



# Agenda

## Strategic Planning and Transport Committee

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Wednesday, 17 July 2019, 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, 17 July 2019** in the North Fremantle Community Hall, located at 2 Thompson Road, North Fremantle commencing at 6.00 pm.



Phillida Rodic  
**Acting Director Strategic Planning and Projects**

12 July 2019





<b>Agenda Attachments</b>		<b>1</b>
SPT1907-1	NOS. 7 & 9-15 QUARRY STREET, FREMANTLE - INITIATION OF COMPLEX SCHEME AMENDMENT AND DRAFT LOCAL PLANNING POLICY	3
SPT1907-2	MUNICIPAL HERITAGE INVENTORY AND HERITAGE LIST - ANNUAL UPDATE 2019 FINALISATION	6
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**CITY OF FREMANTLE**

**Strategic Planning and Transport Committee**

**Agenda**

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**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 Rachel Pemberton – Leave of absence

There are no previously received apologies or approved 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.

**6. PETITIONS**

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 19 June 2019 be confirmed as a true and accurate record, with the following correction to Item number SPT1906-1, NOS. 7 & 9-15 QUARRY STREET, FREMANTLE - PRINCIPLES OF SCHEME AMENDMENT , Amendment 1:**

### **AMENDMENT 1**

**Moved: Cr Jon Strachan Seconded: Mayor, Brad Pettitt**

**To amend 1 c) to read as follows:**

- c) Maximum building heights for new development to be limited to 12m, but reduced to a maximum of 7.5m on parts of the subject land within 10m of the north-east and south-west boundaries, through an amendment to development controls in Local Planning Scheme No. 4.**

**Amendment lost: 3/4**

**For:**

**Mayor, Brad Pettitt, Cr Jon Strachan, Cr Rachel Pemberton**

**Against:**

**Cr Bryn Jones, Cr Jenny Archibald, Cr Jeff McDonald, Cr Dave Hume**

## **9. ELECTED MEMBER COMMUNICATION**

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

## **10. REPORTS AND RECOMMENDATIONS**

### **10.1 COMMITTEE DELEGATION**

Nil

## 10.2 COUNCIL DECISION

### SPT1907-1 NOS. 7 & 9-15 QUARRY STREET, FREMANTLE - INITIATION OF COMPLEX SCHEME AMENDMENT AND DRAFT LOCAL PLANNING POLICY

**Meeting Date:** 17 July 2019  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Committee  
**Agenda Attachments:** 1. Draft Local Planning Policy

#### SUMMARY

Council has been considering zoning options for its properties located at Nos. 7 and 9 – 15 Quarry Street, Fremantle, to allow their sale as a single development site by removing the zoning inconsistency which currently exists.

Preliminary consultation was undertaken in relation to a Mixed Use R100 option, in response to which community concern was expressed.

Following several reports, a site visit and informal workshop, in June 2019 Council endorsed a series of principles on which to base a scheme amendment and policy update. This report recommends initiation of a scheme amendment reflecting those principles to introduce:

- a uniform zoning of Mixed Use and residential density of R80 across the lots.
- Specific building height limits and setback controls, to reflect the site's location and facilitate a transition between high and low density.

In addition to the planning scheme amendments, a draft local planning policy (LPP) has been prepared to incorporate specific provisions relating to boundary walls, lot boundary setback, interface, design and controls.

It is recommended that the proposed rezoning be initiated as a 'complex' amendment to the planning scheme and the proposed LPP be advertised concurrently with the scheme amendment process, to facilitate a coordinated response.

#### BACKGROUND

Nos. 7 (lots 2 & 1) and 9 – 15 (lot 8) Quarry Street, Fremantle (the 'subject site') are owned by the City and have been budgeted for disposal. However, because the three lots have different zonings (with lots 2 and 1 being zoned 'Mixed Use' RAC3 and lot 8 being zoned 'Residential' R25), they cannot currently be amalgamated or developed as a composite site. The site is strategically located within the 'frame' of the City Centre, at the zoning interface between high and low density, but currently provide for a very blunt transition between these, through the mid-site drop in coding. Council considered a report on this in July 2018 and resolved to undertake preliminary consultation in relation to the potential rezoning of the site to Mixed Use R100 with an extra restriction on

building height within 10m of the low density R25 zoned lots to the north east (refer Item SPT1807-06).

Preliminary consultation occurred in September - October 2018 with 50 submissions received raising a variety of concerns, particularly in relation to the proposed residential density and potential building height of up to 15 metres, among other matters.

Council considered the outcomes of preliminary consultation in November 2018 (item PC1812-15) and again in January 2019 (item PC1901-10) but resolved to defer amendment to the scheme to allow further consideration of the most appropriate development outcomes and mechanisms to achieve these.

The opportunities and constraints presented by the site were discussed at an informal Councillor workshop on 1 April 2019 and were further considered during a group site visit arranged and attended by community members (as well as elected members) on 23 April 2019.

On 26 June 2019, Council considered a further report on the matter and resolved:

*Council:*

1. *Approves the following as the desired development outcomes, and the mechanisms to be used to facilitate those outcomes, for the land at No's 7 and 9-15 Quarry Street:*
  - a) *All the subject land to be zoned Mixed Use with a residential density coding of R80 and a plot ratio of 1 through an amendment to Local Planning Scheme No. 4.*
  - b) *All the subject land to be included in local planning sub-area 2.3.1.*
  - c) *Maximum building heights for new development to be limited to 11m, but reduced to a maximum of 7.5m on parts of the subject land within 10m of the north-east and south-west boundaries, through an amendment to development controls in Local Planning Scheme No. 4.*
  - d) *Parapet walls constructed on lot boundaries shall be restricted to a limited section of the south-western boundary abutting an existing boundary wall to the heritage listed building at No. 3 Quarry Street, to be prescribed in a local planning policy. All other lot boundary setbacks shall be in accordance with the R-Codes.*
  - e) *Design features to achieve activation and passive surveillance in the part of any new development overlooking Fremantle Park, to be incorporated as provisions of a local planning policy.*
  - f) *A pedestrian access link from Quarry Street to Fremantle Park, accessible to members of the public, to be provided across the subject land secured through contractual arrangements on sale of the land by the City, and reinforced through inclusion in local planning policy.*
  - g) *A minimum dwelling yield of 34 to be delivered in future development on the site, to be secured through a condition of sale of the land by the City.*
2. *Request officers to prepare for Council's consideration a further report setting out details of amendments to Local Planning Scheme No. 4 and Local Planning Policy 3.1.3 to achieve outcomes a) to e) in recommendation 1 above.*

3. *Include provisions to achieve outcomes f) and g) in recommendation 1 above as part of documents required to undertake a future sale of the subject land by the City of Fremantle (SPT1906-01)*

The purpose of this report is to consider initiation of the subsequently prepared scheme amendment and associated policy update.

## **OFFICER COMMENT**

### Planning Scheme Amendments

The scheme amendment will require changes to both the scheme text and map and will be formally referred to as Amendment No. 77 to Local Planning Scheme No. 4.

The map will be modified to extend the Mixed Use zone to lot 8, and apply an R80 coding to it and lots 1 and 2.

Extension of sub-area 2.3.1 (the Queen Victoria Residential Quarter/Northern Gateway precinct) to include the site requires modification to Schedule 8 of the scheme text to amend the boundary of this area to include the site. The subject site will be referred to as 'Area 6A' within the sub-area and indicated as such on a revised sub-area map, as noted in the recommendation to this report.

A number of general provisions apply to the sub-area. In addition to these and consistent with the existing sub area provisions, it is also proposed to have the key development provisions relating to height and setbacks for the site defined within Schedule 8 as variations to the default requirements specified in the R-Codes. These include a building height limit of 11m and a modification to the scheme text to exclude the subject site from the 4m bonus height criteria applicable to the remainder of the sub-area. A further clause restricting height within 10m of the eastern and western boundaries to 7.5m is also included.

Minor wording and formatting changes will also be required to Sub Area 2.3.1 in order to incorporate these additional provisions and update references.

These modifications collectively address resolution 1 a - c of Council's previous decision.

### Local Planning Policy Amendments

Revisions to Local Planning Policy (LPP) 3.1.3 (applicable to sub-area 2.3.1 / the Queen Victoria Residential Quarter/Northern Gateway precinct) were originally proposed to supplement the scheme provisions. However, following more detailed review of the current policy and the nature of the matters to be addressed in relation to this site, incorporation of these within a discrete, site-specific policy is now recommended.

This has been drafted to address the principles adopted by Council, as follows:

- Minimum street setback and rear setback to Fremantle Park of 2m. Maximum street setback of 4m;

- Buildings to be set back from side lot boundaries as per the R-Codes excepting that walls on the boundary (i.e. parapet walls) are proposed to be restricted to the front 23m of the south-west boundary (i.e. to the deviation in the lot boundary);
- Buildings to address Fremantle Park and public spaces through ‘through provision of major openings and/or balconies on all levels, to provide active and passive surveillance opportunities’ and visually permeable fencing. In the event of development of apartments, this provision would supplement the existing Public Domain provisions of the new Volume 2 of the R-Codes.

An additional overshadowing controls for the lot to the south-west to restrict overshadowing on the shortest day of the year (i.e. at midday on the 21<sup>st</sup> of June) to a maximum 50 percent has also been proposed. Whilst arguably not required because of the restrictions on boundary walls and building height, this has been proposed to address concerns regarding impact on this adjoining property. An alternative would be to omit this clause and rely on the performance-based assessment requirements of the *R-Codes Volume 2* (assuming apartment development), however this addition assists in providing clarity regardless of the development type.

The above policy provisions are summarised in a map within the planning policy to provide visual guidance on the site-specific requirements.

### Conclusion

The proposed amendments to the planning scheme combined with the supplementary policy aim to address the key themes raised in previous reports to Council on this project, most notably in respect to balancing residential density with an acceptable built form outcome.

The following recommendation details all of the proposed modifications to scheme and policy, which will be subject to further community consultation prior to finalisation. To ensure a more holistic approach, it is recommended that consultation be carried out for both the planning scheme and policy concurrently. Should Council endorse the scheme amendment after consultation, the local planning policy can also be adopted at the same time (pending final ministerial decision on the scheme amendment).

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with the process of rezoning of the site, as this has been undertaken in-house.

## **LEGAL IMPLICATIONS**

The processes for a scheme amendment and policy modification are outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

## **CONSULTATION**

Preliminary community consultation on a potential scheme amendment was undertaken in September - October 2018 in accordance with *Local Planning Policy 1.3 - Public Notification of Planning Proposals* (LPP 1.3). During this time a total of 50 submissions were received raising concern in respect to impact on residential amenity, streetscape, traffic, built form and architectural quality, the closure of the child care centre and housing diversity.

If initiated, and subject to relevant consent from the Environmental Protection Authority (EPA) and the Department of Planning, Lands and Heritage, consultation on the formal scheme amendment and local planning policy would be undertaken in accordance with LPP 1.3, as well as the Regulations.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

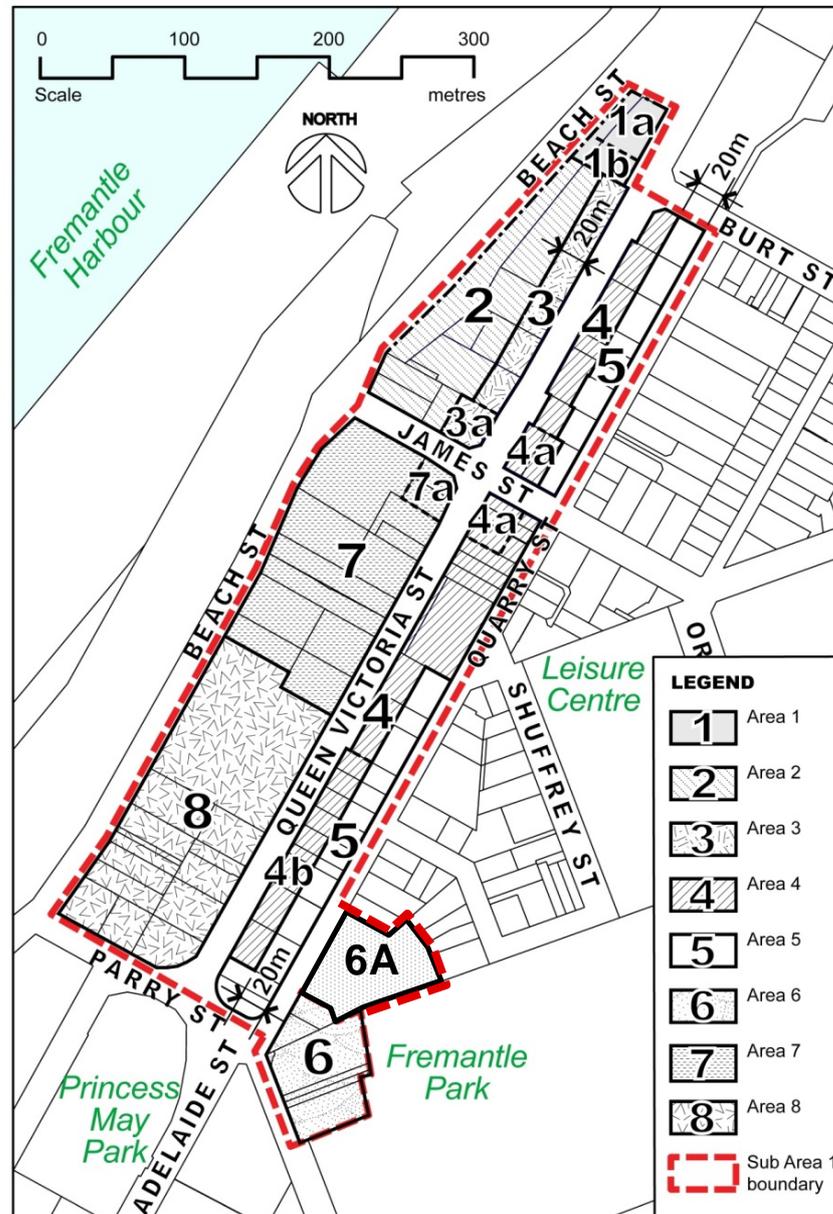
Simple majority required

## **OFFICER'S RECOMMENDATION**

**The Strategic Planning and Transport Committee, acting under delegation 1.1:**

- 1. Pursuant to s 75 of the *Planning and Development Act 2005* resolve to amend City of Fremantle Local Planning Scheme No. 4 by:-**
  - a) Rezoning Lot 8 (Nos. 9-15) Quarry Street, Fremantle from Residential with a density coding of R25 to Mixed Use with a density coding of R80, and to amend the density coding of Lots 1 and 2 (No. 7) Quarry Street from RAC3 to R80;**
  - b) Modifying Schedule 8 – Local Planning Areas (Development Requirements) Local Planning Area 2 – Fremantle 2.3.1, Sub Area 1 as follows:**

<b>2.3</b>	<b>SPECIFIC DEVELOPMENT CONTROLS FOR SUB AREAS</b>
<b>2.3.1</b>	<b>Sub Area 1</b>



<b>2.3.1.1</b> Land Use	<p>a) Notwithstanding the provisions of Table 1 - Zoning:</p> <p>i) Residential uses will not be permitted in new buildings at ground level adjacent to Queen Victoria Street at the following locations:</p> <ul style="list-style-type: none"> <li>– between Parry Street and James Street both sides</li> <li>– for 60 metres north from James Street both sides</li> <li>– for 30 metres south from Burt Street east side</li> <li>– for 90 metres south from Beach St west side; and</li> </ul> <p>ii) Except in Area 1a and 1b, non-residential uses will only be permitted above ground level where they meet</p>
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		local needs for commercial services.		
2.3.1.2 Building Height and Setbacks	b)	Clause 2.2 'Matters to be considered in applying general and specific height controls' does not apply to Sub Area 1.		
	c)	Permitted building heights shall be in accordance with the requirements set out in the table below:		
		Area	Permitted Building Height (Metres)	Min. Façade Height (Metres)
		1a	12.5  Council may permit a maximum building height of 20 metres for Area 1a where the proposed development satisfies all of the following: i) Exceptional design quality and distinctive architecture befitting its location ii) Demonstrate a high standard of environmentally sustainable design, incorporating into the building fabric measures to minimise energy consumption, water usage, emissions and waste iii) Provide a high quality and publicly accessible pedestrian environment within the site as an extension of the street space at the ground level frontages to Queen Victoria Street and Beach Street	Nil
		1b	20	Nil
		2	24.5	10
		3	18	10
		3a	18	10
		4	18	10
		4a	18	10
		4b	15	10
		5	11	10
		6	11	10
		6a	11	Nil
		7	18	10
	7a	18	10	
	8	18  In granting consent to the maximum 18 metre height prescribed for Area 8 Council shall be satisfied in regard to all of the following- a) That the proposal is consistent with	10	

	<p>predominant height patterns of adjoining properties and the locality generally,</p> <p>b) The proposal would not be detrimental to the amenity of the area,</p> <p>c) The proposal would be consistent, if applicable, with conservation objectives for the site and locality generally, and</p> <p>d) Any other relevant matter outlined in Council’s local planning policies.</p> <p>Council may impose a lesser height in the event that the proposal does not satisfy any one or all of the above requirements.</p>	
<p>d)</p> <p>e)</p> <p>f)</p> <p>g)</p>	<p>In the front elevation of all new development, except fronting Quarry Street, the ground floor level must be no greater than 600mm above the level of the adjacent footpath and the first floor level must be at least 4.5 metres above the level of the footpath adjacent to the site.</p> <p>Notwithstanding the maximum building height requirements in the table above, buildings shall be no higher than 2 storeys, and a maximum overall height of 7.5 metres, within 10 metres of the north-eastern and south-western boundaries of Area 6A.</p> <p>Notwithstanding the specific building height requirements in the table above, and excluding Area 6A, Council may permit additional height to a maximum of 4 metres subject to development satisfying both of the following criteria:</p> <ul style="list-style-type: none"> <li>i) The additional level being sufficiently set back from the street facade so as to not be visible from the street(s) adjoining the subject site; and</li> <li>ii) The design being integrated with the design of the overall building.</li> </ul> <p>In addition to the general height requirements outlined in the table above and the additional height in (f), Council may permit further building height to a maximum of 4 metres in Areas 1a, 1b, 2, 3a, 4a and 7a where the Council is satisfied that the proposed development satisfies all of the following criteria:</p> <ul style="list-style-type: none"> <li>i) Exceptional design quality and distinctive architecture befitting its location</li> <li>ii) Demonstrates best practice in environmentally</li> </ul>	

- sustainable design, incorporating into the building fabric measures to minimise energy consumption, water usage, emissions and waste
- iii) Provide a high quality landscaped and publicly accessible pedestrian environment at ground level that includes, where appropriate:
- a) the area of the required setbacks in Queen Victoria Street and James Street being transferred at no cost to Council for the purposes of a road widening; and
  - b) east-west mid-block pedestrian links between Queen Victoria and Beach Street that are an integrated component of any development concept and are convenient, legible, attractive, safe and activated. Ongoing public access arrangements are to be determined by and be to the satisfaction of the City and set as a condition of planning approval.

The setback from the street façade required in (f) for any additional height above the Permitted Building Height does not apply in these areas if additional height is granted in accordance with (g).

- h) Building setbacks shall be in accordance with the requirements set out in the table below. Council may vary the prescribed setbacks where it is satisfied that the design outcome will be improved or where the road has been widened.

Area	Frontage to:	Minimum Street Setback (Metres)	Maximum Street Setback (Metres)	Minimum side and rear Setback (Metres)
1a	All streets	Not specified	Not specified	Nil
1b	All streets	Not specified	Not specified	Nil
2	Beach St	Nil	2 to 10m height	Nil
	James St	2	3.3	Nil
3	Queen Victoria St	3.3	3.3 to 10m height	Nil
3a	Queen Victoria St	3.3	3.3 to 10m height	Nil
	James St	2	3.3	Nil
4	Queen Victoria St	3.3	3.3 to 10m height	Nil

	north of James St			
	Queen Victoria St south of James St	Nil	3.3 to 10m height	Nil
	James St	2	3.3	Nil
	Quarry St	Nil to 11m height, then 3m setback from lower front elevation	4	Nil
4a	Queen Victoria St north of James St	3.3	3.3 to 10m height	Nil
	James St	2	3.3	Nil
	Queen Victoria St south of James St	Nil	3.3 to 10m height	Nil
4b	Queen Victoria St	Nil	3.3 to 10m height	Nil
5	All streets	Nil	4	Nil
6	All streets	Nil	2	Nil
6A	Quarry Street	2	4	Refer local planning policy and R-Codes as applicable
7	James St	2	3.3	Nil
	Queen Victoria St	Nil	3.3 to 10m height	Nil
	Beach St	Nil	2 to 10m height	
7a	James St	2	3.3	Nil
	Queen Victoria St	Nil	3.3 to 10m height	Nil
8	All streets	Nil	3.3	Nil
	i) The maximum aggregate width of spaces between buildings at ground floor level at street frontage may be no more than 8 metres on any one lot.			
2.3.1.3 Other Development Standards	j) New buildings in the area should embody contemporary and innovative architecture which is sensitive to Fremantle's sense of place and satisfies any relevant			

	<p>planning and design policy adopted for the area.</p> <p>k) As part of any future development in Area 4, a high amenity pedestrian access link with a minimum width of 5 metres is to be provided for both pedestrians and cyclists between Queen Victoria Street and Quarry Street in the vicinity of Shuffrey Street at no cost to the City, unless otherwise agreed between the City and the landowner. The provision of the pedestrian access link is to be considered as an integrated component of any redevelopment concept in this location to ensure the provision of activated ground level frontages and a high quality built form outcome. Ongoing public access arrangements are to be determined by and be to the satisfaction of the City, and set as a condition of planning approval.</p>
<p>2.3.1.4 Car Parking</p>	<p>l) The provisions of clause 4.7.3 (a) (i) and (ii) of the Scheme do not apply in Sub Area 1.</p> <p>m) For residential development the parking requirements of the Residential Design Codes code apply.</p> <p>n) Council may waive car parking requirements in accordance with clause 4.7.3 for ground level non-residential uses anywhere in Sub Area 1 subject to the development/use being able to generate interest and activity within the adjacent public domain.</p>
<p>2.3.1.5 Special Conditions of Planning Approval</p>	<p>o) The Council may impose a condition on planning approval for any new development in Sub Area 1 requiring a memorial to be placed on the property title advising of the potential for future development on adjoining land to be constructed in accordance with the building height and setback requirements applicable to Sub Area1, which include zero minimum side and rear setbacks.</p>

**(Amendment No. 77)**

- 2. Pursuant to reg 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that Amendment No. 77 to Local Planning Scheme No. 4 is a ‘complex’ amendment for the following reason:-**

**It is an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality.**

- 3. Authorise the Mayor and Chief Executive Officer to execute the relevant scheme amendment documentation.**

4. Pursuant to s 81 of the *Planning and Development Act 2005*, submit Amendment No. 77 to Local Planning Scheme No. 4 to the Environmental Protection Authority for determination of whether an environmental review is required.
5. Subject to the Environmental Protection Authority determining that an environmental review is not required, pursuant to reg 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* refer Amendment No. 77 to Local Planning Scheme No. 4 to the Western Australian Planning Commission.
6. Subject to the Western Australian Planning Commission's support to advertise the amendment, advertise Amendment No. 77 for public comment in accordance with the applicable provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 1.3 Public Notification of Planning Proposals.
7. Subject to the Western Australian Planning Commission's support for the advertising of Amendment No. 77 to Local Planning Scheme No. 4, approve the draft local planning policy provided in Attachment 1 to item SPT1907-1 of the Strategic Planning and Transport Committee Agenda for the purposes of consultation in accordance with the procedures set out in clause 4 of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Fremantle Local Planning Policy 1.3 Public Notification of Planning Proposals.

**SPT1907-2 MUNICIPAL HERITAGE INVENTORY AND HERITAGE LIST -  
ANNUAL UPDATE 2019 FINALISATION**

**Meeting Date:** 17 July 2019  
**Responsible Officer:** Manager Strategic Planning  
**Decision Making Authority:** Council  
**Agenda Attachments:** 1 – 2019 MHI & Heritage List Update Schedule of Submissions

**SUMMARY**

On 17 April 2019, Council considered a report on the 2019 annual update of the Municipal Heritage Inventory (MHI) and Heritage List, and resolved to consult affected landowners on a number of modifications recommended. Consultation subsequently occurred with no objections received. This report considers the outcomes of that consultation process and a number of further minor modifications proposed to the MHI and Heritage List to conclude the annual update process for this year.

This report recommends that Council:

1. Make minor modifications to the naming of listed properties at 5-13 (excluding 11) Leslie Road, North Fremantle and 25 Mouat Street Fremantle to better reflect significant features.
2. Retain 25 Mouat Street, Fremantle on the Municipal Heritage Inventory as Category 3 and on the Heritage List because the replacement warehouse on this site has some heritage significance, but note the original warehouse site at 21-25 Mouat Street as Historic Record Only on the MHI.
3. Remove 10 William Street, Fremantle from the Heritage List and note it as Historic Record Only on the Municipal Heritage Inventory due to the improbability that the site retains any archaeological value given subsequent demolitions and development.
4. Remove 42 McCleery Street, Beaconsfield from the Heritage List and note it as Historic Record Only on the Municipal Heritage Inventory due to the (legitimate) demolition of significant features since its original inclusion on the MHI.

To streamline the maintenance and management of these lists, extension of delegation to the Chief Executive Officer is also sought to:

- modify listing information to more accurately describe the listed property, and
- reclassify to Historic Record Only and remove from the Heritage List any properties which have been subdivided from the originally listed parent lot which do not retain heritage significance in their own right or maintain a contribution to the heritage significance of the original property.

## BACKGROUND

On 17 April 2019, Council considered a report on the 2019 annual update of the Municipal Heritage Inventory (MHI) and Heritage List and resolved:

*That Council*

1. *Invite comment from affected landowners on the following proposed modifications to the Municipal Inventory of Heritage Places (MHI) and Heritage List:*

<i>Place</i>	<i>Municipal Inventory of Heritage Places</i>	<i>Heritage List</i>	<i>Reason</i>
<i>10-12 Stirling Street, Fremantle</i>	<i>Add as Management Category 3</i>	<i>Add</i>	<i>The rear limestone boundary wall at 10-12 Stirling Street, Fremantle is of considerable local significance and should be afforded statutory protection.</i>
<i>14 &amp; 14A Arundel Street, Fremantle</i>	<i>Historical Record Only</i>	<i>Remove</i>	<i>Original house has been demolished. The current (modern) dwellings are of insufficient significance for retention on the Heritage List or MHI Category 3.</i>
<i>11 Leslie Road, North Fremantle</i>	<i>Historical Record Only</i>	<i>Remove</i>	<i>The original limestone retaining wall in this location previously collapsed, and so was removed and replaced.</i>
<i>388 South Terrace, South Fremantle</i>	<i>Historical Record Only</i>	<i>Remove</i>	<i>The 1980s extension conceals any surviving original building fabric so that it no longer contributes to the heritage streetscape of South Terrace or even obliquely from the surrounding streets. The extent and comprehensive nature of the change means that reversing these changes to recover the significance of the original house would be extremely difficult and as there is little documentary or physical evidence available to guide restoration, any attempt at reconstruction would be speculative.</i>
<i>38 Thompson Road, North Fremantle</i>	<i>Retain as Management Category 3</i>	<i>Retain</i>	<i>The building continues to meet the threshold for inclusion as category 3 on the MHI and make a valuable contribution to the streetscape, notwithstanding modifications and additions.</i>

68 Queen Victoria Street, Fremantle	Historical Record Only	Remove	Retaining wall of modern construction. Natural limestone features located within adjoining road reserve have been extensively cut back and modified and do not meet the threshold for inclusion on the MHI.
81 and 81A Ellen Street	Retain 81A as Management Category 2 and 81 as Historical Record Only	Include 81A and remove 81	Retains and protects the originally listed 1901/02 dwelling at 81A Ellen Street and removes the new lot and dwelling created at 81 Ellen Street. Administrative correction arising from subdivision and renumbering of new lots.
2 Newman Court Fremantle	Historical Record Only	Remove	The Myer Department Store was constructed on the site of the former Hutton Buildings (demolished 1967) and Harris Scarfe building (demolished 1971). It is doubtful that any significant archaeological remains from these early buildings remain.
10 William Street, Fremantle	Retain as Management Category 3	Retain	This site has been completely redeveloped three times since the demolition of the historic 1898 building so it is highly unlikely that the site retains any archaeological value as the sub-strata which may have contained remnants of footings and other artefacts will have been completely disturbed and altered.
20 South Terrace, Fremantle	Historical Record Only	Remove	Building is of recent construction and has little cultural heritage significance.
14 Parry Street, Fremantle	Add as Management Category 3	Add	The St John's Ambulance station has some cultural significance for its contribution to the heritage of Fremantle in terms of its aesthetic, historic and social significance and its contribution to the streetscape, local area and Fremantle. Its contribution to the urban context should be maintained and enhanced.

*In the event of landowners making no objection to modifications recommended to the Municipal Inventory of Heritage Places (MHI) and Heritage List, that these changes be finalised, documented and communicated to the Heritage Council of*

*Western Australia and the City's records updated accordingly. Where objection is received, the recommendation be referred back to Council.*

2. *Invite comment from affected landowners on removal from the Heritage List and retention on the MHI for historical record only of the following properties where demolition of the features originally included on the MHI has legitimately occurred since their original inclusion on the Inventory:*
- a) 169 Edmund Street, Beaconsfield (House)
  - b) 108 Queen Victoria Street, Fremantle (Commercial Building)
  - c) 349 South Terrace, South Fremantle (House)
  - d) 16 Stevens Street (House)
  - e) 129 Hampton Road, South Fremantle (Glennifer Cottage)
  - f) 10 Crandon Street, Fremantle (House)
  - g) 38 Douro Road, South Fremantle (Former Oate's Stables)
  - h) 4 Coral Street, South Fremantle (House)
  - i) 24 Hulbert Street, South Fremantle (House)
  - j) 34 Arundel Street, Fremantle (House)
  - k) 15 Ashburton Terrace, Fremantle (House)
  - l) 17 Ashburton Terrace, Fremantle (House)
  - m) 103 Attfield Street, South Fremantle (House)
  - n) 5 Christina Parade, North Fremantle (House)
  - o) 20 Scott Street, South Fremantle (House)
  - p) 21 Ashburton Terrace, Fremantle (House)
  - q) 2 Lefroy Road, South Fremantle (House)
  - r) 203 South Terrace, South Fremantle (Commercial Building)
  - s) 198 South Terrace, South Fremantle (House)
  - t) 317 High Street, Fremantle (House)
  - u) 30 Hulbert Street, South Fremantle (House)
  - v) 48 Jenkins Street, South Fremantle (Cold Stores)
  - w) 32 Jenkins Street, South Fremantle (F Mandford's Stables)
  - x) 27 Jenkins Street, South Fremantle (House)
  - y) 29 Jenkins Street, South Fremantle (House)
  - z) 35 Jenkins Street, South Fremantle (House)
  - aa) 38 Jenkins Street, South Fremantle (House)
  - bb) 52 Jenkins Street, South Fremantle (House)
  - cc) 134 Marine Terrace, South Fremantle (House)
  - dd) 142 Marine Terrace, South Fremantle (Duplex)
  - ee) 144 Marine Terrace, South Fremantle (Duplex)
  - ff) 2 Martha Street, South Fremantle (House)
  - gg) 25 Mouat Street, Fremantle (Site of Bateman's Warehouse)
  - hh) 1 Norfolk Street, Fremantle (Terrace)
  - ii) 3 Norfolk Street, Fremantle (Terrace)
  - jj) 11 Norfolk Street, Fremantle (Terrace)
  - kk) 20 Norfolk Street, Fremantle (House)
  - ll) 6 Norman Street, Fremantle (House)
  - mm) 8 Norman Street, Fremantle
  - nn) 24 Price Street, Fremantle (Stables)
  - oo) 27 Scott Street, South Fremantle (Duplex)
  - pp) 8 Scott Street, South Fremantle (House)
  - qq) 5 Silver Street, South Fremantle (House)

- rr) 335 South terrace (Commercial Building)
- ss) 340-342 South Terrace, South Fremantle (Factory)
- tt) 436 South Terrace, South Fremantle (House)
- uu) 364 South Terrace, South Fremantle (House)
- vv) 25 Stevens Street, Fremantle (House)
- ww) 4 Suffolk Street, Fremantle (House)
- xx) 2 Suffolk Street, Fremantle (House and Office)
- yy) 29 Thomas Street, South Fremantle (House)

*In the event of the landowners making no objection to modifications recommended, that these changes be finalised and communicated to the Heritage Council of Western Australia and the City's records updated accordingly. Where objection is received, the recommendation be referred back to Council. (SPT1904-11).*

Consultation with affected landowners was subsequently undertaken between 5 June 2019 and 27 June 2019.

The purpose of this report is to consider the outcomes of that consultation and to complete the update process.

Maintenance of the City's heritage instruments contributes to Council's goal to preserve and promote the importance of our built heritage and history.

## **OFFICER COMMENT**

291 letters were sent out to affected landowners as a part of the consultation process, advising them of the proposed changes to listing (or retention in one case), the reasons for these, and inviting comment. The consultation letters included an information sheet which outlined the implications of MHI and heritage listing.

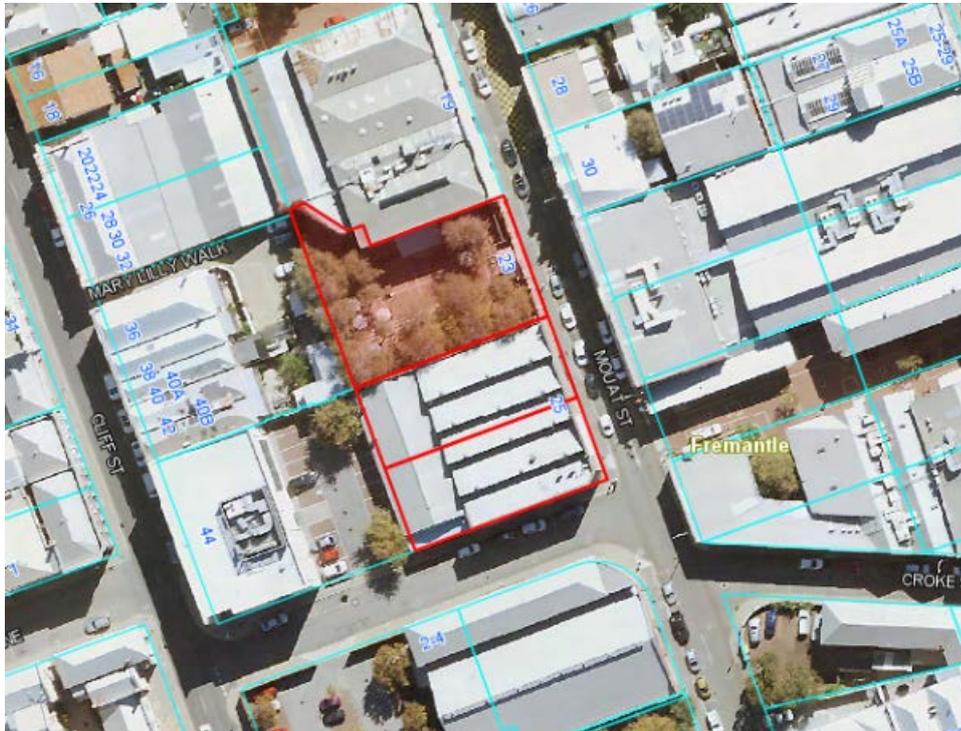
At the close of the consultation period, the City had received a total of 11 submissions (refer attachment 1), none raising objection to the proposals. Finalisation of the update is consequently recommended.

Whilst Council's previous resolution allows finalisation of the recommendations without further resolution (due to the absence of objection), several minor additional points have arisen during the review process which require further Council consideration, as follows:

1. Limestone Features, Leslie Road, North Fremantle: The exclusion of 11 Leslie Road from the group listing of 5-13 Leslie Road (due to the removal of the listed wall at the rear of this property) prompts modifications to the naming of this site on the City's heritage records, and its description. Whilst this is essentially consequential of Council's resolution, it raises procedural questions. Formal approval of the renaming of the listed property, and extension of delegation to enact similar corrections is consequently sought.
2. 25 Mouat Street, Fremantle (Site of Bateman's Warehouse): This property was originally recommended for removal from the Heritage List because it was included as the "*Bateman's Warehouse (Fmr) Site*", the site of a building that had been removed circa 1940s. It had consequently been notated as 'demolished' on

the City's heritage records. On reviewing the site in greater detail, it becomes apparent that:

- a. The original listing applied to 3 lots, 21-25 Mouat Street which housed the J & W Bateman Ltd Warehouse which was demolished circa 1940s. This site has since been renumbered to 23 Mouat Street (Notre Dame courtyard ND2) and 25 Mouat Street (two lots), which now contains a repurposed 1960s arehouse.



*23 and 25 Mouat Street which are collectively referenced as 25 Mouat Street, Fremantle (Site of Bateman's Warehouse) or 21-25 Mouat Street, Fremantle on the City's heritage records*

Source: City of Fremantle Intramaps

- b. Removal of the Bateman's Warehouse (fmr) site listing for 23 Mouat Street from the Heritage List and its reclassification to Historical Record Only continues to be recommended.
- c. The replacement building at 25 Mouat Street contains a substantial brick warehouse constructed circa 1960s in the Post War Modernist style which has heritage significance in its own right, for aesthetic reasons and also as a late example of the historic patterns of use and development that characterised the warehousing streets in the West End prior to the adoption of contained shipping in the late 1960s (refer photos below). It is consequently now recommended that 25 Mouat Street be retained on the Heritage List but with the revised name, 'J & W Bateman Ltd Warehouse (current), 25 Mouat Street'. This was discussed with the landowner, Notre Dame University, who raised no objection.



25 Mouat Street, looking south-east  
Source: Google Earth Streetview



21-25 Mouat Street, looking north-west (25 to left, 23 / 21 in centre with courtyard behind)

Source: Google Earth Streetview

d. To reduce confusion, renaming of the listings is recommended as follows:

- Site of Bateman's Warehouse (fmr), 21 – 23 Mouat Street (ND2 Courtyard), and
- J & W Bateman Ltd Warehouse (current), 25 Mouat Street (ND3 Student Recreation).

3. 10 William Street, Fremantle: The Minutes of 17 April 2019 Council Meeting include an administrative error stating that 10 William Street is to be retained as a level 3 place on the MHI. The intention (as stated in the summary and outlined within the report) was for the site to be retained as a Historical Record Only, and removed from the Heritage List, for the following reason:

*This site has been redeveloped three times since the demolition of the historic 1898 building so it is highly unlikely that the site retains any archaeological value as the substrata which may have contained remnants of footings and other artefacts will have been completely disturbed and altered. Historical information on the place will be retained in the City's Municipal Heritage Inventory database for information purposes only under the following management category.*

In acknowledgement of this error and the intention of the officer report, consultation with the affected landowner sought comment on the potential removal of 10 William Street from the Heritage List and its reclassification to 'Historical

Record Only' on the MHI. The property owner did not respond to the consultation and so is deemed to raise no objection.

4. 42 McCleery Street, Beaconsfield: Immediately following Council's resolution of 17 April 2019, the City received a request from the owner of 42 McCleery Street to remove their property from the Heritage List. A heritage officer investigated this request and confirmed that demolition of the features originally included on the Municipal Heritage Inventory had legitimately occurred since its original listing on the Inventory. It was recommended that the property be removed from the City's Heritage List and retained on the Municipal Heritage Inventory as a Historical Record Only. Because of the similarity of the circumstances of this property to the 51 other demolished places recommended for removal from the Heritage List it was decided to include it in the annual update.
5. St John Ambulance Building, 14 Parry Street: Further clarification was sought on the heritage significance of this building to assist and inform Council on the proposal to include 14 Parry Street on the Heritage List. Further assessment concluded that the St John Ambulance Building, 14 Parry Street has a sufficient level of cultural heritage significance to be placed on the Heritage List and included on the MHI as Level 3 (some significance). As the property is vested in the City, it is effectively consulting with itself on this proposal. It remains open to the Council to manage its significances through the control it exerts as land manager, rather than Heritage List.
6. Maintenance and Minor Updates: Whilst this update has sought to remove all places from the Heritage List where the significant heritage listed features have been legitimately demolished since their original inclusion in the MHI, because of the scale of the list, other instances may exist. There also remain instances where the originally listed property has been subdivided and the vacant portions have inherited a heritage listing which does not reflect its features or significance. Whilst the annual update process and the larger periodic reviews provide opportunities to rectify these anomalies, some limited delegation of authority would assist in streamlining the management and maintenance of the lists. This is consequently sought to allow removal of sites subdivided from the parent lot from the Heritage List and their notation as Historic Record Only on the MHI where the subdivided portion does not retain or contribute to heritage significance. This will require assessment in each instance as subdivided portions of sites may, in some instances, still make a contribution towards the significance of the original place, in which case retention (but updated description) would be appropriate. Delegation is also sought to update listing descriptions to ensure that they accurately reflect the listed features. This may involve renaming of listed site (as per the Leslie Street and Mouat Street examples above), correcting descriptions (to more accurately describe listed properties by, for example, correcting incorrect information, reflect property renumbering and to add additional descriptive information). Any significant changes would continue to be subject to Council consideration however very minor and administrative updates is proposed to be managed through a delegated process.

## FINANCIAL IMPLICATIONS

Nil

## LEGAL IMPLICATIONS

The *Heritage of Western Australia Act 1990* required the annual update of the MHI, which requirement this report meets.

Section 5.42 of the *Local Government Act 1995* prescribes that Council may delegate certain powers and duties to the Chief Executive officer by absolute majority vote.

## CONSULTATION

Consultation on the proposed updates was undertaken with affected landowners in accordance with the provisions of *Heritage of Western Australia Act 1990* and the *Planning and Development (Local Planning Schemes) 2015 Regulations*.

## VOTING AND OTHER SPECIAL REQUIREMENTS

Absolute majority required

## OFFICER'S RECOMMENDATION

That Council:

1. **Note submissions received on the 2019 Municipal Heritage Inventory and Heritage List Annual Update and the consequent finalisation of modifications where no objection was received.**
2. **Approve the following naming modifications to the Heritage List and Municipal Heritage Inventory to better reflect significant elements:**

	<b>Old Place name</b>	<b>New Place name</b>	<b>Reason for change</b>
a.	<b>Limestone Feature(s) Leslie Road, 5, 7, 9, 11 and 13 Leslie Road, North Fremantle</b>	<b>Limestone Feature(s) Leslie Road, 5, 7, 9, and 13 Leslie Road, North Fremantle</b>	<b>11 Leslie Road will be removed from this listing because this part of the historic limestone wall has been removed</b>
b.	<b>Site of Bateman's Warehouse, 25 Mouat Street, Fremantle</b>	<b>Site of Bateman's Warehouse (fmr), 21 - 23 Mouat Street, Fremantle</b>	<b>There are no physical remnants of the demolished warehouse on this portion of the original site.</b>
c.	<b>Site of Bateman's Warehouse, 25 Mouat Street,</b>	<b>J &amp; W Bateman Ltd Warehouse (current) 25 Mouat Street,</b>	<b>There are no physical remnants of the demolished warehouse on this portion of the original site. However,</b>

	Fremantle	Fremantle	the replacement warehouse has significance in its own right so requires distinction from the balance portion of the original site.
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3. Approve the following modifications to the Heritage List and Municipal Heritage Inventory Listing for 21 – 25 Mouat Street Fremantle to better reflect significant elements:

	Name	Heritage Listing	Reason for change
a.	Site of Bateman’s Warehouse (fmr.), 21 - 23 Mouat Street, Fremantle	MHI Historic Record Only	There are no physical remnants of the demolished warehouse on site
b.	J & W Bateman Ltd Warehouse (current) 25 Mouat Street, Fremantle	MHI Level 3 Retain on Heritage List	This substantial brick warehouse constructed circa 1960s in the Post War Modernist style has heritage significance for aesthetic reasons and also as a late example of the historic patterns of use and development that characterised the warehousing streets in the West End prior to the adoption of contained shipping in the late 1960s.

4. Approve the following modifications to the Heritage List and Municipal Heritage Inventory:

Place	Municipal Inventory of Heritage Places	Heritage List	Reason
10 William Street, Fremantle	MHI Historic Record Only	Remove	This site has been completely redeveloped three times since the demolition of the historic 1898 building so it is highly unlikely that the site retains any archaeological value as the substrata which may have contained remnants of footings and other artefacts will have been completely disturbed and altered.
42 McCleery	MHI Historic	Remove	Demolition of the features

Street, Beaconsfield	Record Only		originally included on the Municipal Heritage Inventory had legitimately occurred since their original inclusion on the Inventory
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**5. Adopt the following delegation to the Chief Executive Officer to make minor modifications the Heritage List and Municipal Heritage Inventory**

Modifications to the Heritage List and Municipal Heritage Inventory			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>			
<b>Authorised function:</b>	<p>The Chief Executive Officer is authorised to modify the Heritage List and Municipal Heritage Inventory to maintain their currency by:</p> <ul style="list-style-type: none"> <li>• amending listing information to more accurately describe the listed property, and</li> <li>• reclassifying to Historic Record Only and removing from the Heritage List any properties which have been subdivided from the originally listed parent lot which do not retain heritage significance in their own right or maintain a significant contribution to the heritage significance of the original property.</li> </ul> <table border="0" data-bbox="539 974 1292 1108"> <tr> <td data-bbox="539 974 1129 1108"> <p><b>Legislation</b> <i>Local Government Act 1995: Planning and Development (Local Planning Schemes) Regulations 2015</i></p> </td> <td data-bbox="1129 974 1292 1108"> <p><b>Section</b> 5.42 Division 2 of Schedule 2</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b> <i>Local Government Act 1995: Planning and Development (Local Planning Schemes) Regulations 2015</i></p>	<p><b>Section</b> 5.42 Division 2 of Schedule 2</p>
<p><b>Legislation</b> <i>Local Government Act 1995: Planning and Development (Local Planning Schemes) Regulations 2015</i></p>	<p><b>Section</b> 5.42 Division 2 of Schedule 2</p>		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ul style="list-style-type: none"> <li>• any amendments must have the support of the effected landowner where consultation is required under legislation</li> </ul>		
<b>Power to sub delegate:</b>	Yes		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.</li> </ol>			

## SPT1907-3 REVIEW OF SUSTAINABLE BUILDING POLICIES

<b>Meeting Date:</b>	17 July 2019
<b>Responsible Officer:</b>	Manager Strategic Planning
<b>Decision Making Authority:</b>	Council
<b>Agenda Attachments:</b>	Attachment 1 - LPP 2.13 Sustainable Building Design Requirements - Current Attachment 2 - LPP2.13 Sustainable Building Design Requirements - Revised Draft Attachment 3 – DBH12 Energy Efficient Building Design – Current Attachment 4 - LPP 2.2 - Split density codes and energy efficiency and sustainability schedule -Current

### SUMMARY

The purpose of this report is to summarise the findings of a review and recommend updates to the sustainable building development framework to improve efficacy.

The review found that:

- Current policies pre-date the City's commitment to One Planet Living and there are inconsistencies in references to sustainable building assessment tools.
- Some policy content has been superseded by recent versions of the Building Code of Australia (BCA), the R-Codes, Design WA or other policies and requirements.
- The combination of advisory and mandatory provisions in DBH12 - Energy Efficient Building Design and the high degree of overlap between this and other statutory documents is problematic.
- Policy implementation mechanisms could be improved to better match design and approval phases.

A number of updates to LPP2.13 - Sustainable Buildings Design Requirements are recommended to address these points. Designation of DBH12 - Energy Efficient Building Design as a (non-statutory) guideline document and its update and maintenance is this role also recommended.

This report recommends that Council:

- Adopt minor amendments to LPP2.13 - Sustainable Buildings Design Requirements; and
- Rescinds DBH12 – Energy Efficient Building Design as a formal planning policy and update and maintain it as a non-statutory guideline.

### BACKGROUND

Over the years, Council has developed and endorsed policies relating to or referencing sustainable building practices, in particular *LPP 2.13 Sustainable Buildings Design*

*Requirements and DBH 12 Energy Efficient Building Design.* Specific sustainability requirements can also be found in area-specific scheme provisions, precinct policies, *LPP 2.2 Split Density Codes and Energy Efficiency and Sustainability Schedule*, and the *Knutsford Street East Structure Plan*.

Many of these requirements pre-date the City's commitment to One Planet Living and are inconsistent in their references to sustainability assessment tools.

In addition, recent updates to the Building Code of Australia (BCA) and the advent of Design WA (R Codes Volume 2) for multi residential development means some of the City's requirements are duplicated or out of date. As a result an internal review of the City's sustainable building policies was undertaken to improve their effectiveness and integration with the current statutory approvals framework.

This review was undertaken in-house by the strategic planning team. Various regulatory, industry and research bodies were also consulted, as were other internal departments within the City. The purpose of this report is to summarise the findings of the review and recommend a revised policy framework to guide future sustainable building development in the City.

## **OFFICER COMMENT**

The City's Strategic Community Plan 2015-2015 includes an objective relating to the "*Embedded consideration of environmental (as well as social and economic) sustainability in decision-making*".

For buildings, structures and activities within its operational control, the City has committed, amongst other things, to pursuing 'net zero carbon' by 2025 with a substantially reduced reliance on offsets, and to water reuse and waste minimisation strategies.

For private buildings, environmental sustainability (generally focussed on energy and water efficiency) can be promoted through local, state and federal government statutory requirements. Key state government requirements for residential buildings include the R Codes - Volume 1 (less than R40) and Volume 2 - (Multi residential R40 and over including mixed use). The federal government oversees building standards for all classes of building through the *National Construction Code (NCC)*, more commonly referred to as the *Building Code of Australia (BCA)*.

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* - local governments may create policies to respond to the specific conditions in their localities, though conflict with the R-Codes is restricted. Inclusion of additional development standards into planning schemes also provides an opportunity to apply area-specific requirements however the state government has previously precluded blanket application of increased sustainability requirements in Fremantle, limiting additional controls to specific precincts and bonus situations.

An overview of the key City planning policies which include sustainable building requirements, including recommendations, is provided as follows:

### **LPP 2.13 – Sustainable Building Design Requirements (Attachment 1)**

This policy was first adopted by Council in June 2011. In summary, the policy states that:

- It does not apply to residential or industrial development, buildings under 1000m<sup>2</sup> and non-substantial refurbishments.
- The requirements can be waived for heritage or ‘other class’ buildings.
- A min 4 star ‘Green Star’ standard is required.
- Implementation occurs through requirements for a statutory declaration (to be provided on application) that an assessor was or will be part of team, and a green star certificate provided within 12 months of the certificate of classification of development being issued.

#### Comment

- Application of the policy to minor development (e.g. signage) and change of land use applications would be inappropriate (and was not intended) but this is not clearly stated.
- Due to the cost of Green Star certification an informal assessment is usually sought.
- The policy contains no provisions to apply/demonstrate an equivalent standard through the use of other assessment tools.
- The policy contains no reference to One Planet.
- Implementation mechanisms are unwieldy.

#### Recommendation

- Amend the policy to:
  - More clearly define application.
  - Allow use of other assessment tools which demonstrate an equivalent Green Star standard (potentially including One Planet certification).
  - Restructure implementation mechanisms to streamline these and provide a clearer trigger for confirmation of how compliance will be achieved before construction commences and how it has been achieved prior to occupation.

(Refer Attachment 2 for revised draft)

These amendments are considered minor as they refine the current provisions of the policy and do not introduce any new requirements.

### **DBH12 – Energy Efficient Building Design (Attachment 3)**

This policy was first adopted by Council in September 2000. In summary, the policy states that:

- Its objectives are:
  - To provide advice on the principles of energy efficient building design, to improve comfort levels to occupants, and reduce energy consumption.
  - To ensure buildings are well designed to achieve efficient use of energy for internal heating and cooling.

- To ensure that design for good environmental performance and amenity is considered in conjunction with other design and amenity considerations in the Fremantle Context.
- It applies to ‘...buildings of all land use types including residential, commercial and industrial’ although some key limitations are acknowledged.
- It focusses on ‘...requirements for single residential will be more critically considered as this is the largest type of development in Fremantle’
- It is to be read in conjunction with a series of (superseded) policies such as D.B.M 4 Structure Plans and Subdivision (Green and Strata title), DBH 8 Colour Schemes in Fremantle and DBH 4 Landscaping /Tree Preservation within Development.

Whilst providing some guidance in the assessment of applications, this policy is largely intended to provide information and design advice, providing commentary on a wide range of considerations including lot orientation, insulation, appliance selection and landscaping.

#### Comment

- Since its preparation, changes to the BCA and state planning policy have overtaken a number of its provisions.
- Its statutory application to residential development is effectively precluded or replaced by the R-Codes which, in the case of apartments, now include specific consideration of solar orientation and access.
- Its application to non-residential development is much more limited and overlaps with LPP 2.13 which takes a more comprehensive approach.
- The policy remains useful as an information source in providing a summary of the key design considerations contributing towards more energy efficient design (in the absence of a more contemporary and freely available metropolitan guide).
- More up-to-date references to both internal and external documents and guides are necessary to maintain its currency and utility.

#### Recommendation

- The policy be rescinded as a statutory document and recognised for its primary role as a guideline and information source.
- The document be updated to:
  - Clarify its status.
  - Reference current building requirements and state and local policies.
  - Include an updated section at the conclusion of the document providing useful links to other relevant reference documents.

#### **LPP 2.2 - Split density codes and energy efficiency and sustainability schedule (Attachment 4)**

This policy was first adopted by Council in October 2007 and was last amended in May 2014. Clause 4.3.4 of Local Planning Scheme No. 4 specifies the four circumstances in which the higher residential density code will apply in areas with a split (dual) code, as follows:

- a) Where a building of cultural heritage significance is retained;
- b) Provision of low income housing;

- c) For buildings defined in accordance with Council's energy efficiency and sustainability schedule;
- d) Removal of a non-conforming use.

LPP 2.2 provides additional guidance on the application of this clause including defining the energy efficiency and sustainability schedule (contained in Part B of the policy) as follows:

- A Nationwide Housing Energy Rating Scheme (NatHERS) rating a minimum of 1 star higher than the current requirements of the BCA;
- Provision of a minimum 1.5 kW photovoltaic system; and
- Installation of a minimum 3000L rainwater tank or a grey water reuse system.

#### Comment

- This policy has proven popular and easy to implement.
- The policy complements LPP 2.13 by using a bonus system to require higher than standard outcomes.
- Debate periodically occurs regarding the efficacy of NatHERS versus other assessment schemes however for small scale and wide spread application to residential such as to which this policy applies, this approach has proven effective.

#### Recommendation

- No change.

#### **Other Policies**

In addition to the above City-wide policies, the City has a number of area-specific requirements and policies, some of which incorporate additional sustainable building requirements. In particular:

- The *Knutsford East Local Structure Plan* offers bonuses in height and density for design and sustainability excellence as follows:
  - Developments that clearly demonstrate the application of leading edge sustainability initiatives which are demonstrably measurable as being above business as usual standard at the time of the proposal and are particularly designed to substantially reduce water usage and increase energy efficiency.
- Precinct Policies 3.1.3 and 3.1.5 require 5 Star Green Star rating in certain circumstances e.g. in order to obtain bonus height under Schedule 8 of Local Planning Scheme No. 4.

The new Volume 2 – Apartment Design Code of the State Planning Policy 7.3 (the R-Code) advocates the use of bonuses to promote higher standards of development, with which approach these policies align. Review of area-specific policies has been listed to progressively occur to ensure alignment with the new Codes (refer item SPT1905-4) which process may provide an opportunity to refine wording, however no fundamental change is recommended to policy approach. Consequently, no modification to the policies is recommended as part of this current review.

It is noted that in the current market, density bonuses do not always provide an effective development incentive. Review of local structure plans in areas with good accessibility to public transport and services, to determine where minimum densities (as well as

maximum densities) should apply, may consequently require consideration to promote more sustainable urban (as opposed to built) form, in the future. The position of the Western Australian Planning Commission on this matter is being sought.

## **FINANCIAL IMPLICATIONS**

The changes recommended have no financial implications for the City.

## **LEGAL IMPLICATIONS**

The City's Local Planning Policies operate under the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## **CONSULTATION**

Clause 5 (b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows local government to make an amendment to a local planning policy without advertising if the amendment is minor.

## **VOTING AND OTHER SPECIAL REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**Council:**

- 1. Adopt the revised Local Planning Policy 2.13 - Sustainable Buildings Design Requirements as provided in Attachment 2 to Item SPT1907-3 of the Strategic Planning and Transport Committee Agenda.**
- 2. Revoke DBH12 - Energy Efficient Building Design as a formal planning policy but maintain it as a (non-statutory) guideline and information source, and update and maintain it to:**
  - a. Clarify its status;**
  - b. Reference current building requirements and state and local policies; and**
  - c. Include an updated section at the conclusion of the document providing useful links to other relevant reference documents.**
- 3. Publish a public notice within a local newspaper and on the City's website notifying of the above-mentioned minor revisions to Local Planning Policy 2.13 and revocation of DBH12 - Energy Efficient Building Design and its adaption into a design guideline.**

#### **11. 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

#### **12. 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

#### **13. 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

#### **14. CONFIDENTIAL BUSINESS**

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

Nil

#### **15. CLOSURE**

