CITY OF FREMANTLE

LOCAL PLANNING POLICY 3.20

SPECIAL CONTROL AREA PROVISIONS FOR SMALL INFILL DEVELOPMENT

ADOPTION DATE: 28 MARCH 2018
AMENDED DATE: 27 FEBRUARY 2019
AUTHORITY: PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 & LOCAL PLANNING SCHEME NO. 4

PURPOSE

The purpose of this policy is to complement the planning controls set out in Local Planning Scheme No. 4 (LPS4) Clause 5.7 - *Special control area provisions for small infill development*. The purpose of these controls is to allow for an alternative development type, in select areas, that provides for smaller dwelling options to what would normally be available under the conventional zoning and density (R-Code).

APPLICATION

This policy applies to areas designated on the scheme map of LPS4 as Special Control Area 5.7 (SCA 5.7). These areas are also indicated in Part 1 (Location) of this policy.

The policy is set out in the themes derived from the community engagement on the 'Freo Alternative' (refer to Figure 1). The Freo Alternative was a community engagement process that ran in late 2016, exploring the idea of smaller housing in Fremantle with the community. Each theme derived from the Freo Alternative has an objective which needs to be met. The deemed-to-comply criteria are one way to achieve the objective. The design principles are an alternative way of meeting the theme's objective. For some themes additional guidance is provided. **Note:** not all themes have deemed-to-comply, design principles or design guidance.

Policy Key

DEEMED-TO-COMPLY – The requirement to meet the objective
DESIGN PRINCIPLES – An alternative way to meet the objective
DESIGN GUIDANCE – Guidance on how to meet the deemed-to-comply requirement

STATUTORY BACKGROUND

Clause 5.7 in LPS4 sets out the requirements for development under this policy.

Where not provided for in this policy all definitions are as per LPS4 or the Residential Design Codes of WA (R-Codes).

There are other planning provisions that apply to development within Special Control Area 5.7, which should be recognised and understood as part of the application process. Other applicable planning documents will include:

- Part 5 of the R-Codes, with the exception of the following:

- Part 5.1.1 – Site area;
- Part 5.1.3 – Lot boundary setback (rear setback calculation only);
- Part 5.1.4 – Open space;
- Part 5.1.5 – Communal open space;
- Part 5.2.1 – Setback of garages and carports (specific provisions only);
- Part 5.3.1 – Outdoor living areas;
- Part 5.3.3 – Parking (specific provisions only); and
- Part 5.3.5 – Vehicular access (specific provisions only).

- Local Planning Scheme No.4.
- Other local Planning policies relating to development control; such as *LPP 2.4: Boundary Walls in Residential Development*, *LPP 2.8: Fences Policy* and *LPP 2.9: Residential Streetscape Policy*.

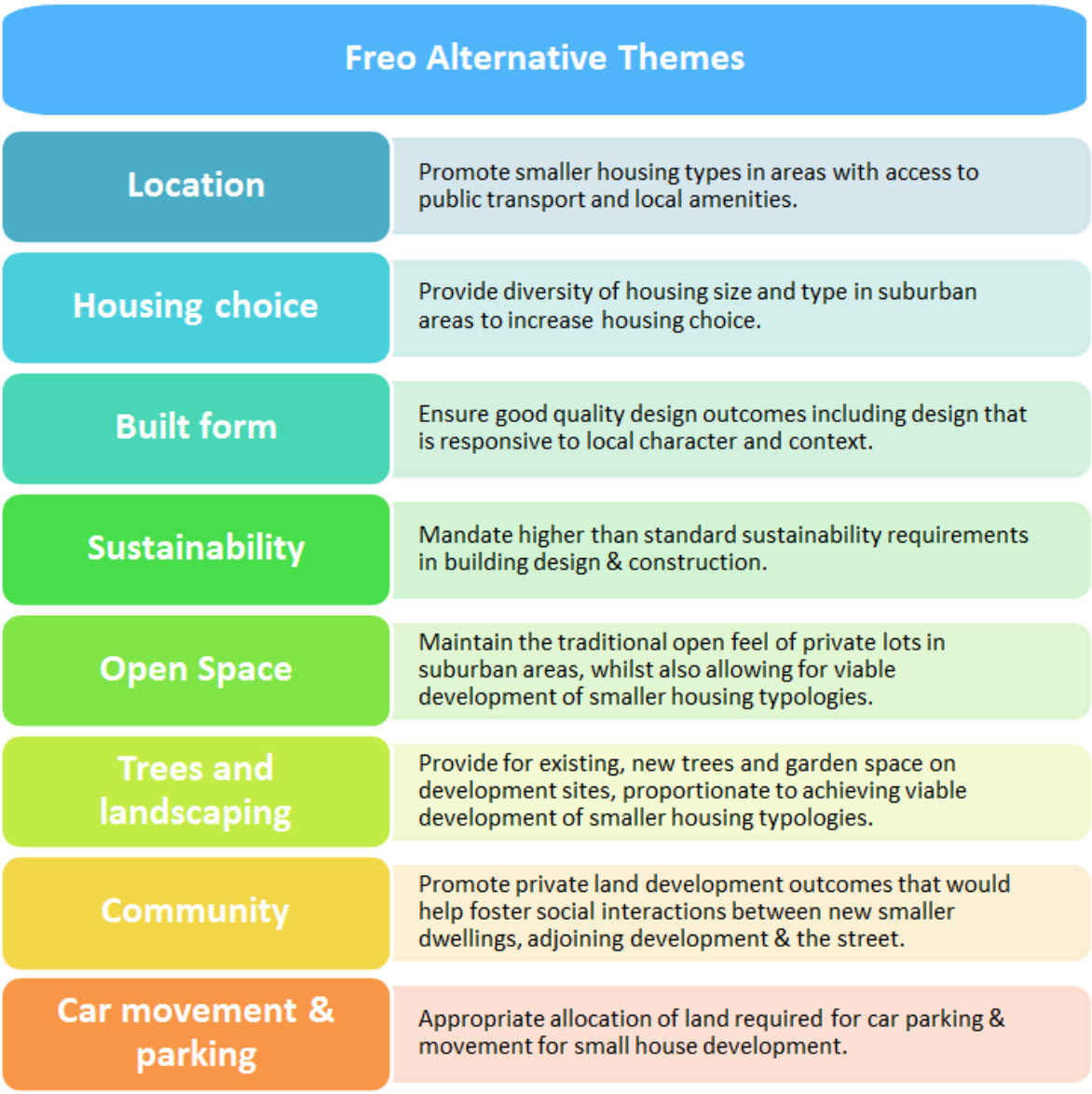

Figure 1: Eight themes as derived from the community during the engagement on the Freo Alternative.

1. LOCATION

Objective: Promote smaller housing types in areas with access to public transport and local amenities.

A key objective of the policy is to provide for a diversity of smaller housing sizes in Fremantle's suburban areas located near public transport, commercial areas, public parks and amenities.

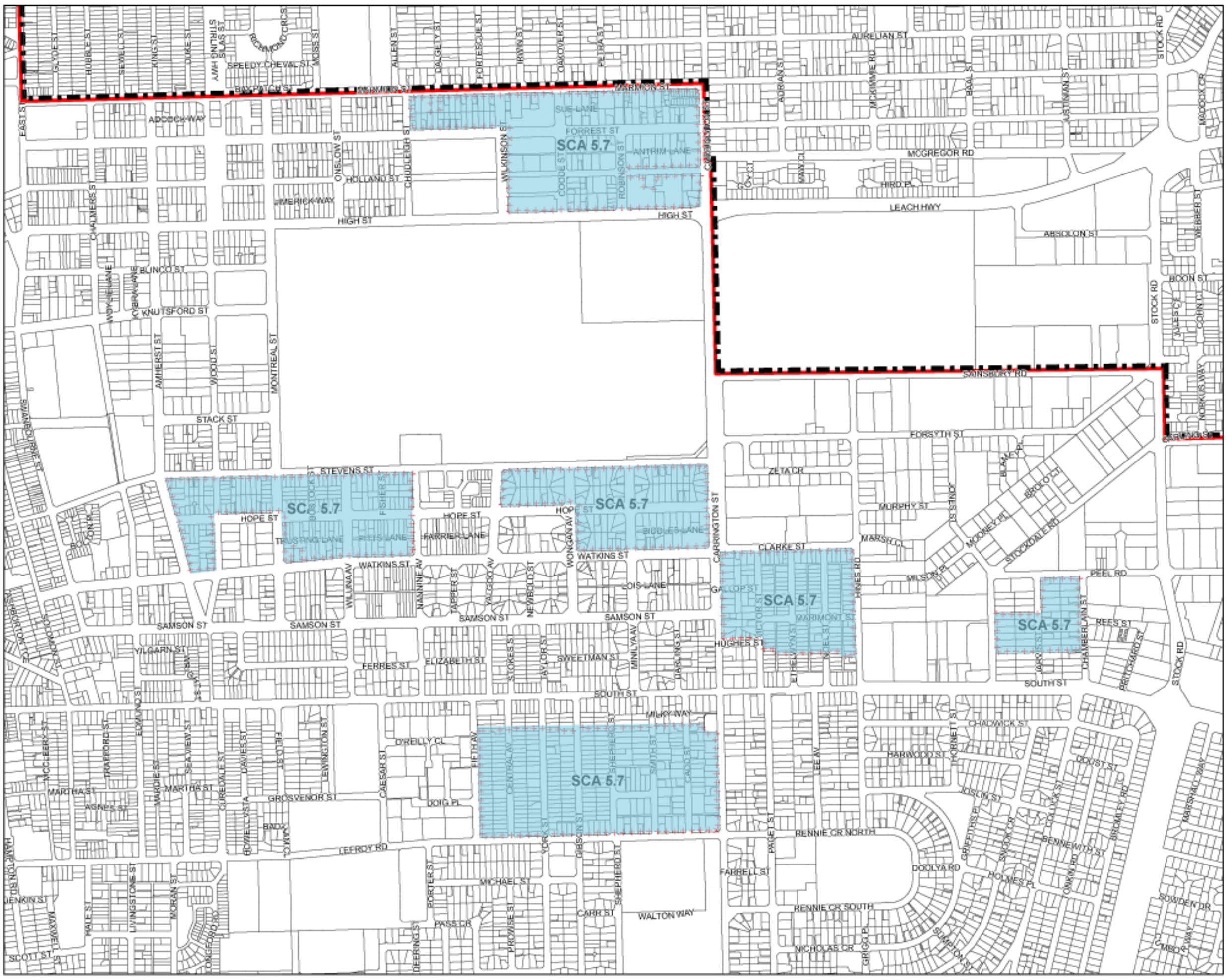

Figure 2: Areas designated on the LPS4 map as 'SCA 5.7', where this policy applies.

As per the requirements of clause 5.7 of LPS4, development of housing under this policy can be considered on properties in areas identified on the scheme map as SCA 5.7, and where the site is 600m^2 or over.

The development would additionally need to meet all the requirements of the Local Planning Scheme No. 4 and this local planning policy.

2. HOUSING CHOICE

Objective: Provide diversity of housing size and type in suburban areas to increase housing choice.

Household sizes have reduced in the City of Fremantle in recent times, while new housing being built is the largest yet. The purpose of this policy is to give smaller households an alternative option in areas losing diversity of housing size.

As per the requirements of the clause 5.7 of LPS4 the following applies to development under this policy:

- Any new dwelling shall have a maximum floor area of 120m^2.
- A maximum of three dwellings, including existing dwellings, on lots 750m^2 or less. On lots over 750m^2 an additional dwelling for every 150m^2 in excess of 750m^2.

These requirements are provided in the City's Local Planning Scheme No. 4 provisions. There are no variation criteria applicable to these requirements.

3. BUILT FORM

Objective: Ensure good quality design outcomes including design that is responsive to local character and context.

3.1 Visual appearance

The design of a development contributes greatly to the visual interest of the building and the character of a local area. A building's aesthetics and articulation not only adds to the composition and detailing of a building's facade but also the appearance of the building and perceived bulk and scale.

To satisfy the visual appearance requirement of this policy guidance will be taken from the City of Fremantle's Design Advisory Committee (DAC) on the visual appearance of the place. Proponents are highly encouraged to seek preliminary feedback from the DAC prior to submission of a formal development application.

3.2 Rear setback

Setbacks are the spaces between buildings and lot boundaries. Setbacks are important to the amenity of new development and buildings on adjacent sites.

In established suburbs the rear setback, compared to a side setback, is more important as traditionally large backyards adjoin each other and the setback between the rear adjoining boundaries has, in the past, been substantial. The rear setback area is also generally where the mature vegetation on a site is located. The purpose of the rear setback requirement is therefore to maintain this separation, retain the existing pattern and mature trees.

DEEMED-TO-COMPLY

All buildings shall be set back a minimum 5.0m from the rear boundary of the development site.

DESIGN PRINCIPLES

Council may consider a reduction to the 5.0m rear setback requirement where:

- The adjoining property to the rear has:
  - A building with a wall 5.0m or more in length located within 2m of the common boundary; or
  - An existing ground level 1.0m or more higher than the subject site at the rear boundary.
- Greater protection of existing mature trees could be attained than would otherwise be achieved with the 5.0m setback requirement.

- Outdoor living areas and/or some of the Deep Planting Zone would be more suitably located centrally on the site so as to gain better use of the northern aspect for development.
- The property's rear boundary does not adjoin a privately owned residential lot e.g. the rear boundary abuts a laneway, right or way or other pedestrian or vehicular access way.

3.3 Private outdoor living

Private outdoor living spaces are outdoor living areas, including balconies, courtyards and terraces for private use. These spaces enhance the amenity and indoor/outdoor lifestyle of residents and support indoor-outdoor living.

DEEMED-TO-COMPLY

- A minimum 30m^2 of outdoor living area shall be provided per dwelling, with minimum length and width dimension of 4.0m, directly accessible from a habitable room. 20m^2 of this area is to be without a permanent roof cover.
- The outdoor living area (balcony) may be reduced to a minimum 15m^2 where the outdoor living area is to an upper floor dwelling only.
- Outdoor living areas and balconies shall predominantly face north, east or west.

4. SUSTAINABILITY

Objective: Mandate higher than standard sustainability requirement in building design & construction.

Buildings designed and constructed to sustainably deliver greater environmental, social and economic outcomes.

4.1 Sustainable design

Sustainable buildings utilise passive environmental design that responds to local climate and site conditions to provide optimal orientation, shading, thermal performance and natural ventilation. Sustainable design additionally reduces reliance on heating and cooling technology and minimises energy use, resource consumption and operating costs over the life of the building. Other sustainable design measures include the use of sustainable construction materials, recycling, material re-use, energy & water efficient features, harnessing of renewable energy sources and appropriate water management.

- A sustainability report is to accompany the development assessment application. The report is to outline the sustainability commitments of the development proposal and demonstrate:

DEEMED-TO-COMPLY

1. The development achieves a star rating of one star in excess of the current energy efficiency requirement of the National Construction Code. The star rating shall be certified by an accredited energy assessor.

2. The development includes at least two of the following:

- The provision of a minimum 1.5kw photovoltaic solar panel system per dwelling.
- The provision of holding at least 1000 litres of rainwater per dwelling. The rainwater is to be connected to water use in a dwelling(s), e.g. toilet or washing machine, and/or used for irrigation on private or communal outdoor areas, preferably the deep planting zone(s) on the development site.
- Approved grey water system for all dwellings.
- At least one dwelling is fully accessible suitable for independent living (Platinum standard – Livable Housing Australia).

DESIGN PRINCIPLES

In cases where the deemed-to-comply requirements of Part 2 cannot reasonably be met, Council may consider the achievement of an additional half (0.5) star as an alternative means of complying with this policy.

Alternative options to those provided in Part 2 proposed as an option to meet the Part 2 requirements will be considered by Council on a case-by-case basis and against the objective of the theme.

Alternative building methods that cannot meet the requirements above will be considered on their own merits and deemed acceptable where they demonstrate significantly higher sustainability outcomes through the submitted sustainability report.

5. OPEN SPACE

Objective: Maintain the traditional open feel of private lots in suburban areas, whilst also allowing for viable development of smaller housing typologies.

Open space is generally the area of the lot not occupied by building(s). This includes areas under eaves, usable flat roof areas, uncovered driveways and car parking and also patios and verandahs where open on at least two sides. Traditionally, suburban lots had a high open space percentage (approximately 70%).

5.1 Open space

Designing new development with a larger open space requirement (as defined by the R-Codes) maintains the traditional feel of suburban areas and increases the amenity for residents of the development.

DEEMED-TO-COMPLY

- A minimum 70% of the entire development site shall be open space.

DESIGN PRINCIPLES

Council may consider a reduction in open space to a minimum of 60% open space where -

- an existing dwelling is retained or adapted with no significant enlargement or other alteration to the existing building footprint; or
- a building assessed as having ‘some’ or more cultural heritage significance is retained; or

- a building with a high degree of embedded energy is retained; or
- a minimum of 50% of the available open space includes areas that are developed as water permeable uncovered:
  - outdoor living areas,
  - communal areas and/or
  - deep planting zones.

6. TREES AND LANDSCAPING

Objective: Provide for existing and new trees on development sites, proportionate to achieving viable development of smaller housing typologies.

Established tree and garden areas (landscaping) play an important role in integrating new buildings into their surrounding streetscape and the existing neighbourhood context. There are also many positive environmental benefits of trees and gardens including urban cooling through shade, clean air from ecological processes, habitat for wildlife, aesthetic appeal to the urban landscape and rain and storm water benefits.

6.1 Canopy cover

Trees contribute to the local environment, while creating a varied, interesting and attractive landscape that builds on sense and character of place. Existing trees on private land represent a significant proportion of tree canopy within our urban areas. Significant loss of urban tree canopy, due to private development, is an increasing focus of community concern. Retaining existing trees or planting new trees is critical for urban ecology and maintaining a liveable environment.

DEEMED-TO-COMPLY

Retain or plant at least one tree on site that meets the following requirements -

- Healthy specimen with ongoing viability as identified by a suitably qualified arborist.
- At least 3m in height and/or have a trunk with a diameter of at least 100mm, one metre from the ground and/or has a canopy of 3.0m or more or the potential to reach these measurements.
- Specimen from the list of preferred tree/plant species in Appendix 1 of this policy.

DESIGN GUIDANCE

- Prior to lodging a development application, obtain an arboricultural report on health and structural condition of existing trees. Healthy existing trees should be retained where possible. If trees are identified for retention seek specialist arboricultural advice on ‘rootable soil area’, management during construction and post construction monitoring to ensure the health of trees.
- A condition of planning approval for the retained or planted tree to be maintained and not removed will be included on all developments assessed under this planning policy.

6.2 Deep planting zone

Deep planting zones support healthy plant and tree growth and green spaces. Mandating a deep planting zone ensures the loss of vegetation to make way for new development is

reduced and a sufficient uncovered and unpaved open space area is set aside and protected from further development.

The mandatory requirement for a deep planting zone from LPS4 is as follows:

- A minimum 25% of the development site area shall be provided as deep planting zone.
- The deep planting zone can be included as part of the open space percentage for the development, and 50% of the deep planting zone must be provided on the rear proportion of the site.
- A minimum of 1 tree, to Council specification, is required to be retained or planted in the deep planting zone on site.

Deep planting zone *means an area of the lot for the exclusive use of supporting plant life. The deep planting zone shall:*

- *Be landscaped, water permeable, unpaved and uncovered*
- *Be a minimum length and width dimension of 3.0 metres*
- *Not be used for vehicle parking or access*
- *Contain no buildings, patios, pergolas, swimming pools or external fixtures.*

DEEMED-TO-COMPLY

- The deep planting zone shall be reticulated and landscaped with waterwise plants.
- A waterwise landscaping plan shall be included with the development application.
- 50% of the deep planting zone must be provided on the rear portion of the site.

DESIGN PRINCIPLES

Council may consider a reduction to the requirement for 50% of the deep planting zone to be provided on the rear portion of the site where:

- The development site has an irregular lot shape which restricts placement of the deep planting zone to the rear; or
- An alternative location of the deep planting zone would ensure areas of established trees and shrubs are retained.

DESIGN GUIDANCE

- A waterwise landscaping plan shall be included with the development application.
- Deep planting zones are to be considered early in site planning, especially where existing trees are identified for retention.
- The deep planting zone can be included as part of the open space for the development.
- A condition of planning approval for the deep planting zone to be retained as a deep planting zone (as per the definition) will be applied to all approved development applications.

7. COMMUNITY

Objective: Promote private land development outcomes that would help foster social interactions between new smaller dwellings, adjoining development & the street.

The interaction of a private development internally and externally between residents and the existing neighbourhood and street is important to improve safety and enhances social interactions of residents and the wider community.

7.1 Communal space

Communal spaces provide opportunities for casual social interaction among residents and can assist with social integration. Communal space also contributes to the appeal of a development and the wellbeing of residents.

The size, location and design of communal space will vary depending on the site context and the scale of development. In designing these spaces, an emphasis should be placed on their quality and potential to deliver benefit to residents and visitors.

DEEMED-TO-COMPLY

Where three or more dwellings are proposed, usable and effective communal space shall be provided that is accessible to all residents of a development site, with a minimum dimension of 3.0m.

DESIGN GUIDANCE

- Design solutions for communal space that is usable and effective may include seating at building entries, near letter boxes and adjacent to streets or shared gardens, outbuildings, laundries etc.
- Communal space should be consolidated into a well-designed, easily identified and usable area.
- Communal space can be internal or external space and may be co-located with deep soil areas or can be provided as a landscaped roof top terrace or a common room.
- Communal space in larger developments should consider greater dimensions.

7.2 Development fronting the street

The street interface is the transition area between the dwelling, its private or communal space at the street edge and public domain. The interface of the development contributes to the quality and character of the street and improves safety and enhances social interactions.

DEEMED-TO-COMPLY

- Direct access from the street to front of at least one dwelling, and may include an existing retained dwelling.
- Major openings to habitable room windows and porches overlooking the street in at least one dwelling within a development, this may be provided for within an existing retained dwelling.
- The development should positively address adjoining public parks, open space or bushland where applicable.

DESIGN PRINCIPLES

Council may consider a variation to the deemed-to-comply requirement where-

The interface of the development contributes to the quality and character of the street and improves safety and enhances social interactions.

8. VEHICLE MOVEMENT AND PARKING

Objective: Appropriate allocation of land required for car parking & movement for smaller house development.

Design, location and integration of parking garages/carports and driveways are essential for:

- The efficient use of land on a development site;
- Tree retention;
- The amenity of the streetscape;
- Limiting the impact on ecological factors such as water permeability; and
- Safety of residents and pedestrians.

8.1 Vehicle access and movement

Vehicle access points are important connections between the street and the site, however can have negative impacts on the streetscape and pedestrians. Additionally, the land required for driveways and movement circles on a development site increases the impermeable surface of the site. Vehicle access should be designed to maximise safety and reduce impermeable surfaces.

DEEMED-TO-COMPLY

The deemed-to-comply criteria of the R-Codes [5.3.5 Vehicle access] is amended as follows:

- Driveways shall be water permeable in construction; no hardstand or impermeable paved driveways will be approved on site.
- The minimum width of a driveway shall be 2.75m.
- The maximum width of a driveway shall be 3.0m.
- If the existing driveway/crossover doesn't allow access to the rear of the site, then an additional crossover is permitted subject to a 3.0m maximum width and in aggregate width of crossovers on a development site to not be over 6.0m.
- Reduced or no turning circles can be considered where it is demonstrated clear sight lines are provided at pedestrian and vehicle access points for pedestrian and cycle safety, and vehicles can safety enter and exit the site and street. This does not apply where the site abuts a primary distributor road or distributor A road.

DESIGN PRINCIPLES

Council may consider a variation to the deemed-to-comply requirement for a water permeable driveway and the 2.75m minimum and 3.0m maximum driveway width where the driveway is existing and has been proven to be existing on the site for at least two years.

8.2 Vehicle parking

In order to provide a diverse and attractive streetscape the space required for cars needs to be carefully considered.

The mandatory requirement for a vehicle parking from LPS4 is as follows:

- A maximum of 1 vehicle parking bay shall be provided for each new dwelling and a maximum of two car bays for any existing dwelling on the development site.
- The vehicle parking bay requirement above, can be waived where one small dwelling within a development achieves a floor area of 60m^2 or less.
- Visitor parking shall not be provided for development less than 5 dwellings.

DEEMED-TO-COMPLY

- A maximum of two car bays shall be provided to the front of the development.
- The existing dwelling parking space can be used for rear development(s).
- Parking surfaces shall be water permeable in construction; no hardstand or impermeable paved vehicle parking will be approved on site.
- No double garages will be permitted fronting the street (unless existing).
- Carport requirements as per Local Planning Policy 2.9 – Residential Streetscape Policy

DESIGN GUIDANCE

- Car share facilities are strongly encouraged.
- Council will not provide on street resident parking permits for development under this policy.