Project'* by the Australian Urban Design Research Centre (AUDRC), and
- *'Knutsford Street Precinct Green Spine'* by Josh Byrnes and Associates (JBA).

LandCorp has recently lodged development plans for Lot 1819 in Knutsford Street and has indicated its support to reinforce Knutsford Street as a 'green spine'.

In anticipation of other developments in this precinct over the next few years, it is now considered timely that the Council establishes a strategic framework for streetscape development in order to create a consistent and sustainable approach in the interests of the broader Knutsford community.

OFFICER COMMENT

Previous Design Proposals – Helping to Establish a Vision

Design concepts for Knutsford Street by Australian Urban Design Research Centre (AUDRC) and Josh Byrne & Associates (JBA) draw on the industrial heritage of the Knutsford precinct and try to utilise the opportunities in the precinct - such as wide road reserves - to create an engaging and activated public domain. In addition, the proximity of Knutsford Street to major green spaces such as Booyeembara Park, golf course and

Monument Hill reinforces the idea of a green corridor that increases the amount of flora/vegetation and improves biodiversity. In summary:

- **AUDRC’s proposal** is based on the spatial and cultural fabric of the precinct and seeks to find an approach to re-house the current creative uses by taking advantage of wide road reserves, establishing the Knutsford Street Spine as the spatial and cultural backbone of the precinct. The scheme does not propose a fixed design but suggests creating an independent linear space along Knutsford Street that can adapt and respond to the future changes anticipated in the area.
- **JBA’s proposal** is based on the spatial fabric of Knutsford Street in consideration of future residential developments and population increases over the next 20 years. The concept proposes several precincts for the whole stretch of Knutsford Street from Monument Hill to Booyeembara Park: Industrial Heritage, Commercial Hub, and Container Village & Green Link with an indicative timeframe for each precinct.

Although the AUDRC and JBA proposals use different approaches - flexible space versus fixed space - both schemes adopt Knutsford Street as a central spine of activity within the precinct. Neither proposal has been developed in consideration of the extent of practical requirements of changes to infrastructure, services or sequencing of works.

VISION: These previous schemes provide two broad concepts that underpin a future vision for the area that the Knutsford Urban Design Strategy needs to align with:

- Green Spine – Tree & vegetation planting.
- Creating Community areas/ rooms – Programming that require access, flexible design and adaptability of space to future changes.

Alignment with Existing Strategic Documents

The proposed Knutsford Urban Design Strategy is consistent with the City’s following key Strategic Documents:

Greening Fremantle: Strategy 2020

Recognises the importance of open and green spaces on community sociability, local economy and ecology, specifically in urban environments. The Strategy sets the principle objective to “increase the quality and distribution of green areas in the City, while improving the linkages, vegetation and the quantity of flora and fauna”. Some of the key goals included as part of this Strategy are:

- Accessibility to public open space (400m radius walkable distance)
- Increase tree planting across the City.
- Design adaptable open space that allows for future flexibility as the community and open space function and needs change over time.
- Develop links that increase flora / vegetation and habitats for native fauna.

Urban Forest Strategy

The Urban Forest Strategy provides a comprehensive plan for increasing the tree canopy across the city. Streets are identified as one of the important elements of the Urban Forest Strategy along with other green and open spaces such as parks and gardens.

The document also provides a suitable species list (evergreen, deciduous, native, exotic) for different locations. Some of the key goals included as part of this Strategy are:

- Increase quality and distribution of green areas / trees.
- Encourage the greening of urban hard surfaces such as carparks.
- Apply a coordinated approach through the City’s strategies, policy, plans and development applications to target a reduction in Urban Heat Island Effect.
- Increase canopy cover and biodiversity.

A Policy Gap Regarding Active Verges

The City has adopted various policies in regards to design, use and maintenance of road reserves/ verge areas and streetscapes. These include:

- Street and Reserve Tree Policy: Outlines how the city will plant, prune, maintain and remove trees under management and care of the City of Fremantle. It also states that City determines the tree species.
- Verge Garden Policy: Outlines the City’s approach to the verge preparation assistance scheme, mulch, plant subsidy scheme and verge garden maintenance. In regards to verge garden materials, the policy outlines verge materials which are acceptable, require approval or unacceptable. Most of the materials listed for requiring approval are the materials that could be used for ‘active verges’ such as furniture, temporary structures and fruit and nut trees.
- Crossover Policy: It controls the number and widths of crossovers on residential streetscape in order to minimize the impact of hardstands. It mainly applies to R30 zones or under.
- Parklet Policy: This policy encourages the temporary use of a portion of a road reserve, excluding footpath area, and it provides a context for community-driven activities. However it applies to low speed areas only – 40kph or lower.

Although these policies are partially relevant, none fully address an objective of encouraging ‘active verges’ in residential areas. Although the proposed Knutsford Urban Design Strategy will provide a high-level framework to assist developments address the design and activation of the verge, it is recognised that the City might also benefit from developing a specific policy on Active Verges for Residential Areas. This could be used for Knutsford Street as well and potential application in other streets / suburbs too.

Developing the Knutsford Urban Design Strategy - Analysis

In developing the Knutsford Urban Design Strategy the following analysis of site and assessment of current conditions was undertaken:

- Vehicle movements / network.
- Pedestrian and cycling network and path connectivity.
- Public transport access and services.
- Future projects and development areas.
- Land uses.
- Utilities and services.
- Landscape character.
- Local / neighbourhood destinations.

Developing the Knutsford Urban Design Strategy - Principles

The following principles have been developed for the Knutsford Urban Design Strategy:

Walkability: This is an essential element of the Knutsford Urban Design Strategy, providing safe, legible and attractive routes throughout the precinct. It also encourages walking & cycling that enhances health & wellbeing of the community. Providing a network of high quality pedestrian routes with enough shade would become part of the Knutsford character and enhance the quality of open space for future developments.

Landscape character: Original landscape (landform, tree & vegetation planting) should be respected, reinforced & reinstated by a context based design approach. It also helps to protect & safeguard the critical elements that might be forgotten or overlooked in the conventional design approaches.

Flexible Design: a certain level of flexibility shall be applied in open space developments/ upgrades within the precinct. In this way community / local residents would have the opportunity to be involved in creating and shaping the open spaces as per their collective needs and would exercise autonomy over their environment.

Phasing strategy: This approach to the open space development can generate various qualities into open space, physically & culturally, by providing enough time for communities to evolve and establish.

Knutsford Urban Design Strategy – Short-Term Priorities

There are basic elements in the Knutsford precinct that require to be considered for any development proposals:

1. Access

In order to connect the current residents of Knutsford precinct to the Fremantle City Centre, the adjacent public open spaces and also the local destinations in the precinct, the existing path network should be upgraded and re-connected to provide a safe travel for all abilities.

2. Tree Canopy

There is a fragmented to nil tree canopy in the precinct, mainly around Knutsford Street & undeveloped sites. Creating a connected tree canopy not only increases and improves biodiversity but also provides a great amenity for the local residents to use the verge areas and encourages walking and cycling. Infill tree planting should be done in relation to future uses and residential densities specifically in the development areas. Buffer zones for underground services and overhead power are main constraints for the infill tree planting.

3. Programming for Verge Areas

Despite having wide verge areas in the precinct, these are heavily underutilized, mainly used for planting or car parking. However the verge area next to community destinations such as the music studio on Knutsford Street shows a good example of community driven place.

In order to retain the flexibility of the space and also create a suitable context for the community driven activities on the verge areas, a temporary, cheap and manageable surface should be installed to provide the suitable open spaces for community. These areas could be designed as adaptable open spaces to be used in various ways with having the basic elements of hardstand, seats and shade. The local destination on the Precinct could be a guide for locating these areas. Formalising car parking and crossovers are essential to create active verge areas.

4. Car Parking

Current car parking on verge areas is very high and disorganised in the precinct. In the context of a disconnected pedestrian path network, car parking on verge areas creates a serious barrier in access and legibility for pedestrian and cyclists.

Generally, car parking should be formalized - even by temporary treatments - to limit the overall extent, restrict it to specific areas and ensure pedestrian path continuity is established.

The proposed approach for short-term improvements addresses essential infrastructure for the future developments and residents. The full Knutsford Urban Design Strategy is included as an attachment and provides more detail on addressing the basic elements in short term.

Knutsford Urban Design Strategy – Long-Term Options

The following items could be integrated into the design and maintenance of the Knutsford precinct in the long term:

1. Access

By having a connected pedestrian network from the previous phase, and also by having the new developments finished, the overall path network in the precinct could be upgraded to provide a consistent width and legible connection, specifically in consideration to the new local destinations and community areas.

2. Infill Planting

Infill tree planting and vegetation planting could be finalized in relation to the road layout, access points, and internal open spaces of the new developments.

3. Programming for Verge Areas

Considering the overall Precinct population, their needs and aspirations after the development sites come on board, a range of traffic-calmed techniques could be applied to specific areas. Minor road intervention in combination with line marking, material change and tree planting, would force vehicles to slow down and creating a safer areas for hosting different community activities and events.

The proposed approach for longer-term improvements is explained in more detail in the attached Knutsford Urban Design Strategy. Essentially, these improvements would be scheduled to occur once the majority of redevelopment in the areas has been completed and the new people joining the Knutsford community can be engaged and involved.

FINANCIAL IMPLICATIONS

There are no direct financial implications to this report. Further design work and cost estimates will be prepared and discussed as part of the 10 year Financial Plan, once the strategic direction is agreed.

LEGAL IMPLICATIONS

Nil

CONSULTATION

There have been various communications and stakeholder consultations with the Knutsford community over the past few years regarding the anticipated transition of this precinct.

With regard to the Knutsford Urban Design Strategy, it is proposed to release the draft document to the broader Fremantle community as well as conduct specific, local engagement with the people in the precinct to encourage discussion and feedback on the plan. It is then anticipated that the draft document – together with the results of the public consultation – will be presented back to council in early 2019 for consideration.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required.

OFFICER'S RECOMMENDATION

Council:

- 1. Approves the draft Knutsford Urban Design Strategy for the purpose of community consultation, noting that the document suggests short-term actions to establish basic infrastructure improvements and neighbourhood connectivity, and longer-term improvements once the Knutsford community is further established.**
- 2. Notes that the final strategy will be presented back to the Council, together with the results of community consultation, for consideration in early in 2019.**

SPT1811-3 AMENDMENTS TO LOCAL PLANNING POLICIES 2.9 RESIDENTIAL STREETSCAPE POLICY, 3.7: HILTON HERITAGE AREA, AND NEW CROSSOVER POLICY - FINAL ADOPTION

Meeting Date: 21 November 2018
Responsible Officer: Manager Strategic Planning
Decision Making Authority: Council
Attachments: Nil

SUMMARY

In August 2018, Council approved amendments to *Local Planning Policy 2.9: Residential Streetscape Policy* and *Local Planning Policy 3.7: "Hilton Garden Suburb Precinct" Heritage Area* for community comment. The proposed amendments stemmed from an issues paper prepared on the impact of excessive crossovers and included the following:

- **LPP 2.9:** Replacing the Residential Design Codes (R-Codes) criteria for Vehicle Access to limit driveways to no more than 4.5 m in width and no more than 1 per lot except in exceptional circumstances.
- **LPP 3.7:** Replacing the R-Codes criteria for Vehicle Access to clarify that lots sharing a common driveway will not be permitted to have an additional crossover.
- **Administrative updates** to both policies to reflect current legislation.

The proposed amendments to the policy were advertised to the public for comment from 15 September to 8 October. Four submissions were received during this time. Those submissions are addressed in the below report.

As the policy amendments propose changes to the Deemed-to-comply requirements of the R-Codes, they must be approved by the Western Australian Planning Commission (WAPC) prior to implementation. This report recommends that Council refer the above amendments to the WAPC for approval.

In line with the above planning changes, this report also includes replacing the Infrastructure Directorate's management directive (*Operational Policy 25: Vehicle Crossings*) with a more comprehensive Crossover Policy reflective of Council's position as established through the issues paper.

BACKGROUND

An 'issues paper' report on crossover standards was considered by the Strategic Planning and Transport Committee on 16 May 2018 (SPT1805-1). The report was prepared in response to concerns expressed by elected members in relation to the impact excessive hardstand generated by an increase in crossovers was having on residential streetscapes. The report outlined the various policies which apply to or effectively regulate crossover width and concluded that controls on the driveways and access (which are currently largely determined through the WAPC's Residential Design

Codes or ‘R-Codes’) are as vital as controls on crossover width to achieving a positive result. The following was consequently resolved:

The Strategic Planning and Transport Committee acting under delegation 1.1:

1. *Confirms that the primary concern of Council in relation to current crossover regulation relates to the impact excessive numbers and widths of new crossovers have on residential streetscapes.*
2. *Endorses the principle of pursuing greater restrictions on residential crossover widths through reduction in the default permissible maximum width to 4.5m and the default permissible number of crossovers per property to 1 (or nil where access via a shared access way is available).*
3. *Requests the preparation of a further report proposing draft mechanisms to mitigate against the impact of excessive crossover numbers and widths on residential streetscapes based on the principle defined in (2) above, including:*
 - a) *A new Local Planning Policy (or modification to existing Local Planning Policy) restricting the width of access ways and hard stand within the front setback of lots*
 - b) *Modifications to the Crossover Guidelines which:*
 - i. *Introduce a further statement that Council recognises the valuable green space that verges can provide and promotes verge planting in accordance with its policies.*
 - ii. *Restricts the number of crossovers per lot to 1, excepting for very large frontages or corner lots where the crossover represents a small percentage of the frontage, or where two crossovers are necessary to allow vehicle circulation for developments involving 5 or more units.*
 - iii. *Reduce the default double crossover width from 6m to 4.5m, with 6m only permitted as a variation.*
 - iv. *Make provision for alternative crossover design specifications which restrict the extent of hard stand (eg ‘strips’ rather than fully paved widths, or ‘grasscrete’) where proposed by an owner as a method of achieving a better access without compromising streetscape values, and where an appropriate design and maintenance regime is proposed.*
 - c) *Modification to the Hilton Garden Suburb Precinct Heritage Area Local Planning Policy clarifying that where access from a shared driveway is available, that vehicle access should be taken from this in preference to creation of a separate additional crossover to the street.*
4. *Request officers to discuss with the Western Australian Planning Commission the detrimental impact excessive driveway and crossover widths can have on residential streetscape and, specifically:*
 - a) *the circumstances in which narrow front-loaded lots will be approved;*
 - b) *potential modifications to the Residential Design Codes promoting use of shared access legs to provide vehicular access to lots, where available;*
 - c) *potential modifications to the Residential Design Codes restricting the width of access ways and hard stand within the front setback of lots.*

Following from this, a second report was considered by the Strategic Planning and Transport Committee on 15 August 2018 (SPT1808-4) reporting on feedback from the Department of Planning, Lands and Heritage (DPLH) (on behalf of the WAPC) in relation to resolution 4, and proposing modifications to Local Planning Policy 2.9: Residential Streetscape, and Local Planning Policy 3.7: Hilton Garden Suburb Precinct Heritage Area to restrict hardstand by reducing the maximum width of crossovers, and limiting the number of vehicle crossovers, as well as including some purely administrative changes.

The DPLH advised as follows:

- It is supportive of the intent and objectives of the City's correspondence;
- It would need to consider any proposed variation through local planning policy based on preservation of heritage and character properties, and would seek to ensure that these are clear and well defined within the policy. (A blanket policy applicable to all areas of the city, it implies, would not be acceptable.)
- Use of shared driveways, whilst 'aspirational', would be difficult to mandate due to landowner preferences, and insertion of provisions in policies seeking to do so would be unlikely to be supported by the WAPC. An incentives approach would be preferable. (Use of a split coding might be an option).
- The Commission would consider any proposed restrictions on access (driveways) and hardstand within the front setback proposed by the City.
- Retention of discretion within policies is important in any policy. (Definitive restrictions without Design principles against which to consider variations would not, it implies, be supported).
- The City's feedback on deficiencies with the R-Codes has been included on a catalogue of such issues maintained by the Department in preparation for future reviews of the Codes. (Design WA indicates that a new design-based code for single houses and grouped dwellings will eventually be developed to complement the draft Apartment Code already prepared).

This feedback was helpful in gauging the Commission's likely position on any local planning policies submitted to it proposing variations to the portions of the 'Access' section of the Codes (which cannot be varied by local government without WAPC approval).

The Strategic Planning and Transport Committee resolved to endorse the policy amendments above for the purposes of public advertising.

CONSULTATION

Advertising of both policies was undertaken in accordance with clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Deemed Provisions* and consisted of:

- a notice in the Fremantle Herald on 14 and 21 September 2018
- policy documents and an electronic submission form provided on the City's MySay webpage
- policy documents located at the City of Fremantle administration building
- email notification inviting comment to all precinct groups.

Four (4) submissions were received during the public comment period, two (2) of which were in support and two (2) of which were opposed. The following issues were raised:

- In areas where a building has zero set back from the property line and a double garage, exceptions may have to be made.
- Very supportive, less sealing of the surface, better streetscape design, more opportunity for street trees.
- Further restricting building/driveway/garage access that other new developments readily allow will only take Fremantle out of favour. Households need to have 2 vehicles and need double access.
- The proposed amendments increase the likelihood that more cars will be parked on the street. A single, narrow driveway allows only one vehicle to pass at a time, and prohibits side-by-side parking. An outcome worse than a few metres of verge vegetation loss is a street or verge full of parked cars.
- The proposed amendments place the burden of maintaining Hilton’s streetscape and green space on the minority of residents who have not yet subdivided their properties. It would be fairer to accomplish the objective of maintained or improved green space with regulations that share the burden across all residents equally.
- The proposed amendments do not consider Hilton residents’ ownership of recreational vehicles that require additional driveway space or a second street access point. Many Hilton residents own a caravan, boat, or other recreational vehicle. The streetscape is improved by storing recreational vehicles off of the street/verge and out of sight, and this often requires a second vehicle access point and/or wider driveway.

These issues are addressed below.

OFFICER’S COMMENT

Local Planning Policies

The proposed amendments include the following:

- LPP 2.9: Replacing the Residential Design Codes (R-Codes) criteria for Vehicle Access to limit driveways to no more than 4.5 m in width and no more than 1 per lot except in exceptional circumstances.
- LPP 3.7: Replacing the R-Codes criteria for Vehicle Access to clarify that lots sharing a common driveway will not be permitted to have an additional crossover.
- Administrative updates to both policies to reflect current legislation.

The modification to LPP 3.7 only reinforces the existing R-Code provisions which stipulate that access from a right of way (which is defined to include a common property driveway) is to be taken, where available, rather than from the street.

In regards to the issues raised during the comment period, City Officers provide the following response:

- Proposals that do not meet the requirements are assessed against the Design principles of the R-Codes, which will permit wider crossovers where required. The changes discourage wider driveways by making them a variation that must be

suitably justified (e.g. on access or safety grounds) rather than provided as a given.

- Households will still be permitted two vehicle bays; they just must taper the driveway where it meets the street boundary to a maximum of 4.5 m in width.
- The burden of compliance is on all new development proposals involving hardstand near the street, including new carports and garages, not simply subdivisions.
- While it is recognised that recreational vehicles are a priority for some owners and residents, this needs to be balanced against the impact of more hard surfaces on the streetscape. Including provision for a second crossover as of right to accommodate recreational vehicles would not reflect the concern expressed by Council which underpinned the policy review. Recreational vehicles, by their nature, tend not to be moved on such a regular basis as motor vehicles used for daily transport and therefore could be stored/parked within the curtilage of a dwelling and manoeuvred into the road when required without needing a separate access. Inclusion of individual circumstance and lifestyle as a criterion for policy variation would also undermine consistent and equitable application of the policy and is not supported as a formal inclusion. If Council wishes to make regular provision for such situations, modification of the policy to allow a second crossover in a much wider range of circumstances would be necessary.

It is recommended that the amendments as originally drafted and advertised be endorsed and forwarded to the WAPC for approval.

Crossover Policy

The City currently lacks a comprehensive crossover policy with the closest documents being Operational Policy 25: Vehicle Crossings (OP25), and the Crossover Guidelines (which are advisory in nature).

Amendments to OP25 were last adopted by the Strategic and General Services Committee on 14 December 2011 and the policy is due for a review and updates, particularly in light of Council's recent direction to limit the impact of hardstand on the streetscape and to reflect recent changes in internal City processes.

Council can adopt a policy to reflect and explain their position on discretionary decisions made in the exercise of its functions under the Local Government Act however no formal process for this is defined. The proposed Crossover Policy is intended to provide clarity in decision-making for the community and City officers, and to set out objectives and formally guide development to achieve Council's overall vision with regards to streetscape, road and verge treatments.

The proposed Crossover Policy has been drafted to:

- Refer to the Crossover Manual (replacing the guidelines as a public information source) and Technical Specifications for all technical matters (depth of excavation, materials allowed, width of driveways, etc.). This separates technical requirements from the strategic direction of Council, and bundles these along with forms and procedures into a user-friendly format within the Manual.
- Provide clarity on how the City will determine crossover applications.
- Provide clarity on the process and requirements for receiving a crossover rebate.

- Introduces explicit objectives, including landscape and streetscape objectives.
- Refer to existing related policies including the Verge and Garden Policy and the Street Tree Policy.
- Refer to current City processes.

Revisions to the Manual and updates to the Specifications have been drafted to reflect the revised policy, and incorporate the direction set by Council in May.

The draft policy does not include formal provision for alternative crossover treatments as these are included as an alternative specification where proposed by an owner (as per the May Council resolution) and so would be treated as a variation, as opposed to being actively promoted. Review of this approach may be necessary following trial application.

Overview of Crossover Applications & Case Studies

To assist in Council's review of the draft new policy and to confirm the direction set through the issues paper in May, an overview of crossover applications received this year, and several case studies, are provided below.

As of 25 October, the City had issued a decision on 64 crossover applications this calendar year. Of those, nine were refused, generally on the grounds that the properties shared a driveway and crossover in common property, and were applying for an additional crossover. Additional reasons for refusal included that the proposed locations were too close to verge infrastructure such as street trees and power poles. Refusals are understandably unpopular and routinely result in objection and requests for review.

It is worth briefly explaining the most common reason why a subdivision application would propose a common property driveway. Under the R-Codes, subdivisions creating a rear lot have different minimum lot area requirements depending on whether or not the lots to be created include property in common. As an example, in a R25 zone, a rear (battleaxe) lot that does not include common property is considered a Single house and requires a minimum site area of 450m², whereas a rear lot that has a shared or common property driveway is considered a Grouped dwelling and only requires a minimum site area of 350m². In effect, including a common property driveway is a compromise that allows smaller lots to be created that would otherwise not meet the minimum lot size requirement. To allow both of these smaller lots individual street access unduly impacts the streetscape in terms of undesirable hard surfaces and verge treatments.

Impact of Proposed Policy

The proposed Crossover Policy explicitly prohibits secondary crossovers except in exceptional circumstances, and would sustain the refusals issued. It would also require refusal of applications seeking a second crossover where an exclusive (i.e. non common property) access already exists (e.g. to cater for additional parking, recreational vehicles etc.). These have represented approximately 5-10% of recent applications, with refusals therefore likely to increase under the revised policy by around 50% (from 9 to 14 for the calendar year). The proposed policy would provide additional restrictions on widths of double crossovers.

Case Studies

Several case studies are provided below along with a statement on how the proposal would be dealt with under the new policy.

Location:	Suffolk Street, Fremantle
Request:	Additional double crossover to serve the front lot of a subdivided (battle axe) property.
Property attributes:	Frontage: 15 m Existing driveway and crossover available to service both front and rear lots: proposed as common driveway by applicant. Fence subsequently erected precluding access to the front lot from the common property driveway. Two existing verge trees. (One of which was removed without approval)
Owner justification:	Using the existing crossover and driveway was not possible for manoeuvring and safety. A new crossover was necessary in order to retain the front outdoor living area.
Decision:	Crossover refused
Reasons for Decision:	Verge tree removal not supported. Existing crossover and common property driveway available to serve the lot. The R-Codes require that common property access (where available) is to be used in lieu of additional driveways.
Implications of Revised Policy:	Policy would reinforce the decision to refuse.

Location:	Wardle Road, Beaconsfield
Request:	Additional crossover to support a new carport.
Property attributes:	Frontage: 15.6 m Existing driveway serving the front house and common property driveway serving the rear house.
Owner justification:	The third crossover was necessary in order for the vehicle to safely enter and exit the proposed carport. The carport could not be located to take advantage of the common property due to the existing house and the slope of the lot.
Decision:	Crossover refused
Reasons for Decision:	The proposed crossover design does not provide safe access and egress to the carport. The submitted crossover design provided inadequate or incorrect dimensions and offsets. The R-Codes require that common property access (where available) is to be used in lieu of additional access ways. There are two existing crossovers and driveways serving the house.
Implications of Revised Policy:	Policy would reinforce the decision to refuse.

Location:	Ellen Street, Fremantle
Request:	Frontage: 10.6 m 5.2 m wide crossover for a new house
Property attributes:	New house with two marked street bays directly in front
Owner justification:	New double crossover needed to facilitate new double garage
Decision:	Approved with removal of one street bay
Reasons for Decision:	Crossover complied with width and location requirements
Implications of Revised Policy:	Crossover would have been required to be a maximum of 3 m in width, allowing more soft landscaping

Images of the subject properties are available for viewing but are not appended for privacy reasons.

The revised policy has been prepared to reflect the direction of Council established in May, however, should the submissions and / or case studies raise issues not reflected in this position, further modifications could be made. If Council's position remains as originally established, deletion of OP25 and adoption the new Crossover Policy in its stead is recommended.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Local Planning Policies are adopted under the deemed provisions of the Local Planning Scheme, effected by the *Planning and Development (Local Planning Schemes) Regulations 2015* which prescribe that they be advertised for public comment prior to adoption. State Planning Policy 3.1 (Residential Design Codes) stipulates that variations to specific elements of the Codes (including Access) can only be achieved through Local Planning Policies where those policies have been approved by the WAPC. This requirement presumes, however, that the Codes are incorporated into the scheme

The Crossover Policy is not a planning policy and operates under the *Local Government Act 1995* to inform Council (and delegated staff) in the exercise of discretion in its role in approving crossovers.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

- Endorse the amendments to Local Planning Policy 2.9: Residential Streetscape for referral to the Western Australian Planning Commission with a request for its approval of the variations to clause 5.3.5 of the Residential Design Codes, as follows:**

CITY OF FREMANTLE

LOCAL PLANNING POLICY 2.9

RESIDENTIAL STREETSCAPE POLICY

ADOPTION DATE: 19 February 2013
AMENDED DATE: 6 May 2014, XX XXX 2018
AUTHORITY: LOCAL PLANNING SCHEME NO.4
Planning and Development (Local Planning Schemes) Regulations 2015

STATUTORY BACKGROUND

Clause 4.2.2 of the City's Local Planning Scheme No. 4 states that unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes (R-codes) is to conform to the provisions of the R-codes.

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

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

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

APPLICATION

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

DEFINITIONS

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

of the subject site, fronting the same street and in the same street block.

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

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

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

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

POLICY

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

Table 1. Prescribed Primary Street Setback

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

- 1.1 Buildings are to be setback from the primary street in accordance with the prescribed street setback for the applicable Local Planning Area as prescribed in table 1.**
- 1.2 Variations to the requirements of clause 1.1 above may be considered, at Council’s discretion subject to the proposed development meeting at least one of the following criteria:**
- i. The proposed setback of the building is consistent with the setback of buildings of comparable height within the prevailing streetscape; or**
 - ii. The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or**
 - iii. The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites); or**
 - iv. Where there is no prevailing streetscape; or**
 - v. Where the proposed development is on a lot directly adjoining a corner lot, Council will consider a reduced setback that considers the setback of the corner lot in addition to buildings in the prevailing streetscape.**

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

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

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

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

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

- i. The carport is open on all sides with no door; and**
- ii. The carport is constructed from timber or steel vertical supports no greater than 150mm in width in any direction; and**
- iii. The carport does not exceed an average of 2.8 metres in height above natural ground level; and**
- iv. The carport is located so as to maintain visibility of the dwelling from the street and surveillance from the dwelling to the street; and**

- v. *The maximum width of the carport is to be 6 metres on a property with a frontage of 12 metres or greater or on a property with a frontage of less than 12 metres, the maximum width of a carport is to be 3 metres; and*
 - vi. *The carport is setback one metre or greater from any side boundary.*
- 2.3. *Variations to the requirements of clause 2.1 or 2.2 above may be considered, at Council’s discretion subject to the proposed development meeting at least one of the following criteria:*
- i. *The proposed building is consistent with the character of buildings in the prevailing streetscape; or*
 - ii. *The proposed setback of the building does not result in a projecting element into an established streetscape vista by virtue of the road and/or lot layout in the locality or the topography of the land; or*
 - iii. *The proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites); or*
 - iv. *The carport is lightweight in construction, appears simple in design and is visually subservient to the form and proportion of the dwelling. Additionally, the front setback area is designed in such a way so as to maintain visibility of the dwelling from the street and surveillance from the dwelling to the street.*
- 2.4 *Additional to clause 2.3 above, where the property is on the Heritage List the proposed development’s compatibility with and impact on the heritage significance of the property will be considered. Due consideration will be given to the heritage assessment prepared under Local Planning Policy 1.6 Preparing heritage assessments and approval will only be granted where the development is considered compatible with the heritage significance of the property.*

3. Building Orientation

- 3.1 *Buildings shall be orientated parallel with the front boundary of the property with front doors and windows facing and clearly visible from the street.*
- 3.2 *Variations to the requirements of clause 3.1 above may be considered, at Council’s discretion subject to the proposed development meeting at least one of the following criteria:*
- i. *The building orientation is consistent with the orientation of buildings in the prevailing streetscape; or*
 - ii. *The proposed orientation is consistent with the traditional angular orientation of buildings, particularly in the case of corner lots where dwellings are typically set square to the corner splay of the lot; or*
 - iii. *The development is specifically designed according to solar passive design principles to achieve a significantly higher level of energy*

- efficiency than would otherwise be achieved by complying with the orientation requirements, and has negligible adverse amenity impacts on adjoining properties; or*
- iv. The proposed orientation is required so as to retain a heritage listed building or a building in a heritage area.*

4. Building Height and Scale

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

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

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

5. Additions and Extensions for heritage listed properties

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

assessments and approval will only be granted where the development is considered compatible with the heritage significance of the property.

6. Vehicular Access

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

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

6.2 Driveways to primary or secondary street provided as follows:

- i. driveways serving four dwellings or less not narrower than 3m at the street boundary,***
- ii. no driveway wider than 4.5m at the street boundary,***
- iii. no more than one driveway permitted per lot except:***
 - a. where serving 5 or more dwellings, where an additional access point(s) is necessary to accommodate vehicle circulation, or***
 - b. the lot is a corner or double frontage lot with one crossover to each street frontage and both driveways are 3m at the property boundary, or***
 - c. the frontage of the lot exceeds 30 meters, the driveway widths do not accumulatively represent more than 20% of the frontage at the boundary, and the lot is not within a heritage area.***

6.3 Driveways shall be:

- no closer than 0.5m from a side lot boundary or street pole;***
- no closer than 6m to a street corner or the point at which a carriageway begins to deviate;***
- aligned at right angles to the street or, where angled to restrict crossover width, tapered at a maximum rate of 1:5.***

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

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

- 2. Endorse the amendments to Local Planning Policy 3.7: "Hilton Garden Suburb Precinct" Heritage Area for referral to the Western Australian Planning Commission with a request for its approval of the variations to clause 5.3.5 of the Residential Design Codes, as follows:**

CITY OF FREMANTLE

LOCAL PLANNING POLICY 3.7

“HILTON GARDEN SUBURB PRECINCT” HERITAGE AREA LOCAL PLANNING POLICY

ADOPTION DATE: 25 January 2011, XX 2018

AUTHORITY: LOCAL PLANNING SCHEME NO. 4
Planning and Development (Local Planning Schemes)
Regulations 2015

STATUTORY BACKGROUND

The “Hilton Garden Suburb Precinct” is designated as a Heritage Area in accordance with clause 9 of Schedule 2 Part 2 (the Deemed provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Clause 3 of the Deemed provisions allows Council to prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

Clause 4.2.2 of the City’s Local Planning Scheme No. 4 states that unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform to the provisions of the Codes.

Section 7.3.1 of the Residential Design Codes states that a local government may adopt a Local Planning Policy which varies or replaces specific Deemed-to-comply requirements of the Residential Design Codes. A Local Planning Policy may also contain development provisions for any aspect of residential development that is not provided for in the Codes.

Clause 67 of the Deemed provisions empowers the Council to consider a broad range of considerations and impose conditions relating to these in dealing with an application for planning approval.

HERITAGE SIGNIFICANCE

The “Hilton Garden Suburb Precinct” Heritage Area is of cultural heritage significance within the City of Fremantle as an example of a substantially intact ‘Garden Suburb’ dating from the immediate post World War 2 period and characterised by its curvilinear road layout, parks, large and irregular shaped lots.

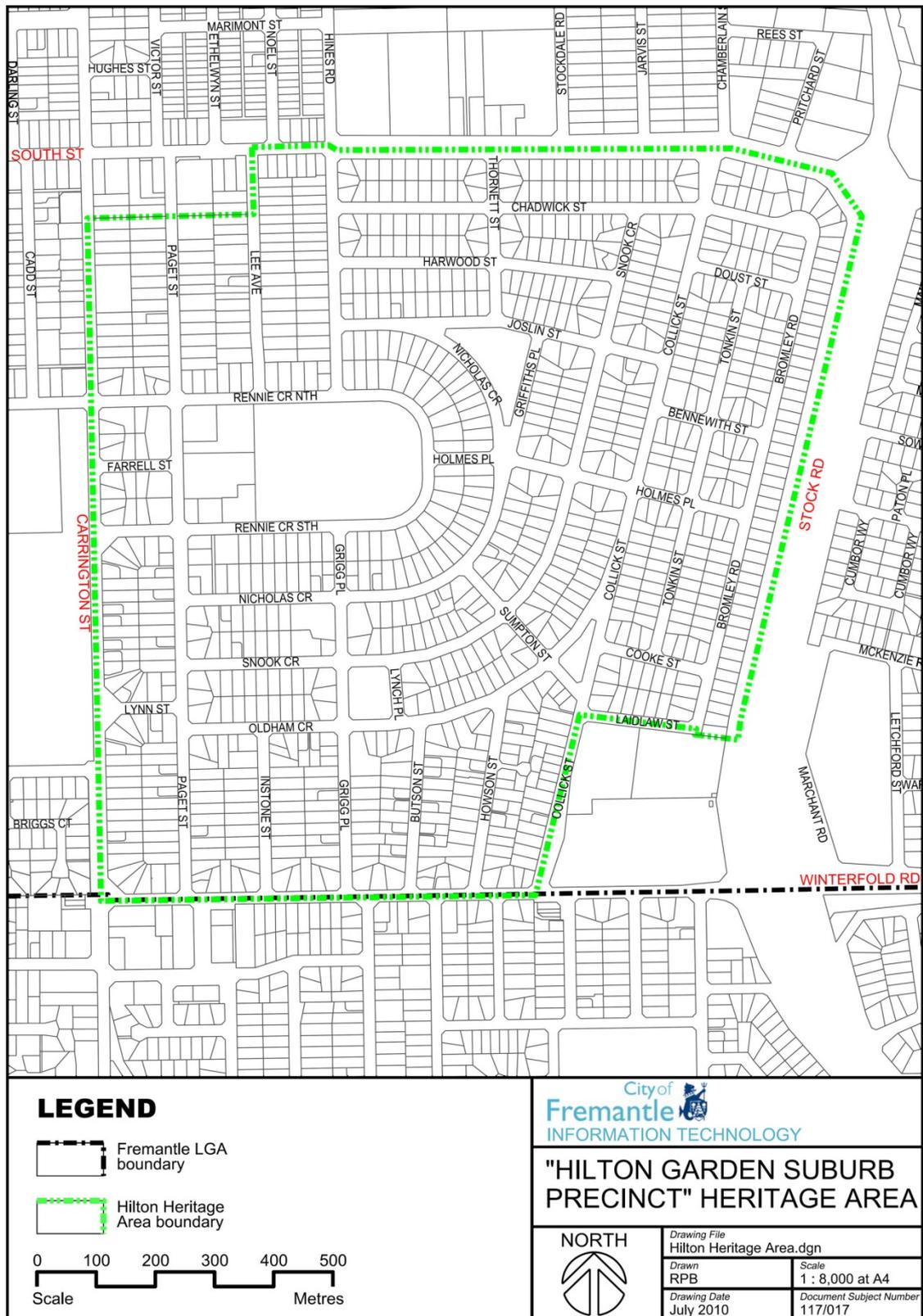
It has historical value as an area developed by the State Housing Commission to provide affordable housing at a time of increased housing demand in Australia, particularly to house new arrivals: returned servicemen and immigrants. It also has historical significance for its association with the importation of prefabricated homes from Austria and for the timber homes designed by prominent architect Marshall Clifton, many of which remain extant in the area. House design was influenced by the modernist movement in architecture which prevailed widely in the post-war period. The designs were functional without being decorative.

Hilton has aesthetic value for its parks, streetscapes, mature trees, areas of indigenous vegetation and birdlife. Its stock of relatively intact modest housing, including both timber and brick cottages, set on large lots, many with mature trees and gardens, contribute to the ambiance of the area and create a distinct and cohesive streetscape character.

It has social value to the people who live there for the range of community facilities provided and the diversity of the local community including private owners, Department of Housing tenants, elderly people and families. The social significance of the area is expressed through the involvement of local residents in groups such as the Hilton Precinct Committee and the Hilton Lovers Group.

APPLICATION

This Local Planning Policy applies to all land contained within the “Hilton Garden Suburb Precinct” Heritage Area, as delineated on the map below:



This Local Planning Policy is prepared under clause 3 of the Deemed provisions. If, during the application of this Local Planning Policy, a provision of this Local Planning Policy is found to be inconsistent with a provision of the Scheme, the Scheme provision shall prevail to the extent of the inconsistency, pursuant to clause 3 of the Deemed provisions.

This policy modifies the Deemed-to-comply requirements of clauses 5.1.2 C2.1 – C2.4, 5.1.6 C6, 5.2.1 C1.1 – C1.5, 5.2.2 C2, 5.2.4 C4, 5.2.6 C6, and 5.3.5 C5.1 of the Residential Design Codes.

PURPOSE

The purpose of this Local Planning Policy is to provide development and design guidance for development within the “Hilton Garden Suburb Precinct” Heritage Area.

DEFINITIONS AND TERMS

The following terms are used in this policy and are defined as follows:

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

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

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

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

Subject site: Means the site or lot on which the development is proposed.

All other terms have the same meaning as defined in the Residential Design Codes and Local Planning Scheme.

POLICY

1. Streetscape Requirements

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

1.1.1 For the purpose of determining the setback of buildings, the street designated as the primary or secondary street shall be determined by the Council, taking into consideration the prevailing streetscape, lot and house orientation and physical characteristics of the lot.

1.1.2 Buildings shall be setback from the primary street a minimum distance of 7 metres.

1.1.3 Buildings shall be setback from the secondary street a minimum distance of 3 metres.

1.1.4 Garages and carports are to be setback in line with or behind the front wall of the dwelling.

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

1.2.1 Garages, carports and outbuildings, except as in clause 1.2.2 below, are to be setback in line with or behind the front wall of the dwelling.

1.2.2 Carports may be located in front of the dwelling where the development meets all of the following criteria:

- i. The carport is open on all sides with no door; and**
- ii. The carport is lightweight in construction with timber or steel vertical supports no greater than 150mm in width in any direction; and**
- iii. No part of the carport exceeds 2.8 metres in height above natural ground level; and**
- iv. The carport appears simple in design and is visually subservient to the form and proportion of the dwelling; and**
- v. The carport is located so as to maintain visibility of the dwelling from the street and surveillance from the dwelling to the street; and**
- vi. The maximum width of the carport is to be 6 metres on a property with a frontage of 14 metres or greater or on a property with a frontage of less than 14 metres, the maximum width of a carport is to be 3 metres; and**
- vii. The carport complies with Design Element 6.3.1 – Buildings setback from the boundary, of the Residential Design Codes.**

Discretionary Criteria for Variations to Requirements of Clauses 1.1 and 1.2 above

Variations to Primary Street setback

Council may, at its discretion, allow a lesser setback of the building from the primary street where it is satisfied that the development meets one of the following criteria:

- a) Where the proposed setback of the building is consistent with the setback of buildings within the prevailing streetscape; or***
- b) Where due to the nature of the road and/or lot layout in the locality or the topography of the land, the proposed setback of the building does not result in a projecting element into an established streetscape vista; or***
- c) Where the proposed setback of the building will facilitate the retention of a mature, significant tree deemed by the Council to be worthy of retention (Refer also to provisions of LPP2.10 Landscaping of Development and Existing Vegetation on Development Sites).***

Variations to Secondary Street setback

- d) Council may, at its discretion, allow a lesser setback of the building from the secondary street where due to the nature of the road and/or lot layout in the locality or the topography of the land, the proposed setback of the building does not result in a projecting element into an established streetscape vista.***

1.3 Dwelling Orientation

- 1.3.1 Dwellings shall be orientated parallel with the front boundary of the property addressing the primary street (Note: primary street determined by clause 1.1.1 above).***

Council may, at its discretion, allow a variation to the dwelling orientation provision of clause 1.3.1 above where it is satisfied that the development meets one of the following criteria:

- a) The proposed dwelling orientation is consistent with the orientation of dwellings within the prevailing streetscape; or***
- b) The proposed dwelling orientation is consistent with the traditional angular orientation of buildings, particularly in the case of corner lots where dwellings are typically set square to the corner splay of the lot.***

1.4 Garage Width (Doors and Supporting Structures)

1.4.1 Where the garage is setback in line with or less than 2 metres behind the front wall of the dwelling, the width of the garage shall be no more than 3.2 metres; or

1.4.2 Where the garage is setback 2 metres or more behind the front wall of the dwelling, the width of the garage shall be no more than 45 percent of the width of the front of the dwelling and the formed driveway shall be gradually tapered between the garage and the street frontage boundary to a maximum width of 3.5 metres at the street boundary; or

1.4.3 In the case of corner lots or sites where the garage addresses the secondary street, the width of the garage shall be no more than 6 metres.

Council may, at its discretion, vary the width of a garage where it is satisfied that the development meets one of the following criteria:

a) The visual impact of the garage on the streetscape is alleviated due to significant variations in the topography in the front setback area such that the garage floor level is situated well below the ground level of the street; or

b) The garage is setback a significant distance from the street boundary of the property and the width of the driveway is minimised to maintain a streetscape of open front setback areas and single residences separated by open space that are not dominated by garages; or

c) The positioning of the garage will assist in producing an overall building design more in keeping with the form and proportions of traditional Hilton houses, including a simpler roof form and the width of the driveway is minimised to maintain a streetscape of open front setback areas and single residences separated by open space that are not dominated by garages.

1.5 Street Walls and Fences

1.5.1 Street walls and fencing forward of the building line shall be a maximum height of 1.2 metres and shall be visually permeable above 300 millimetres.

1.5.2 For properties located on South Street, between Stock Road and Lee Avenue, front fencing shall be visually permeable above 1.2 metres to a maximum height of 1.8 metres, with piers no higher than 2.0 metres.

1.5.3 Solid masonry (brick) rear fencing shall be permitted for those properties backing onto Stock Road to a maximum height of 2.0 metres.

Council may, at its discretion, vary the requirements of clauses 1.5.1 – 1.5.3 where it is satisfied that the proposed street wall and/or fence is consistent with the street walls and/or fencing within the prevailing streetscape and the proposed street wall and/or fence maintains clear surveillance between the street and the dwelling.

1.6 Vehicle Access

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

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

Where two or more lots share a vehicular access point (via an access easement, common property driveway, or the like), such a shared vehicular access point is to be the sole vehicle access for all of those lots to that street front.

Variations to these requirements may be considered, at Council's discretion, against the Design principles of the R-Codes, with additional due consideration being given to impact on any place of heritage significance.

Where variations are permitted, new crossovers shall be a maximum width of 3 m, and the development is to provide a landscaping plan demonstrating high quality landscaping features to soften the impact of the additional hardstand on the streetscape appearance. The landscaping plan shall be provided in accordance with Local Planning Policy 2.10: Landscaping of development and existing vegetation on development sites.

2. Building Height

2.1 Minimum External Wall Height

2.1.1 The minimum external wall height shall be 3.2 metres for elevations of the development fronting the primary and/or secondary streets.

Council may, at its discretion, allow a lesser external wall height where it is satisfied that the proposed external wall height is consistent with the external wall height of development within the prevailing streetscape and the development meets one of the following criteria:

- a) *The development incorporates design elements that give the development a greater, more traditional presence to the street such as gable ends greater than the minimum external wall height or a steeper roof pitch (within the maximum roof pitch requirement of 35 degrees); or*
- b) *The natural ground level of the site is higher than the street so the development maintains a greater, more traditional presence to the street.*

2.2 Maximum External Wall Height and Maximum Roof Ridge Height

2.2.1 *The maximum external wall height shall be 3.5 metres (equivalent to single storey and a loft).*

2.2.2 *The maximum roof ridge height shall be 6.5 metres.*

Council may, at its discretion, allow a greater external wall height and/or greater roof ridge height where it is satisfied that the development meets one of the following criteria:

a) *The development is on a rear survey strata lot, battleaxe lot or the equivalent and has minimal presentation to the streetscape and the development complies with the Deemed-to-comply requirements of the Residential Design Codes for the following:*

- i. Clause 5.1.3 Lot Boundary Setback,*
- ii. Clause 5.1.4 Open Space, and*
- iii. Clause 5.4.2 Solar access for adjoining sites*

Or

b) *Excluding development on a rear survey strata lot, battleaxe lot or the equivalent, the front and side elevations of the development present generally as a single storey dwelling when viewed from the street with the predominant bulk of the element exceeding the prescribed maximum building height located at the rear of the dwelling; or*

c) *Excluding development on a rear survey strata lot, battleaxe lot or the equivalent, the proposed building height is consistent with the building height of development within the prevailing streetscape.*

3. Boundary Walls

3.1 *Development that proposes building up to the boundary shall be assessed against the requirements of local planning policy, LPP2.4 Boundary Walls in Residential Development.*

When considering an application under the Design principles in clause 5.1.3 C3.2 of the Residential Design Codes, in addition to the factors detailed in LPP2.4 Boundary Walls in Residential Development, Council shall only approve a boundary wall where it is satisfied that the boundary wall is located a significant distance from the front boundary of the property to maintain a streetscape of separated single residences separated by open space.

4. Form and Proportion of New Dwellings
(Excluding ‘Infill Development’ as described in Part 6 of this policy)

4.1 Roof Form and Eaves of Dwellings

4.1.1 *Roofs shall be hipped or gabled with a minimum roof pitch of 27.5 degrees and a maximum roof pitch of 35 degrees.*

4.1.2 *Roofs shall be simple in form incorporating no more than 2 roof elements facing the primary and/or secondary street.*

4.1.3 *Eaves shall be a minimum width of 450mm.*

Council may, at its discretion, vary the roof form and eaves requirements of clauses 4.1.1 – 4.1.3 where it is satisfied that the development is consistent with the roof forms and eaves of dwellings within the prevailing streetscape.

4.2 Building Form and Proportion

4.2.1 *Wall angles of the front façade of the dwelling shall be 90 degrees.*

4.2.2 *The front door shall face the street and be clearly visible from the street.*

Council may, at its discretion, vary the building form and proportion requirements of clauses 4.2.1 where it is satisfied that the development is consistent with the building form and proportion within the prevailing streetscape.

Council may, at its discretion vary the building form and proportion requirements of clauses 4.2.2 where it is satisfied that the development provides for surveillance from a habitable room or active outdoor habitable space between the dwelling and the street.

5. Conservation of Existing Dwellings not listed on the Heritage List – including upgrading, extensions and additions
(Excluding ‘Infill Development’ as described in Part 6 of this policy)

5.1 Upgrading of existing dwelling

- 5.1.1 External alterations shall conserve the overall architectural style and the original external form of the dwelling as viewed from the street but may include modern and/or contrasting materials.**
- 5.1.2 The original size and position of openings (doors and windows) visible from the street shall be conserved. Non-traditional materials may be used in the replacement of the doors or windows, subject to the appearance of the replacement doors or windows reflecting the styles of original Hilton dwellings.**
- 5.1.3 The original size and position of verandahs and porches visible from the street shall be conserved.**
- 5.1.4 Front verandahs and porches are not to be enclosed.**
- 5.1.5 The original form of the roof of the dwelling shall be retained as viewed from the street.**

Council may, at its discretion, vary the requirements of clauses 5.1.1 – 5.1.5 where it is satisfied that the development meets one of the following criteria:

- a) The proposed development involves minor variations and is specifically designed according to solar passive design principles to achieve a significantly higher level of energy efficiency than could otherwise be achieved by complying with clauses 5.1.1 to 5.1.5 above; or**
- b) The original dwelling is not an original timber framed or brick dwelling constructed during the establishment of the Hilton Garden Suburb Precinct (dwellings constructed prior to 1965).**

5.2 Extensions and Additions

- 5.2.1 New extensions shall be located at the rear or side of the original dwelling.**
- 5.2.2 Upward extensions shall be designed to comply with Part 2 – Building Height of this policy.**
- 5.2.3 The external form of the front of the conserved dwelling is to be retained.**

Council may, at its discretion, vary the requirements of clauses 5.2.1 – 5.2.3 where it is satisfied that the development meets one of the following criteria:

- a) The front and side elevations of the development present generally as a single storey dwelling when viewed from the street; or**

- b) *The original dwelling is not an original timber framed or brick dwelling constructed during the establishment of the Hilton Garden Suburb Precinct (dwellings constructed prior to 1965).*

6. Infill Development

- 6.1 *Where development is proposed on a site or lot that is either a battleaxe lot, rear survey strata lot or the equivalent and the proposed development has minimal presentation to the streetscape, only the maximum Building Height provisions of clause 2.2 of this policy shall apply.*

7. Non-Residential Development

- 7.1 *Where development is proposed on a site or lot not zoned Residential and/or where the development is associated with a non-Residential use class, the development shall be compatible with the heritage significance of the “Hilton Garden Suburb Precinct” Heritage Area as well as the relevant requirements of the Local Planning Scheme No. 4.*

8. Subdivision Referrals to Western Australian Planning Commission

- 8.1 *The historic pattern of subdivision within the Hilton Garden Suburb Precinct is characterised by wide lot frontages which contribute significantly to the streetscape character and amenity of Hilton. In order to preserve the traditional streetscape character and amenity of Hilton, applications referred to the City of Fremantle for comment for the subdivision of land within Hilton shall only be supported where the following criteria are met:*

8.1.1 *The subdivision is in the form of battleaxe or survey strata (with or without common property) with one lot behind the other.*

8.1.2 *The proposed front lot shall have a minimum frontage of 16 metres. In the case of corner lots, the minimum frontage of 16 metres shall apply to the primary street.*

8.1.3 *Access legs for battleaxe or survey strata subdivision shall provide reciprocal access to both the front and rear lots. Where such an arrangement is proposed, Council shall recommend the following condition of subdivision to be applied:*

“The applicant is to make suitable arrangements to ensure reciprocal rights of access exist over adjoining battleaxe access legs

Council may, at its discretion, vary the subdivision requirements above where it is satisfied that the proposed subdivision will be consistent with the form of subdivision within the prevailing streetscape.

3. Upon receipt of approval from the Western Australian Planning Commission for the amended local planning policies 2.9 and 3.7, adopt the amended policies in accordance with Clause 4 of the Schedule 2 provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Delete Operational Policy 25: Vehicle Crossings (OP25)
5. Adopt a new Council Policy on Crossovers as follows:

Council Policy

Crossover Policy

Policy Scope

This policy applies to the installation and modification of crossovers for all properties within the City of Fremantle.

This policy sets out the City's objectives in granting approval to new and modified crossovers, guides determination of whether a crossover appropriate crossover will be approved, and provides directions on when the City will contribute to the cost of a crossover.

Statutory Context

This policy is to be read in conjunction with Schedule 9.1(7) of the Local Government Act 1995 and Regulations 12-15 of the Local Government (Uniform Local Provisions) Regulations 1996.

Related local policies and guidance include:

- *Crossover Manual*
- *Crossover Technical Specifications*
- *Verge Garden Policy*
- *Street and Reserve Tree Policy.*

The local planning scheme and planning policies address driveway and access design within lots.

Policy Statement

1.Design Objectives

1.1. The City seeks to ensure that crossovers are designed and constructed so as to:

- provide safe and accessible entry and exit to properties for vehicles;***
- maintain a safe and amenable street environment for pedestrians, cyclists and other road users;***
- minimise the amount of hard surfaces on and adjoining public verges;***
- maximise the amount of vegetation and water permeable surfaces on and abutting verge areas;***
- appropriately manage stormwater runoff to and from public thoroughfares;***
- minimise impact on available street parking (where applicable);***
- not be detrimental to heritage listed properties or the amenity of heritage areas; and***
- not be detrimental to the health of existing street trees.***

2.General Requirements

2.1. No crossover shall be constructed without the prior written approval of the City of Fremantle for the crossover.

2.2. Applications to construct a crossover will be assessed against this and other related policies and standards (as outlined in the Crossovers Manual).

2.3. Crossovers must provide direct access to an authorised driveway or car parking area within a property. Crossovers which do not ('redundant crossovers') will not be approved, and will be required to be removed as a condition of other works.

2.4. All crossovers shall be constructed in accordance with the approval issued by the City, including any conditions attached to this, to the City's specification (refer Crossover Technical Specifications).

- ***A greater width is deemed necessary by the City or Main Roads WA to provide vehicle and/or pedestrian safety; and***
- ***verge landscaping to soften the impact of hardstand on the streetscape, to the approval of the City, is provided and installed concurrently with the crossover at the applicant's expense.***

In all circumstances, crossovers are to line up with and be no wider than the approved driveway at the point it meets the street.

4. Street trees and Infrastructure

4.1. Crossovers should be located to minimise impact on existing street trees and infrastructure.

4.2. Where the proposed location conflicts with these, and the City deems it the most desirable taking into account the objectives of the policy and other related policies and standards, the cost of relocating or modifying the infrastructure to the City's specification shall be met by the owner.

4.3. Removal of street trees is discouraged and will only be permitted in exceptional circumstances and where such removal is consistent with the City's policy on street trees. In such circumstances, the City's approval of the removal of the tree will be conditional upon the owner meeting all costs associated with the removal of the tree and its replacement with an approved species at a minimum 100 litre size, and its maintenance for a minimum of 12 months.

4.4. Where a new crossover is approved in lieu of an existing one which serves the lot, the existing crossover is to be removed and the verge and kerbing reinstated concurrently with the construction of the new crossover. All costs associated with the crossover removal and reinstatement of the kerbing, drainage and verge shall be the sole responsibility of the applicant.

5. Crossover Contributions and Costs

5.1. In accordance with Schedule 9.1(7) of the Local Government Act 1995 and Regulations 12-15 of the Local Government (Uniform Local Provisions) Regulations 1996, the City shall share with the owner in equal proportions the cost of constructing a single standard crossover per lot through the provision of a crossover rebate made in accordance with the policy.

5.2. For the purposes of this policy, the following definitions apply:

- ***Crossover: Has the same meaning as a "crossing" as outlined in the Activities In Thoroughfares And Public Places And Trading Local Law 2005 as amended and means a crossing giving access***

from a public thoroughfare to (a) private land or (b) a private thoroughfare serving private land.

- **Standard crossover: Is a one that:**
 - *joins the edge of the road pavement and the property line, or the edge of an insitu concrete path where one exists, in which case the path status will have priority over crossover for estimating and maintenance purposes; and*
 - *complies with the specifications and the characteristics set out in the City's Crossover Manual and Crossover Technical Specifications for a single width (3m wide) in situ concrete crossover.*
- **Crossover rebate: A contribution by the City of Fremantle of up to half of the construction cost for a standard single crossover, to a maximum amount as set out in the 'Application For Crossover Rebate' form.**
- **Owner: means the owner of the lot, not being the City, which is served by the crossover.**

5.3. The crossover rebate must be made in writing to the City by the owner of the land, within 6 months of the construction of the crossover and will be paid where:

- *The crossover application has been approved prior to construction.*
- *The crossover complies with the approval, any associated conditions and City of Fremantle's Crossover Technical Specifications.*
- *The crossover constructed is the first crossover constructed in relation to the land.*
- *The owner produces receipts verifying the actual cost of the crossover.*

5.4. The owner shall be required to meet the full cost of additional works required to construct a crossover. This shall include such items as the relocation of existing drainage manholes, public utility services and removal and replacement of street trees where approved.

5.5. City of Fremantle will contribute to the provision of separate standard crossovers, where approved, for duplex, triplex or other multiple developments when satisfactory evidence of strata title is produced and the crossovers are consistent with this and related policy.

5.6. A crossover rebate may also be available to owners wishing to have existing bitumen crossover upgraded compliant with current

specifications.

6. Maintenance

6.1. The responsibility for maintenance of crossovers (excluding any continuous footpath traversing the crossover) rests with the owner.

7. Non-compliance

7.1. Non-compliance with this policy will result in the City requiring the owner to undertake works, remove items to meet the requirements of the policy or the City to undertake works at the resident's expense.

Reviewing officer: Manager Infrastructure Engineering

Policy adopted: XX 2018 – OCM XXXX

Legislation: Schedule 9.1(7) of the Local Government Act 1995

Regulations 12-15 of the Local Government (Uniform Local Provisions) Regulations 1996

Related documents: Crossover Manual

Crossover Technical Specifications

Verge Garden Policy

Street and Reserve Tree Policy.

Streetscape Policy

SPT1811- 4 ADMINISTRATIVE REVIEW & UPDATES TO LICENCED PREMISES POLICIES

Meeting Date:	21 November 2018
Responsible Officer:	Manager Strategic Planning
Decision Making Authority:	Council
Agenda Attachments:	Attachment 1 – Policy DBU6 – Late Night Entertainment Venues Serving Alcohol Attachment 2 – Policy DF 3 – Alcohol in the Community Attachment 3 – Policy DF 4 ‘Extended Trading Permits (Liquor Act)’ Attachment 4 – Policy DB 7 – ‘Issue of Section 39 and 40 Certificates under the Liquor Licensing Act’ Attachment 5 - Policy SG50– ‘Alcohol Management’

SUMMARY

In December 2017, Council resolved to request that officers prepare a draft Local Planning Policy to provide guidance in the assessment of planning applications involving premises proposed to be licensed as a Tavern or Hotel within the City Centre zone. This involved a review of the current statutory framework relating to licensed premises, which led to the identification of a number of older policies which are essentially procedural in nature and / or have been superseded by statutory changes and new policies.

This report reviews the existing licensed premises policies and recommends deletion of three and retention of two.

BACKGROUND

On 13 December 2017, Council resolved that:

Council request that the administration prepare a draft Local Planning Policy to provide guidance in the assessment of planning applications involving premises proposed to be licensed as Tavern or Hotel within the City Centre zone. This policy shall not address issues ordinarily dealt with through the Liquor Licensing process but shall consider relevant planning issues and specifically include consideration of the proportion of the licenses area to the site area occupied by other proposed uses, with a view to ensuring new proposals include an appropriate mix of complementary land uses.

A report proposing a new policy responding to this request was submitted to Council in May 2018 (SPT1805-3) but was deferred, and consideration of this issue has expanded to incorporate broader land use mix considerations.

In responding to the initial resolution of Council, however, an audit of existing policies relating to licenced premises was undertaken, which identified a number which are procedural in nature and / or have been superseded by new policies and / or changes to

the statutory framework. The purpose of this report is to rationalise these in the interests of maintaining a functional and robust policy manual.

OFFICER COMMENT

Land uses involving the serving of alcohol typically require both planning approval under the applicable town planning scheme and a liquor licence issued under the *Liquor Control Act 1998*. Both components are governed by series of standards and processes which have evolved over the years (and continue to evolve through further reviews).

Amongst other things, a liquor licence requires demonstration of public interest and confirmation of compliance with health, building and planning requirements through the provision of Section 39 and Section 40 certificates.

Planning approval for many licenced premises involves a discretionary land use which requires consideration of the objectives of the zone, any applicable policies or local area plans, any community comment received and the ‘Matters to be Considered’ outlined in the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. These are broad in nature and consider a wide range of issues including impact on health, amenity, land use compatibility, design, traffic and parking.

Current licensed premises policy

The City has several existing policies that relate to the assessment of licensed venues – attached. With the exception of *Late Night Entertainment Venues*, all are short and predominantly administrative and / or general in nature. All but one are 20 or more years old and predate both the current local planning scheme and planning regulations, and the current Liquor Control Act. A brief summary of each with a recommendation on its future is provided below:

Policy Name	Officer Comments	Recommendation
<i>Late Night Entertainment Venues Serving Alcohol 1997 (DB U6)</i>	<p>This policy provides guidance on consideration of applications for late night venues (with specific reference to night clubs, but excluding restaurants). It was prepared in response to a series of night club applications in the 1990s and concerns about both their operation, impact on Fremantle’s character and potential oversupply.</p> <p>The policy was adopted in September 1997 and would benefit from updates to improve clarity and succinctness. However, the absence of any applications for night clubs in recent years makes this of relatively low priority.</p>	Retain. List for review.
<i>Alcohol in the Community 1992 (DF3)</i>	<p>This policy was adopted in 1992 and briefly outlines Council’s stance and view in regard to the consumption of alcohol and how applications for new licensed premises will be treated.</p> <p>The information submission requirements in relation to parking details and treatment of section 117 complaints are essentially administrative/procedural and do not need to be documented in a formal policy of Council.</p> <p>The reference to the state government’s ‘Respect Yourself’ campaign are out of date.</p>	Delete (superseded by SG50)

	The other components of the policy are largely superseded by Council's Alcohol Management (SG50) which was updated in 2017.	
Extending trading permits (Liquor Act) 1995 (D.F4)	This policy, adopted in 1995, outlines factors considered by Council in commenting on applications for Extended Trading Permits, namely compliance with statutory requirements, management of the facility and history of complaints. It also references a need to demonstrate community interest. It is not a planning policy and is essentially procedural.	Delete (replace with procedure if necessary)
Issue of Section 39 and 40 Certificates Under The Liquor Licensing Act 1998 (D.B.U7)	Policy DB 7 outlines the information requirements of the City for applications for Section 39 and 40 certificates, and the conditions of approval which can be applied to associated applications. It is not a planning policy and is essentially procedural.	Delete (replace with procedure if necessary)
Alcohol Management 2017 (SG50)	SG50 provides an overview of the City's position on alcohol in the Fremantle community. The policy was created in response to broad principles Council endorsed in 2013 and was reviewed and updated in 2017 This policy provides high level guidance when dealing with alcohol related decisions and the creation of new policies. Notably, one of the objectives within the policy states that the City shall " <i>Promote an appropriate mix of land use consistent with the objectives of the City's strategic plan and Local Planning Scheme No. 4 and to minimise the impacts of the operation of licensed venues on surrounding areas</i> ".	Retain

Deletion of policies DF3, DF4 and DBU7 will not weaken the City's statutory authority in relation to licensed premises or the range of considerations it may take into account in making decisions or recommendations for these.

FINANCIAL IMPLICATIONS

There are no financial implications in adopting the officer's recommendation.

LEGAL IMPLICATIONS

Local governments are authorised to prepare, amend and revoke local planning policies under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Local Government Act 1995*. Policies are intended to supplement statutory provisions (such as the acts, regulations, schemes and local laws) and provide guidance in the exercise of discretion under these.

CONSULTATION

Revocation of Local Planning Policies requires publication of a notice published in a newspaper circulating in the Scheme area. No consultation is required to modify or delete policies adopted under the Local Government Act.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

Council:

- 1. Revoke the following policies given their procedural nature and / or replacement with subsequent more contemporary policies and provisions:
 - a. DF3 Alcohol in the Community (1992);*
 - b. DF4 Extending trading permits (Liquor Act) (1995);*
 - c. DB U7 Issue of Section 39 and 40 Certificates Under The Liquor Licensing Act (1998).***
- 2. Retain policy SG 50 Alcohol Management (2017).**
- 3. Retain policy DB U6 Late Night Entertainment Venues Serving Alcohol (1997) and note its proposed listing for review.**

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

A member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion of which notice has been given to the CEO.

Nil

13. URGENT BUSINESS

In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

Nil

14. LATE ITEMS

In cases where information is received after the finalisation of an agenda, matters may be raised and decided by the meeting. A written report will be provided for late items.

Nil

15. CONFIDENTIAL BUSINESS

Members of the public may be asked to leave the meeting while confidential business is addressed.

Nil

16. CLOSURE

