



# CITY OF FREMANTLE

## LOCAL PLANNING POLICY 2.2

### SPLIT DENSITY CODES AND ENERGY EFFICIENCY AND SUSTAINABILITY SCHEDULE

**ADOPTION DATE:** 17/10/2007  
**AUTHORITY:** LOCAL PLANNING SCHEME NO.4

#### STATUTORY BACKGROUND

Clause 5.3.4 of the Scheme prescribes the matters on which the Council is required to be satisfied in order to grant a higher density code to land having a split code. This policy provides guidance as to the requirements of the Council to satisfy this clause.

#### PART A – SPLIT DENSITY CODES POLICY

##### 1. Retention of a building of cultural heritage significance

- 1.1 In this case a building of cultural heritage significance shall be taken to mean a building on the State Register of Heritage Places or the City of Fremantle Heritage List. For purposes of Clause 5.3.4 of the Scheme, the Council may, at its discretion, accept a building which is not on the State Register or Heritage List as having cultural significance where demonstrated by the applicant by:
- (a) Submitting a report demonstrating this prepared by an accredited heritage professional; and
  - (b) Submitting an indication of the manner in which the applicant intends to conserve the property; and
  - (c) Nominating the property for inclusion on the Heritage List as part of the City's annual programme.
- 1.2 A higher density code may be granted on the basis of the retention of a building of cultural heritage significance in the case of either subdivision or development of land. In both cases, a condition shall be imposed or recommended requiring the building to be retained.
- 1.3 Where a higher density coding has been granted on the basis of retention of a building of Cultural Heritage Significance:
- (a) In the case of development, a condition will be imposed on the approval requiring that the building be retained;
  - (b) In the case of subdivision, a condition will be recommended to the Western Australian Planning Commission requesting that a Restrictive Covenant be placed on the title of the new lot containing the building to be retained restricting future owners from demolition of the building.

## **2. Provision of 'low income housing'**

- 2.1 The term 'low income housing' is defined in the Scheme. A higher density coding may be granted on the basis of the provision of such housing in the case of *either subdivision or* development of land.
- 2.2 Where a higher density coding has been granted on the basis provision of 'low income housing':
- 2.3
- (a) In the case of development, a condition will be imposed on the approval requiring that the new building(s) to be constructed on the site will comply with all of the required elements of the attached Energy Efficiency and Sustainability Schedule. Council may waive one ore more of the requirements in a case where the applicant can demonstrate it meets objectives in an alternative way;
  - (b) In the case of subdivision, a condition will be recommended to the Western Australian Planning Commission requesting that a Restrictive Covenant be placed on the title of the vacant lot restricting future development and use of the land to purposes which comply with the definition of 'low income housing' contained In Schedule 1 of the Scheme.

## **3. Energy Efficiency and Sustainability Schedule.**

- 3.1. The Energy Efficiency and Sustainability Schedule is shown as Part 2 of this policy. This schedule is applicable to split density codes in accordance with the Scheme but is not applicable under clause 5.4.5 of the Scheme.
- 2.4 A higher density coding may be granted on this basis in the case of either subdivision or development of land.
- 3.3 Where a higher density code is sought on the basis of compliance with the Energy Efficiency and Sustainability Schedule:

In the case of a development application, the applicant is required to demonstrate as part of the application that the new building(s) to be constructed on the site will comply with all of the required elements of the attached Energy Efficiency and Sustainability Schedule. Council may waive one ore more of the requirements in a case where the applicant can demonstrate it meets objectives in an alternative way;

In the case of subdivision, a condition will be recommended to the Western Australian Planning Commission requesting that a Restrictive Covenant be placed on the title of the vacant lot requiring that the land may not be developed or used in any manner which is not in accordance with the City of Fremantle Energy Efficiency and Sustainability Schedule.

## **4. Removal of a non conforming use**

- 4.1 The term 'non-conforming use' is defined in the Scheme, and that definition shall also be used in the application of this policy.
- 4.1 A higher density coding may be granted on the basis of removal of a non conforming use in the case of either subdivision or development of land. In both cases, a condition shall be imposed or recommended requiring that the use be ceased.

## **PART B – ENERGY EFFICIENCY AND SUSTAINABILITY SCHEDULE**

The following requirements need to be shown on plans submitted for assessment. All requirements must be satisfied unless demonstrated to Councils satisfaction that the applicant meets the objectives of the schedule in an alternative way.

### **Energy**

Orientation to true north with the home's living space located on the north side of the building. This does not include utility areas bathrooms, toilets or laundries or bedrooms.

The external side wall of the home should have a setback of a minimum 4 metres from the northern boundary.

All east and west windows should be tinted or shaded.

No black or dark grey coloured roofs. East and west external walls are not to be dark coloured.

Eaves with a minimum horizontal distance from the walls of 500 mm.

Greater than 30 m<sup>2</sup> of outdoor living with direct solar access at winter solstice.

### **Water**

Provision of rainwater tank(s) of at least 3000 litres that is plumbed to the toilet or washing machine.

Landscape plans prepared and submitted that demonstrate a water wise garden through the use of local species and other suitable Australian and low-water using plants. Plans should detail where grey water will flow to in order to optimise plant growth and irrigation, where required should be subsurface.

## **PART C – CONDITIONS OF PLANNING APPROVAL**

The following conditions of approval will be placed on all relevant development applications.

### **Energy**

Insulation (minimum R4 roof insulation and minimum R2.5 wall insulation) shall be installed and maintained thereafter.

A gas boosted solar hot water system shall be installed and maintained thereafter.

Ventilators in the roof void (above the insulation layer) shall be installed and maintained thereafter.

Ventilators should be capable of being closed during winter conditions.

### **Water**

An approved grey-water reuse system that collects grey water from the laundry and bathroom and re-directs it for garden irrigation/ground water recharge is to be installed and maintained thereafter.

Installation of water-efficient fixtures, including 3A-5A rated taps, toilets and showerheads.

### **Advisory Notes**

North Orientated Windows: Living room windows should face north to allow for efficient natural lighting all year round and solar warmth/heat gain in the winter months.

Retention of existing native or other significant vegetation (considered in good health) where its conservation does not impact on the siting of the proposed dwelling is preferred for aesthetic reasons and to absorb greenhouse gas emissions.