



CITY OF FREMANTLE

LOCAL PLANNING POLICY 3.7

“HILTON GARDEN SUBURB PRECINCT” HERITAGE AREA LOCAL PLANNING POLICY

ADOPTION DATE: 25 January 2011, **XX 2018**

AUTHORITY: LOCAL PLANNING SCHEME NO. 4

Planning and Development (Local Planning Schemes) Regulations 2015

STATUTORY BACKGROUND

The “Hilton Garden Suburb Precinct” is designated as a Heritage Area in accordance with ~~clauses 7.2.1 and 7.2.9 of Local Planning Scheme No. 4~~ 9 of Schedule 2 Part 2 (the *Deemed provisions*) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 3 of the *Deemed provisions* allows Council to prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. ~~7.2.2 of Local Planning Scheme No. 4 requires the Council to adopt a Local Planning Policy for each Heritage Area.~~

Clause ~~5~~ 4.2.2 of the City’s Local Planning Scheme No. 4 states that unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform to the provisions of the Codes.

Section ~~5~~ 7.3.1 of the Residential Design Codes states that a local government may adopt a Local Planning Policy which varies or replaces specific ~~acceptable development Deemed-to-comply requirements provisions~~ of the Residential Design Codes. A Local Planning Policy may also contain development provisions for any aspect of residential development that is not provided for in the Codes.

Clause ~~10.2 of the Scheme~~ 67 of the *Deemed provisions* empowers the Council to consider a broad range of considerations and impose conditions relating to these in dealing with an application for planning approval.

HERITAGE SIGNIFICANCE

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

It has historical value as an area developed by the State Housing Commission to provide affordable housing at a time of increased housing demand in Australia, particularly to house new arrivals: returned servicemen and immigrants. It also has historical significance for its association with the importation of prefabricated homes from Austria and for the timber homes designed by prominent architect Marshall Clifton, many of which remain extant in the area. House design was influenced by the modernist movement in



architecture which prevailed widely in the post-war period. The designs were functional without being decorative.

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

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

APPLICATION

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



This Local Planning Policy is prepared under **clause 3 of the Deemed provisions the provisions of Part 2 and Part 7 of Local Planning Scheme No. 4**. If, during the application of this Local Planning Policy, a provision of this Local Planning Policy is found to be inconsistent with a provision of the Scheme, the Scheme provision shall prevail to the



extent of the inconsistency, pursuant to ~~clause 3 of the Deemed provisions clause 2.3.1 of Local Planning Scheme No. 4.~~

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

PURPOSE

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

DEFINITIONS AND TERMS

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

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

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

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

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

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

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



POLICY

1. Streetscape Requirements

~~The Acceptable Development provisions of clauses 6.2.1 A1.1 – A1.2, 6.2.3 A3.1 – A3.5, 6.2.5 A5 and 6.2.8 A8 of the Residential Design Codes are replaced with the following:~~

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

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

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

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

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

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

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

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

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

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

Variations to Primary Street setback

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

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

Variations to Secondary Street setback

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

1.3 Dwelling Orientation

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

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

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

1.4 Garage Width (Doors and Supporting Structures)

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

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

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

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

- a) The visual impact of the garage on the streetscape is alleviated due to significant variations in the topography in the front setback area such that the garage floor level is situated well below the ground level of the street; or
- b) The garage is setback a significant distance from the street boundary of the property and the width of the driveway is minimised to maintain a streetscape of open front setback areas and single residences separated by open space that are not dominated by garages; or
- c) The positioning of the garage will assist in producing an overall building design more in keeping with the form and proportions of traditional Hilton houses, including a simpler roof form and the width of the driveway is minimised to maintain a streetscape of open front setback areas and single residences separated by open space that are not dominated by garages.

1.5 Street Walls and Fences

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

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

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

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

1.6 Vehicle Access

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

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

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

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

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

2. **Building Height**

~~The Acceptable Development provisions of clause 6.7.1 A1.1 of the Residential Design Codes are replaced with the following:~~

2.1 **Minimum External Wall Height**

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

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

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

2.2 **Maximum External Wall Height and Maximum Roof Ridge Height**

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

2.2.2 The maximum roof ridge height shall be 6.5 metres.

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

a) The development is on a rear survey strata lot, battleaxe lot or the equivalent and has minimal presentation to the streetscape and the development complies with the ~~Acceptable Development provisions of the~~ Residential Design Codes ~~for the following regarding:~~

- i. ~~Design Principle Element 6.3.1—Buildings setback from the boundary~~
~~Clause 5.1.3 Lot Boundary Setback, and~~
- ii. ~~Clause 5.1.4 Element 6.4.1— Open Space, and~~
- iii. ~~Clause 5.4.2 Solar access for adjoining sites; and~~
- iv. ~~Design Principle Element 6.9.1— Design for Climate.~~

Or

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

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

3. Boundary Walls

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

When considering an application under the performance criteria in clause ~~6.3.2P2~~ **5.1.3 C3.2** of the Residential Design Codes, in addition to the factors detailed in *LPP2.4 Boundary Walls in Residential Development*, Council shall only approve a boundary wall where it is satisfied that the boundary wall is located a significant distance from the front boundary of the property to maintain a streetscape of separated single residences separated by open space.

4. Form and Proportion of New Dwellings

(Excluding 'Infill Development' as described in Part 6 of this policy)



~~The Acceptable Development provisions of clause 6.2.7 A7 of the Residential Design Codes are replaced with the following:~~

4.1 Roof Form and Eaves of Dwellings

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

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

4.1.3 Eaves shall be a minimum width of 450mm.

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

4.2 Building Form and Proportion

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

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

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

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

5. Conservation of Existing Dwellings not listed on the Heritage List – including upgrading, extensions and additions

(Excluding 'Infill Development' as described in Part 6 of this policy)

~~The Acceptable Development provisions of clauses 6.2.2 A2 and 6.2.7 A7 of the Residential Design Codes are replaced with the following:~~

5.1 Upgrading of existing dwelling

5.1.1 External alterations shall conserve the overall architectural style and the original external form of the dwelling as viewed from the street but may include modern and/or contrasting materials.

5.1.2 The original size and position of openings (doors and windows) visible from the street shall be conserved. Non-traditional materials may be used in the replacement of the doors or windows, subject to the appearance of the

replacement doors or windows reflecting the styles of original Hilton dwellings.

- 5.1.3 The original size and position of verandahs and porches visible from the street shall be conserved.
- 5.1.4 Front verandahs and porches are not to be enclosed.
- 5.1.5 The original form of the roof of the dwelling shall be retained as viewed from the street.

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

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

5.2 Extensions and Additions

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

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

- a) The front and side elevations of the development present generally as a single storey dwelling when viewed from the street; or
- b) The original dwelling is not an original timber framed or brick dwelling constructed during the establishment of the Hilton Garden Suburb Precinct (dwellings constructed prior to 1965).

6. Infill Development

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



7. Non-Residential Development

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

8. Subdivision Referrals to Western Australian Planning Commission

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

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

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

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

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

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