



Additional information

Ordinary Meeting of Council

Wednesday, 23 February 2022, 6.00pm

Table of Contents

Contents	Page
PC2202-1	STIRLING HIGHWAY, NO.82-84 AND ALFRED ROAD, NO.5, NORTH FREMANTLE – EXTENSION AND UPPER FLOOR MULTIPLE DWELLING ADDITIONS TO EXISTING COMMERCIAL BUILDING – (CS DA0250/21)
	2
PC2202-2	DEFERRED ITEM - BRACKS STREET, NO.90 (LOTS 241 – 260), NORTH FREMANTLE – DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES – (CS DA0440/21)
	86
PC2202-12	LOCAL HERITAGE SURVEY AND HERITAGE LIST - ANNUAL UPDATE 2021 – OUTCOMES OF CONSULTATION
	92
PC2202-13	PLANNING FOR TOURISM CONSULTATION SUBMISSION
	96
ARMC2202-2	ADOPTION OF THE 2021 COMPLIANCE AUDIT RETURN
	134
C2202-1	FREMANTLE TECHNICAL COLLEGE, NO. 11-15 (LOT 2680) GROSVENOR STREET, BEACONSFIELD - DEMOLITION OF ALL EXISTING BUILDINGS AND INCIDENTAL STRUCTURES (ED DA0549/21)
	155

**PC2202-1 STIRLING HIGHWAY, NO.82-84 AND ALFRED ROAD, NO.5, NORTH
FREMANTLE – EXTENSION AND UPPER FLOOR MULTIPLE
DWELLING ADDITIONS TO EXISTING COMMERCIAL BUILDING – (CS
DA0250/21)**

ADDITIONAL INFORMATION 1 – Applicant's Covering Letter on Amended Plans



united studio

City of Fremantle
Planning Department
Att: Catherine Sullivan / Chloe Johnston

Re: 82 - 84 Stirling Hwy, North Fremantle
Proposed Changes and Additions
Response to Further Comments from Planning Committee

18.12.21

Hi Catherine, Chloe,

Further to our meeting this week we have made amendments to the design that address the concerns raised in the last Planning Committee meeting that resulted in the application being deferred.

Bulk of Northern Elevation

Concerns were raised about the bulk of the northern elevation and its impact on the residential neighbours immediately to the north, facing Alfred Rd.

We have reduced the height of the on boundary wall and have proposed a different architectural treatment to the upper level which will reduce its visual impact. We have also proposed apartments adjacent to the northern neighbours have a different layout which includes outdoor spaces that are set back 600mm from the boundary. This will result in a more articulated form for the upper level which will also reduce its visual bulk.

Overlooking

The original design of the northern apartments made use of a 1500mm high screen wall with integrated planting to prevent overlooking. The Committee had concerns that relying on planting for part of the screening was a risk as maintaining the plants would be a responsibility of the residents and therefore could not be guaranteed.

We have replaced this with a solid 1600mm high screen wall with internal planting which prevents all overlooking and ensures any planting is contained within the apartments.

Apartment Amenity

Though the concerns about this were not clearly articulated we have taken them to be in reference to the views and natural light entering the southern apartments.

We would like to assure the Committee that the apartments will have generous natural light through the articulated roof and the internal planted courtyard will provide adequate planting.

We have provided a more detailed cross section view to clarify this.

United Studio
Unit 219 Chaucer Rd Stanton Park, WA 6008
www.unitedstudio.com.au
ph: 0800 705 776

CITY OF FREMANTLE
These Revised Plans Form Part of

DA0250/21

19 December 2021

Landscaping

The nature of the development, with extensive reuse of the existing structure and its boundary-to-boundary construction does place limitations on the opportunities for deep planting and large trees. The City's parking requirements, and the need for customer parking for the retail/commercial spaces also impacts on the opportunities for planting.

We have however worked with the Landscape Designers to maximise the amount of on structure planting and we believe, on balance, are proposing a great solution with generous planting throughout the project and maximising the opportunities for larger planting where possible.

It should be noted the developer has a current DA for a 100% commercial development on the site that was approved with comparatively little planting. We believe this current design will achieve a far superior outcome for residents and the community.

Summary

We appreciate the Committee's comments and have made changes to the design where required. We trust these will ensure the design can be supported for Development Approval.

Regards,



David Smith MDIA
Design Director
0402795775
david@unitedstudio.com.au

ADDITIONAL INFORMATION 2 – Site Photos



Photo 1: Subject site as viewed from Stirling Highway



Photo 2: Subject site as viewed from Stirling Highway



Photo 3: Subject site as viewed from southern side (shared driveway)



Photo 4: Subject site as viewed from eastern side (existing rear car parking area)



Photo 5: Subject site as viewed from rear (existing rear car parking area / access onto Alfred Road)

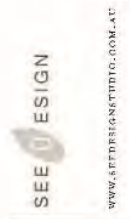
ADDITIONAL INFORMATION 3 – Landscaping Plan



**82-84 Stirling Highway,
North Fremantle**

Planting Report

28.10.2021



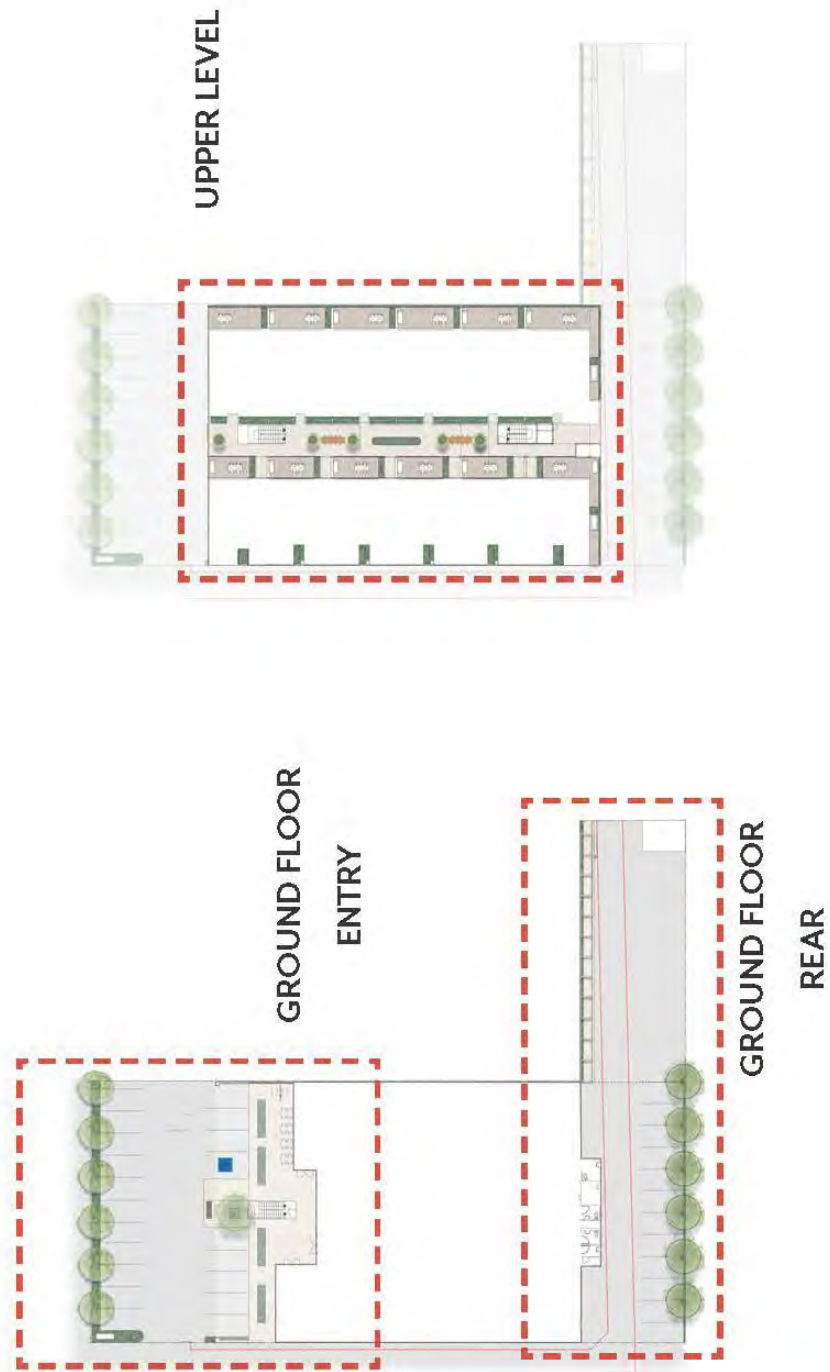
Contents

01. Overall Planting Plan

02. Tree Plan

03. Planting Plan

01. Overall Planting Plan



02. Tree Plan

GROUND FLOOR

Scientific Name	Native/Exotic	Size at maturity (HxW)	Por size	Numbers
<i>Eucalyptus utilis</i> 'Coastal/Mort'	Native	6 x 5m	200L	6
<i>Gleditsia 'Sunburst'</i>	Exotic	12 x 7m	200L	6
<i>Logantheimia indica</i> x <i>foetida</i>	Exotic	7 x 5m	100L	1



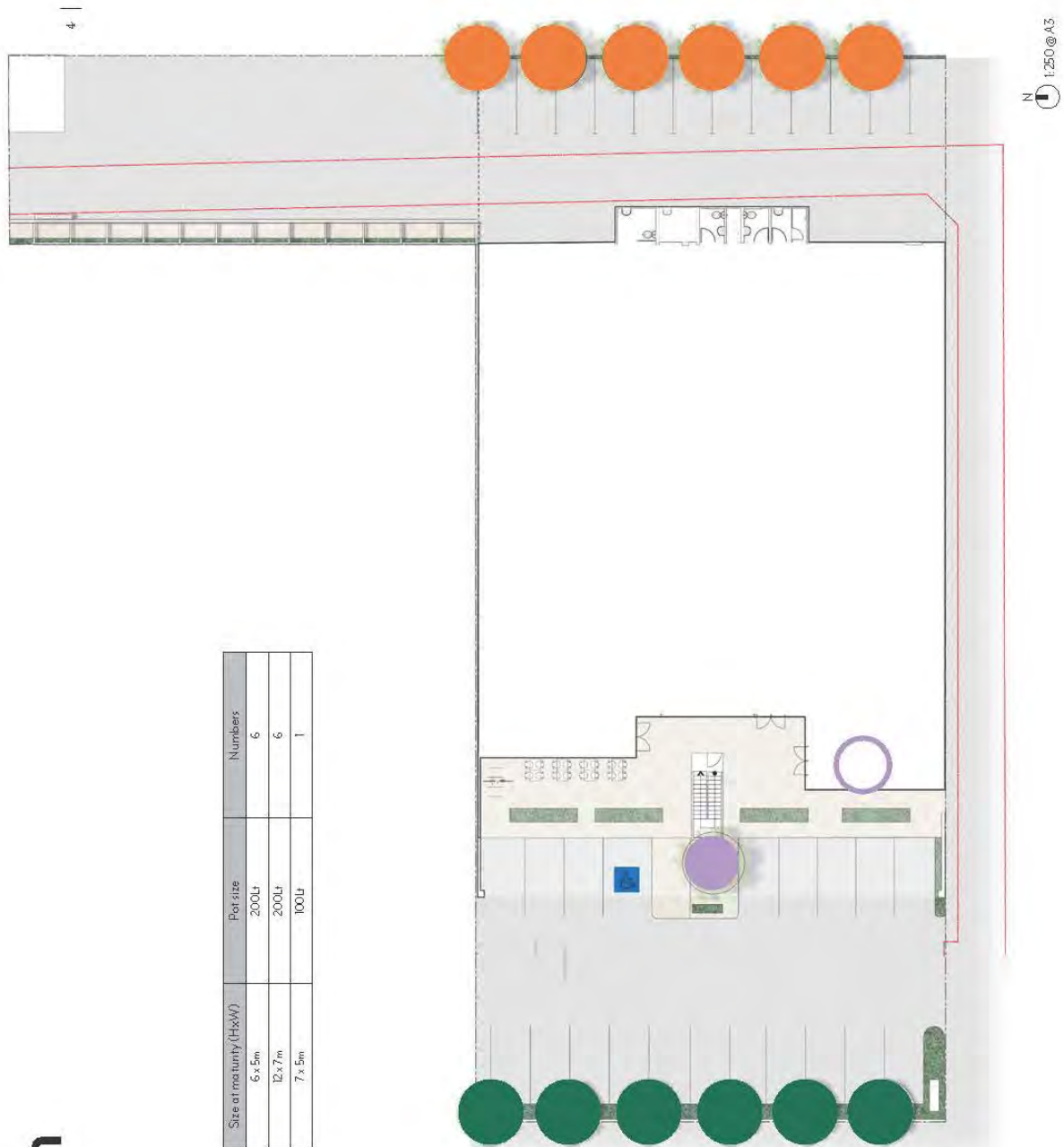
Eucalyptus utilis 'Coastal/Mort'



Gleditsia 'Sunburst'



Logantheimia indica x *foetida*



03_Planting Plan

GROUND FLOOR_ENTRY

Zone 1



Anigozanthus 'Bush Pioneer'

Anigozanthos 'Bush Ballad'

Eremophila 'Blue Horizon'

Grevillea 'gin gin gem'



Grevillea 'Gold cluster'

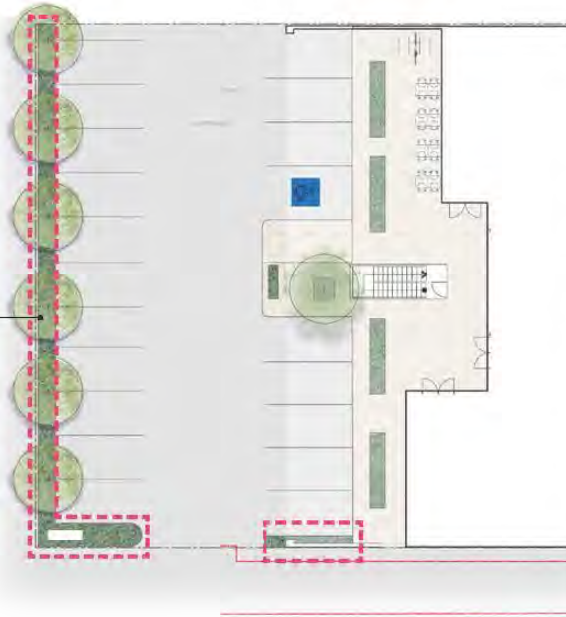
Lomandra 'Tanika'

Myoporum parvifolium 'Yareena'

Westringia 'Mundi'

Scientific Name	Native/Exotic	Size at maturity (HxW)	Pot size	Spacing/cqm
Anigozanthos 'Bush Pioneer'	Native	0.6 x 0.6	140mm	4
Anigozanthos 'Bush Ballad'	Native	0.6 x 0.6	140mm	4
Eremophila 'Blue Horizon'	Native	0.5 x 1.0	140mm	3
Grevillea 'Gin Gin Gem'	Native	0.3 x 2.0	140mm	3
Grevillea 'Gold cluster'	Native	0.3 x 2.0	140mm	3
Myoporum parvifolium 'Yareena'	Native	0.3 x 1.5	140mm	3
Lomandra 'Tanika'	Native	0.6 x 0.6	140mm	4
Westringia 'Mundi'	Native	0.5 x 1.5	140mm	3

Verge planting to Stirling Highway



Note:

- A comprehensive tree and plant list and location plan will be provided for comment and approval prior to construction.

- Irrigation plan will be provided for comment and approval prior to construction.

- To ensure appropriate species soil testing to be conducted prior to detail design and install.

- Plant species subject to availability.

1:250 @ A3

GROUND FLOOR_ENTRY

Zone 2



Crevillea 'Mt Tamboritha'

Scaevola 'Mauve Clusters'

Lomandra 'Tanika'



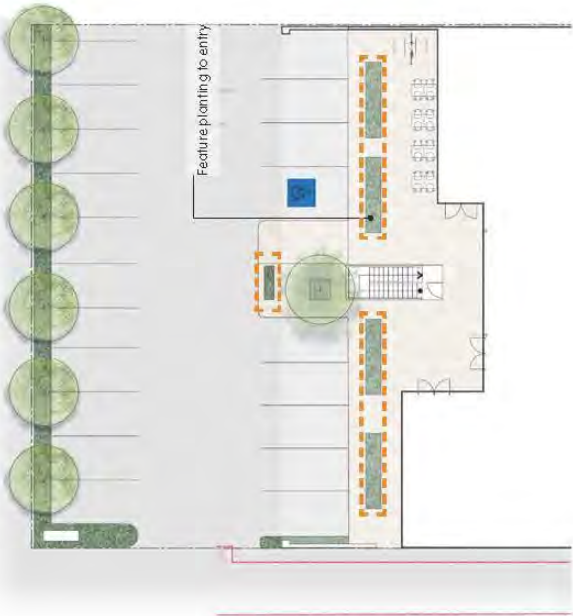
Lepidospermum 'Foreshore'



Senecio 'chalk sticks'



Westringia 'Mandi'



Scientific Name	Native/Exotic	Size at maturity (HxW)	Pot size	Spacing/sqm
Grevillea 'Mt Tamboritha'	Native	0.4 x 2.0	140mm	2
Lomandra 'Tanika'	Native	0.6 x 0.6	140mm	4
Lepidospermum 'Foreshore'	Native	0.5 x 1.0	140mm	2
Scaevola 'Mauve Clusters'	Native	0.6 x 0.6	140mm	4
Senecio 'Chalk sticks'	Exotic	0.6 x 1.0	5L	4
Westringia 'Mandi'	Native	0.5 x 1.5	140mm	2

GROUND FLOOR_REAR

Zone 3

					Scientific Name	Native/Exotic	Size at maturity (HxW)	Plant size	Spacing/eqm
Crevillea 'Mt Tamboritha'	Hardenbergia 'Meena'	Helichrysum petiolare	Lomandra 'Tanika'	Lomandra 'Cracker Jack'		Native	0.4x2.0	140mm	2
						Native	0.5x1.5	140mm	3
						Exotic	0.3x1.0	140mm	3
						Native	0.6x0.6	140mm	4
						Native	0.6x0.6	140mm	4
						Native	0.5x1.0	140mm	3
						Native	0.3x1.5	140mm	3
						Exotic	0.6x1.0	5lt	4
						Native	0.5x1.5	140mm	3
						Exotic	3x3	5lt	Feature



Leptospermum
'Foreslone'



Myoporum parvifolium
'Yareena'



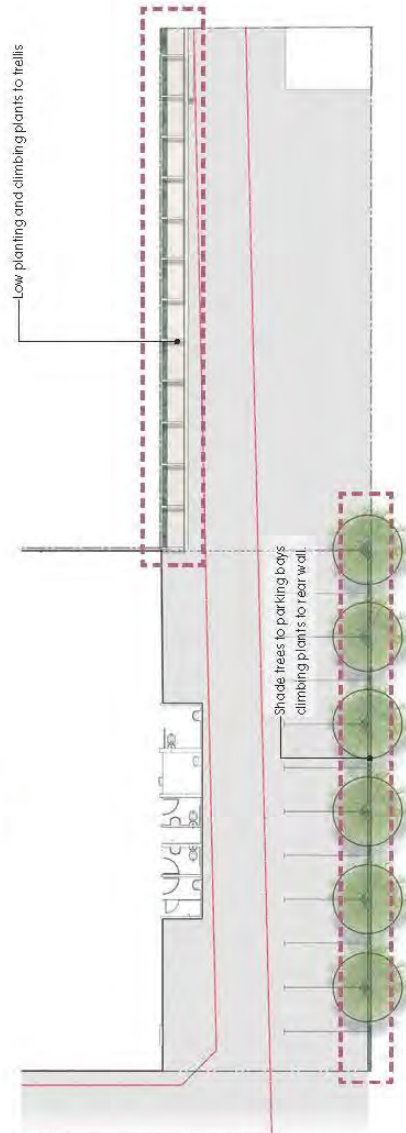
Senecio 'chalk sticks'



Westringia 'Mundi'



Parthenocissus
quinquefolia



N 1:250 @ A3

8 |

UPPER LEVEL

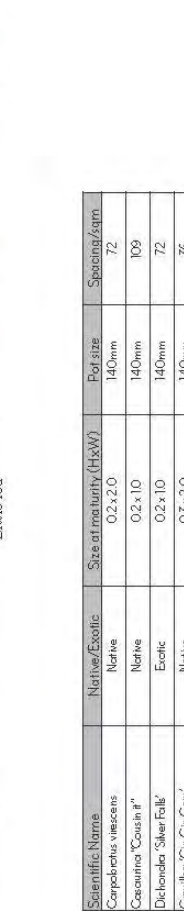
Zone 4



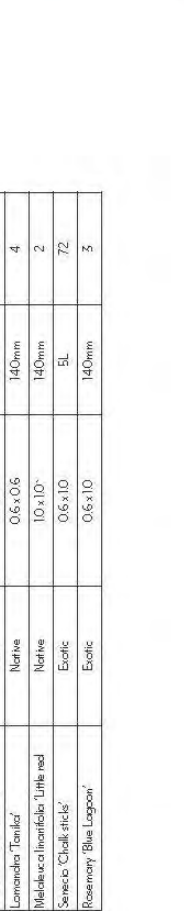
Grevillea 'Royal Mantle'



Grevillea 'Gin Gin'



Grevillea 'Mt Tamboritha'



Grevillea 'Blue Lagoon'



Rosemary 'Blue Lagoon'

Scientific Name	Native/Exotic	Size at maturity (HxW)	Pot size	Spacing/sqm
Carpobrotus virescens	Native	0.2 x 2.0	140mm	72
Casuarina 'Cousin it'	Native	0.2 x 1.0	140mm	109
Dichondra 'Silver Falls'	Exotic	0.2 x 1.0	140mm	72
Grevillea 'Gin Gin Gem'	Native	0.3 x 2.0	140mm	36
Grevillea 'Mt Tamboritha'	Native	0.4 x 2.0	140mm	36
Grevillea 'Royal Mantle'	Native	0.3 x 2.0	140mm	36
Lomandra 'Tanika'	Native	0.6 x 0.6	140mm	4
Melaleuca linariifolia 'Little red'	Native	1.0 x 1.0	140mm	2
Senecio 'Chalk sticks'	Exotic	0.6 x 1.0	EL	72
Rosemary 'Blue Lagoon'	Exotic	0.6 x 1.0	140mm	3

Courtyard planting
and hanging plants to
northern facade

N 1:250 @ A3

9 |

UPPER LEVEL

Zone 5



Cycas revoluta



Dichondra Silver Falls



Liriope Samantha



Pittosporum 'Miss Muffet'



Sansevieria tri (green)



Senecio 'chalk sticks'



Trachelospermum jasminoides



Viola hederacea



Scientific Name	Native/Exotic	Size at maturity (HxW)	Pot size	Spacing/strm
<i>Cycas revoluta</i>	Exotic	10x10	30lt	1
<i>Dichondra Silver Falls</i>	Exotic	0.2x1.0	140mm	4
<i>Liriope Samantha</i>	Exotic	0.4x0.5	140mm	4
<i>Pittosporum 'Miss Muffet'</i>	Exotic	1.0x1.5	140mm	2
<i>Sansevieria Tri</i>	Exotic	1.0x1.0	5L	2
<i>Senecio Chalk sticks</i>	Exotic	0.6x1.0	5L	4
<i>Trachelospermum jasminoides</i>	Exotic	3.0x3.0	5L	1
<i>Viola hederacea</i>	Native	0.2x1.0	140mm	4

10 |

UPPER LEVEL

Zone 6



Asplenium victoria

Cyrtomium falcatum

Dianella 'Little Jess'

Philodendron 'Little Phil'

Philodendron 'Rojo Congo'



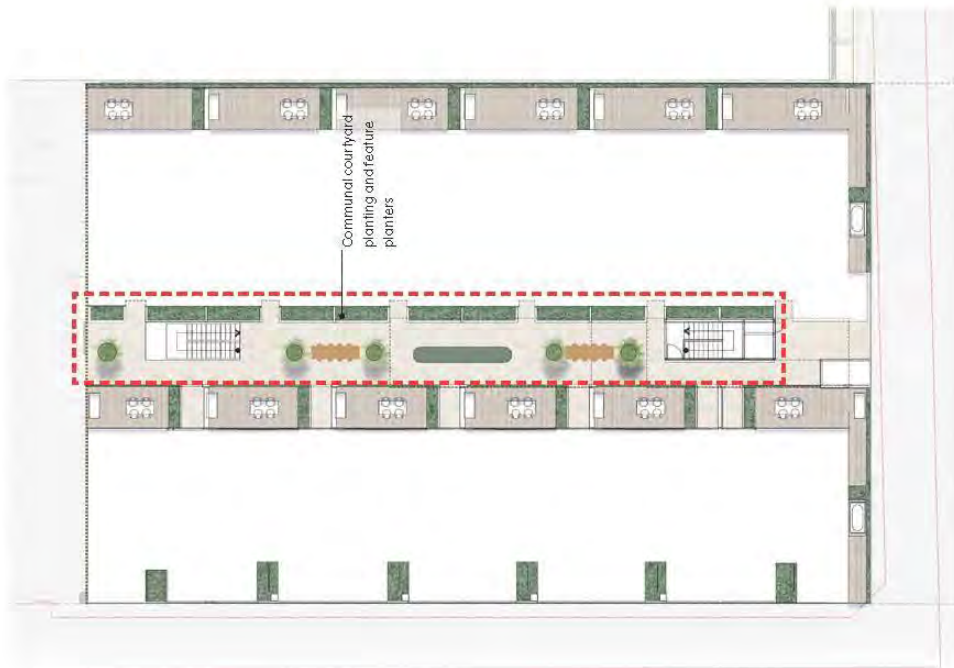
Pittosporum 'Miss miffet'

Viola hederacea

Viburnum Emerald 'lustre'

Ficus 'Audrey'

Cyathea cooperi



N 1:250 @ A3

Scientific Name	Native/Exotic	Size at maturity (HxW)	Pot size	Spacing/sqm
<i>Asplenium Victoria</i>	Native	0.5 x 1.0	5L	Feature
<i>Cyrtomium falcatum</i>	Native	0.3 x 0.3	140mm	4
<i>Dianella 'Little Jess'</i>	Native	0.3 x 0.3	140mm	4
<i>Philodendron 'Little Phil'</i>	Native	0.6 x 0.6	5L	Feature
<i>Philodendron Rojo Congo</i>	Exotic	1.0 x 1.0	30L+	Feature
<i>Pittosporum 'Miss miffet'</i>	Exotic	1.0 x 1.5	140mm	2
<i>Viola hederacea</i>	Native	0.6 x 1.0	140mm	4
<i>Viburnum 'Emerald lustre'</i>	Exotic	3.0 x 3.0	5L+	1
<i>Ficus 'Audrey'</i>	Exotic	3.0 x 1.5	100L+	Feature
<i>Cyathea cooperi</i>	Native	3.0 x 1.5	100L+	Feature

11

Please feel free to contact us on the below regarding any inquiries:

JOEL BARKER
joel@seedesignstudio.com.au
m. 0466 266 305

EOIN GLADISH
eoin@seedesignstudio.com.au

SEE DESIGN

www.seedesignstudio.com.au

ADDITIONAL INFORMATION 4 – Transport Impact Assessment

Transport Impact Assessment

Proposed Mixed-Use Development -
No. 82-84 Stirling Highway, North
Fremantle

CW1046100

Prepared for
Woodward Assets Pty Ltd

6 September 2021





Transport Impact Assessment
Proposed Mixed-Use Development - No. 82-84 Stirling Highway, North Fremantle

Contact Information

Cardno (WA) Pty Ltd

ABN 77 009 119 000

11 Harvest Terrace
West Perth WA 6005
Australia

www.cardno.com

Phone +61 8 9273 3888

Fax +61 8 9486 8664

Document Information

Prepared for Woodward Assets Pty Ltd

Project Name Proposed Mixed-Use
Development - No. 82-84
Stirling Highway, North
Fremantle

File Reference CW1046100-TR-R001-D-No.
82-84 Stirling Hwy

Job Reference CW1046100

Date 6 September 2021

Version Number E

Author(s):

Brian Sii
Traffic Engineer

Effective Date 6/09/2021

Approved By:

Scott Lambie
Team Leader – Traffic Engineering

Date Approved 6/09/2021

Document History

Version	Effective Date	Description of Revision	Prepared by	Reviewed by
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B	2/10/18	For Issue	BS	SJL
C	7/12/18	For Issue	BS	SJL
D	22/07/21	Update to Site Plan	DR/BS	SJL
E	06/09/21	Update to Site Plan/Parking	DR/BS	SJL

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Table of Contents

1	Introduction	1
1.1	Background	1
2	Existing Site Situation	2
2.1	Existing Site Location	2
2.2	Surrounding Land Use	3
2.3	Existing Road Network	4
2.4	Existing Intersection	6
2.5	Existing Pedestrian/ Cycle Networks	7
2.6	Existing Public Transport Facilities	8
2.7	Existing Traffic Volume	10
2.8	Crash Assessment	10
3	Proposed Development	12
3.1	Proposed Development	12
3.2	Site Access	14
3.3	Car Parking Provision	16
3.4	Bicycle Parking Provision	17
4	Changes to Surrounding Area	18
4.1	Road Network	18
4.2	Pedestrian/Cycle Networks	18
4.3	Public Transport Services	18
5	Integration with Surrounding Area	19
5.1	Surrounding Attractors/Generators	19
5.2	Proposed Changes to Surrounding Land Use	19
5.3	Level of Accessibility	19
6	Analysis of Transport Network	20
6.1	Analysis Parameters	20
6.2	Development Trip Generation	21
6.3	Development Traffic Distribution	22
6.4	Background Traffic	23
6.5	Intersection Performance	26
7	Summary	30



Appendices

Appendix A WAPC Checklist

Appendix B Development Plans

Tables

Table 2-1	Road network Description	4
Table 2-2	Bus Service Frequency	9
Table 2-3	Traffic Volume	10
Table 2-4	Alfred Road (Midblock crash)	10
Table 2-5	Stirling Highway (midblock)	10
Table 2-6	Alfred Road – Stirling Highway Intersection	10
Table 3-1	Car Parking Requirements and Provision	16
Table 3-2	Proposed Bicycle Parking Provision	17
Table 6-1	Trip Generation Rate and Directional Distribution	21
Table 6-2	Estimated Trip Generation of the Proposed Development	21
Table 6-3	Level of Service (LOS) Performance Criteria	26
Table 6-4	Stirling Highway / Alfred Road – (2021)	28
Table 6-5	Stirling Highway / Alfred Road – (2023 + Development)	28
Table 6-6	Stirling Highway / Alfred Road (2033 + Development)	29

Figures

Figure 2-1	Aerial Image of Site	2
Figure 2-2	City of Fremantle Zoning Map	3
Figure 2-3	Road Network Classification	5
Figure 2-4	Stirling Highway and Alfred Road	6
Figure 2-5	Bike Map (Source: Department of Transport)	7
Figure 2-6	Nearest Bus Stops	8
Figure 2-7	Public Transport Facilities	9
Figure 2-8	Recorded Crash Locations	11
Figure 3-1	Basement Floor Plan	12
Figure 3-2	Ground Floor Plan	13
Figure 3-3	First Floor Plan	13
Figure 3-4	Basement Carpark	14
Figure 3-5	Passenger Vehicle Swept Path	15
Figure 3-6	Waste Truck Swept Path	15
Figure 6-1	Key Intersection	20
Figure 6-2	Traffic Distribution	22



Transport Impact Assessment
Proposed Mixed-Use Development - No. 82-84 Stirling Highway, North Fremantle

Figure 6-3	Existing Background Traffic (2021)	23
Figure 6-4	Opening Year Background (2023) + Development Traffic	24
Figure 6-5	Future Background Traffic (2033)	25
Figure 6-6	SIDRA Layout for Stirling Highway / Alfred Road Intersection	27
Figure 6-7	Signal Phasings	27



1 Introduction

1.1 Background

Cardno has been commissioned by Woodward Assets Pty Ltd ('the Client') to prepare a Transport Impact Assessment (TIA) for a proposed mixed-use development located at No. 82-84 Stirling Highway, North Fremantle ('the Site').

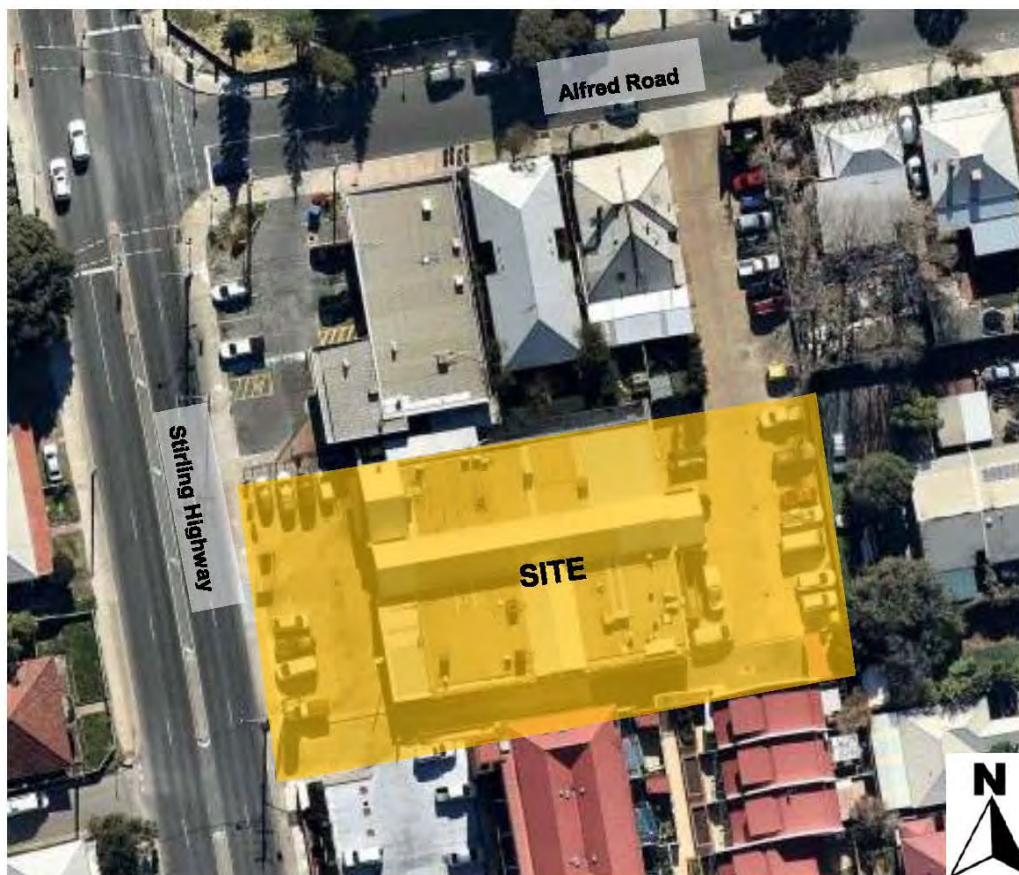
This report aims to assess the impacts of the proposed development upon both the external road network and internal movement network, focusing on traffic generation, parking requirements and vehicle movements. This report has been prepared in accordance with the Western Australian Planning Commission (WAPC) *Transport Assessment Guidelines for Developments: Volume 4 – Individual Developments (2016)* and the checklist is included in **Appendix A**.

2 Existing Site Situation

2.1 Existing Site Location

The Site is located at No. 82-84 Stirling Highway, North Fremantle. **Figure 2-1** shows an aerial image of the Site.

Figure 2-1 Aerial Image of Site

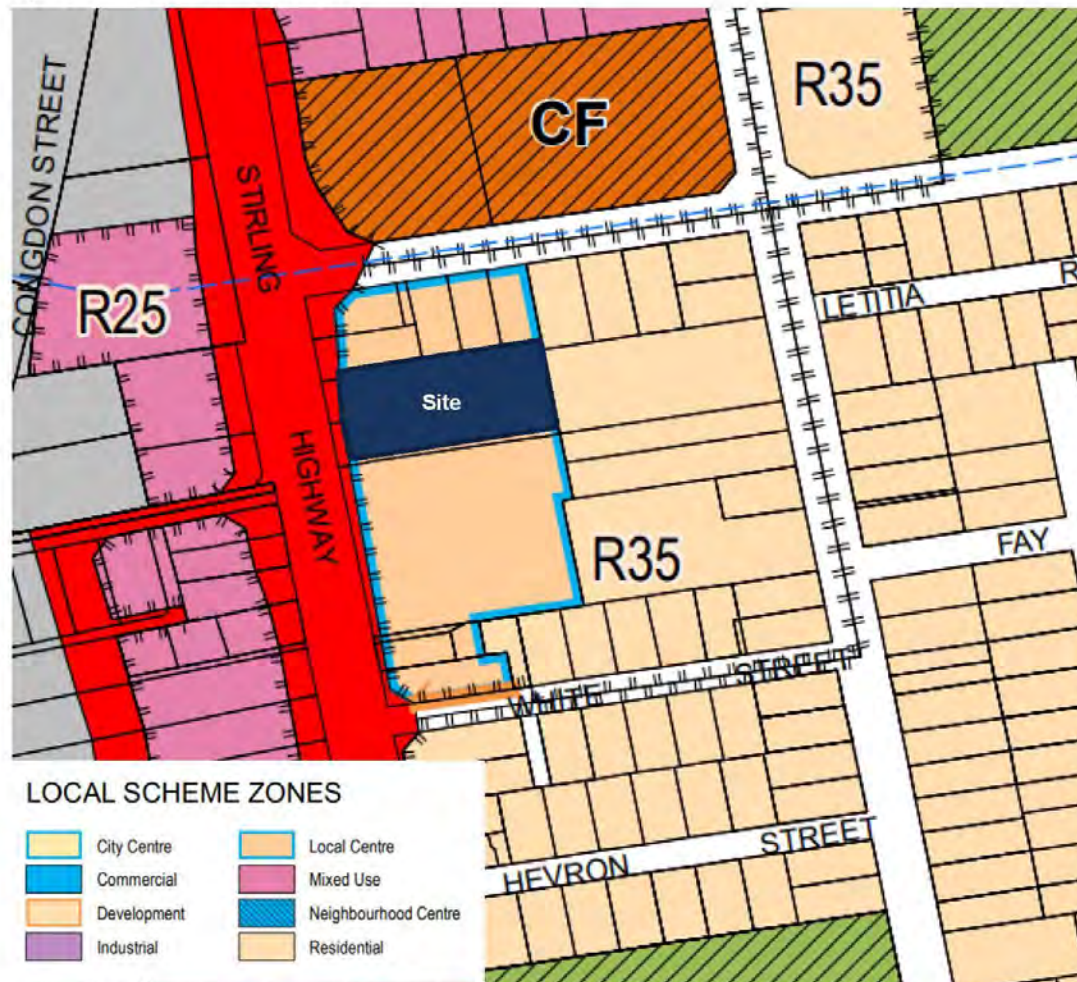


Source: MetroMap (2021)

2.2 Surrounding Land Use

Pursuant to the provision of the *City of Fremantle Town Planning Scheme No.4 (TPS4)*, the Site is zoned 'Local Centre' as shown in **Figure 2-2**. The Site is surrounded by residential land uses to the east, mixed-use to the west and other local centre to the north and south.

Figure 2-2 City of Fremantle Zoning Map



Source: City of Fremantle Town Planning Scheme No. 4



2.3 Existing Road Network

Road classifications are defined in the Main Roads Functional Hierarchy as follows:

- **Primary Distributors (light blue):** Form the regional and inter-regional grid of Main Roads WA traffic routes and carry large volumes of fast-moving traffic. Some are strategic freight routes and all are National or State Roads WA.
- **Regional Distributors (red):** Roads that are not Primary Distributors, but which link significant destinations and are designed for efficient movement of people and goods within and beyond regional areas. They are managed by Local Government.
- **District Distributor A (green):** These carry traffic between industrial, commercial and residential areas and connect to Primary Distributors. These are likely to be truck routes and provide only limited access to adjoining properties. They are managed by Local Government.
- **Distributor B (dark blue):** Perform a similar function to District Distributor A but with reduced capacity due to flow restrictions from access to and roadside parking alongside adjoining property. These are often older roads with traffic demand in excess of that originally intended. District Distributor A and B roads run between land-use cells and not through them, forming a grid that would ideally be around 1.5 kilometres apart. They are managed by Local Government.
- **Local Distributors (orange):** Carry traffic within a cell and link District Distributors at the boundary to access roads. The route of the Local Distributor discourages through traffic so that the cell formed by the grid of District Distributors only carries traffic belonging to or serving the area. These roads should accommodate buses but discourage trucks. They are managed by Local Government.
- **Access Roads (grey):** Provide access to abutting properties with amenity, safety and aesthetic aspects having priority over the vehicle movement function. These roads are bicycle and pedestrian friendly. They are managed by Local Government.

The Site is bounded by Stirling Highway to the west. The surrounding road network is further described in **Table 2-1** and shows the road hierarchy classification as per the Main Roads WA Road Information Mapping System, whilst **Figure 2-3** shows the road hierarchy.

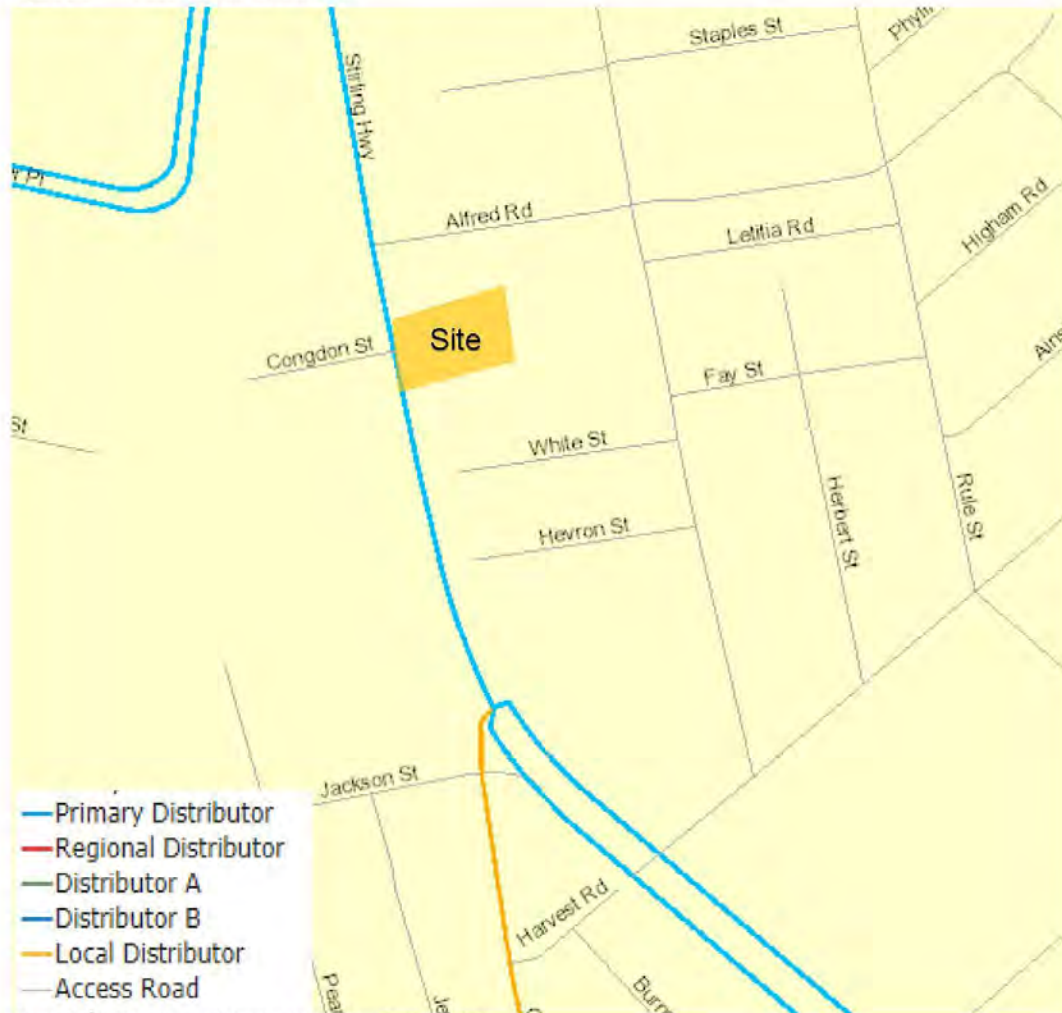
Table 2-1 Road network Description

Road Name	Road Hierarchy	Jurisdiction	Road Network			
			No. of Lanes	No. of Footpaths	Pavement Width (m)	Posted Speed Limit (km/h)
Stirling Highway	Primary Distributor	MRWA	4	2	14	60
Alfred Road	Access Road	Local Government	2	2	9.5	50



Transport Impact Assessment
Proposed Mixed-Use Development - No. 82-84 Stirling Highway, North Fremantle

Figure 2-3 Road Network Classification



Source: Main Roads Road Mapping Information System (2021)



2.4 Existing Intersection

- > **Stirling Highway / Alfred Road** is located to the north-west of the Site and is a three-way signalised intersection with full pedestrian movements as shown in **Figure 2-4**.

Figure 2-4 Stirling Highway and Alfred Road



Source: MetroMap (2021)



2.5 Existing Pedestrian/ Cycle Networks

According to the *Department of Transport Fremantle Bike Map*, sealed bicycle lanes are available along Curtin Avenue and Port Beach Road. **Figure 2-5** shows that 'Bicycle Boulevards' run through Rule Street, with high quality shared paths abutting Port Beach Road.

Figure 2-5 Bike Map (Source: Department of Transport)

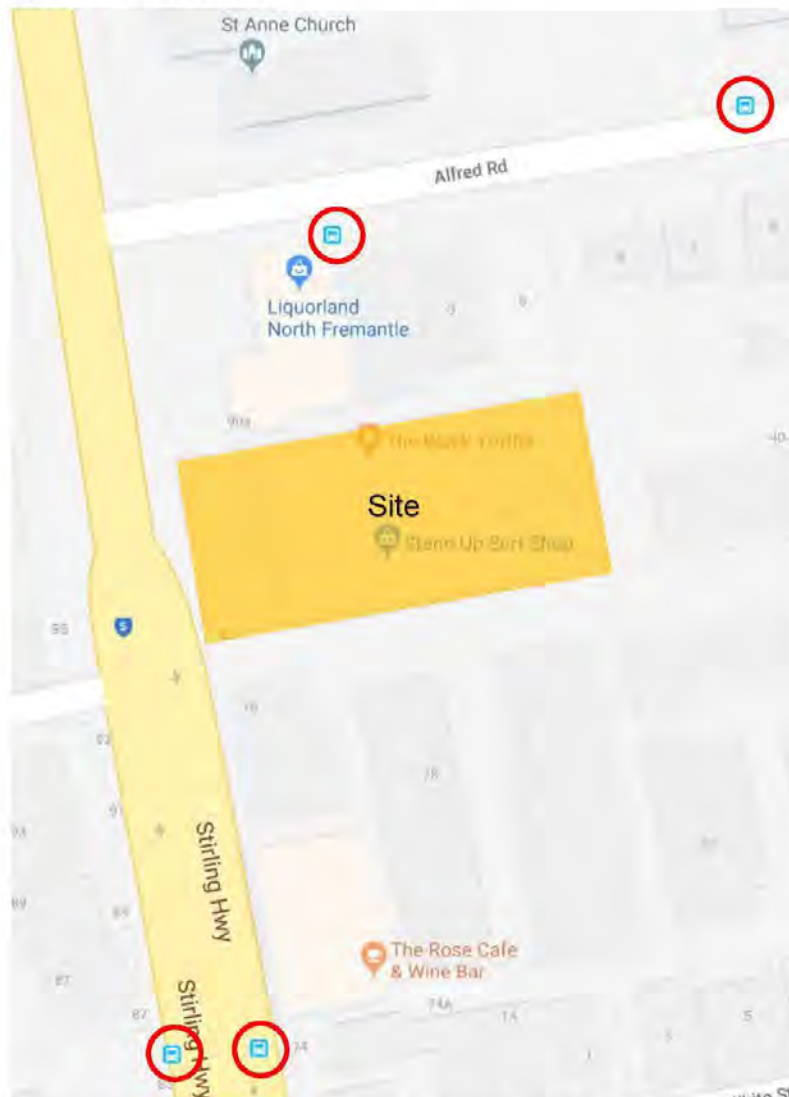


Source: Department of Transport

2.6 Existing Public Transport Facilities

Figure 2-6 shows the nearest bus stop to the Site is located approximately 30m north of the Site, along Alfred Road servicing Bus Route 107. Another bus stop is located approximately 90 m south of the Site, along Stirling Highway servicing Bus Route 103.

Figure 2-6 Nearest Bus Stops



The site is also approximately 240m from the North Fremantle Train Station, located along the Fremantle Train Line, which connects to South Fremantle and the CBD.


Transport Impact Assessment
Proposed Mixed-Use Development - No. 82-84 Stirling Highway, North Fremantle

Figure 2-7 shows the routes of the public bus services in the vicinity of the Site. Bus Route 107 and 103 provide connections to the Fremantle Station. Additionally, Bus Route 107 provides services to Elizabeth Quay Bus Station. The frequencies of the bus routes are summarised in **Table 2-2**. Bus Route 107 only provides services to Cottesloe Station on weekends and to Elizabeth Quay Bus Station on weekdays.

Figure 2-7 Public Transport Facilities



Source: Transperth (2021)

Table 2-2 Bus Service Frequency

Bus Route	Route Description	Frequency	
		Weekdays	Weekends
107	To Elizabeth Quay Bus Station	20-60 minutes (7:10 AM – 6:39 PM)	-
107E	To Cottesloe Station	-	60 minutes (10:00AM – 7:00PM)
103	To East Perth	10-30 minutes (6:32 AM – 11:22 PM)	30-60 minutes (7:59AM – 10:50PM)



2.7 Existing Traffic Volume

Existing weekday traffic volumes were sourced from *Main Roads Western Australia's Traffic Map* and is given in **Table 2-3**.

Table 2-3 Traffic Volume

Road Name	Date	Average Two-Way Daily Traffic Volume	Average Two-Way AM Peak Traffic Volume	Average Two-Way PM Peak Traffic Volume
Stirling Highway (North of Queen Victoria street)	2015/2016	39,054	3,481	3,362

2.8 Crash Assessment

A search of the *Main Roads WA Reporting Centre* for crash data was undertaken. This search covered all recorded traffic accidents between 1 January 2016 and 31 December 2020 for the following roads and intersections surrounding the site:

- > Alfred Road & Alfred Road (midblock)
- > Stirling Highway and Alfred Road

The crash data obtained are given in **Table 2-4**, **Table 2-5** and **Table 2-6**.

Table 2-4 Alfred Road (Midblock crash)

Type of Crash (RUM Code)	Fatal	Hospital	Medical	Major Property Damage	Minor Property Damage	Total Crashes
Hit Object	-	-	-	1	-	1
Total	-	-	-	1	-	1

Table 2-5 Stirling Highway (midblock)

Type of Crash (RUM Code)	Fatal	Hospital	Medical	Major Property Damage	Minor Property Damage	Total Crashes
Rear End	-	-	4	12	8	24
Hit Pedestrian	-	1	-	1	2	4
Hit Object	-	-	-	1	-	1
Sideswipe Same Direction	-	-	-	2	3	5
Right Angle	-	-	-	4	3	7
Right Turn Thru	-	-	-	1	-	1
Unspecified	-	-	1	-	2	3
Total	-	1	5	21	18	45

Table 2-6 Alfred Road – Stirling Highway Intersection

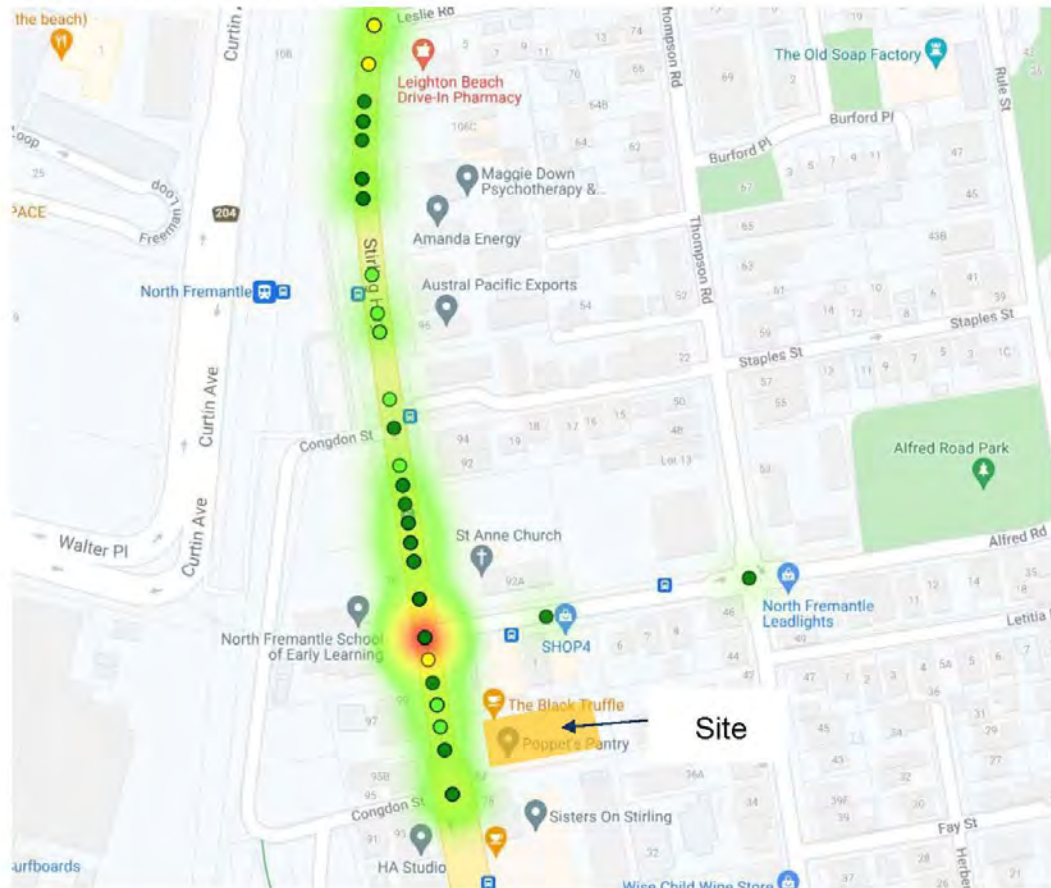
Type of Crash (RUM Code)	Fatal	Hospital	Medical	Major Property Damage	Minor Property Damage	Total Crashes
Rear End	-	-	6	19	3	28
Sideswipe Same Direction	-	-	-	-	1	1
Right Angle	-	-	-	1	-	1
Total	-	-	6	20	4	30



Transport Impact Assessment
Proposed Mixed-Use Development - No. 82-84 Stirling Highway, North Fremantle

A summary of the crash locations in the vicinity of the Site is presented in **Figure 2-8**.

Figure 2-8 Recorded Crash Locations



3 Proposed Development

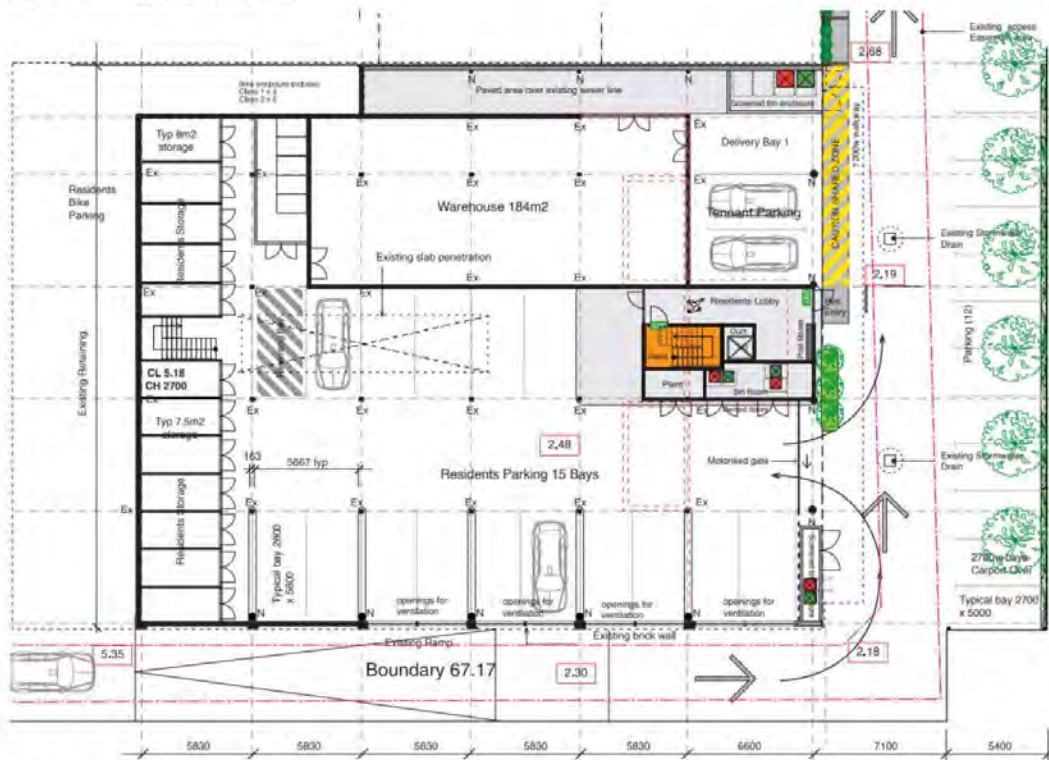
3.1 Proposed Development

The proposal is for a two-storey mixed-use development, comprising of the following site-specific design components:

- > 2 (1-bedroom) Residential Apartments;
- > 10 (2-bedroom) Residential Apartments;
- > 184m² Warehouse;
- > 540m² Showroom;
- > 391m² Shop;
- > 47 car parking bays; and
- > 3 delivery bays.

The layout of the proposed development at the Site is shown below in **Figure 3-1 - Figure 3-3**. Larger versions of the Site layout plans are attached in **Appendix B**.

Figure 3-1 Basement Floor Plan



Source: United Studio (2021)



Transport Impact Assessment
Proposed Mixed-Use Development - No. 82-84 Stirling Highway, North Fremantle

Figure 3-2 Ground Floor Plan



Source: United Studio (2021)

Figure 3-3 First Floor Plan



Source: United Studio (2021)

3.2 Site Access

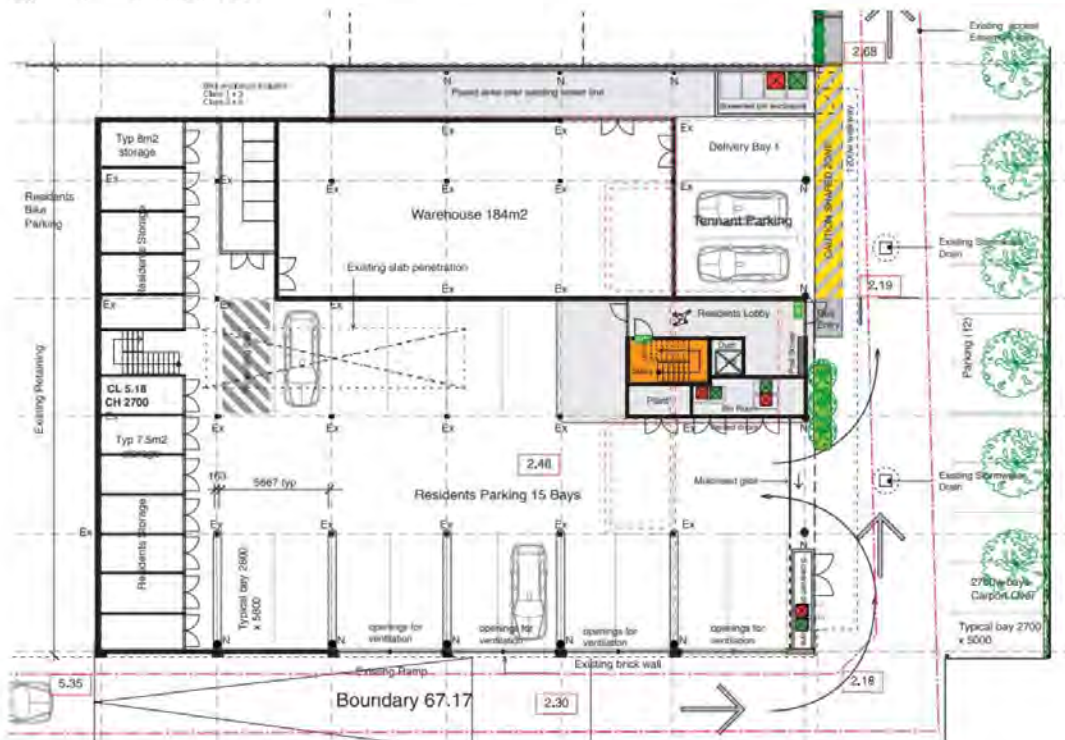
The existing Site consists of two access points from Stirling Highway to the west and one access point from Alfred Road to the north. **Figure 3-4** shows that the proposed development will retain two access points only, with the northern crossover being closed along Stirling Highway. Note that despite the fact the lot from which the site accesses Alfred Road (Lot 5) is not included within this development, access will still be permitted.

The southern access point leads to an easement which will be operating under a one-way traffic conditions, flowing from the west to the east. Heavy vehicles such as delivery trucks and waste trucks shall enter the Site from Stirling Highway and exit the Site from the Alfred Road access. Relevant signs and line marking are to be installed within the Site to delineate on site traffic flow.

Swept path analysis has been conducted for both passenger vehicles and waste trucks to ensure vehicles are able to access the Site. The potential swept path of passenger vehicles are shown in **Figure 3-5** and **Figure 3-5** and swept path of a waste truck servicing the Site is shown in **Figure 3-6**.

Importantly, swept paths for the waste vehicle show the truck is unable to turn at the rear of the property without encroaching on to 4 of the proposed car parking bays. To ensure the waste truck can adequately manoeuvre through the Site, it is recommended that these bays provide signage indicating that they must be vacant during waste collection days/times.

Figure 3-4 Basement Carpark



Source: United Studio (2021)

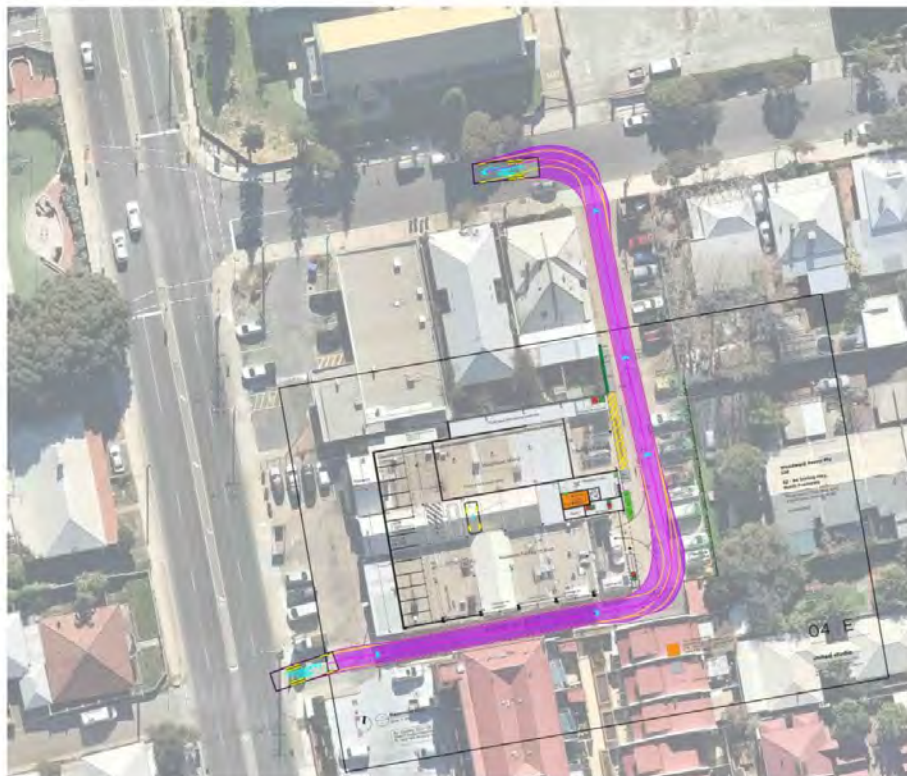


Transport Impact Assessment
Proposed Mixed-Use Development - No. 82-84 Stirling Highway, North Fremantle

Figure 3-5 Passenger Vehicle Swept Path



Figure 3-6 Waste Truck Swept Path





3.3 Car Parking Provision

The Statutory parking requirements, in accordance with the *City of Fremantle Local Planning Scheme No. 4* and *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments*, have been considered in the context of the proposed development and are summarised below in **Table 3-1**. For more information regarding car parking, please refer to the Development Application.

Table 3-1 Car Parking Requirements and Provision

Proposed Land Use	Requirements	Yield	Parking Required	Parking Provided
Residential	1-bedroom dwelling (0.75 bay per dwelling)	2	2 bays	47 bays
	2+bedroom dwellings (1 bay per dwelling)	10	10 bays	
Residential Visitor	1 bay per 4 dwellings 1 bay per eight dwellings for the 13 th dwelling and above		3 bays	
Showroom	1 bay per 50m ² gla (minimum of 4 spaces) Plus 1 delivery bay	405m ²	9 bays (+ 2 delivery bay)	
Warehouse	1 bay per 100m ² gla plus 1 delivery bay	138m ²	2 bays (+ 1 delivery bay)	
Shop	1 bay per 20m ² gla (minimum 2 bays)	293m ²	15 bays	
Total			44 bays (including 3 delivery bays)	47 bays (including delivery bays)

*For this assessment, NLA is assumed to be 75% of the GLA.

A total of 47 parking spaces are proposed on-site, which includes 3 delivery bays. 26 car bays are proposed on the basement level with 1 delivery bay, whilst 18 car parking bays are proposed on the ground floor with 2 delivery bays.

As shown above, the parking provision within the Site meets the parking requirement set out in the *City of Fremantle Local Planning Scheme No. 4* and *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments*.

Up to 11 parking bays exist within the front of the Site. However, it is noted that Stirling Highway will be widened and upgraded in the future, with the amended road reserve encroaching on these parking bays. This will lead to a loss of the 11 parking bays, leading to an excess provision of 2 parking bays.

However, due to the road upgrade not being in Main Roads current 4-year forward estimated construction program and is considered as a long-term proposal, the parking bays would still be available within the site to augment the parking provision.



3.4 Bicycle Parking Provision

The statutory requirements for bicycle parking in relation to the proposed development at the Site, is defined in the *City of Fremantle Local Planning Scheme No.4* and *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments* and have been summarised below in **Table 3-2**.

Table 3-2 Proposed Bicycle Parking Provision

Land Use	Bicycle Parking Requirements	Yield	Bicycle Parking Required	Bicycle Parking Provided
Residential	0.5 space per dwelling	12 apartments	6 spaces	11 spaces
Residential Visitor	1 space per 10 dwellings		2 spaces	
Showroom	Not applicable			
Warehouse	Not applicable			
Local Shop	Not applicable			
Total			8 spaces	11 spaces

11 bicycle spaces are provided on-site. 4 bicycle racks are provided on the ground floor for visitors of the residential apartments, with an additional 3 bays provided for the Shop and Showroom uses, within an enclosed bike store. For residents, additional bike parking may be provided using proposed storage spaces which are allocated to each apartment.

The proposed development also provides an End of Trip facility (two unisex showers) on the ground floor to accommodate the cyclists.



4 Changes to Surrounding Area

4.1 Road Network

It was noted that Stirling Highway will be upgraded in the future, according to Stirling Highway Carriageway Pattern Plan 1.7221. The widening of Stirling Highway will encroach onto the existing Site. However, no concrete date or plan has been set for construction. MRWA advised approx. 11 parking bays will be lost and should not be included in the development provision calculations. MRWA did concede however that no concrete date had been set for the widening and may be far into the future.

The WAPC only requires assessment to the 10-year horizon and it is expected that the widening work may not be undertaken within the 10-year window, therefore the existing parking bays can be used during this time and should be considered available.

4.2 Pedestrian/Cycle Networks

Cardno has contacted the City of Fremantle and was advised there will not be changes to the surrounding pedestrian and cycle networks.

4.3 Public Transport Services

Cardno has contacted the relevant authorities and there were no changes planned for the surrounding public transport network or services.



5 Integration with Surrounding Area

5.1 Surrounding Attractors/Generators

The major traffic generators around the Site will be the surrounding residential area, with attractors including the Early Learning School, St Anne Church, Alfred Road Park and other commercial facilities near the Site.

5.2 Proposed Changes to Surrounding Land Use

The *City of Fremantle Town Planning Scheme No. 4* does not indicate any significant changes to the zoning or land use in the area.

5.3 Level of Accessibility

The Site is located on Stirling Highway which is a primary distributor road providing major regional and inter-regional traffic movement and easy access from surrounding suburbs. Main access to the Site is proposed to be via Stirling Highway into the basement car park. Public transport access is via bus routes 103 and 107. The bus stop fronting the development on Alfred Road before Stirling Highway is one-minute walk away. The bicycle boulevard stretches along Rule Street with sealed shoulders (100 m away) and high-quality shared paths (400m away) near the Site.

6 Analysis of Transport Network

6.1 Analysis Parameters

6.1.1 Assessment Years and Time Period

As identified in the WAPC's *Transport Impact Assessment Guidelines: Individual Developments* (August 2016), it is recommended that, for analysis purposes, the appropriate assessment years include the year of full opening of the development and 10 years after full opening.

A conservative growth rate of 2.0% per annum has been adopted based on recorded traffic volumes on Stirling Highway.

6.1.2 Key Intersection

A SIDRA analysis has been undertaken for the intersection of Stirling Highway and Alfred Road as shown below in **Figure 6-1**.

Figure 6-1 Key Intersection



Source: Metromap, 2021



6.1.3 Signal Phasings

Signal phasing and timing for Stirling Highway/Alfred Road intersection has been referenced using the existing signal phasing provided by MRWA through (Intersection Diagnostics Monitor) IDM data.

6.2 Development Trip Generation

Trip generation for the proposed development has been calculated by utilising the trip generation rates from the Institute of Transportation Engineering (ITE) "Trip Generation" 10th Ed and WAPC.

Table 6-1 and **Table 6-2** represents the trip generation rate and the estimated trip generation of the proposed development.

Table 6-1 Trip Generation Rate and Directional Distribution

Land Use	Source	Trip Generation Rate		AM Directional Distribution		PM Directional Distribution	
		AM	PM	IN	OUT	IN	OUT
Multifamily Housing (Low-Rise)	ITE 220	0.56 trips per unit	0.67 trips per unit	28%	72%	59%	41%
Shop (Non-Food)	WAPC	1.25 trips per 100m ²	4 trips per 100m ²	80%	20%	50%	50%
Showroom	ITE 715	1.9 trips per 100m ²	1.8 trips per 100m ²	89%	11%	15%	85%
Warehouse	ITE 150	0.22 trips per 100m ²	0.24 trips per 100m ²	65%	35%	24%	76%

Table 6-2 Estimated Trip Generation of the Proposed Development

Land Use	Yield	Trip Generation			
		AM Peak		PM Peak	
		IN	OUT	IN	OUT
Multifamily Housing (Low-Rise)	12 Apartments	2	5	5	3
Shop (Non-Food)	391m ²	4	1	8	8
Showroom	540m ²	9	1	1	8
Warehouse	184m ²	1	1	1	1
Total		24		35	

The proposed development will generate approximately 24 trips during the AM peak and 35 trips during the PM peak. This level of additional trips is considered low and will have no material impact to the road network.

6.3 Development Traffic Distribution

It was observed during the site visit that right turn movement from Stirling Highway onto Alfred Road have been prohibited during the AM peak. Additionally, it was observed that approximately 10% of the total vehicles accessed the existing site did so by doing a right turn movement from Stirling Highway into the existing car park. It is estimated that the proposed development will have a similar traffic distribution to the existing site. The potential traffic distribution of the proposed development is shown in **Figure 6-2**.

Figure 6-2 Traffic Distribution



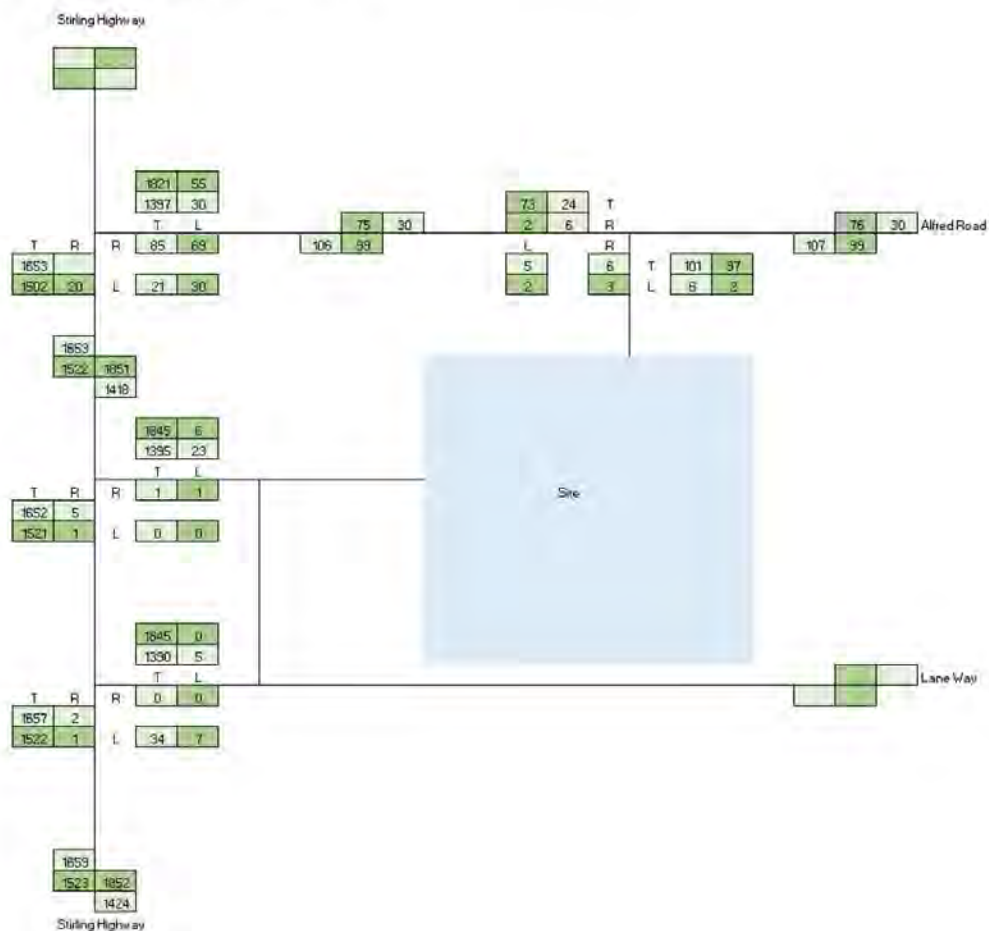


6.4 Background Traffic

Background traffic volumes were sourced from existing MRWA SCATs data for the Stirling Highway and Alfred Road intersection and supplemented by on site manual counts and queue length observations for calibration.

For a robust assessment, a conservative growth rate of 2% per annum has been applied to background traffic of the future years. **Figure 6-3** to **Figure 6-5** show the traffic distribution of existing background traffic (2018), estimated opening year (2019) and future year (2029) respectively.

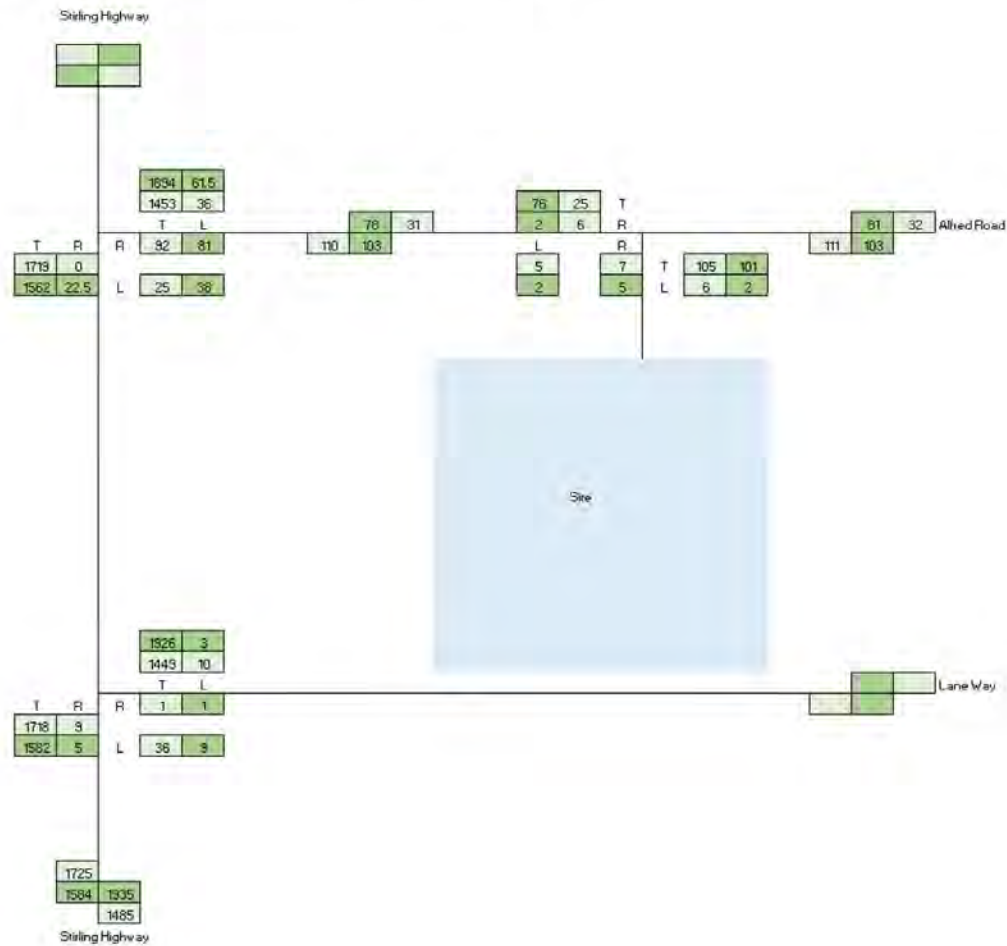
Figure 6-3 Existing Background Traffic (2021)





Transport Impact Assessment
Proposed Mixed-Use Development - No. 82-84 Stirling Highway, North Fremantle

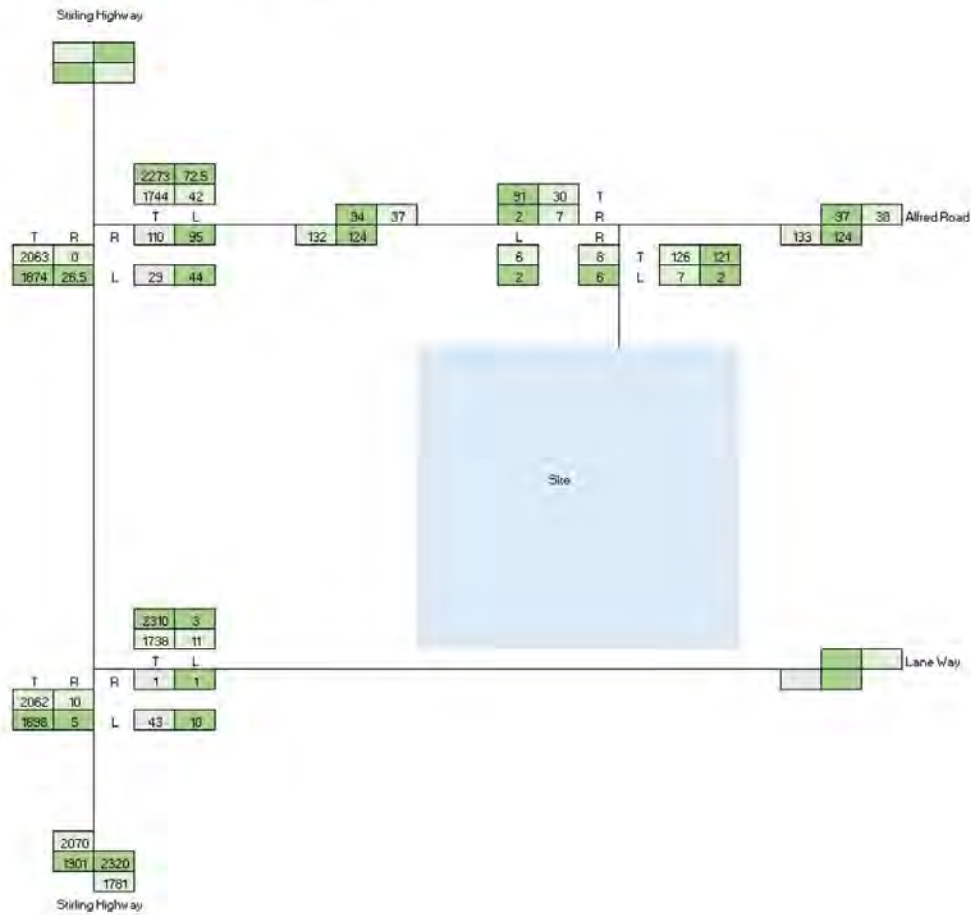
Figure 6-4 Opening Year Background (2023) + Development Traffic





Transport Impact Assessment
Proposed Mixed-Use Development - No. 82-84 Stirling Highway, North Fremantle

Figure 6-5 Future Background Traffic (2033)





6.5 Intersection Performance

SIDRA results for each approach are presented below in the form of Degree of Saturation (DOS), Average Delay, Level of Service (LOS) and 95th Percentile Queue. These characteristics are defined as follows:

- **Degree of Saturation (DOS):** is the ratio of the arrival traffic flow to the capacity of the approach during the same period. The theoretical intersection capacity is exceeded for an signalized intersection where $DOS > 0.90$;
- **95% Queue:** is the statistical estimate of the queue length up to or below which 95% of all observed queues would be expected;
- **Average Delay:** is the average of all travel time delays for vehicles through the intersection. An signalised intersection can be considered to be operated at capacity where the average delay exceeds 55 seconds for any movement; and
- **Level of Service (LOS):** is the qualitative measure describing operational conditions within a traffic stream and the perception by motorists and/or passengers. The different levels of service can generally be described as shown in **Table 6-3**.

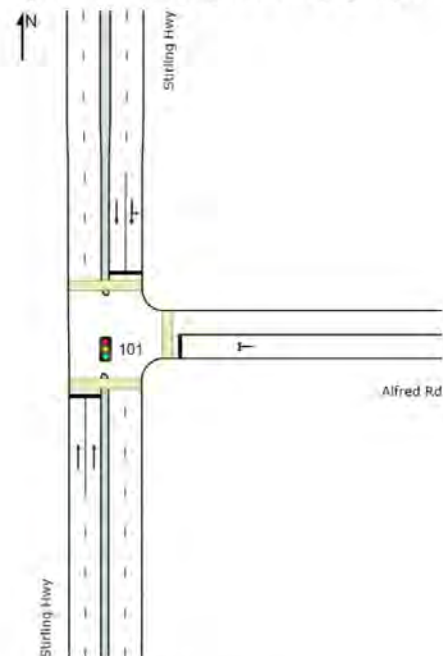
Table 6-3 Level of Service (LOS) Performance Criteria

LOS	Description	Signalised Intersection	Unsignalised Intersection
A	Free-flow operations (best condition)	≤10 sec	≤10 sec
B	Reasonable free-flow operations	10-20 sec	10-15 sec
C	At or near free-flow operations	20-35 sec	15-25 sec
D	Decreasing free-flow levels	35-55 sec	5-35 sec
E	Operations at capacity	55-80 sec	35-50 sec
F	A breakdown in vehicular flow (worst condition)	≥80 sec	≥50 sec

6.5.2 Stirling Highway / Alfred Road Intersection

Figure 6-6 represents the SIDRA layout for Stirling Highway and Alfred Road intersection.

Figure 6-6 SIDRA Layout for Stirling Highway / Alfred Road Intersection



6.5.3 Signal Phasings

Signal phasing data was obtained from SCAT's data provided by Main Roads WA and shown in **Figure 6-7**.

Figure 6-7 Signal Phasings





6.5.4 SIDRA Analysis Results

The analysis results for all scenarios are shown below from **Table 6-4** to **Table 6-4**.

Table 6-4 Stirling Highway / Alfred Road – (2021)

Intersection Approach	Weekday AM Peak					Weekday PM Peak			
		DOS	Delay (s)	LOS	Ave. Back of Queue (m)	DOS	Delay (s)	LOS	Ave. Back of Queue (m)
South: Stirling Hwy	T	* 0.643	9.4	A	204.1	0.703	10.9	B	196.0
	R	0.000	0.0		0.0	* 0.703	18.6	B	164.1
East: Alfred Rd	L	0.662	70.9	E	50.5	0.667	58.5	E	37.9
	R	* 0.662	70.9	E	50.5	* 0.667	58.5	E	37.9
North: Stirling Hwy	L	0.551	13.8	B	155.4	0.750	15.5	B	224.0
	T	0.551	8.3	A	155.8	0.750	10.0	A	224.8
All vehicles		0.662	11.0	B	204.1	0.750	11.8	B	224.8

Table 6-5 Stirling Highway / Alfred Road – (2023 + Development)

Intersection Approach	Weekday AM Peak					Weekday PM Peak			
		DOS	Delay (s)	LOS	Ave. Back of Queue (m)	DOS	Delay (s)	LOS	Ave. Back of Queue (m)
South: Stirling Hwy	T	* 0.676	10.3	B	226.4	0.745	11.9	B	220.5
	R	0.000	0.0		0.0	* 0.745	20.3	C	180.0
East: Alfred Rd	L	0.670	70.0	E	55.5	0.802	61.6	E	47.6
	R	* 0.670	70.0	E	55.5	* 0.802	61.6	E	47.6
North: Stirling Hwy	L	0.581	14.6	B	171.8	0.782	16.0	B	245.2
	T	0.581	9.0	A	172.3	0.782	10.5	B	246.1
All vehicles		0.676	11.9	B	226.4	0.802	12.9	B	246.1



Table 6-6 Stirling Highway / Alfred Road (2033 + Development)

Intersection Approach		Weekday AM Peak				Weekday PM Peak			
		DOS	Delay (s)	LOS	Ave. Back of Queue (m)	DOS	Delay (s)	LOS	Ave. Back of Queue (m)
South: Stirling Hwy	T	* 0.811	12.7	B	336.4	0.930	37.8	D	500.9
	R	0.000	0.0		0.0	0.930	53.7	D	357.9
East: Alfred Rd	L	0.796	73.6	E	68.8	0.936	73.4	E	62.5
	R	* 0.796	73.6	E	68.8	* 0.936	73.3	E	62.5
North: Stirling Hwy	L	0.697	16.1	B	241.1	0.938	39.5	D	524.4
	T	0.697	10.6	B	241.8	* 0.938	33.9	C	526.3
All vehicles		0.811	13.9	B	336.4	0.938	37.1	D	526.3

6.5.5 SIDRA Analysis Summary

- > The SIDRA analysis results show that the existing intersection has an overall LOS of B.
- > **Table 6-5** shows that that the traffic generation by the proposed development is expected to increase the overall delay slightly. However, the impact is expected to be insignificant.
- > **Table 6-6** indicated that the overall level of service is expected to decrease to LoS D in 10-year horizon. However, the main factor of this is expected to be the background traffic growth.
- > The delay on Alfred Road will generally be acceptable as the Stirling Highway has a long through movement phase.



7 Summary

This report has been prepared in accordance with the Western Australian Planning Commission (WAPC) *Transport Assessment Guidelines for Developments: Volume 4 – Individual Development*.

The following conclusions have been made in regards to the proposed development:

- The Site is proposed a mixed-use development at the Site;
- The proposed development is estimated to generate 24 trips during the AM peak and 35 trips during the PM Peak. This level of additional trips is considered low and will have no material impact to the road network;
- The proposed development satisfies the parking requirement set out in the *City of Fremantle Local Planning Scheme No.4* and *Residential Design Codes: Volume 2 – Apartments*;
- The widening of Stirling Highway is not in Main Roads current 4-year forward estimated construction program and is considered long term, therefore the parking bays to be lost could be included within the sites parking provision;
- The site is well connected by public transport, being nearby several bus spots and North Fremantle Train Station;
- SIDRA analysis results show that the Stirling Highway and Alfred Road intersection will perform satisfactory during the opening year of the proposed development; and
- SIDRA analysis shows LOS E for Alfred Road in 10-year horizon assessment. However, the overall intersection is expected to perform satisfactory with LOS B (AM) and LOS D (PM).

APPENDIX

A

WAPC CHECKLIST



Transport Impact Assessment
Proposed Mixed-Use Development - No. 82-84 Stirling Highway, North Fremantle

Item	Provided	Comments/Proposals
Summary		
Introduction/Background		
name of applicant and consultant	Section 1	
development location and context	Section 1	
brief description of development proposal	Section 2	
key issues	N/A	
Background information	Section 1	
Existing situation		
existing site uses (if any)	Section 1	
existing parking and demand (if appropriate)	N/A	
existing access arrangements	Section 3	
existing site traffic	Section 2, Section 6	
surrounding land uses	Section 2	
surrounding road network	Section 2	
traffic management on frontage roads	N/A	
traffic flows on surrounding roads (usually am and pm peak hours)	Section 2	
traffic flows at major intersections (usually am and pm peak hours)	Section 2	
operation of surrounding intersections	Section 2	
existing pedestrian/cycle networks	Section 2	
existing public transport services surrounding the development	Section 2	
Crash data	Section 2	
Development proposal		
regional context	Section 3	
proposed land uses	Section 3	
table of land uses and quantities	Section 3	
access arrangements	Section 3	
parking provision	Section 3	
end of trip facilities	Section 3	
any specific issues	N/A	
road network	Section 4	
intersection layouts and controls	N/A	
pedestrian/cycle networks and crossing facilities	Section 3	



Transport Impact Assessment
Proposed Mixed-Use Development - No. 82-84 Stirling Highway, North Fremantle

Item	Provided	Comments/Proposals
public transport services	Section 2	
Integration with surrounding area	Section 5	
surrounding major attractors/generators	Section 5	
committed developments and transport proposals	N/A	
proposed changes to land uses within 1200 metres	Section 4	
travel desire lines from development to these attractors/generators	N/A	
adequacy of existing transport networks	Section 2	
deficiencies in existing transport networks	Section 2	
remedial measures to address deficiencies	N/A	
Analysis of transport networks		
assessment years	Section 6	
time periods	Section 6	
development generated traffic	Section 6	
distribution of generated traffic	Section 6	
parking supply & demand	Section 3	
base and "with development" traffic flows	Section 6	
analysis of development accesses	N/A	
impact on surrounding roads	N/A	
impact on intersections	Section 6	
impact on neighbouring areas	N/A	
traffic noise and vibration	N/A	
road safety	N/A	
public transport access	Section 2	
pedestrian access / amenity	Section 2	
cycle access / amenity	Section 2	
analysis of pedestrian / cycle networks	Section 2	
safe walk/cycle to school (for residential and school site developments only)	N/A	
Traffic management plan (where appropriate)	N/A	

APPENDIX

B

DEVELOPMENT PLANS



About Cardno

Cardno is a professional infrastructure and environmental services company, with expertise in the development and improvement of physical and social infrastructure for communities around the world. Cardno's team includes leading professionals who plan, design, manage and deliver sustainable projects and community programs. Cardno is an international company listed on the Australian Securities Exchange [ASX:CDD].

Contact

11 Harvest Terrace
West Perth WA 6005
Australia

Phone +61 8 9273 3888
Fax +61 8 9486 8664

Web Address
www.cardno.com



ADDITIONAL INFORMATION 5 – Noise Management Plan SPP5.4



UNITED STUDIO

**82 - 84 STIRLING HIGHWAY
NORTH FREMANTLE**

SPP 5.4 NOISE MANAGEMENT PLAN

SEPTEMBER 2021

OUR REFERENCE: 28325-1-21349

Tradeable Holdings Pty Ltd ABN 65 006049 067 trading as:
HERRING STORER ACOUSTICS
P.O. Box 219, Como, WA, 6952
(08) 9367 6200
hsa@hsaacoustics.com.au



Herring Storer Acoustics

DOCUMENT CONTROL PAGE

**SPP 5.4 NOISE MANAGEMENT PLAN
82 - 84 STIRLING HIGHWAY
NORTH FREMANTLE**

Job No: 21349

Document Reference: 28325-1-21349

FOR

UNITED STUDIO

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Herring Storer Acoustics

CONTENTS

1.	INTRODUCTION	1
2.	ACOUSTIC CRITERIA	1
2.1	State Planning Policy 5.4	1
3.	MEASUREMENTS AND OBSERVATIONS	4
4.	MODELLING	5
5.	TRAFFIC NOISE ASSESSMENT	5
6.	CONCLUSION	6

APPENDICES

A	DETAILED DESIGN DEVELOPMENT
B	CALCULATED NOISE LEVELS AND REQUIRED $R_w + C_{TR}$ RATINGS
C	MRWA TRAFFIC DATA

Herring Storer Acoustics
Our ref: 28325-1-21349

1

1. INTRODUCTION

Herring Storer Acoustics were commissioned by United Studio to carry out an acoustic study with regards to traffic related noise for the proposed development at 82 - 84 Stirling Highway, North Fremantle.

The purpose of the study was to:

- Assess the noise that would be received within the development area from vehicles travelling on Stirling Highway for future traffic volumes.
- Compare the results with accepted criteria and if exceedances exist, develop the framework for the management of noise.

It is noted that with regard to State Planning Policy 5.4, that this forms a specialist acoustic assessment, taking into account the provided building design and as of such is more specific than a "Quiet House Design Package" typically recommended with State Planning Policy.

A plan is attached in Appendix A.

2. ACOUSTIC CRITERIA

2.1 STATE PLANNING POLICY 5.4

The Western Australian Planning Commission (WAPC) released on 6th September 2019 State Planning Policy 5.4 "Road and Rail Noise". The requirements of State Planning Policy 5.4 are outlined below.

POLICY APPLICATION (Section 4)

When and where it applies (Section 4.1)

SPP 5.4 applies to the preparation and assessment of planning instruments, including region and local planning schemes; planning strategies, structure plans; subdivision and development proposals in Western Australia, where there is proposed:

- a) noise-sensitive land-use within the policy's trigger distance of a transport corridor as specified in **Table 1**;
- b) New or major upgrades of roads as specified in **Table 1** and maps (**Schedule 1, 2 and 3**); or
- c) New railways or major upgrades of railways as specified in maps (**Schedule 1, 2 and 3**); or any other works that increase capacity for rail vehicle storage or movement and will result in an increased level of noise.

Policy trigger distances (Section 4.1.2)

Table 1 identifies the State's transport corridors and the trigger distances to which the policy applies.

The designation of land within the trigger distances outlined in **Table 1** should not be interpreted to imply that land is affected by noise and/or that areas outside the trigger distances are un-affected by noise.

Where any part of the lot is within the specified trigger distance, an assessment against the policy is required to determine the likely level of transport noise and management/mitigation required. An initial screening assessment (**guidelines: Table 2: noise exposure forecast**) will determine if the lot is affected and to what extent."

TABLE 1: TRANSPORT CORRIDOR CLASSIFICATION AND TRIGGER DISTANCES

Transport corridor classification	Trigger distance	Distance measured from
Roads		
Strategic freight and major traffic routes Roads as defined by Perth and Peel Planning Frameworks and/or roads with either 500 or more Class 7 to 12 Austroads vehicles per day, and/or 50,000 per day traffic volume	300 metres	Road carriageway edge
Other significant freight/traffic routes These are generally any State administered road and/or local government road identified as being a future State administered road (red road) and other roads that meet the criteria of either >=23,000 daily traffic count (averaged equivalent to 25,000 vehicles passenger car units under region schemes)	200 metres	Road carriageway edge
Passenger railways	100 metres	Centreline of the closest track
Freight railways	200 metres	Centreline of the closest track

Proponents are advised to consult with the decision making authority as site specific conditions (significant differences in ground levels, extreme noise levels) may influence the noise mitigation measures required, that may extend beyond the trigger distance.

POLICY MEASURES (Section 6)

The policy applies a performance-based approach to the management and mitigation of transport noise. The policy measures and resultant noise mitigation will be influenced by the function of the transport corridor and the type and intensity of the land-use proposed. Where there is risk of future land-use conflict in close proximity to strategic freight routes, a precautionary approach should be applied. Planning should also consider other broader planning policies. This is to ensure a balanced approach takes into consideration reasonable and practical considerations.

Noise Targets (Section 6.1)

Table 2 sets out noise targets that are to be achieved by proposals under which the policy applies. Where exceeded, an assessment is required to determine the likely level of transport noise and management/mitigation required.

In the application of the noise targets the objective is to achieve:

- indoor noise levels as specified in **Table 2** in noise sensitive areas (for example, bedrooms and living rooms of houses, and school classrooms); and
- a reasonable degree of acoustic amenity for outdoor living areas on each residential lot. For non-residential noise-sensitive developments, for example schools and child care centres the design of outdoor areas should take into consideration the noise target.

It is recognised that in some instances, it may not be reasonable and/or practicable to meet the outdoor noise targets. Where transport noise is above the noise targets, measures are expected to be implemented that balance reasonable and practicable considerations with the need to achieve acceptable noise protection outcomes.

TABLE 2: NOISE TARGETS

Proposals	New/Upgrade	Noise Targets		
		Day ($L_{Aeq}(\text{Day})$ dB) (6 am-10 pm)	Night ($L_{Aeq}(\text{Night})$ dB) (10 pm-6 am)	Indoor (L_{Aeq} dB)
Noise-sensitive land-use and/or development	New noise sensitive land use and/or development within the trigger distance of an existing/proposed transport corridor	55	50	$L_{Aeq}(\text{Day})$ 40 (Living and work areas) $L_{Aeq}(\text{Night})$ 35 (bedrooms)
Roads	New	55	50	N/A
	Upgrade	60	55	N/A
Railways	New	55	50	N/A
	Upgrade	60	55	N/A

Notes:

- The noise target is to be measured at one metre from the most exposed, habitable façade of the proposed building, which has the greatest exposure to the noise-source. A habitable room has the same meaning as defined in State Planning Policy 3.1 Residential Design Codes.
- For all noise-sensitive land-use and/or development, indoor noise targets for other room usages may be reasonably drawn from Table 1 of Australian Standard/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors (as amended) for each relevant time period.
- The 5dB difference in the criteria between new and upgrade infrastructure proposals acknowledges the challenges in achieving noise level reduction where existing infrastructure is surrounded by existing noise-sensitive development.
- Outdoor targets are to be met at all outdoor areas as far as is reasonable and practical to do so using the various noise mitigation measures outlined in the guidelines. For example, it is likely unreasonable for a transport infrastructure provider to achieve the outdoor targets at more than 1 or 2 floors of an adjacent development with direct line of sight to the traffic.

Noise Exposure Forecast (Section 6.2)

When it is determined that SPP 5.4 applies to a planning proposal as outlined in Section 4, proponents and/or decision makers are required to undertake a preliminary assessment using **Table 2**: noise exposure forecast in the guidelines. This will provide an estimate of the potential noise impacts on noise-sensitive land-use and/ or development within the trigger distance of a specified transport corridor. The outcomes of the initial assessment will determine whether:

- no further measures is required;
- noise-sensitive land-use and/or development is acceptable subject to deemed-to-comply mitigation measures; or
- noise-sensitive land-use and/or development is not recommended. Any noise-sensitive land-use and/or development is subject to mitigation measures outlined in a noise management plan.¹⁰

3. MEASUREMENTS AND OBSERVATIONS

The noise measurements were conducted on 6 September 2021 for a short term period during peak hour to determine the L_{A10} noise level. Utilising this measurement, reference to the DEFRA publication has been sought and the difference between the $L_{A10,15hr}$ and the $L_{Aeq,9hr}$ and the $L_{Aeq,15hr}$ has been calculated. The results of the measurement and the determination of the $L_{Aeq}(Day)$ and $L_{Aeq}(Night)$ are shown in Table 3.1.

Noise measurements were conducted with a Larson Davis 831 Sound Level Meter. The Sound Level Meter was calibrated prior to and after use with a Bruel and Kjaer 4230 Calibrator. All equipment used is currently NATA laboratory calibrated. Calibration certificates are available on request.

TABLE 3.1 : SUMMARY OF MEASURED NOISE LEVELS

Measurement Location	Measured/Calculated Noise Level, dB(A)		
	L_{A10}	$L_{Aeq, day}$ (5am to 10pm)	$L_{Aeq, night}$ (10pm to 5am)
84 Stirling Highway	73.2	70.5	62.1

Herring Storer Acoustics
Our ref: 28325-1-21349

5

4. MODELLING

To determine the noise levels from traffic on Stirling Highway, acoustic modelling was carried out using SoundPlan, using the Calculation of Road Traffic Noise (CoRTN)¹ algorithms.

The input data for the model included:

- Topographical and cadastral data supplied by client (Shown in Appendix A);
- Traffic data as per Table 4.1;
- Adjustments as listed in Table 4.2.

TABLE 4.1 - NOISE MODELLING INPUT DATA

Parameter	Stirling Highway (Current) 2020	Stirling Highway (Future) 2041
Traffic Volumes	30,900 vpd	46,850 vpd*
Percentage traffic 0600 – 2400 hours (Assumed)	94%	94%
Heavy Vehicles (%) (Assumed)	8.7%	8.7%
Speed (km/hr)	60km/hr	60km/hr

* Sourced from Main Roads Traffic Map (Shown in Appendix C), Assumed 2% Increase Per Annum.

TABLE 4.2 – ADJUSTMENTS FOR NOISE MODELLING

Description	Value
Façade Reflection Adjustment	+2.5 dB
Conversion from $L_{A10}(15\text{ hour})$ to $L_{A05}(15\text{ hour})$ (Day)	-2.7 dB*

* Based on measured results listed in Table 3.1.

5. TRAFFIC NOISE ASSESSMENT

Using the data contained in Tables 3.1, 4.1 and 4.2 modelling was carried out under existing conditions for calibration. The SoundPlan model for the site has been set up for the 2041 scenario as defined in Table 4.1. The following assumptions have been made:

- 18 hour traffic count will be 94% of daily figures;
- Noise model calibrated to measured noise level as per Table 3.1;
- The same diurnal relationship will exist in the future between the $L_{A10}(15\text{ hour})$ and the $L_{A05}(15\text{ hour})$ parameters; and
- 2.5 dB(A) has been added to the results for façade reflection.

The results of the noise modelling as well as required R_w ratings for windows are shown in Appendix B.

¹ Calculation of Road Traffic Noise UK Department of Transport 1987

Herring Storer Acoustics
Our ref: 28325-1-21349

6

6. CONCLUSION

In accordance with the WAPC Planning Policy 5.4, an assessment of the noise that would be received within the development of 82 - 84 Stirling Highway, North Fremantle, from vehicles travelling on Stirling Highway has been undertaken.

In accordance with the Policy, the following would be the acoustic criteria applicable to this project:

External

Day	55 dB(A) $L_{A(0.5)}$
Night	50 dB(A) $L_{A(0.5)}$

Internal

Sleeping Areas	35 dB(A) $L_{Aeq(100hr)}$
Living Areas	40 dB(A) $L_{Aeq(100hr)}$

The results of the acoustic assessment indicate that noise received at the development from future traffic, exceed external noise level criteria. Therefore, noise amelioration in the form of quiet house design upgrades as listed in Appendix B is required.

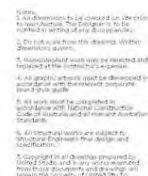
NOTE : R_w ratings are a function of outdoor noise levels combined with glazing size. A reduction of half to glazing size results in a reduction of 3 dB(A) required R_w .

Similarly, walls have been assumed to be masonry, or tilt up concrete panel. If a lightweight construction is desirable, exact construction will need to be investigated and specified.

Additionally, notifications on the title for the development would be required.

APPENDIX A

Detailed Design Development

Woodward Assets Pty
Ltd

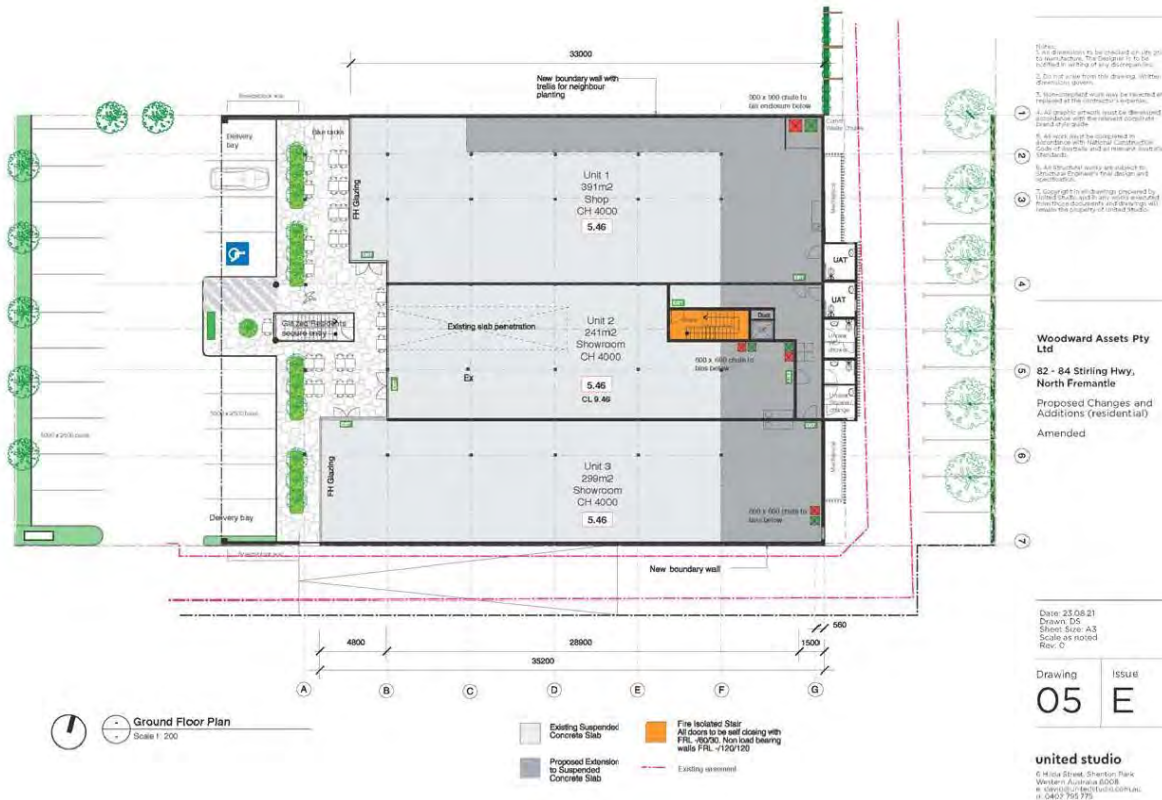
82 - 84 Stirling Hwy,
North Fremantle

Proposed Changes and Additions (residential)
Amended

Date: 23.08.21
Drawn: DS
Sheet Size: A3
Scale as noted
Rev: 0

Drawing	Issue
04	E

united studio
© Hilpa Street, Shenton Park
Western Australia 6008
e: studio@unitedstudio.com.au
p: 0462 795 775





1. The drawings are to be prepared on the basis of the information provided by the client.
2. The client is responsible for the accuracy of the information provided.
3. The client is responsible for the accuracy of the information provided.
4. The client is responsible for the accuracy of the information provided.
5. The client is responsible for the accuracy of the information provided.
6. The client is responsible for the accuracy of the information provided.
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11. The client is responsible for the accuracy of the information provided.
12. The client is responsible for the accuracy of the information provided.

Woodward Assets Pty
Ltd
82 - 84 Stirling Hwy,
North Fremantle
Proposed Changes and
Additions (residential)
Amended

Date: 21.08.21
Drawn: DS
Sheet Size: A3
Scale: as noted
Rev: C

Drawing
06

Issue
E

united studio
6 Hilda Street, Shenton Park
Western Australia 6008
P: 08 9437 7000
E: info@unitedstudio.com.au
W: www.unitedstudio.com.au

APPENDIX B

Calculated Noise Levels and Required $R_w + C_{tr}$ Ratings

Calculated Noise Levels and Required R_w and C_{tr} Ratings		
Location	Noise Level	$R_w + C_{tr}$ dB
U1 LIVING NORTH	58	24
U1 LIVING WEST	70	36
U1 BEDROOMS	66	37
U1 BATH	70	30
U2 LIVING	55	23
U2 BEDROOMS	61	32
U3 LIVING	53	23
U3 BEDROOMS	58	29
U4 LIVING	52	23
U4 BEDROOMS	56	27
U5 LIVING	50	23
U5 BEDROOMS	55	26
U6 LIVING	50	23
U6 BEDROOMS	53	24
U7 LIVING	66	31
U7 BEDROOM EAST	63	34
U7 BEDROOM WEST	70	38
U7 CORRIDOR	63	27
U8 LIVING	58	24
U8 BEDROOMS	57	28
U8 CORRIDOR	57	23
U9 LIVING	54	23
U9 BEDROOMS	53	24
U9 CORRIDOR	53	23
U10 LIVING	51	23
U10 BEDROOMS	51	23
U10 CORRIDOR	51	23
U11 LIVING	50	23
U11 BEDROOMS	49	23
U11 CORRIDOR	49	23
U12 LIVING	48	23
U12 BEDROOMS	48	23
U12 CORRIDOR	48	23
U1-6 Front Doors	-	28 (R_w Only)
U7-12 Front Door	-	24 (R_w Only)

Notes: The required R_w rating can be reduced by reducing the area of glazing.
The above R_w values have an assumed C_{tr} of 3.

APPENDIX C

MRWA TRAFFIC DATA



Hourly Volume

Stirling Hwy (H014)

North of Queen Victoria St (SLK 14.70)

SITE 591.7

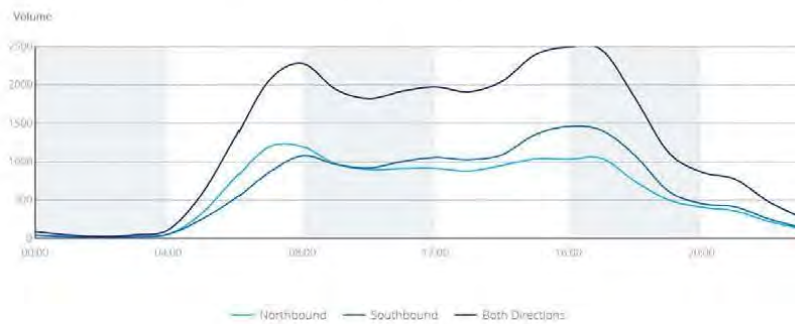
2020/21
Monday to Friday

	All Vehicles			Heavy Vehicles				
	NB	SB	Both	NB	SB	Both	%	
00:00	44	46	90	1	1	2	2.2	
01:00	27	27	48	1	2	3	6.3	
02:00	14	13	27	1	0	1	3.7	
03:00	28	21	49	4	2	6	12.2	
04:00	59	58	117	6	6	12	10.3	
05:00	328	353	581	34	30	54	9.3	
06:00	731	524	1318	12	50	162	12.3	
07:00	1197	865	2062	72	78	250	12.1	
08:00	1200	1081	2281	154	117	271	11.9	
09:00	975	960	1944	116	94	210	10.8	
10:00	907	971	1823	104	101	204	11.2	
11:00	915	1006	1921	94	102	196	10.2	
12:00	917	1038	1975	93	96	189	9.9	
13:00	863	1030	1913	79	88	167	8.7	
14:00	956	1006	2051	86	105	188	9.2	
15:00	1049	1258	2397	100	127	227	9.5	
16:00	1034	1461	2495	87	110	197	7.9	
17:00	1046	1410	2456	77	96	173	7.0	
18:00	246	1088	1829	41	57	93	5.1	
19:00	507	620	1127	22	19	41	3.6	
20:00	410	458	868	11	12	23	2.6	
21:00	361	415	776	10	8	18	2.3	
22:00	225	260	486	4	5	9	1.9	
23:00	30	144	274	2	9	7	2.6	
TOTAL	14738	16170	30908	1410	1293	2703	8.7	



Peak Statistics

AM	TIME	07:30	08:15	08:00	07:15	08:00	07:45
	VOL	1128	1082	2281	81	117	278
PM	TIME	16:45	15:30	16:45	14:45	15:15	15:15
	VOL	1076	1038	2511	104	135	229

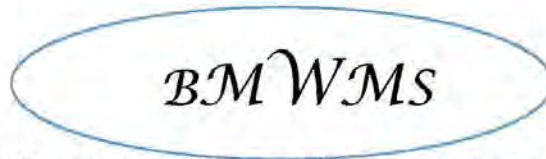


ADDITIONAL INFORMATION 6 – Waste Management Plan

United Studio

**Waste Management Plan - 82-84 Stirling Highway,
North Fremantle**

30 August 2021



Bill Marchbank Waste Management Services

30 August 2020



United Studio
6 Hilda Street
Shenton Park
Western Australia 6008

Attention: David Smith,

Dear David,

Re: Waste Management Plan for 82-84 Stirling Highway, North Fremantle

We are pleased to submit this Waste Management Plan, outlining the proposed operation of the waste and recycling systems at 82-84 Stirling Highway, North Fremantle. Our research included an appraisal of the physical site, reference to Waste Management Plan Guidelines, pertaining to both multiple residential developments and Commercial & Industrial developments, along with consultation with Council Officers from the City of Fremantle. The plan outlines a range of procedures and infrastructure to be adopted in relation to conducting these operations in future, in order to comply with the relevant guidelines and to achieve an effective and efficient waste management service.

Should you wish to discuss any matters concerning this plan, please contact Bill Marchbank on 0415 095 956.

Yours sincerely

W Marchbank

Bill Marchbank Waste Management Services

Mobile: +61 415 095 956

Email: bill.marchbank@bigpond.com

Use of this Waste Management Plan: The preparation of this plan has been undertaken for the purpose of the planning process, in relation to the collection of Waste & Recyclable materials from residential premises and leased commercial units, located at 82-84 Stirling Highway, North Fremantle. This plan is prepared solely for the benefit of United Studio and their client. This plan is provided on the condition that it, or any part of it, will not be made available to, or relied upon by any other party for any purpose except with the prior written consent of Bill Marchbank Waste Management Services (which consent may or may not be given at its discretion). Bill Marchbank Waste Management Services consents to the United Studio making this report available to other parties for the purpose of showing the scope of the findings provided in this plan; however, those third parties cannot rely on the contents of this report.

Disclaimer: This plan is provided on the condition that Bill Marchbank Waste Management Services disclaims all liability to any person other than United Studio and their client in respect of the actions, errors or omissions of any such person in reliance, whether in whole or in part, upon the contents of this report.

Report Limitations: This plan is provided on the basis of planning drawings, as agreed with United Studio. In the event that further studies are warranted, additional study and reporting can occur.

Declaration of Interest: Bill Marchbank Waste Management Services is an independent consultancy, providing services to the broader WA waste management sector. However, there are no conflicts of interest that have not been declared in relation to this project.

Document Control:

Version	Date Issued	Author	Reviewer	Reference
1	20 February 2019	Bill Marchbank	David Smith	Waste Management Plan 2019 02 20
2	3 August 2021	Bill Marchbank	David Smith	Waste Management Plan 2021 08 03
3	11 August 2021	Bill Marchbank	David Smith	Waste Management Plan 2021 08 11
4	30 August 2021	Bill Marchbank	David Smith	Waste Management Plan 2021 08 30

Contents

1. Background:	5
2. Waste Management System Outline:	5
3. Additional Management Requirements, Including the Dissemination of Waste-Related	7
4. References:	7
5. Attachments:	7

1. Background:

The site at 82-84 Stirling Highway, North Fremantle is scheduled for redevelopment, to accommodate some of the existing tenants, along with scope to accommodate other tenants.

Address: 82-84 Stirling Highway, North Fremantle;

Development area: The overall area of the site measures approximately 3,000m², with the current gross lettable area measuring approximately 1,360m², over 2 levels. It is proposed to increase the gross lettable area by approximately 800m².

Nature of the Development: Overall, the complex will comprise of the following:

- 3 commercial units on the ground floor;
- 12 residential units on the first floor; and
- Undercover basement and outside ground level parking, allowing for 47 carparks; including 3 bays for deliveries; and 11 bicycles.

Ownership and Management Details: The owner & developer is John Woodward, who can be contacted on 0415 952 981. The site is being developed as a strata development and the current owner will continue to be involved in the management of the site following the redevelopment.

Vehicle Movements: Occupants of the site will continue to have access to the basement carpark, via the existing ramp, from Stirling Highway. Visitors to site, including delivery vehicles, will have access to the site from Stirling Highway, with access from Alfred Road also. It is assumed that approximately 150 vehicle movements can be anticipated per day Monday-Friday.

Projected Number of Tenants and Personnel Employed Onsite: At this stage, it is envisaged that approximately 40 personnel will occupy the site during normal business hours.

Details Of Contact with The City of Fremantle in Relation to Waste Management Onsite: Various communications occurred, including those conducted as part of the development approvals process. In addition to this, our Waste Management Consultant contacted the City of Fremantle for guidance in relation to servicing options available from the City's Waste Management Department. The City's Waste Team Leader suggested that 240L MGB's would be suitable and that these containers could be presented onsite (preferable to placement by Stirling Highway) for servicing on an agreed frequency, including the provision of services over the weekend, with additional charges applied, if required. The City's Waste Team Leader provided information in relation to other options being available, including the utilisation of 240L MGB's for the collection of Food Organics & Garden Organics (FOGO), serviced by the City's collection service provider, the deployment of 240L MGB's free of charge for the collection of eligible Container Deposit Scheme (CDS) containers, as well as Cardboard-only recycling services, available from private contractors.

2. Waste Management System Outline:

Projected Waste Composition and Generation Rates: The development will accommodate approximately 930 square metres of lettable space. Based upon waste generation rates outlined in the WALGA Waste Management Plan Guidelines, A Resource for Western Australian Local Government and Developers; and Commercial and Industrial Waste Management Plan Guidelines, A Resource for Western Australian Local Government, Developers, Building Managers and Business Owners, it is estimated that approximately 3,700 litres of general waste and 2,780 litres of recyclable waste might be generated from these tenancies across a normal week. It is estimated that the

equivalent of 16 x 240L MGB's would be sufficient for General Waste and 24 x 240L MGB's would be sufficient for Recyclable Waste for the overall development. Alternatively, the City provides Commercial sites with 1.5m³ &/or 3.0m³ containers for the collection of General Waste, as do private contractors that service the Fremantle area. Again, the City would prefer that these containers were presented for collection onsite, to minimise disruption to traffic flows on Stirling Highway and surrounding roadways.

Given the range of waste collection and recycling options available in the current day, the developer could also consider the provision of FOGO service, eg 2 x 240L MGB's for the containment of food and organic waste from residential premises, along with a CDS Containers for Change service, whereby the City would provide 240L MGB's free of charge, to divert eligible CDS containers directly to the CDS scheme for recycling. The effect of these two systems would likely enable a lesser number of waste and recycling containers being required onsite.

Bin Storage Area: It is proposed to establish a bin compound in the basement area, to allow for the storage of approximately 40 x 240 litre MGB's, ie for both Refuse and Recycling. The bin compound can be designed to include a door opening width of 1,200mm, to allow for the possibility of utilising 1,100L MGB's; 1.5m³ &/or 3.0m³ Front Lift waste containers. Bins would normally be located in this compound and then be moved to the collection point, ready for collection by the City of Fremantle &/or private contractors.

There are a range of practical reasons to justify the approach outlined in the previous paragraph, including the following:

- Waste collections could be scheduled to coincide with the servicing of waste bins from the adjoining residential and commercial development, ie The Rose;
- Scheduling the collection and removal of waste on the same day as the adjoining property will reduce the number of vehicle movements associated with service vehicles required to visit the precinct, along with a corresponding reduction in the noise and emissions generated per bin collection, as well as the safety of other vehicle &/or pedestrian traffic in the area;
- It is anticipated that the use of MGB's &/or Front Lift bins with fitted hinged lids, will enable the bins to be closed to the elements and to provide a barrier to entry against vermin, as well as containing odours that may emanate from the waste contained within the bins;

Access to site and the servicing of waste containers: Please refer to the supporting drawings, showing the location of the bin storage compound, access pathways for residents and access pathways for moving bins from storage areas to the presentation point for servicing.

Proposed Bin Collection Methodology & Frequency for Waste & Recycling: It is proposed to deploy a suitable number of waste bins to enable the alignment of collection frequency and scheduling with that of the adjoining site for Waste, Recycling and FOGO. In the event that additional services are required, the occupants will be able to request additional services from Council &/or obtain services from private sector waste management companies.

Proposed Collection Points with Reference to Scale-Drawing: it is proposed that the waste containers be moved from the bin compound to the collection point, for collection. Initially, the collection frequency would be weekly, however this frequency can be increased &/or additional 240L MGB's deployed, to suit demand. Alternatively, larger MGB's could be deployed, eg 660L, 1,100L, 1.5m³ &/or 3.0m³ capacity containers.

3. Additional Management Requirements, Including the Dissemination of Waste-Related

Education and Awareness: Given that the City of Fremantle may well be the service provider for the collection and removal of waste from the site, including Municipal Solid Waste, Recyclables and FOGO, the City has personnel that can assist, including the Waste Team Leader and a Waste Minimisation Officer, available free of charge to provide additional support in relation to these services. Other education and awareness resources that we would envisage utilising, include bin stickers, eg "What Goes in the Bin" stickers affixed to each MGB, and/or other literature, as provided by the City &/or alternative suppliers.

Security Issues: Under normal circumstances, the bin compound would be secured by closed gates, which would aim to deter illegal dumping, theft of and/or damage to the waste containers.

Information, to be Implemented and Maintained for the Life of the Development:

In addition to the educational and awareness information provided by the City's Waste Minimisation Team, additional information on how to use the waste collection system properly will be provided to each tenant in an Information Pack at the commencement of the tenancy. This information can then be reviewed and reiterated on a periodical basis through the strata management arrangement onsite.

Monitoring of the System: Part of the scope of works, that would be issued to the cleaning and waste management service providers, will include directions on how the system can be monitored by those contractors.

4. References:

WALGA Multiple Dwelling Waste Management Plan Guidelines, A Resource for Western Australian Local Government and Developers; and

WALGA Commercial and Industrial Waste Management Plan Guidelines, A Resource for Western Australian Local Government, Developers, Building Managers and Business Owners.

5. Attachments:

WALGA Multiple Dwelling Waste Management Plan Guidelines, A Resource for Western Australian Local Government and Developers;

WALGA Commercial and Industrial Waste Management Plan Guidelines, A Resource for Western Australian Local Government, Developers, Building Managers and Business Owners; and

Please refer to copies of drawings &/or other planning documentation that have been provided in support of this Waste Management Plan.

ADDITIONAL INFORMATION 7 – Main Roads WA Referral Response



mainroads
WESTERN AUSTRALIA

Enquiries: John McDonald on (08) 9323 6210
Our Ref: 18/8118 (D21#744813)
Your Ref: DA0250/21

29 October 2021

Chief Executive Officer
City of Fremantle
70 Parry Street
Fremantle WA 6160

Email: info@fremantle.wa.gov.au

Dear Sir/Madam,

82-84 Stirling Highway, North Fremantle – DA0250/21 [Mixed Use development]

Main Roads has no objections subject to the following conditions being imposed:

Conditions

1. Prior to occupation of the development, Lot 11 (82) and Lot 12 (84) Stirling Highway must be amalgamated.
2. The area within the Stirling Highway Primary Regional Road reserve that is required for future road purposes must not be included in the car parking requirements for this development.
3. This noise-sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with WAPC *State Planning Policy 5.4 Road and Rail* and implement Noise Insulation "Deemed to Comply" packages for this residential development.
4. Prior to the occupation of the building, certification from a qualified acoustic consultant is to be submitted confirming Condition 2 has been achieved. This certification must be provided to the City of Fremantle.
5. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate of Title of the proposed development. The notification is to state:
"The lots are situated in the vicinity of a transport corridor and are currently affected, or may in the future be affected by transport noise."
6. The redundant crossover on Stirling Highway must be removed and the footpath/verge reinstated at the applicant's cost.
7. No works are permitted within the Stirling Highway road reserve unless Main Roads has issued a Working on Roads permit.

Main Roads Western Australia
Don Aitken Centre, Waterloo Crescent, East Perth WA 6004
PO Box 6202, East Perth WA 6892

mainroads.wa.gov.au
enquiries@mainroads.wa.gov.au
138 138

Version 1 July 2019



8. In the event, where private infrastructure, including the signs contained within the widened road reservation/land requirement as detailed in Land Protection Plan 1.3340/4, upon receipt of a notice from Main Roads, the infrastructure is to be removed and the verge made good at the applicant's expense.
9. Any illumination of the proposed pylon sign must not exceed 300cd/m² (candela per square metre) between sunset and sunrise.
10. The sign must not flash, pulsate or chase.
11. The pylon sign must not contain fluorescent, reflective or retro reflective colours or materials.
12. No waste collection is permitted from the Stirling Highway road reserve.

Advice

- a) This property is affected by land reserved in the Metropolitan Region Scheme as shown on the attached Main Roads Drawing Land Protection Plan 1.3340/4 and will be required for road purposes at some time in the future.
- b) The existing car parking located at the front of the site within, or affected by, the future road widening is to be viewed as temporary and surplus parking only to the parking requirements defined under the City of Fremantle's Local Planning Scheme No.4.
- c) The applicant is advised that when Stirling Highway is upgraded, that access to/from the highway via the easement on Lot 7 (80) Stirling Highway is planned to be limited to left-in/left-out vehicle movements only.
- d) The upgrading/widening of Stirling Highway is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long-term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.
- e) The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the Stirling Highway road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.



mainroads
WESTERN AUSTRALIA

Should the City disagree with or resolve not to include as part of its conditional approval any of the above conditions or advice, Main Roads requests an opportunity to meet and discuss the application further, prior to a final determination being made.

Main Roads requests a copy of the City's final determination on this proposal to be sent to planninginfo@mainroads.wa.gov.au quoting the file reference above.

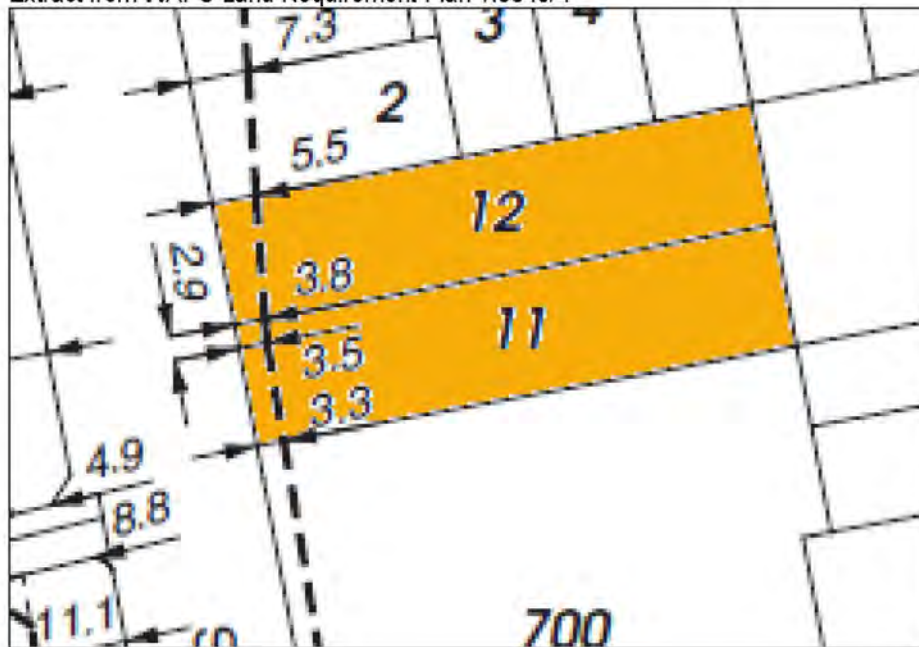
Yours sincerely

Maryanne Thornely
Planning Assessment Coordinator

Encl: Extract from WAPC Land Requirement Plan 1.3340/4

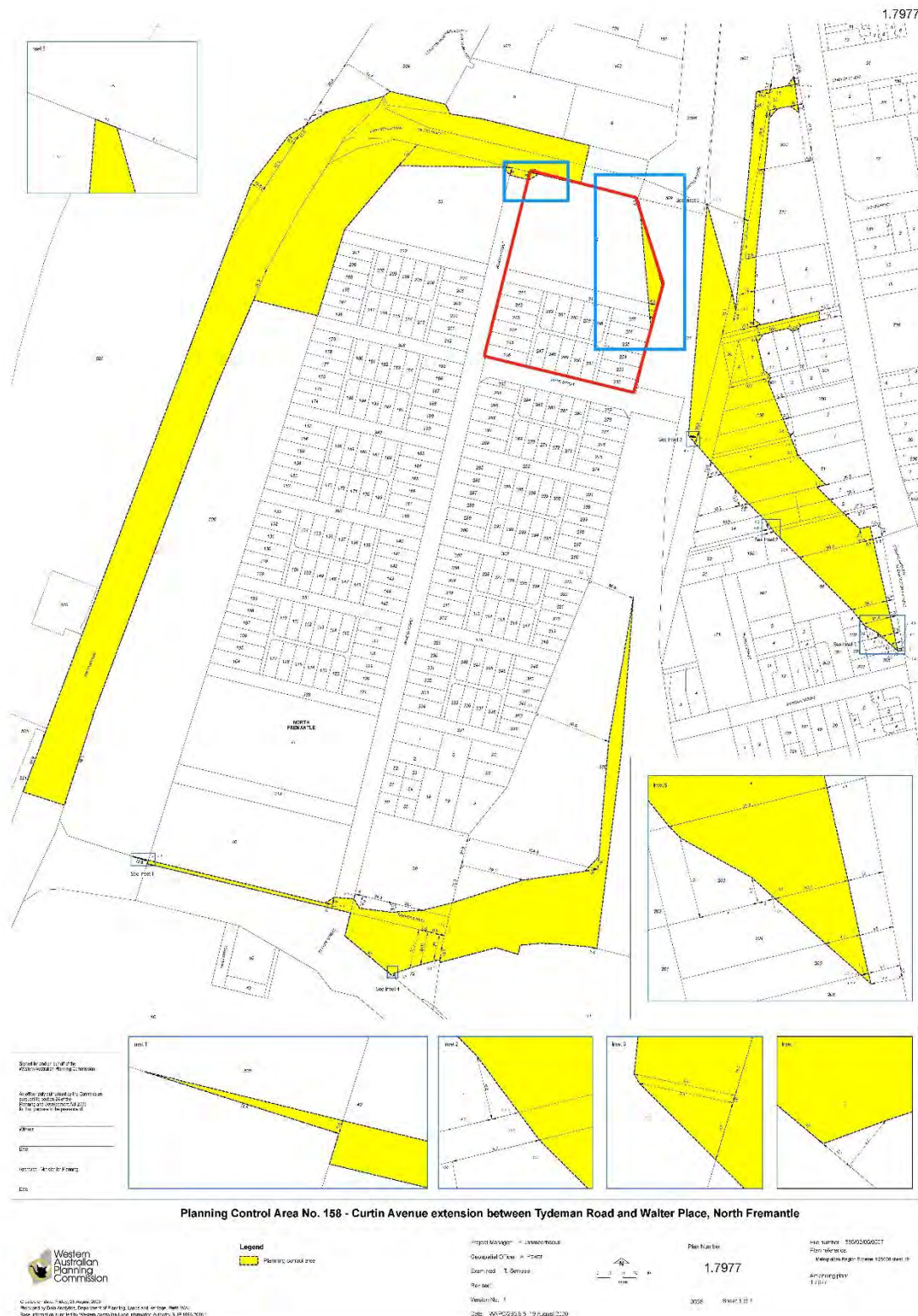


Extract from WAPC Land Requirement Plan 1.3340/4



**PC2202-2 DEFERRED ITEM - BRACKS STREET, NO.90 (LOTS 241 – 260),
NORTH FREMANTLE – DEMOLITION OF EXISTING BUILDINGS AND
STRUCTURES – (CS DA0440/21)**

ADDITIONAL INFORMATION 1 – WAPC Plan No.1.7977



ADDITIONAL INFORMATION 2 – WAPC Decision Letter (5 January 2022)



Our Ref : 05-55-5
Enquiries : Mark Simpson (Ph 6551 9262)

Application for Approval to Commence Development plans dated 28 October 2021 received 28 October 2021.

Lot Number	: 54, 241-262, 311 & 349
Location	: -
Plan / Diagram	: Plan 1593, Deposited Plan 222459
Volume/Folio	: 1438/698, 1438/699, 1438/700
Locality	: Bracks Street, North Fremantle
Owner	: North Fremantle J V Pty Ltd C/O Level 7, 160 St Georges Terrace PERTH WA 6000

Under the provisions of the *Planning and Development Act 2005* this application has been referred for determination by the Western Australian Planning Commission.

The application has now been considered by the Commission and the formal notice setting out the terms of the decision is attached.

A copy of this decision has been forwarded to the Local Government for information.



Where the Commission refuses approval to commence development in a planning control area, or grants permission subject to conditions that are unacceptable to the applicant, the owner may claim compensation for such injurious affection in accordance with the provisions of Section 186 of the *Planning and Development Act 2005*.

Should the applicant be aggrieved by this decision there is a right to apply for a review pursuant to the provisions of Section 250 of the *Planning and Development Act 2005*. Such an application for review must be submitted to the State Administrative Tribunal, Level 6, State Administrative Tribunal Building, 565 Hay Street, PERTH WA 6000 in accordance with Part 14 of the *Planning and Development Act 2005*. It is recommended that you contact the State Administrative Tribunal for further details (telephone 9219 3111) or go to its website: <http://www.sat.justice.wa.gov.au>.

ADVICE TO APPLICANT

1. This property is affected by land reserved under Planning Control Area 158 as shown on the attached WAPC Plan No.1.7977 and will be required for road purposes at some time in the future.
2. In regard to Condition 3, this approval may be subject to a further two year approval extension in accordance with Section 33 of the *COVID-19 Response and Economic Recovery Omnibus Act 2020*.
3. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licenses required, and to commence and carry out development in accordance with all relevant laws.
4. In regard to Condition 4, the City of Fremantle advises that the Demolition Management Plan will need to address the following matters:
 - a) the use of City car parking bays for construction related activities;
 - b) protection of infrastructure and street trees within the road reserve;
 - c) security fencing around construction sites;
 - d) gantries;
 - e) access to site by construction vehicles;
 - f) contact details;
 - g) site offices;
 - h) noise - construction work and deliveries;
 - i) sand drift and dust management;
 - j) waste management;
 - k) dewatering management plan;
 - l) traffic management; and
 - m) works affecting pedestrian areas.
5. Main Roads Western Australia advises that the applicant is required to submit an application form if undertaking any works within the Port Beach Road or Curtin Avenue

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
Tel: (08) 6551 8002; Fax: (08) 6551 9001; Infoline: 1800 626 477
e-mail: info@dph.wa.gov.au; web address: <http://www.dph.wa.gov.au>
ABN 35 482 341 493



road reserves prior to undertaking those works. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.

6. Main Roads Western Australia advises that the upgrading/widening of Curtin Avenue and Port Beach Road are not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided.
7. The Public Transport Authority of Western Australia (PTA) advises that, as the proposed works are within 50 metres of the PTA's Rail Reserve (or the PTA Protect Zone), the owner must seek PTA's approval for working in close proximity to the operating railway prior to conducting the proposed demolition works. The Public Transport Authority (PTA) advises that the applicant/owner should submit the following documents to PTAThirdPartyAccess@pta.wa.gov.au at least six weeks prior to the commencement of works:
 - a) A completed Checklist as located within Appendix 2 of PTA Procedure 8103-400-004 'Working in and around the PTA Rail Corridor, Assets and Infrastructure' and all required documents listed within the Checklist.
 - b) A Work Method Statement.
 - c) Details of plant and equipment that will be used, including cranes, and their location within the worksite.All PTA specifications and procedures can be obtained on the PTA Vendor Portal <https://www.pta.wa.gov.au/vendor/>.
8. Atco Gas Australia advises that anyone proposing to carry out construction or excavation works within 15 of Critical Asset Infrastructure must contact 'Dial Before You Dig' (Ph 1100) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>.



Ms Sam Fagan
Secretary
Western Australian Planning Commission
5 January 2022

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
Tel: (08) 6551 8002; Fax: (08) 6551 9001; Infoline: 1800 626 477
e-mail: info@dph.wa.gov.au; web address <http://www.dph.wa.gov.au>
ABN 35 482 341 493



Our Ref : 05-55-5
Enquiries : Mark Simpson (Ph 6551 9262)

PLANNING AND DEVELOPMENT ACT 2005

City of Fremantle

APPROVAL TO COMMENCE DEVELOPMENT

Name and Address of Owner and Land on which Development Proposed:

Owner	: North Fremantle J V Pty Ltd C/O Level 7, 160 St Georges Terrace PERTH WA 6000
Lot Number	: 54, 241-262, 311 & 349
Location	: -
Plan / Diagram	: Plan 1593, Deposited Plan 222459
Volume/Folio	: 1438/698, 1438/699, 1438/700
Locality	: Bracks Street, North Fremantle
Application Date	: 28 October 2021
Application Receipt	: 28 October 2021
Development Description	: Demolition Of Warehousing And Offices

The application for approval to commence development in accordance with the plans submitted thereto is granted subject to the following condition(s):

1. This approval relates solely to that part of the site located on land reserved under Planning Control Area 158, as shown on the attached WAPC Plan No.1.7977.
2. The proposed development is to comply in all respects with the submitted plans received by the Department of Planning, Lands and Heritage on 28 October 2021 and date-stamped accordingly, as attached, subject to any modifications as required by the conditions of approval.
3. The development approval is valid for two years from the date of this letter. If the subject development is not substantially commenced within a two year period, the approval shall lapse and be of no further effect.

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
Tel: (08) 6551 8002; Fax: (08) 6551 9001; Infoline: 1800 626 477
e-mail: info@dph.wa.gov.au; web address <http://www.dph.wa.gov.au>
ABN 35 482 341 493



4. A Demolition Management Plan shall be submitted and approved to the specification of the City of Fremantle and the satisfaction of the Western Australian Planning Commission, prior to the commencement of site works. Once approved, the Demolition Management Plan is to be complied with at all times.
5. Appropriate measures are to be undertaken to ensure that full documentation and photographic records of the existing buildings are archivally recorded to the specification of the City of Fremantle and the satisfaction of the Western Australian Planning Commission, and a copy of such records submitted to the City in electronic format prior to the commencement of development.
6. The landowner/applicant shall make good any damage to the existing verge vegetation within the Port Beach Road reservation to the specification of the Main Roads Western Australia and the satisfaction of the Western Australian Planning Commission.
7. Stormwater discharge (if any) shall not be discharged into the Port Beach Road reservation or the future Curtin Avenue reservation.

If the development the subject of this approval is not substantially commenced within a period of two years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

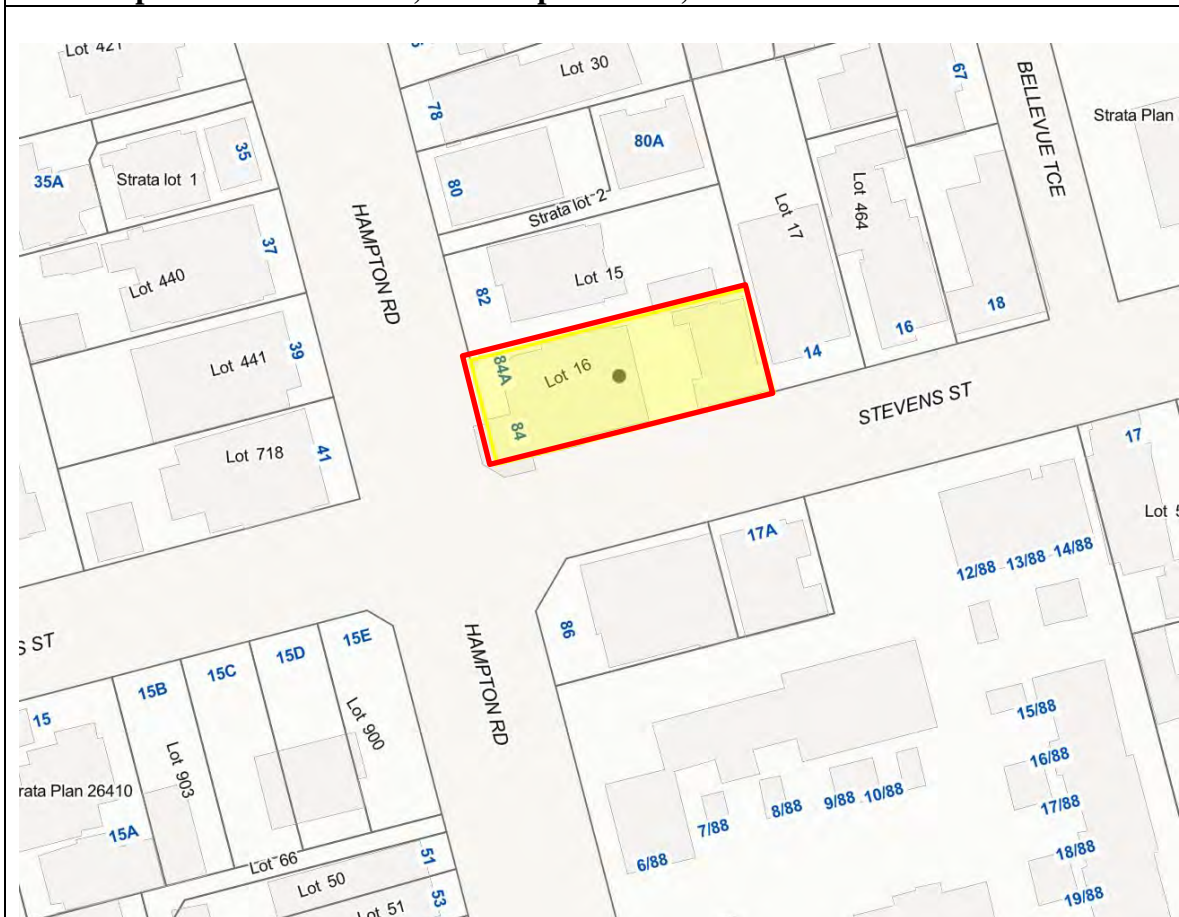


Ms Sam Fagan
Secretary
Western Australian Planning Commission
5 January 2022

**PC2202-12 LOCAL HERITAGE SURVEY AND HERITAGE LIST - ANNUAL
UPDATE 2021 – OUTCOMES OF CONSULTATION**

ADDITIONAL INFORMATION 1 – Heritage Assessments

2.1 Shop & Attached House, 84 Hampton Road, Fremantle



ESRI Mapping 2021



City of Fremantle 2021.

84 Hampton Road Fremantle

History:

Refer to attached Heritage Assessment

Physical Description:


Refer to attached Heritage Assessment

Statement of Significance

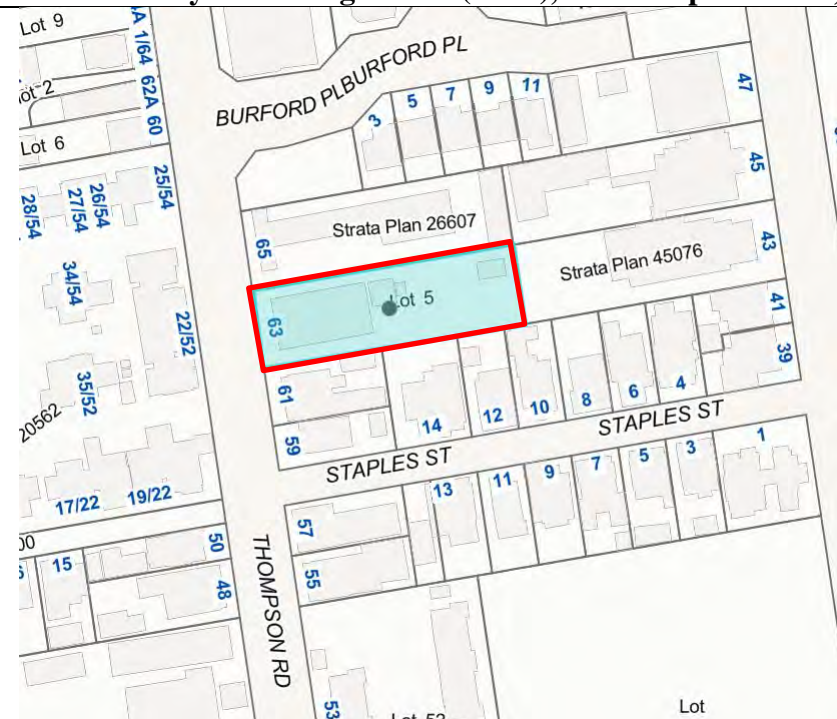
84 Hampton Road, a brick and terracotta tile corner shop with attached house has some cultural heritage significance for its contribution to the heritage of Fremantle in terms of its individual and collective aesthetic, historic, social or scientific significance, and its contribution to the streetscape, local area and Fremantle. Its contribution to the urban context should be maintained and enhanced and its conservation is required.

84 Hampton Road has cultural heritage significance:

- as a good example of an Inter-War corner shop

	<p>and attached house which shows the influence of the Inter-War Californian Bungalow style of architecture;</p> <ul style="list-style-type: none"> - for the contribution that it makes to a substantially intact late nineteenth and early twentieth century streetscape close to the centre of Fremantle; and - as an illustration of traditional suburban development and patterns of shopping that developed prior to the rise of universal car ownership and the establishment of large shopping malls
<p>City of Fremantle 2021.</p>	<p>Current Heritage Listings Local Heritage Survey – No current listing Heritage List – No current listing</p>
<p><u>Why was the property identified for review in 2021?</u></p>	<p>Referred by individual on behalf of current owner and previous tenant.</p>
<p><u>Current listings</u> Heritage Place Name</p>	<p>SHOP AND ATTACHED HOUSE, 84 Hampton Road</p>
<p>Heritage listed CoF</p>	<p>No</p>
<p>Management Category</p>	<p>None</p>
<p>Local Heritage Survey listed</p>	<p>No</p>
<p><u>Comment</u></p>	<p>84 Hampton Road, a brick and terracotta tile corner shop with attached house has some cultural heritage significance for its contribution to the heritage of Fremantle in terms of its individual and collective aesthetic, historic, social or scientific significance, and its contribution to the streetscape, local area and Fremantle. Its contribution to the urban context should be maintained and enhanced and its conservation is required.</p>
<p><u>Recommendation</u></p>	<ul style="list-style-type: none"> - 84 Hampton Road should be included on the Heritage List - 84 Hampton Road should be included on the Local Heritage Survey as a management category Level 3 place

2.2 Hi Fidelity Recording Studio (Fmr.), 63 Thompson Road, North Fremantle



ESRI Mapping 2021



City of Fremantle 2021.

63 Thompson Road

History:

Refer to attached Heritage Assessment

Physical Description:

Refer to attached Heritage Assessment

Statement of Significance

Hi Fidelity Recording Studio (Fmr.), 63 Thompson Road, a concrete block commercial building from the Late Twentieth Century has considerable cultural heritage significance in its own right within the context of Fremantle and its conservation is a priority.

Hi Fidelity Recording Studio (Fmr.), 63 Thompson Road has cultural heritage significance for the following reasons:

- It has aesthetic and rarity value as a simple but well composed example of the work of Iwan Iwanoff and as an idiosyncratic example of the Late Twentieth Century Brutalist style of architecture,
- it has historic and social value as an example of the light industrial and commercial development that was established in North Fremantle between the 1890s and 1970s. It illustrates the development of this traditional mixed use industrial and residential working class area before the rise of car ownership and the introduction of Post-War zoning plans, and
- it contributes to the character of the North Fremantle Heritage Area

	Current Heritage Listings Local Heritage Survey – No current listing Heritage List – No current listing
<u>Why was the property identified for review in 2021?</u>	Referred by community member – writing a book on Architect, Iwanoff
<u>Current listings</u> Heritage Place Name	HI FIDELITY RECORDING STUDIO (Fmr.), 63 Thompson Road, North Fremantle
Heritage listed CoF	No
Management Category	None
Local Heritage Survey listed	No
<u>Comment</u>	Hi Fidelity Recording Studio (Fmr.), 63 Thompson Road, a concrete block commercial building from the Late Twentieth Century has considerable cultural heritage significance in its own right within the context of Fremantle and its conservation is a priority.
<u>Recommendation</u>	<ul style="list-style-type: none"> - 63 Thompson Road should be included on the Heritage List - 63 Thompson Road should be included on the Local Heritage Survey as management category Level 2 place.

PC2202-13 PLANNING FOR TOURISM CONSULTATION SUBMISSION

ADDITIONAL INFORMATION 1 – WAPC draft Position Statement: Planning for Tourism



Draft Position Statement: Planning for Tourism

December 2021

Disclaimer
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website: www.dplh.wa.gov.au
email: info@dplh.wa.gov.au
tel: 08 6551 8002
fax: 08 6551 9001
National Relay Service: 13 36 77
This document is available in alternative formats on application to the Communications Branch.

DRAFT
PUBLIC CONSULTATION

1. Policy intent

The intent of this Position Statement is to guide the appropriate location and management of tourism land uses through the planning framework and:

- facilitate acceptable development of new and evolving tourism opportunities
- provide a high-level of amenity in tourism areas
- deliver quality land use planning outcomes.

2. Planning for tourism in Western Australia

Western Australia's many natural and man-made features and attractions provide substantial opportunities for tourism, which is a significant contributor to the State and local economies, particularly in regional areas.

Tourism encompasses an array of development types, sizes and locations, and includes accommodation, attractions, facilities, infrastructure and other ancillary services.

Appropriate planning and management of tourist areas and uses is necessary for their promotion and retention, to prevent encroachment from incompatible land uses, to protect the amenity, environmental and landscape values of tourist areas, and to address potential land use conflict. Planning for tourism must be capable of adapting to changes in the sector and the consideration of value-add opportunities.

Local governments are encouraged to consult with Tourism WA and other relevant State Government agencies, tourism associations, local operators and the local community when undertaking planning for tourism as described within this Position Statement.

3. Application of this Position Statement

This Position Statement applies to all tourism proposals within all regions of Western Australia and should be applied in conjunction with the draft Planning for Tourism Guidelines (the Guidelines), available [online](#).

In this Position Statement the term 'tourist accommodation' refers to all tourist accommodation land uses provided within the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) and this Position Statement (at Table 1). Where a land use definition within this Position Statement differs to that within the LPS Regulations, it is intended to update the LPS Regulations such that the land use definition is consistent with this Position Statement.

Note for consultation:

This Position Statement will supersede and replace *Planning Bulletin 49 Caravan Parks 2014*, *Planning Bulletin 83 Planning for Tourism 2013* and *Planning Bulletin 99 Holiday Home Guidelines 2009*.

Land use definitions for short-term rental accommodation are either new or have been modified (refer to section 6 of this Position Statement). Notably, it is proposed to delete the 'bed and breakfast' land use definition from the model definitions of the LPS Regulations and combine it into a new land use definition for 'hosted accommodation'. Refer to Table 1 of this Position Statement for more information.

3.1 Exclusions

This Position Statement is not intended to capture the following forms of short-term and temporary accommodation, which are often subject to either alternative guidance and legislation or approaches by local government (further information available in section 4 of the Guidelines):

- house swapping and house sitting
- lodgers and boarders
- personal use of a holiday home or the sharing of a holiday home with the owner's family and friends
- student exchange accommodation
- workforce accommodation
- residential parks, park home parks, lifestyle villages.

4. Policy objectives

The policy objectives for planning for tourism are to:

- Provide a strategic approach to the sustainable development and management of tourism land uses by ensuring decision-making is guided by a local planning strategy which reflects the demand for local and regional tourism.
- Identify opportunities and protect locations, tourism precincts and sites (existing and potential) where demand for future tourism land use and development have been identified. The character, landscape, visual amenity, economic, social, cultural and environmental values of natural and/or built features that may have future tourism potential should be protected; any negative impacts minimised; and, where possible, values enhanced.
- Plan appropriate infrastructure and services necessary to support tourism development and ensure new and expanded tourism development has secure access to services/infrastructure.

- Recognise that the commercial sustainability of tourism may require flexibility in product mix, site design and risk mitigation approaches. Promote the co-location of complementary and compatible tourism land uses to create identifiable tourism precincts that benefit tourism amenity.
- Ensure land use impacts between tourism activities and other land uses (including residential areas) are appropriately managed.

5. Policy measures

Local government are best placed to plan for tourism within their communities, with local knowledge of tourism activity, opportunities, constraints, including potential impacts and what requirements, if any, should be placed on tourism proposals.

5.1 General measures

In general, strategic and statutory planning decisions should:

- Encourage a range of tourist accommodation choices and experiences as required.

- Encourage sustainable eco-tourism that recognises and complements Western Australia's unique and sensitive natural environment, heritage and Aboriginal culture.
- Give effect to this Position Statement and Guidelines, and the *State Government Strategy for Tourism in Western Australia 2020* (as amended).
- Be consistent in the use of tourism land use and accommodation definitions contained in this Position Statement, the LPS Regulations and *State Planning Policy 7.3: Residential Design Codes*.
- Promote the location of tourist accommodation in areas with the highest tourism amenity (for example beach access, views, facilities, availability of services) and adequate separation from, or management of, any interface with residential land uses.
- Ensure areas used exclusively for tourism sites and precincts are zoned as Tourism or Special Use.
- Ensure that new and proposed caravan parks are zoned Special Use - Caravan Park to provide long-term security as a caravan park use.

- Maintain and support existing tourism and special use sites. Rezoning should only be supported if it is demonstrated that a tourism site is unfeasible in the long-term because of a lack of tourism demand, sustainable tourism function and a long-term decline of all tourism activities and accommodation types in the region.
 - The inclusion of any land uses other than tourism land uses on tourism zoned land should be considered on a case-by-case basis. Consideration should include whether there is appropriate infrastructure and a planning framework that supports uses other than tourism on tourism zoned sites. The inclusion of permanent residential uses requires close consideration to ensure tourism remains the primary use of a site and a quality tourism outcome is achieved in conjunction with any residential component.
 - Where permitted, tourism uses on agricultural or rural land should be secondary to agricultural and/or rural uses to protect the primacy of the land for rural uses (for example farm stay, restaurant at vineyard, farm gate sales) as provided by *State Planning Policy 2.5: Rural Planning*.
 - Proposals in areas subject to natural hazards (bushfire, coastal, cyclone and flood prone areas) are to meet the requirements set out in the relevant State planning policies (2.6: *State Coastal Planning, draft 2.9 Planning for Water*, 3.4: *Natural Hazards and Disasters* or 3.7: *Planning in Bushfire Prone Areas*). The *Position Statement: Tourism land uses in bushfire prone areas* should also be given consideration in decision-making.
 - Where coordination is required (for example across multiple sites, stages or for infrastructure provision), proposals within tourism precincts or sites should be informed by the preparation of a structure plan and/or local development plan as appropriate. These plans should be required prior to subdivision or development approval.
- 5.2 Local planning strategy considerations**
- The local planning strategy provides the long-term planning directions and actions to manage the change and
- development of a local government area. The local planning strategy also provides the line-of-sight between state-wide strategic planning and policy to the local framework and decision-making.
- Local government are encouraged to incorporate a tourism component to ensure strategic tourism needs are addressed. The extent to which tourism is examined within the local planning strategy should be proportionate to the significance of tourism to the community and local economy.
- The tourism component of the local planning strategy should:
- Reflect on the existing planning framework (including the local planning scheme and relevant local planning policies) and whether it is fit-for-purpose and achieving the tourism outcomes being sought.
 - Discuss current and emerging tourism trends and issues, including the provision of information on existing tourism, aspirations for long-term tourism and existing problems related to tourism.
 - Where tourism is significant to the locality or region, it should include substantial detail on tourism such
- as an accommodation supply and demand analysis, the rationale for determining future land allocation (site size and location), suitable planning controls and anticipated tourism infrastructure needs.
- Identify suitable tourism sites and precincts in accordance with locational criteria developed by the local government and ensure these are located appropriately to townsites and in proximity to the features and attractions they are intended to serve. Locations identified for tourism should be consistent with other existing policies.
 - Outline suitable planning controls to guide and manage tourism uses that will need to be incorporated in the local planning scheme.
 - Be consistent with this Position Statement.
- 5.2.1 Caravan parks**
- Caravan parks are a fundamental component of the tourism accommodation mix and can experience competing demands from short-term and long-term guests. In addition, the demand for land in tourist locations has

contributed to numerous caravan park closures throughout Western Australia.

Strategic planning for caravan parks should:

- Ensure development and long-term retention of caravan parks as a form of short-stay (affordable) accommodation primarily for leisure tourists.
- Recognise that the commercial sustainability of caravan parks requires some flexibility in product mix, site design and risk mitigation approaches.
- Ensure any new caravan parks are located appropriately for their context and intended market and function.

5.2.2 Short-term rental accommodation

Short-term rental accommodation is the collective name given to holiday homes, units or apartments (usually built for residential purposes) offered for short-term letting, often through an online booking platform or management agent. Short-term rentals are either hosted (where a permanent resident (host) is present) or unhosted (where guests have

exclusive use of an entire house, unit or apartment). Commonly, they can be:

- A family holiday home, periodically offered as a short-term rental.
- A property purchased for the sole intent of operating a short-term rental operation.
- Residents looking to let spare bedrooms on a short-term basis.

The success of online booking platforms offering short-term rental accommodation has seen a rapid increase in short-term rentals, with high concentrations occurring in popular tourist locations. In some cases, the rapid growth in the short-term rental market has placed management and compliance stress on local governments and can have a variety of negative flow on effects.

Local government should consider whether specific attention needs to be given to short-term rental accommodation in the local planning strategy. In areas where short-term rentals are in low demand and do not cause significant community concern, addressing the topic within the local planning strategy may be unnecessary.

Note for consultation:

Concurrent with the release of this draft Position Statement, the State Government is working towards implementation of a registration scheme for hosted and unhosted short-term rental accommodation, which was a key recommendation of the 2019 Economics and Industry Standing Committee's inquiry "Levelling the playing field: Managing the impact of the rapid increase of Short-Term Rentals in Western Australia". Further information on the registration scheme is available from <https://www.dlgsc.wa.gov.au/>.

the relationship with permanent housing provisions and the traditional accommodation provision.

Considerations may include:

- Identification of the existing short-term rental accommodation supply.
- Assessment of current and future short-term rental demands informed by Tourism WA and Australian Bureau of Statistics data, local government data and other planning documents.
- Identification of short-term rental accommodation opportunities.

Evidence from other jurisdictions (and increasingly from tourism locations in the South West) indicates that a rapid growth in or high supply of short-term rentals may affect the availability of long-term rentals and housing choice for longer-term residents of a community.

Local governments with areas subject to a high supply of short-term rental accommodation and relatively stable housing growth are encouraged to monitor the situation in their communities and adjust policy settings as appropriate.

5.2.2.1 Supply, demand and pressures associated with short-term rental accommodation

To help understand current and emerging trends and issues, local governments are encouraged to undertake a short-term rental accommodation supply and demand analysis. A supply and demand analysis should include consideration of the short-term rental market,

5.2.2.2 Location of short-term rental accommodation

Consideration should be given to the appropriate location of short-term rental accommodation; where it should be prioritised, permitted or avoided to further strategic planning objectives, enhance the tourism experience and avoid adverse impacts on surrounding land uses.

It is recognised that there is variation amongst local government in approaches taken, from broad acceptance of short-term rental accommodation in all residential areas, through to consideration in selective locations and/or prohibiting in others.

In seeking to guide the location of short-term rental accommodation, the following considerations may be relevant to the local government:

- Provision of and access to tourist amenity proximity to social, cultural, and leisure attractions, and accessibility to transport routes and public transport services.
- Adequate standard of services and infrastructure necessary, for example reticulated or drinking water supply and service, capacity of on-site solutions.

- Locations to minimise adverse interface issues, particularly amenity impacts on surrounding residential and other land uses (for example rural).
- Risk of natural hazards and the extent of measures which may need to be in place to address the level of risk.
- Any other relevant planning consideration and/or policy instruments within the planning framework.

5.3 Statutory planning considerations

The local planning scheme and supporting local planning instruments (such as local planning policies) give effect to local strategic planning through statutory land use and development control.

Local planning schemes and amendments should:

- Include a range of tourism and mixed-use zonings allowing for tourism development and the permissibility of land uses in each zone, to provide for a diverse tourism industry consistent with the local planning strategy.

- Utilise land use definitions as set out in this Position Statement and LPS Regulations.

To complement local planning scheme provisions and guide the exercise of discretion, local government may utilise local planning policy to inform land use and development decisions.

The Guidelines provide further guidance on statutory planning considerations and approaches.

5.3.1 Caravan parks

To support the policy objectives a local planning scheme should:

- Zone caravan parks as Special Use - Caravan Parks to provide long term security of use of the site as a caravan park.
- Identify caravan parks as a permitted (P) use in the Special Use - Caravan Parks and Tourism zones.
- Encourage the development and redevelopment of caravan parks in a manner that responds appropriately to the environment, economy and context.

The rezoning of Tourism or Special Use - Caravan Park zoned sites to residential, commercial or alike zones is generally considered inconsistent with the objectives of this Position Statement. However, if a rezoning is proposed it should be justified and assessed in context of this Position Statement, the Guidelines, and the relevant local planning strategy. Where it can be demonstrated that a caravan park site is no longer required, and this is supported by the Western Australian Planning Commission (WAPC) in consultation with relevant stakeholders, including long-stay tenants, the WAPC may recommend that the Minister for Planning approve the rezoning subject to all other relevant planning considerations.

5.3.2 Short-term rental accommodation

Short-term rental accommodation is divided into two categories: hosted and unhosted. Local planning schemes can control the desired location of short-term rental accommodation through a combination of zoning and land use permissibility. Development control measures can be set through local planning schemes and local planning policies to manage size, location and potential amenity impacts.

Note for consultation:

The WAPC is considering recommending to Government to exempt the following forms of low-scale short-term rental accommodation from the need to obtain development approval:

Hosted accommodation

Hosted accommodation in a single house (or ancillary dwelling), grouped or multiple dwelling, which does not exceed a maximum of four adult persons (or one family) and a maximum of two guest bedrooms. This form of short-term rental accommodation is considered low-scale because the host resides on site, can manage any issues with guests and the tourism/commercial use of the property is incidental to the permanent residential use.

The cap of a maximum of four adult persons (or one family) and a maximum of two guest bedrooms is the same cap currently provided within the model definition of 'bed and breakfast'. The 'bed and breakfast' land use definition is proposed to be deleted from Schedule 1 (Model Provisions) of the LPS Regulations.

Unhosted accommodation

Unhosted accommodation in a single house, grouped or multiple dwelling where it is let for no more than 60 days per calendar year.

Note: This exemption is for a change of use. Unhosted accommodation in a single house, grouped or multiple dwelling operating for more than 60 days per calendar year would be subject to the requirements of the relevant local government's local planning framework.

Subject to the results of consultation, amendments to the LPS Regulations may be undertaken to make hosted and unhosted accommodation, which meet the conditions outlined above, forms of development for which development approval is not required.

It is proposed that these forms of short-term rental accommodation would still be required to register with the state-wide registration scheme.

5.3.2.1 Hosted accommodation

For new schemes, scheme amendments and scheme reviews, local government should incorporate the land use definition for 'hosted accommodation' (refer to Table 1).

To regulate forms of hosted accommodation through the local planning scheme or local planning policy, the following considerations may be relevant:

- Locational factors which may assist in determining appropriate locations for hosted accommodation within residential areas (refer to the Guidelines for further information).
- Suitability of the premises with regards to building design and form.
- Minimum car parking requirements.
- Servicing requirements, such as access to drinking water and wastewater systems.
- Room and guest caps.
- Preparation and approval of a management plan.
- Time or frequency of use limits.

Other building or health licensing requirements may also apply outside of the planning system, such as provisions relating to swimming pools, the serving of food, the provision of fire safety equipment and evacuation measures.

5.3.2.2 Unhosted short-term rental accommodation

Local government has the flexibility to regulate unhosted short-term rental accommodation through its local planning framework to respond to local conditions (subject to regulatory processes). This Position Statement sets out considerations and approaches to achieve this.

It is acknowledged there are various approaches to the regulation of unhosted short-term rental accommodation currently undertaken across Western Australia. The regulatory and policy response of the local government should be proportional to the significance of the issues arising from unhosted short-term rental accommodation in their municipality. In determining the appropriate way to regulate unhosted short-term rental accommodation the following statutory planning mechanisms can be considered:

- Utilising the zoning table, land use permissibility and other scheme mechanisms to control the locations whereby unhosted short-term rental accommodation proposals may be designated either permitted, discretionary, or prohibited.
 - Capping guest numbers permitted within a holiday home, holiday unit or holiday apartment through local planning policy and/or condition of a planning approval, to respond to constraints such as availability of vehicle parking, capacity of infrastructure (such as onsite effluent disposal) or to maintain appropriate levels of amenity in line with expectations (such as concerns regarding party houses).
 - Utilising a local planning policy to guide discretionary decision-making, which may include but not be limited to, any of the following matters:
 - locational factors which may assist in determining appropriate locations for unhosted forms of short-term rental accommodation within residential areas (refer to the Guidelines for further information)
 - limits to the number of guests and/or rooms
 - limits to nights the property can be made available for rental in any one year
 - provision of car parking
 - minimum services such as potable water and reticulated sewerage
 - preparation and approval of a Management Plan
 - waste management
 - whether pets of guests (such as dogs) are permitted
 - managing for potential noise nuisance.
 - If appropriate, initial development approval can be granted for a limited period (for example 12 months) and renewed on a longer basis (for example three to five years, or permanently) to ensure there is appropriate management of potential impacts on the amenity of neighbouring properties.
- 5.3.3 Other planning processes including structure plans, subdivisions and development applications**
- WAPC**
- Where appropriate, the WAPC will consider the application of this Position Statement in the assessment of structure plans, subdivision, strata, community titles and development applications on sites zoned for tourism purposes or where tourism uses can be considered.
- In assessing proposals on land zoned for tourism purposes the WAPC will, among other things (including adopted plans and policies) consider whether the proposal will:
- Facilitate the development of a quality, sustainable tourism facility.
 - Incorporate those facilities associated with tourist accommodation developments such as recreation, entertainment and integrated management.
 - Provide for current and future tourism demand.
 - Have the capacity to accommodate the necessary services, management and
- support facilities without compromising the character, development flexibility or tourism amenity of the site.
- Provide for the retention or enhancement of the strategic value of the site for tourism purposes, including the relationship between individual lots and areas of high tourism amenity and the potential to accommodate current and future tourism demand.
 - Result in the subdivision of a large tourism lot (for example, to separate the residential component from the tourism). This may result in tourism lots remaining undeveloped and future pressure to approve further residential components to finance development.
- In the case of subdivision of an existing caravan park, subdivision is generally not supported. Excising a portion of a caravan park site may be supported if the excised portion is proposed to be developed for a compatible tourism use. Strata or community titling of caravan parks is not permitted as provided by the *Strata Titles Act 1985* and *Community Titles Act 2018*.

Local government

Local government are encouraged to have regard to this Position Statement along with other relevant considerations in the assessment of development applications for tourism land uses and sites zoned for tourism purposes.

6. Definitions

The definitions for forms of tourist accommodation not included in Table 1 of this Position Statement are as per provided in Schedule 1 (Model Provisions) of the LPS Regulations.

Table 1: New and amended definitions

Proposed land use term	Proposed meaning	Dwelling type under the R-Codes
Hosted accommodation (Note: new definition)	<i>means a dwelling or ancillary dwelling, or a portion thereof, used for the purpose of short-term accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling.</i>	Single house, ancillary dwelling, grouped dwelling or multiple dwelling. Note: The WAPC considers the use of an ancillary dwelling for short-term accommodation (where the host resides in the main dwelling and the guest stays in the ancillary dwelling - or vice versa) is a hosted form of short-term rental accommodation.
Holiday house (Note: amended definition)	<i>means a single dwelling used to provide short-term accommodation</i>	Single house
Holiday unit (Note: new definition)	<i>means a grouped dwelling used to provide short-term accommodation</i>	Grouped dwelling
Holiday apartment (Note: new definition)	<i>means a multiple dwelling used to provide short-term accommodation</i>	Multiple dwelling

Land use term	Proposed meaning
Tourist development (Note: amended definition)	<i>means a building, or a group of buildings forming a complex, other than a caravan park, used to provide – (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development</i>
Serviced apartment (Note: amended definition)	<i>means a group of units or apartments providing – (a) self-contained short-term accommodation for guests; and (b) any associated reception or recreational facilities</i>
Note: It is intended to delete the land use term 'bed and breakfast' from Schedule 1 (Model Provisions) of the LPS Regulations.	
Note: It is intended to delete the land use term 'holiday accommodation' from Schedule 1 (Model Provisions) of the LPS Regulations.	

General term	Proposed meaning
Short-term accommodation (Note: amended definition)	<i>means temporary accommodation provided on a commercial basis, either continuously or from time-to-time with no guest accommodated for periods totalling more than 3 months in any 12-month period.</i>

ADDITIONAL INFORMATION 2 – WAPC draft Planning for Tourism Guidelines



CONTENTS

click to follow

PURPOSE OF THESE GUIDELINES	1	1.8	Interim measures in the absence of a local planning strategy	5	4.2.1 Land supply	9
BACKGROUND – PLANNING FOR TOURISM IN WESTERN AUSTRALIA	1	1.9	Tourism resources	5	4.2.2 Site assessment	10
1 LOCAL PLANNING STRATEGY CONSIDERATIONS	1	2	GENERAL STATUTORY PLANNING CONSIDERATIONS	6	4.3 Traditional accommodation	10
1.1 Tourism component of the local planning strategy	1	2.1	Zoning for tourism	6	4.3.1 Caravan parks	10
1.2 Scope and content	2	2.1.1	Land use considerations	6	4.3.2 Hotels	12
1.2.1 Tourism objectives	2	2.2	Design of tourist development	6	4.4 Short-term rental accommodation	12
1.2.2 State and regional planning context	2	2.3	Tourism sites	6	4.4.1 Statutory considerations	13
1.2.3 Local tourism profile	3	2.4	Tourist development in non-tourism zones	7	4.4.2 Management plans	13
1.2.4 Local planning scheme review	3	2.5	Non-tourist development in tourism zones	7	4.4.3 Other local government considerations	14
1.3 Siting and design of tourist development	3	3	TOURISM USES	8	5 LOCAL LAWS	14
1.3.1 Siting	3	3.1	Rural tourism	8	6 STRATA AND COMMUNITY SCHEME DEVELOPMENT	14
1.4 Tourism precincts	4	3.1.1	Strategic considerations	8	6.1 Short-term rental accommodation in residential strata and community titles scheme development	15
1.5 Tourism sites	4	3.1.2	Statutory considerations	8	APPENDICES	
1.6 Tourism facilities	4	3.2	Eco-tourism	8	Appendix 1 – Mixed use residential development	16
1.6.1 Tourist attractions, activities and amenities	4	3.2.1	Strategic considerations	8	Appendix 2 – Design assessment for proposed or redeveloped caravan parks	17
1.6.2 Tourism infrastructure and services	5	3.2.2	Statutory considerations	8		
1.7 Heritage	5	4	TOURIST ACCOMMODATION	9		
1.7.1 Historic (built) heritage	5	4.1	Exclusions	9		
1.7.2 Aboriginal heritage	5	4.2	General strategic considerations for tourist accommodation	9		

The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

Disclaimer

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Gordon Stephenson House
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website: www.dplh.wa.gov.au
email: info@dplh.wa.gov.au

tel: 08 6551 8002
fax: 08 6551 9001
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Draft

Planning for Tourism Guidelines
December 2021

1



PURPOSE OF THESE GUIDELINES

These Guidelines should be read in conjunction with the draft Position Statement: Planning for Tourism (the Position Statement). They provide guidance on its implementation and aim to:

- provide context for planning and decision making on tourism development and land use
- encourage strategic planning that considers local tourism and its wider context
- assist local government in planning for tourism in its local planning strategy and local planning scheme
- encourage a consistent approach to tourism in local planning frameworks
- encourage flexible and adaptive design of tourism and mixed-use development suited to each local government area.

These Guidelines supersede and repeal *Tourism Planning Guidelines* (May 2014) and *Holiday Home Guidelines – short stay use of residential dwellings* (September 2009).

BACKGROUND – PLANNING FOR TOURISM IN WESTERN AUSTRALIA

Tourism is a significant contributor to the national and state economy, particularly in regional areas. Western Australia has a diverse natural and cultural landscape which offers an array of unique experiences. The provision of sustainable facilities and businesses that serve tourists and strengthen and diversify the Western Australian economy are crucial to economic development. The *State Planning Strategy 2050* has additional information about tourism in Western Australia.

The planning system has an important role in facilitating investment in tourism in appropriate locations. Under or over supply of tourism facilities may be detrimental to local communities as well as the attractions and features which draw tourists.

Where tourism is considered significant within a locality or region, detailed tourism planning is advised. Planning should be undertaken in consultation with Tourism WA, State Government agencies, tourism associations, local operators and their local community, and take into consideration issues raised in the *State Planning Strategy 2050*, regional strategies, the Position Statement and these Guidelines.

1. LOCAL PLANNING STRATEGY CONSIDERATIONS

A local planning strategy provides the long-term planning directions and actions to manage the change and development of a local government area and informs the local planning scheme.

The strategy should be based on sound planning principles and provide the:

- rationale for future land allocation;
- planning controls; and
- infrastructure needs.

Where tourism is significant to a locality or region, a detailed tourism component should form part of the local planning strategy.

1.1 TOURISM COMPONENT OF THE LOCAL PLANNING STRATEGY

Further to section 5.2 of the Position Statement, local governments are encouraged to address tourism in the local planning strategy in a manner reflective of the importance of tourism in the municipality. Information that should be provided includes:

- Aims, visions and objectives for tourism development and land uses in the local government area.
- Description of current and potential roles for tourism in the local government area.



1.2 SCOPE AND CONTENT

The tourism component of a local planning strategy should identify:

- The nature and importance of tourism to the local economy in strategic plans/policies.
- Support for tourism through local planning scheme zones and provisions.
- Facilitate a variety of holiday accommodation types including short-term rentals and existing caravan parks and camping grounds in preferred locations.
- Protection of tourism precincts and sites for future tourism development to meet estimated demand, and from incompatible and/or conflicting land uses.
- Innovative tourist accommodation and facilities that respond to market needs.
- Tourism growth and development that reinforces unique and local tourism identity and features.

A tourism objective should be clear, consistent with goals/vision of the local government strategic plan and tourism characteristics of each locality.

1.2.2 State and regional planning context

A local planning strategy responds to the *State Planning Strategy 2050*, the *State Government Strategy for Tourism in Western Australia 2020* (as amended), and relevant regional and local factors. It should describe the role and importance of tourism in the area through analysis of existing State Government policy, assessment of local tourist attractions and features, contribution made to the local economy and any potential for expansion.

- tourism sites and assessment based on the capacity for quality, sustainable tourism, addressing current and future demands;
- a scope and process for additional detailed planning that may be required, to inform future local planning scheme amendments;
- criteria and principles to guide development of tourism precincts and sites;
- appropriate planning mechanisms to be introduced into the local planning framework, including the local planning scheme. This may include local planning policies, special control areas, specific tourism zones, detailed planning requirements (for example requiring preparation of a structure plan, or local development plan prior to subdivision or development), or incentives (for example a plot ratio bonus to encourage development or an increased scale of tourism within mixed use development); and
- key gaps and opportunities for tourism in a locality may be known or need to be identified in order to identify tourism precincts and sites.

1.2.1 Tourism objectives

Tourism objectives should be consistent with the strategic vision to guide appropriate tourism development throughout the locality. In defining tourism objectives, the following may be addressed:

- Estimates of current and projected tourism demand for the local government area.
- Consideration, where appropriate, of existing and potential tourist zones, tourism precincts, tourism sites, tourism land requirements and opportunities for introducing new or specific tourism land uses.
- Guidance for assessing tourism proposals, including character and design measures, to achieve aspirational tourism development at particular locations.
- Identification of existing and potential tourism zones, tourism precincts and tourism sites through spatial/strategic mapping.
- Actions and timeframes to achieve the desired level of tourism.

The local planning strategy should be informed by available tourism statistics and may include:

- tourist visitation numbers
- an inventory of existing tourism uses and developments
- an inventory of the attractions and natural assets that draw tourists to an area
- local tourism activities
- actual and potential economic benefits of tourism to the local community
- any impacts and proposed treatment of issues (such as noise and waste) associated with tourism.

The *Local Planning Manual* (as amended) provides guidance on the preparation of local planning strategies and should be read in conjunction with these Guidelines.



1.2.3 Local tourism profile

The local tourism profile should inform any proposed planning and recommendations for tourism in a local planning strategy. The profile may include an analysis of the characteristics of existing and potential tourism and identify the value of tourism to the local community. Existing, proposed and potential tourism development should be reviewed to establish tourist development needs.

This may include:

- Identification of new types of tourism.
 - Justification for increasing the number of tourists accommodated overnight.
 - The need for new or additional tourism facilities.
- Visitor information statistics are helpful in determining the level of tourism that is occurring in a local government area. The following visitor information (where available) is recommended to be included in the background section of the local planning strategy:
- average length of stay (% overnight visitors);
 - purpose of visit (holiday, business, specific attraction/event);
 - accommodation selected (type, age, standard occupancy rates, peak periods/seasonality);
 - mode of transport (to/from and within local area); and
 - demographics (age, gender, international/interstate/intrastate).

Tourism WA and the Australian Bureau of Statistics are resources available to local governments for compiling visitor information.

Note for consultation:

Concurrent with the release of these Guidelines, the State Government is working towards implementation of a registration scheme for hosted and unhosted short-term rental accommodation. It is anticipated the registration scheme will be able to provide data on short-term rental accommodation. Further information on the registration scheme is available from <https://www.dlgsc.wa.gov.au/>

1.3 SITING AND DESIGN OF TOURIST DEVELOPMENT

1.3.1 Siting

Local governments have the opportunity to consider where tourism uses are best located and the amount of land required to service tourism through community consultation and the preparation or review of its local planning strategy, local planning scheme and local planning policies. The primary objective of a local planning strategy for tourism is the identification of tourism precincts and sites.

The tourism component of a local planning strategy may identify the locations which may be subject to future scheme amendments to cater for future tourism.

Tourism precincts and sites should be planned in locations which enhance the tourist experience and avoid or minimise interface/land use conflict with surrounding uses. Selection and justification of potential tourism locations should consider the following:

- the demand for a proposed tourism use, informed by the local tourism profile;
- access for pedestrians, vehicles and/or public transport;
- provision and access to tourist amenity (e.g. landscape, views, proximity to attractions);
- compatibility of tourism development with surrounding land uses;
- land constraints (e.g. steep slopes, coastal setbacks, water courses);
- vulnerability to natural hazards (e.g. bushfire, cyclone, flood, erosion);

1.2.4 Local planning scheme review

As part of preparing a local planning strategy, a review of the existing local planning scheme should occur and consider whether:

- the local planning scheme adequately protects tourism/tourist uses at risk from other land use planning or zoning pressures;
- the existing planning framework influences location, design and type of tourism development;
- existing planning provisions and policies support and encourage the development of tourism facilities;
- growth and/or development of tourist accommodation, attractions, and/or facilities are influenced by the presence or absence of tourism policy and/or zones; and
- the local planning scheme includes tourism zones, and, if so, are non-tourism uses permissible or discretionary within the zone and if this has affected the development of tourism zoned land.



- scale of tourism development and location suitability;
- infrastructure availability to service the proposed tourism uses; and
- for eco-tourism proposals, the use of education and conservation measures, construction materials, waste management, and energy efficiency.

1.4 TOURISM PRECINCTS

A tourism precinct is a defined area that has potential for the co-location of tourist accommodation, attractions, activities and/or amenities. Tourism precincts should be vibrant, attractive and inviting, offering a variety of uses within an accessible area. A tourism precinct could be an entire town centre or a street block, however it should be walkable. They can support detailed planning for specific tourist accommodation sites, complementary and supporting land uses, and the integration of tourism infrastructure.

The location and scale of a tourism precinct should be informed by the following factors:

- proximity to tourist attractions and facilities;
- be compatible with existing land uses and infrastructure;
- existing and potential tourist accommodation opportunities;
- desired or existing character and amenity;
- visitation statistics for the locality;
- access including transport opportunities; and
- capacity to accommodate a mix of uses that complement tourism development.

1.6 TOURISM FACILITIES

1.6.1 Tourist attractions, activities and amenities

The local planning strategy should include the following details on key tourist attractions, activities and amenities; including their size and the scale of the local tourism industry:

- details of the existing tourism market (for example is it event, cultural, sport, family, adventure, environmental, eco-tourism, health or agri-tourism based?);
- potential new or extended tourist markets to be explored;
- list the types of attractions and experiences (this may include national parks, coastal environments, winery region, cultural and sporting events);

The local planning strategy should identify further detailed planning through the local planning scheme necessary to facilitate an identified tourism precinct.

1.5 TOURISM SITES

A tourism site may include an existing tourist development or non-tourism zoned land that has physical characteristics suited to tourism. Considerations for the selection and identification of tourism sites are provided in Table 1 of these Guidelines.

Future land use and development of tourism infrastructure can be introduced in a local planning strategy by identifying suitable tourism sites and detailing their significance to tourism. This will assist in determining the level of detailed planning to facilitate desired tourism development.

Table 1: Tourism sites - site selection

Criteria	Considerations
Accessibility	Adequate existing or proposed transport links
Uniqueness	A prominent and/or unique landmark of significance
Setting	The site's views, or outlook that encourages recreational tourism activities and/or tourism character
Tourism activities and amenities	The site has or is within easy access of attractions and amenities that promote tours, fishing, historic sites, walk trails, environmental interpretation, cafes, restaurants, shops etc. or is capable of development for activities
Supply of land	The site represents a limited amount of land suitable for a significant tourism use



- type, capacity and number of tourism businesses and activities by tourism category (for example art galleries, breweries, theme parks);
- emerging tourism development opportunities (for example events and/or activities such as festivals, concerts, sporting events, underutilised areas of natural beauty, and adventure activities); and
- tourist amenity of public areas including town centres, streetscapes and public open space.

1.6.2 Tourism infrastructure and services

A local planning strategy should consider infrastructure and services including:

- Identification of service capacity and infrastructure projects with potential to impact tourism growth or quality of visitor experience including access (for example roads, rail, airports), water, wastewater, telecommunications and power (along with potential impacts to other land uses).
- Consideration of tourist movement between accommodation and activities/attractions.
- Access to and from tourist destinations.
- Identification of infrastructure improvements related to tourism in the local government area (for example improve/expand road networks, increased capacity at a local airport to increase tourism access).

1.8 INTERIM MEASURES IN THE ABSENCE OF A LOCAL PLANNING STRATEGY

Where a local government does not have an endorsed local planning strategy, the assessment of a scheme amendment or development application which proposes a non-tourism use on an existing tourism site should consider the Position Statement, these Guidelines, the *Local Planning Manual* (as amended) and any relevant State and local policies.

For tourism sites within an existing or potential tourism precinct, assessment should consider issues and objectives relevant to the tourism precinct including the importance of tourism for the locality.

1.9 TOURISM RESOURCES

To inform economic development, environmental protection, resource management, housing provision and infrastructure (physical and social), liaison should be undertaken with relevant State agencies and the tourism industry. Tourism WA offers various resources to assist planning for tourism and should be consulted if preparing a local planning strategy for an area where tourism is important. Appropriate consultation should ensure the local planning strategy is relevant and reflective of the local community, industry expectations and wider Western Australian context.

1.7 HERITAGE

1.7.1 Historic (built) heritage

Tourism can play a key role in conserving historic heritage when initiated and managed appropriately. The development of heritage buildings and places for commercial tourism may offer a commercially viable option for securing their future. Heritage tourism can contribute to the rejuvenation of regional and urban areas and spread economic benefits across a wide geographical area, such as through themed trails and driving routes.

1.7.2 Aboriginal heritage

Western Australia's rich and diverse Aboriginal heritage gives the State a unique point of difference over other holiday destinations. Aboriginal heritage includes both site and non-site specific values, experiences and activities in urban and regional areas. Tourism, if managed appropriately, can help preserve Aboriginal heritage by encouraging cultural site protection, environmental conservation, and the transfer of inter-generational cultural knowledge.

Tourism also represents a significant opportunity for Aboriginal people to secure sustainable economic, social and job outcomes. An example is the Camping with Custodians touring experience for travellers, which provides income, employment and training opportunities for Aboriginal communities across the Pilbara and Kimberley.



2. GENERAL STATUTORY PLANNING CONSIDERATIONS

2.1 ZONING FOR TOURISM

A variety of tourism development can be accommodated within tourism, mixed use and special use zones.

Uses permissible in each local planning scheme zone should reflect and be consistent with the intended tourism outcome. The *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) provide provisions for zones and land uses for the use of local government.

The objectives of the Tourism zone in the LPS Regulations are:

- To promote and provide for tourism opportunities;
- To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area.
- To allow limited residential uses where appropriate.
- To encourage the location of tourism facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.

In local government areas where tourism is economically significant, the local planning strategy may identify potential tourism zones for the local planning scheme where they do not already exist. Where a tourism site has different or additional objectives to the standard tourism and mixed-use zone objectives, the site may be considered as a special use zone to enable specific objectives unique to the site or tourism use to be included in the objectives for that zone/site only (for example caravan park).

2.1.1 Land use considerations

The local planning scheme needs to determine appropriate use classes and permissibility of tourist development in each zone. Considerations may include:

- Tourist development should be given priority in tourism zones. Local planning schemes that allow residential development in tourism zones need to provide guiding objectives or principles to ensure development is consistent with the tourism purpose of the zone.
- In areas of strong or developing tourism industry, a focus on tourism land use and development is necessary in the local planning scheme.

2.2 DESIGN OF TOURIST DEVELOPMENT

The design principles supporting tourism development siting and design include:

- context and character
- landscape quality
- sustainability

- functionality and build quality
- community
- amenity
- legibility
- built form and scale
- safety
- aesthetics.

Key State policies that support design and assessment include:

- *Visual Landscape Planning in Western Australia – a manual for evaluation, assessment, siting and design (Visual Landscape Manual)*
- *State Planning Policy 7 Design of the built environment (SPP7 and SPP7.3).*

Both documents are to be considered, where relevant, for tourism proposals and their assessment.

2.3 TOURISM SITES

Identification of tourism sites in the local planning scheme can facilitate long-term protection of land for tourism purposes.

Specific planning controls are encouraged for each tourism site and precinct to set parameters for future planning, such as a structure plan or objectives for development or redevelopment.



The design principles of tourist development listed in these Guidelines (section 2.2) should be considered during site selection and planning. In prioritising tourism sites and to inform detailed planning, the following specific site values may be considered in Table 2 of these Guidelines.

2.4 TOURIST DEVELOPMENT IN NON-TOURISM ZONES

A local planning scheme Tourism zone is provided for in the LPS Regulations. Prior to the introduction of this zone, tourist accommodation and development may have been approved on land not zoned for tourism, including in residential, mixed use, rural and town centre zones. Where appropriate, the local planning strategy should

identify opportunities to rezone these sites to tourism in the local planning scheme review. Tourism uses can be encouraged in mixed use and town centre zones as this may assist in providing a mix and scale of development attractive to both tourists and residents.

2.5 NON-TOURIST DEVELOPMENT IN TOURISM ZONES

Careful consideration is required for any proposal to develop tourism zoned land for non-tourist development, or to re-zone tourism land to an alternate zone, given this may collectively lead to lost opportunities for quality tourism development in the most appropriate locations.

There is a need to consider applications and sites on an individual basis, taking into account particular locational issues, in addition to their potential strategic tourism value. Local government may consider developing assessment criteria to determine the significance of any proposed loss of tourism.

Some local governments have adopted a variety of approaches when dealing with non-tourist development and subdivision on tourism zoned land. Considerations include:

- Residential development should be secondary to the tourism use. See Appendix 1 for further information.
- Establishment of length of stay occupancy restrictions for residential uses.
- Proposals are to remain incidental to, and support, the proposed tourism use on the site.
- Demonstration that non-tourist development will not compromise or adversely impact the tourism zone objectives or surrounding uses.
- Development to incorporate facilities normally associated with tourist accommodation development such as recreation, entertainment facilities and integrated management facilities.

Table 2: Tourism sites – criteria to inform detailed planning

Criteria	Considerations
Suitability in a land use context	Is the tourism site located where potential tourism activity is likely to be limited by proximity to uses that might detract from the tourism character?
Capability	Is the site capable of being developed or expanded for tourism and associated servicing that will not impact its natural attributes or cause environmental damage (for example sewerage capacity, water supply and waste collection?). Preparing for climate change adaptation is important to the sustainability of many key tourism sites.
Size	Is the site of suitable size to sustain a proposed tourism development in terms of design, operation and function, without limiting future potential for expansion? Will development of the site contribute to the delivery of diversified and balanced tourism?
Function	Is the site suited to a particular type of tourist accommodation, certain tourism market needs or the desired range of tourist accommodation for the locality (e.g. beachfront caravan parks, school holiday camps, and Crown tourism leases?).



3. TOURISM USES

3.1 RURAL TOURISM

There has been a long-term trend of increasing demand for tourist accommodation in rural areas, with significant variation in the preferred type and form throughout the State. For example, in pastoral regions there is higher demand for 'station stays' as well as 'adventure tourism', whilst in the South West the demand is for holiday houses in rural settings.

Tourism uses should be incidental to a primary agricultural use. *State Planning Policy 2.5: Rural Planning* provides guidance on land use planning in rural areas.

3.1.1 Strategic considerations

Rural tourism may be encouraged in areas with attractions, preferably with sealed road access. Opportunities may include small-scale caravan and camping grounds that are unlikely to compete with existing formal caravan parks as they offer a different experience, have minimal facilities, and are located in a rural setting.

Planning for rural tourism should be further informed by *draft State Planning Policy 2.9: Planning for Water, State Planning Policy 4.1 State Industrial Buffer Policy, Government Sewage Policy 2019*, Department of Health *Guidelines for separation of agricultural and residential land uses*, and *State Planning Policy 3.7 Planning in Bushfire Prone Areas*. The *Position Statement: Tourism in Bushfire Prone Areas* also provides relevant information.

3.1.2 Statutory considerations

Where appropriate, small-scale tourist accommodation should generally be either a discretionary (D) or a discretionary with advertising (A) use in the zoning table of a local planning scheme to minimise potential land use conflicts and maintain the primacy of rural land uses.

3.2 ECO-TOURISM

Western Australia's environment and landscape character creates a unique and attractive holiday destination and ecotourism is one of the State's key tourism markets. Eco-tourism attractions are popular with locals and visitors alike, and include the coastline and waterways, mountain ranges and ancient landforms, unique karri, tingle and jarrah forests and native wildlife, as well as a range of nature-based activities such as hiking, rock climbing, swimming, kite surfing, bushwalking, four-wheel driving and caving.

3.2.1 Strategic considerations

Many of the attractions that encourage tourism are located in regional and remote parts of the State. Some of these areas are prone to natural hazards, such as bushfires, flooding or waterlogging, coastal erosion or cyclones. *State Planning Policy 3.4: Natural Hazards and Disasters* (SPP3.4), *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP3.7) and *State Planning Policy 2.6: State Coastal Planning* (SPP2.6) provide detailed information on planning for vulnerable uses, such as tourist accommodation. The *Position Statement: Tourism in Bushfire Prone Areas* also provides pertinent information.

3.2.2 Statutory considerations

Where relevant, eco-tourism proposals should consider the following:

- bushfire management in accordance with SPP3.7 and State bushfire guidance;
- consistency with relevant zone objectives;
- impact on natural landscape, environment and conservation values;
- appropriate servicing and infrastructure to accommodate the proposed use in an environmentally responsible manner;
- design guidelines and visual impact;
- coastal setbacks in accordance with relevant State planning policy;
- impact on social and cultural values of the area or site; and
- consistency with any relevant National, State and local policy and guidance.

Draft

Planning for Tourism Guidelines
December 2021

9

4. TOURIST ACCOMMODATION

There are many different types of tourist accommodation available in Western Australia, and a variety of controls exist to manage their use. As referenced in section 3 of the Position Statement, the term tourist accommodation means short-term accommodation and includes traditional accommodation (for example chalet, serviced apartment, hotel) and short-term rentals (holiday house, holiday unit, holiday apartment, hosted accommodation).

4.1 EXCLUSIONS

Further to section 3.1 of the Position Statement, it is not intended to capture other forms of short-term and temporary accommodation which are:

- not associated with the issues resulting from short-term rental accommodation offered on a commercial basis; and/or
- subject to alternative guidance, legislation and approaches by local government.

The Position Statement and these Guidelines do not apply to the following forms of short-term and temporary accommodation:

1. *House swapping and housesitting*
House swapping is a mutual arrangement made between owners of separate properties to 'swap' homes for a temporary period and is often for holiday accommodation purposes. House swapping is commonly organised through specialised websites.

Housesitting is a mutual arrangement whereby a person stays and cares for a property whilst the owner is away. Housesitting can be a commercial or non-commercial form of accommodation and is commonly arranged through specialised websites.

2. *Lodgers and boarders*

A lodging house is defined under the *Health Act 1911* as any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than six persons, exclusive of the reward, not including the family or the keeper of the house. Common boarding arrangements include backpacker hostels, crisis accommodation, and student accommodation services.

The *Health Act 1911* requires boarding or lodging houses to be registered with a local government who may establish additional local laws for premises.

3. *Personal use of a holiday home or the sharing of a holiday home with the owner's family and friends*
Informal and infrequent sharing between family and friends, and the personal use of private holiday homes is considered a non-commercial arrangement.

4. *Student exchange accommodation*

This is temporary accommodation whereby students stay with a host family in their home whilst studying. These arrangements are commonly organised through student hosting organisations or educational establishments.

5. *Workforce accommodation*

Refers to premises, such as modular or relocatable buildings, used for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis, and for any

associated catering, sporting and recreation facilities for the occupants and authorised visitors. Workforce accommodation is regulated by local government, except where the *Mining Act 1978* and State Agreement Acts prevail (refer to the *Position Statement: Workforce accommodation* for more information).

Residential parks, park home parks and lifestyle villages are also excluded from the Position Statement and these Guidelines as they are forms of long-stay accommodation defined as 'park home park', and are dealt with by other policy and legislation.

4.2 GENERAL STRATEGIC CONSIDERATIONS FOR TOURIST ACCOMMODATION

The impact of tourist accommodation varies throughout the State depending on the importance and prevalence of tourism activity in the locality. The local circumstances should therefore guide management and control of the use. Areas that are known tourism 'hot spots' such as coastal locations may need special attention to ensure the location continues to grow in a controlled manner as a tourist destination.

4.2.1 Land supply

If land supply pressures for tourist accommodation are evident or predicted in a local government area, the tourism component of the local planning strategy should be informed by an accommodation demand/supply study and analysis that forecast estimates of future tourism growth, including likely demand for tourist accommodation.

Draft

Planning for Tourism Guidelines
December 2021

10



The detail of the accommodation demand/supply analysis should reflect the extent and importance of local tourism and land use/land supply pressures in the locality. Tourism accommodation sites are to be protected to ensure they cannot be developed exclusively as residential development. Refer to section 2.5 of these Guidelines for analysis considerations.

4.2.2 Site assessment

A local planning strategy should include identification of suitable land and an assessment of its availability for future tourist accommodation. It should note private, Crown, and local government land currently used for tourist accommodation, the type of accommodation, lease/management arrangements, and future development opportunities.

The following questions should inform the consideration of sites suitable for tourist accommodation:

- Is the site identified in a report/study as having potential for tourism?
- Does the site contain existing tourist accommodation development?
- Is the site located in an area of high tourist amenity and of adequate size to develop tourism facilities?

For short-term rental accommodation, the local planning strategy may identify localities/suburbs where this form of tourist accommodation may be suitable.

4.3 TRADITIONAL ACCOMMODATION

Traditional Accommodation refers to the following land uses:

- cabin
- chalet
- caravan park
- hotel
- motel
- serviced apartment
- tourist development.

4.3.1 Caravan parks

These Guidelines support sections 5.2.1 and 5.3.1 of the Position Statement to provide direction on matters to be taken into consideration when planning for caravan parks, including the development of new, or redevelopment of existing parks.

Caravan parks provide a range of accommodation and facilities that contribute to the diversity of Western Australia's tourist accommodation, particularly in regional areas. Caravan parks provide a comparatively affordable form of short-term accommodation serving caravanning and camping recreation and leisure needs.

Camping grounds, transit and informal camping sites are more likely to be in remote regional areas. Typically, these areas consist of cleared land with no or few facilities (for example toilets or bins). Transit sites may form part of a roadhouse or service station.

Separate to these Guidelines, the requirements of the *Caravan Parks and Camping Grounds Act 1995* and associated regulations, as administered by the Department of Local Government, Sport and Cultural Industries must be met.

Long term residential occupancy of a caravan park (for example residential parks, park home parks, lifestyle villages, transient workforce accommodation parks, and transit parks) is not addressed in these Guidelines.

4.3.1.1 Strategic considerations

4.3.1.1.1 Existing situation

The local planning strategy should identify existing and potential transit and informal camping sites and provide local governments with a sound rationale for determining the future land allocation, planning controls and infrastructure needs for caravan parks. The retention and development of caravan parks as affordable tourist accommodation is encouraged and subject to the following strategic considerations:

- the commercial sustainability of caravan parks and flexibility in product mix;
- facilitation of growth in the caravan park industry;
- the suitable separation of short and long-stay uses within a caravan park;
- development and redevelopment of caravan parks that responds to the site context, environment and economy; and
- caravan park locations and function based on market analysis.



Caravan parks experience competing demands and face many challenges including short-stay and long-stay demands, redevelopment pressures, regulatory requirements, ageing infrastructure and changing market demands. These demands and challenges have contributed to closures throughout the State.

4.3.1.1.2 Considerations for the location and siting of caravan parks

The purpose and design of the caravan park should be justified in relation to its location and context.

The purpose for a caravan park may include a stop-over/transit caravan park, and/or a destination caravan park for tourists. Details of land tenure and lease agreements should inform any high-level planning.

The local planning strategy should identify potential future caravan park sites in tourism areas where high occupancy rates occur throughout the year. Once identified, future caravan park sites are encouraged to be retained in public ownership and zoned Caravan Park as freehold land is at risk of rezoning for other purposes.

Where practical, caravan parks comprising a long-stay component should be located where there is access to urban facilities and amenities.

There is a presumption against caravan parks comprised of long-stay residents being in areas of high tourism value because it is preferable that these sites/locations are secured for tourism purposes.

4.3.1.1.3 Topography, drainage, soils and vegetation

Caravan parks should not be located on flood prone or water-logged land, nor steep slopes unless suitable mitigation measures are demonstrated. Cleared sites are preferred and any clearing of vegetation for a caravan park development should be minimal and retain mature trees and vegetation.

Caravan parks are not supported in Priority 1 and Priority 2 water resource protection areas, however may be considered in Priority 3 areas provided deep sewerage is available.

Acid sulphate soils and other soil types may not be suitable for development as they are susceptible to slipping and slumping.

4.3.1.1.4 Coastal or fire hazard constraints

Proposed new coastal caravan parks or the redevelopment of an existing caravan park adjacent to the coast must consider coastal processes, landform stability, coastal hazards, climate change and biophysical criteria as part of the application. They may require a coastal hazard risk management and adaptation plan and a foreshore management plan. A bushfire hazard assessment and/or bushfire management plan may be required to inform caravan parks at risk from bushfire hazards. Refer to SPP2.6 and SPP3.7.

4.3.1.1.5 Visual impact

A proposed caravan park should consider impacts on the landscape character and visual amenity from scenic points to minimise visual impacts on high value public views (refer to the *Visual Landscape Planning in Western Australia – a manual for evaluation, assessment, siting and design*).

4.3.1.2 Statutory considerations

In addition to section 5.3.1 of the Position Statement, local planning schemes should address the following in relation to caravan parks and camping:

- facilitate the long-term retention, of caravan parks and camping grounds as a form of affordable short-term accommodation primarily for leisure tourists;
- caravan parks should not be located on land at risk from natural hazards, for example steep slopes or coastal land, due to the temporary and vulnerable nature of accommodation typically found in caravan parks (for example tents, caravans, campervans);
- caravan parks should be flexibly designed to provide a range of accommodation options to facilitate long-term viability, however short-term accommodation options should be the predominant use;
- minimise potential for conflict between short-term and long-stay users of caravan parks through appropriate separation including separate facilities and access;
- park home parks should be identified as not permitted (X) in the Tourism or Special Use – Caravan Park zones;
- caravan parks should identify overflow areas for peak periods where additional space is likely to be required;
- suitable access and egress should be provided to ensure safety of pedestrians, vehicles and cyclists;
- caravan parks should be connected to appropriate services, such as electricity and wastewater supplies;
- the local planning strategy should identify existing and potential transit and informal camping sites; and



- green title subdivision of caravan parks is generally not supported to ensure retention of the caravan park use and avoid management issues associated with private park sites.

Appendix 2 provides further design considerations for local government when assessing proposals for new, or redevelopment of existing caravan parks.

4.3.1.2.1 Accommodation products and permanent structures

Caravan parks may provide a range of accommodation products to meet visitor demand such as powered and unpowered camp sites, minimal service recreational vehicle (RV) sites, on-site vans, cabins, chalets and eco/safari tents. Caravan parks may also provide permanent structures including, but not limited to caretaker's dwelling/manager's residence, shop/office, café, games/recreation room, ablution facilities, camp kitchen and camp laundry. It should also be noted that not all of these accommodation types may be permitted under the *Caravan Parks and Camping Grounds Act 1995* administered by the Department of Local Government, Sport and Cultural Industries.

For the purposes of these Guidelines, constrained areas refer to a specific portion of land that may have restrictions in use due to environmental factors (for example flood plains, coastal land, bushfire prone areas).

4.3.1.2.2 Redevelopment and reinvestment in caravan parks

If a caravan park is proposed to be redeveloped to cater for other forms of tourist accommodation, the range of existing facilities on offer should be retained. Converting entire caravan parks into other forms of tourist accommodation is discouraged. The local planning strategy may suggest a local development plan be prepared when caravan parks are proposed for significant changes. Refer to Appendix 2 Design assessment for proposed or redeveloped caravan parks.

4.3.2 Hotels

Hotel developments are one of the more expensive tourist accommodation ventures and take a significant length of time to obtain a return on investment. Therefore, if a local government seeks to encourage development of a hotel in a tourism precinct or a particular tourism site, incentives to attract developers or measures to promote viability of a hotel or reduce costs may assist in drawing interest. Planning incentives may include plot ratio bonuses, facilitation of mixed-use outcomes and floor space and height inducements. Hotel developments also require other statutory approvals in addition to a development approval (for example liquor licence).

4.4 SHORT-TERM RENTAL ACCOMMODATION

Short-term rentals are the common name given to holiday homes, units or apartments (usually built for residential purposes in areas zoned for residential use) offered for short-term letting, usually through an online booking platform. The prevalence of residential properties being let as short-term rentals in residential areas has increased rapidly in Western Australia since the emergence of online e-commerce booking platforms.

Depending on the type and scale of the short-term rental accommodation proposed, a variety of controls may be applicable to manage the use. These Guidelines propose tailoring of local planning schemes and local planning policies to address the specific issues encountered by individual local governments around tourist accommodation.

Local government is best placed to know the needs of its community and what requirements may need to be placed on short-term rental accommodation providers. Local government is responsible for establishing local regulatory frameworks to manage short-term rental accommodation and for carrying out ongoing management and enforcement.

In addition to local government framework considerations addressed in section 5.2.2 of the Position Statement, the following statutory considerations will assist local governments to address short-term rental accommodation in their locality.

Draft

Planning for Tourism Guidelines
December 2021

13

4.4.1 Statutory considerations

4.4.1.1 Zoning

Table 3: Short-term rental zoning considerations

Criteria	Considerations
Determine where short-term accommodation is best located within the local government area	Siting considerations may include: <ul style="list-style-type: none"> • areas of high tourism amenity (e.g. beach access, views, facilities and availability of services) • natural hazards (for example bushfire, cyclone and floods).
Determine appropriate use classes and permissibility in each zone	The following zoning options are suggested approaches for local government consideration: <ul style="list-style-type: none"> • hosted accommodation – P use (exempt development 365 days of the year) in the Residential zone and any other zones deemed appropriate by a local government • all other forms of short-term rental accommodation – D use in local planning scheme and requires planning approval <ul style="list-style-type: none"> – This could apply to all forms of short-term rental accommodation, different types of short-term rental accommodation or be differentiated based on scale such as number of individuals to be accommodated. – For accommodation offering sleeping arrangements for 6 or less, could be D use, for 7 or more could be an A use to allow for advertising. • specific types of short-term rental accommodation – X use in local planning scheme.

4.4.1.2 Local planning policies

Local planning policies can be prepared to inform land use and development control. Please refer to section 5.3.2 of the Position Statement for specific guidance on preparing local planning policies to outline local government's approach to short-term rental accommodation.

4.4.2 Management plans

As referenced in section 5.3.2 of the Position Statement, where appropriate, local government may require the applicant to prepare a management plan to address

potential amenity impacts arising from short-term rental accommodation and necessary emergency protocols. A management plan may include, but not be limited to the following:

- Mitigation plan –
To control anti-social behaviour, noise and any other potential conflicts a mitigation plan may be appropriate. Anti-social behaviour should be dealt with by local governments/police in the same manner as a property being used as a residential dwelling.

- Complaints management procedure –
The manager of short-term accommodation should be contactable in the event that a complaint is made. The guest should have 24-hour access to the manager via phone, email or an online app. Some local governments may wish to receive from the operator a record of complaints made against short-term rentals and this should be reflected/included in the complaints management procedure.
- Guest check-in and check-out procedures
Clear check-in and check-out procedures should be outlined in the management plan.
- Health and safety protocols
Other legislation and standards govern the need to provide and maintain appropriate health and safety requirements in short-term rental accommodation. Local government may wish to advise short-term rental operators of these requirements in the management plan.
- Management and provision of car parking
On-site parking provision should be considered to accommodate additional vehicles within the property boundary and should align with existing local government parking policies.
- Waste management
Must specify the requirements of general waste and recycling, bin collection days and location of bins for collection.



4.4.3 Other local government considerations

Local governments may consider it appropriate to provide guidance to short-term rental accommodation operators on the variety of non-planning requirements necessary for the operation of short-term rental accommodation.

This section outlines some non-planning requirements which may be relevant.

Note: The Department of Mines, Industry Regulation and Safety and the Real Estate Institute of Western Australia provide information for owners, real estate agents, property managers and purchasers, to address public health and safety, taxation, insurance and amenity requirements, as well as due-diligence processes for short-term rental operations. Further information can be found at www.dmiri.wa.gov.au.

4.4.3.1 National Construction Code requirements

Short-term rental accommodation is provided for in a range of classifications used in the National Construction Code, available at ncc.abcb.gov.au.

4.4.3.2 Insurance and liability

As many residential public liability insurance policies exclude the use of premises for short-term rentals, it is recommended that landowners/managers check this matter with their insurance providers.

4.4.3.3 Health and safety standards

Other health and safety requirements may be applicable to the operation, such as standards for the serving of food and maintenance of aquatic facilities such as pools and spas.

5. LOCAL LAWS

Note for consultation:

Concurrent with the release of the draft Position Statement and Guidelines, the State Government is working towards implementation of a registration scheme for hosted and unhosted short-term rental accommodation, which was a key recommendation of the 2019 Economics and Industry Standing Committee's inquiry "Levelling the playing field: Managing the impact of the rapid increase of Short-Term Rentals in Western Australia".

Some local governments currently have local laws requiring short-term rental accommodation operators register with the local government for an annual licence. How these existing local government registration systems will interact with or be superseded by the State registration scheme is currently under consideration. Further information on the registration scheme is available from <https://www.dlgsc.wa.gov.au/>

Under the *Local Government Act 1995*, a local government may create a local law when considered necessary.

As such, local governments may consider introducing a local law where individuals running short-term rental accommodation must meet certain requirements in order to register with the State's mandatory registration scheme. The local government could outline conditions of operation such as parking requirements, emergency evacuation plans, and number of guests. Requirements could apply to all forms of short-term rental accommodation, different types of accommodation or be differentiated based on scale such as the number of individuals to be accommodated.

6. STRATA AND COMMUNITY SCHEME DEVELOPMENT

Under the *Strata Titles Act 1985* and *Community Titles Act 2018* strata and community schemes are comprised of by-laws; the scheme plan (depicting lots); and upon registration, the strata company or community corporation.

The *Strata Titles Act 1985* requires subdivision approval by the WAPC under the *Planning and Development Act 2005* and *Strata Titles Act 1985* prior to the registration of a strata plan to create a strata scheme. Section 6 of the *Strata Titles Act 1985* allows a strata/survey-strata plan to legally restrict uses on strata land.

For strata schemes, the subdivider/developer can supplement the deemed by-laws and add restrictions regarding short-term letting. For community schemes, the community corporation can also apply by-laws to allow or restrict uses within the community scheme as a whole or for schemes within certain tiers. Planning approval for short-term rental accommodation within a strata or community scheme does not override the need for body corporate approval.

The *Community Titles Act 2018* requires WAPC approval of the community development statement, which governs the subdivision and development of land subject to a community scheme, and subdivision. Sections 25 and 43 of the *Community Titles Act 2018* allows a community titles scheme plan to legally restrict uses on community titled land or development.

Note: The applicable strata or community titles scheme plan for grouped and multiple dwellings should be checked for consistency prior to an approval being issued.

6.1 SHORT-TERM RENTAL ACCOMMODATION IN RESIDENTIAL STRATA AND COMMUNITY TITLES SCHEME DEVELOPMENT

The use of a residential strata or community titles scheme property (for example apartment, unit, villa, flat, townhouse) for tourist accommodation has additional obligations to a single house on a freehold lot.

Strata and community titles scheme complexes could be more susceptible to the potential negative impacts of short-term rental accommodation due to:

- the proximity of neighbours
- the reliance on shared facilities
- the high proportion of whole-premise short-term accommodation (i.e. un-hosted).

Where development approval is required and is supported by the strata company or community corporation, one or more units or an entire development may be approved by the strata company or community corporation for short-term rental accommodation, subject to conditional requirements or restrictions. Strata companies and community corporations are suitably positioned to address neighbour concerns rather than individual strata or community titles owners. The strata company or community corporation may also vote to:

- prohibit the use of strata/community titles units for tourist accommodation;
- allow the use of particular properties for short-term rental accommodation;

- apply restrictions and management plans; or
- allow the use of all strata/community titles units for short-term rental accommodation.

Under current strata laws, strata companies can adopt model by-laws which enable them to:

- manage some of the impacts that may arise from uses such as short-term rental accommodation, including management of common property; and
- require that an owner/occupier must notify the strata company of a change of use of that lot including if it is to be used for short-term rental accommodation.

Strata companies and community corporations can also formulate their own by-laws to:

- help manage the behaviour of owners/occupiers and invitees, noise, vehicle parking, the appearance of a lot and waste disposal;
- vary the insurance payable by owner/occupiers who short-term let; and
- restrict the use of tenancies for the purpose of short-stay rental accommodation.

The *Strata Titles Act 1985* and *Community Titles Act 2018* do not include model by-laws to prohibit or restrict short-term rental accommodation. However, a strata company or community corporation may vote to set their own by-laws to prohibit or restrict the use.

The requirements of the *Strata Titles Act 1985* and *Community Titles Act 2018* must be observed in all circumstances. If strata or community scheme by-laws do not permit the use and the strata company has not approved the use, the use remains illegal under the *Strata*

Titles Act 1985 and *Community Titles Act 2018*. A planning approval does not override the need for an approval of the strata company or community corporation. Where it is proposed to use a strata or community titles property for short-term rental accommodation (or other form of tourist accommodation) the onus is on the owner to confirm the permissibility of the use under the relevant by-laws.

Landgate has prepared guidance to assist strata companies in managing short-term rentals in strata schemes. The Guide to Strata Titles can be found at www.landgate.wa.gov.au.

APPENDIX 1: MIXED USE RESIDENTIAL DEVELOPMENT

Factors to consider in determining the proportion of mixed use and/or residential development in areas of primary tourism.

- What are the tourism values of the site?
- What site, precinct and location factors support residential or mixed use of the tourism site?
- Is the site sufficiently large enough to cater for a residential component in addition to the intended sustainable tourism use?
- Is the proposed residential development appropriate and sustainable in the broader planning context?
- Isolated and new residential settlements should not be supported.
- What tourist accommodation facilities exist or are proposed in the area? Has the capacity for new tourism development and the projected demand and range of tourist accommodation been identified for the tourism site, precinct, locality and region?
- Residential development should complement tourism development.
- Tourism uses should be located in areas of greatest tourism amenity within a site (for example beachfront), not proposed residential uses.
- Residential dwellings should be designed and integrated into the tourism use and its management.
- Has a structure plan been prepared (or should it be) to integrate residential and tourism uses ensuring the proposed tourism use is enhanced and avoids potential land use conflict (for example noise from tourist accommodation impacting permanent residential amenity)?
- Do proposed residential lot sizes reflect and enhance the desired tourism use?
- Should length of stay residential occupancy restrictions be implemented?
- Are non-tourism land uses and development, and proposed tourism uses compatible in terms of proposed lot sizes, building heights, scale and character of development?



- Are there potential impacts to surrounding areas from combining tourism and residential uses?
- Relevant State and local government policies and guidelines should be considered in assessment.
- The design of the overall proposal should ensure ease of access in and around the site for tourists.
- Tourism uses should incorporate recreation, entertainment and integrated management traditionally provided in tourist accommodation (for example swimming pool, lookout area, cycle paths, barbecue area).
- Separate staging of tourism and mixed use/residential development is discouraged.
- Strata or community titling of tourist accommodation (including serviced apartments) should include an appropriate management statement to ensure tourist accommodation is restricted to short-term use, prohibit use as permanent accommodation and, preferably include on-site management.
- Proposing the inclusion of permanent residential accommodation into an existing tourism development should only be supported where it is demonstrated as facilitating a quality tourism outcome or benefit (for example major refurbishment of tourism use, increased capacity of tourist accommodation, renovation or development of new public space, new pool and restaurant facilities).

Draft

Planning for Tourism Guidelines
December 2021

17

APPENDIX 2: DESIGN ASSESSMENT FOR PROPOSED OR REDEVELOPED CARAVAN PARKS

Caravan parks should separate short-term from long-term accommodation to reduce risk of noise and anti-social behaviour. Separate facilities and access for long and short-term accommodation is encouraged.

Small portions of long-term accommodation may be considered in caravan parks provided that short-term accommodation (tourist accommodation) is located in areas where the highest tourism amenity occurs (for example the beachfront, proximity to shared ablution blocks).

Where relevant, overflow caravan parking locations should be included in caravan park proposals. Local governments endorse the provision of overflow facilities as part of licences required under the *Caravan Parks and Camping Grounds Act 1995*.

Design should consider:

- (a) **Access** – Suitable access and egress must be demonstrated in proposals to ensure traffic, cyclist and pedestrian safety within the caravan park. Secondary or alternative access routes should be included in proposals to cater for emergency evacuation (for example fire or flood). Internal roads should be designed to minimise potential conflict between pedestrians and vehicles and allow manoeuvring space for recreational vehicles and vehicles towing caravans.
 - (b) **Amenity** – Vegetation and landscape plans that integrate the proposed caravan park into the surrounding landscape should be included and assessed as part of any application. Design minimising opportunity for crime, the use of complementary structure styles, colours, materials, suitable fencing, and separate recreational areas (for example playgrounds and pools) and quiet activity areas should be considered in proposals and their assessment.
 - (c) **Services** – Utility services such as electricity, landline telephone or mobile phone network accessibility, demonstrable water supply and the proposed system for wastewater treatment should form part of any proposal. Written confirmation by service providers of the availability and capacity of services, particularly in peak season, is to be submitted with applications for proposed caravan parks.
- If reticulated sewerage is not available, on-site wastewater disposal must be proposed and provided to the satisfaction of the Department of Health.



Caravan parks used for short-term accommodation must have facilities that accept waste from caravans. Known as chemical toilet dump points, they should be located away from accommodation in areas with no tourism amenity. If seeking an exemption from providing a dump point in the proposed caravan park, access to an alternative off-site dump point must be identified as part of the application. Waste from mobile toilet and sanitation fixtures is not permitted in dump points as it will interfere with the efficient operation of conventional onsite water disposal systems. Further information is available from the Department of Health.

If a caravan park is proposed to cater for both long and short-term accommodation consideration should be given to the provision of additional services and infrastructure. Long-term caravan park sites must be fitted with individual meters for electricity and water tap or connection.

ADDITIONAL INFORMATION 3 – Previous item FPOL1901-3

FPOL1901-3 SUBMISSION TO PARLIAMENTARY INQUIRY ON SHORT STAY ACCOMMODATION

Meeting Date: 23 January 2019
Responsible Officer: Director Planning & Strategic Projects
Decision Making Authority: Council
Agenda Attachments: Nil

SUMMARY

The Economics and Industry Standing Committee of the Legislative Assembly of the Parliament of Western Australia is conducting an inquiry into matters relating to the regulation of short-stay accommodation in WA. The Committee is inviting submissions on the matters covered by the inquiry, to be made by 25 January 2019.

Given the significant role played by short-stay accommodation in supporting Fremantle's visitor economy, it is recommended that the City of Fremantle makes a submission. This report sets out the content of a recommended submission by the City for Council's consideration and approval.

BACKGROUND

The Economics and Industry Standing Committee of the Legislative Assembly of the Parliament of Western Australia is conducting an inquiry into matters relating to the regulation of short-stay accommodation in WA, with particular reference to:

1. The forms and regulatory status of short-stay accommodation providers in regional and metropolitan Western Australia, including existing powers available to local government authorities.
2. The changing market and social dynamics in the short-stay accommodation sector.
3. Issues in the short-stay accommodation sector, particularly associated with emerging business models utilising online booking platforms.
4. Approaches within Australian and international jurisdictions to ensure the appropriate regulation of short-stay accommodation.

The Committee will report to the House by 27 June 2019, and to assist its inquiry it is inviting submissions on matters within the above terms of reference to be made by 25 January 2019.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

CONSULTATION

None applicable. The purpose of the report is to recommend a submission by the City in response to consultation being undertaken by the Economics and Industry Standing Committee.

OFFICER COMMENT

Given the significant role played by short-stay accommodation in supporting Fremantle's visitor economy, and the proactive approach taken by the City in recent years in managing certain forms of accommodation through the City of Fremantle Short Stay Accommodation Local Law, it is considered that the City can make a useful contribution to this parliamentary inquiry. The remainder of this report sets out the content of a recommended submission by the City for Council's consideration and approval. The structure of the submission is based on the four key issues identified in the terms of reference for the inquiry.

The forms and regulatory status of short-stay accommodation providers in WA, including existing powers available to local government authorities.

a) Short-stay accommodation is not new, but some business models are.

Various forms of short-stay accommodation, principally servicing tourists or business visitors, have existed across WA for many years. These include hotels, motels, backpackers/hostel style accommodation, serviced self-catering apartments in purpose-built developments, caravans/park homes/chalets on licensed Caravan Parks, and accommodation offered within residential dwellings either with or without the service of breakfast or other meals.

Most of these forms of accommodation are easily recognised, and already appropriately regulated for at a state and/or local government level. Provisions to assess and regulate the land use impacts associated with the development and use of buildings purposely developed for short-stay use are, in the view of the City of Fremantle, already adequately provided for through the *Planning and Development Act 2005* and local planning schemes prepared and administered under that Act. The model provisions for local planning schemes contained in Schedule 1 to the *Planning and Development (Local Planning Schemes) Regulations 2015* provide consistent categories for the zoning of land, and definitions of land uses, to be applied in individual local planning schemes across WA.

The regulation of building, health, fire and other safety matters, and consumer protection issues associated with short-stay accommodation are also well established through existing state legislation and the City of Fremantle considers adequate inspection and

compliance powers are available at state and local level to administer these statutory requirements.

The City considers the primary issue that the Standing Committee's inquiry should focus on is the consequences - both positive and negative - of the use and management as short-stay accommodation of dwellings primarily intended for long-term residential occupation. Although this type of accommodation has existed to some degree for many years (e.g. traditional 'bed and breakfast' establishments), the rapid growth in recent years of online booking platforms aided by disruptive technologies has led to a major increase in the popularity of both providing and staying in conventional dwellings. This has tended to blur the boundary between traditional commercial operators/businesses and the emerging market typified by Airbnb members. This blurring can cause a number of tensions, particularly because a significant proportion of the accommodation offered for rental on Airbnb and similar online platforms is located in predominantly residential areas not traditionally associated with the supply of short-stay, tourist-orientated accommodation.

The City took a proactive approach to addressing this issue ten years ago. Although this pre-dated the major growth in 'Airbnb-type' accommodation offerings and booking technology, the City considers its approach has stood the test of time well and can offer a useful case study to the inquiry that could inform recommendations on a suitable framework for wider application.

b) City of Fremantle's approach to local regulation of short-stay accommodation.

In 2007-08 the City considered a number of options for dealing with the regulation of short stay accommodation in the form of dwellings used predominantly for that purpose, generally involving the owner/proprietor residing in another property.

The City concluded that it is difficult to satisfactorily deal with such uses through the planning development approval process, because rather than involving assessment of physical aspects of a development which can be objectively assessed (e.g. building design, number of parking spaces, etc.) the use of a dwelling which might otherwise be occupied as a main residence by an owner or long-term tenant as short stay accommodation raises more subjective issues of impacts that *may* occur, but do not occur *of necessity in every case*. Impacts from such use (in terms of potential nuisance to neighbours from noise disturbance, etc.) are more dependent on the manner in which the property is managed than on physical attributes of the use which are really no different to those involved with long term residential occupation of the same building.

The difficulty with attempting to assess impacts such as noise disturbance from comings and goings or social activities by short stay occupants of dwellings through the planning system is that they may equally apply to any long-term household which, through the lifestyle of its occupants, may create local nuisance to neighbours without any opportunity for control through the development approval process. Furthermore, planning enforcement is made difficult by the challenge of clearly distinguishing between short-term and long-term occupancy of a dwelling.

For these reasons, the City decided to adopt an approach of exempting the land use of short-stay accommodation in the form of occupation of single, grouped or multiple dwellings (where occupied by 6 or less people) from requiring development approval in all zones under the Local Planning Scheme. However, in parallel the City adopted a Short Stay Accommodation Local Law under the provisions of the *Local Government Act 1995*.

The City's reason for adopting this approach was based on evidence that the primary concerns of the local community about short stay accommodation in residential locations related to matters of adequate management of such accommodation and guest behaviour, rather than the use of the property per se. As explained above, the City considered that these issues could not be effectively addressed through the statutory planning process, but could fall within the scope of matters that may legitimately be included in a Local Law made under section 3.5(1) of the *Local Government Act 1995*.

In 2009 the Joint Standing Committee on Delegated Legislation considered, and accepted, the City's proposition that the City of Fremantle Short Stay Accommodation Local Law 2008 was within the City's lawmaking powers under the *Local Government Act 1995* and is not inconsistent with the *Planning and Development Act 2005*.

In summary, the City of Fremantle Short Stay Accommodation Local Law makes the following provisions:

- The proprietor of a dwelling intended to be used as short-stay accommodation must register the dwelling with the City, and must not use the property for such purposes without having been issued a certificate of registration by the City.
- A certificate of registration will not permit more than 6 persons to occupy a dwelling for short-stay accommodation purposes.
- The following conditions apply to all certificates of registration:
 - Each booking must be for a minimum stay of 2 consecutive nights.
 - A minimum of 1 on-site car parking space must be available for the exclusive use of occupants.
 - The manager of the short stay accommodation must be contactable, using contact details provided to the City, at any time of the day or night and the manager must respond, within 12 hours, to any contact made relating to the accommodation.
 - The proprietor must promptly inform the CEO of the City of any change that would affect the currency of the details of the registration.
- A breach of the local law is an offence punishable by a penalty of \$4,000 or modified penalty of \$400.

Since the local law took effect in March 2009, the City has found it to be a generally effective mechanism to regulate the use of dwellings for short-stay accommodation purposes. In particular, the requirements for registration of short-stay dwellings and conditions of registration requiring a minimum stay of 2 consecutive nights and a nominated manager to be contactable by neighbours or any other person on a '24/7' basis have proved very effective in minimising detrimental impacts such as so-called 'party house' one-night bookings by large groups.

Since the local law came into effect, the City has averaged less than 5 complaints per year regarding the operation of registered short-stay dwellings or the operation of alleged unregistered short stay accommodation. As of 1 December 2018, 222 properties within the City of Fremantle have current certificates of registration for use as short-stay accommodation. In August 2017 the City conducted a cross-check of properties registered for short-stay use against properties within the City of Fremantle being advertised for rental as short-stay accommodation on online booking platforms. This did not reveal any significant disparity between the number of properties advertised for rent on platforms such as Airbnb and the number of properties registered under the City's local law. In fact, the number of registered properties exceeded the number being advertised at the time of the check.

The City considers these statistics indicate a high level of voluntary compliance with the local law by short-stay accommodation operators, and a regulatory approach which balances the interests of accommodation operators, the amenity of neighbours and the resource capacity of the local government in a proportionate manner.

c) Suggested guiding principles for a regulatory framework

Based on its experience with the approach described in b) above, the City suggests that any recommendations the Standing Committee might consider making about regional or state-wide approaches to regulation of short-stay accommodation should be based on the following principles:

- A balanced and practical approach. Clear rules are needed regarding what type of approval is required, and in what circumstances, but at the same time local government does not have the capacity or resources to administer an overly burdensome regulatory framework.
- Flexibility. Consistency of definitions and regulatory approaches across different local government areas will assist all stakeholders, but a regulatory framework needs to be flexible enough to adapt to the local situation given the likelihood of significant variations in the nature, extent and impacts of short-stay accommodation in different locations across both metropolitan and regional WA.
- Simplicity and transparency. It is in the best interests of accommodation providers, the wider community, and regulatory agencies (especially local governments) to provide clear, simple approval and complaint resolution pathways which do not involve excessive 'red tape', are proportionate to the relatively low impact nature of such accommodation, and do not divert local government attention and resources away from dealing with issues of greater strategic significance.
- Blended regulation. A combination of proportionate government regulation and industry self-regulation by accommodation providers and booking platforms/agencies is a preferable approach.

The changing market and social dynamics in the short-stay accommodation sector.

The last decade has seen significant competitive pressures placed on a number of industries as a result of digital disruption. The introduction of Uber rideshare services has changed the way consumers procure transport, which has impacted market share for traditional taxi services. Similar trends have been seen within the short-stay accommodation sector with the introduction of AirBnB room share based services. Technology has been at the centre of the success of both of these examples, with consumers now able to book competitively priced accommodation or transport at the touch of a button via mobile applications.

Whilst technology has been an enabler for this kind of change, there has also been a shift towards a sharing economy. With the aid of technology consumers are now prepared to step outside of the realm of traditional hotel/B&B type models and start staying in people's homes with the primary drivers being affordability, choice and unique experiences. AirBnB users are able to choose anything from a luxury penthouse, a standard residential apartment, a cabin in a river boat or even a tree house in the forest.

The affordability, choice and uniqueness that models like AirBnB offer consumers adds significantly to a destinations ability to attract visitors, as this increase in supply and choice can help drive demand across a broader range of potential visitors.

Issues in the short-stay accommodation sector, particularly associated with emerging business models utilising online booking platforms.

Whilst the emergence of new technology driven business models in the short stay accommodation sector have helped to drive choice and affordability, the ease at which short-stay accommodation suppliers have been able to engage with platforms such as AirBnB, Expedia and Booking.com has highlighted some concerns around the ability to regulate these operators both from a safety and a commercial land use perspective.

In the absence of a consistent regulatory framework, there is risk of room share and AirBnB providers not meeting health and safety requirements that established commercial accommodation operators would normally be required to adhere to. This has also raised questions around the ability to audit and regulate smaller room share based operators given the number and scale of listings.

The Hotel industry has also been vocal in identifying an 'uneven playing field'. This is primarily due room share based models not being subjected to the usual commercial overheads that hotels are, therefore enabling room share operators to provide significantly cheaper accommodation than hotels.

The City of Fremantle has responded to these issues by introducing a differential rate on registered short stay properties from 1 July 2018.

Approaches within Australian and international jurisdictions to ensure the appropriate regulation of short-stay accommodation.

The City of Fremantle is aware of the following examples of approaches adopted under other jurisdictions, which it considers are relevant to the scope of the inquiry.

In New South Wales, an inquiry by the NSW Parliament's Legislative Assembly Committee on Environment and Planning led to publication of an options paper on short-term holiday letting by the NSW Department of Planning and Environment in 2017. Following the options paper, in June 2018 the NSW Government announced a whole-of-government framework for short-stay accommodation featuring the following key elements:

- Short-stay letting of residential properties is exempt from requiring planning approval whether the host/owner is present at the property or not, but for properties within Greater Sydney if the host is not present there is a 180 day per year limit on short-term letting.
- A mandatory Code of Conduct for short-stay accommodation operators and online booking platforms covering management issues such as noise and dealing with disruptive guests.
- Provisions for strata property management bodies to adopt strata by-laws prohibiting short-stay letting if the unit owner does not live in the property being let out.
- Recognition of the significant contribution short-stay accommodation booked through online platforms such as Airbnb makes to the Australian economy.

International examples:

San Francisco – local city ordinance (local law) introduced in 2015. This allows permanent residents of San Francisco to register to be a short-term rental host of a residential property which they own and occupy themselves for at least 275 nights per year. Renting out of the property when the host is not in occupation is limited to 90 nights per year. Registration does not override any strata property by-law that may prohibit short-term rental of a dwelling in a multi-unit development. The City of San Francisco local government has an 'Office of Short Term Rentals' which administers and enforces the local law.

Vancouver – City of Vancouver local law came into effect on 1 April 2018 requiring property owners intending to let a property for short stay accommodation to obtain a Short Term Rental Accommodation licence from the City. Only properties which are the principal residence of the owner (defined as where they spend over 180 days per year) may be licensed. 'Good neighbour' rules require licence holders to take responsibility for guests conforming with noise and parking management protocols.

London – short term rental of an entire residential property without planning approval limited to 90 days per year.

Many major European cities including Paris, Berlin, Madrid and Barcelona operate similar controls (with variations) that require properties used as short stay accommodation to be registered as such, and to be limited in use for a maximum number of nights per year (varied, but generally 120 nights per year or less) and/or to be limited to properties which are the owners' own principal place of residence.

The City of Fremantle offers the following observations in relation to these examples.

- A common theme of approaches to regulation is the use of a short stay accommodation registration or licensing system, with an onus on property owners/operators to register and comply with basic provisions relating to property use and responsible management. The approach already applied by the City of Fremantle through its Short Stay Accommodation Local Law is consistent with this trend.
- Major cities which have introduced relatively strict controls over short stay accommodation (particularly controls which limit the maximum number of nights per year accommodation may be let for) are destinations which experience mass tourism on a scale far in excess of that occurring in WA currently or within the foreseeable future. By way of comparison, according to Tourism WA statistics in the year ending 30 June 2018 WA received a total of approximately 2.5 million interstate and international visitors, compared to 15.5 million in NSW (mostly visiting Sydney) in the same period. In 2017, measuring international visitors alone, Berlin received 5.1 million, Madrid 5.5 million, Barcelona 8.9 million and Paris 16.1 million (source: Mastercard 2017 Global Destination Cities Index).
- In some of these overseas cities, there is evidence of distortion of local housing markets (particularly the supply and cost of long-term rental housing for local residents) caused by high concentrations of properties, including entire apartment blocks in some instances, in the most popular tourist localities being turned over to entirely short-stay accommodation. To a lesser degree this has also occurred in limited parts of Sydney and Melbourne, according to a recently published study by the Australian Housing and Urban Research Institute (*Technological disruption in private housing markets: the case of Airbnb*, published November 2018). Measures to restrict the availability of short-stay accommodation in some of the above mentioned cities has, at least in part, been justified as a response to effects on local housing markets. However, the City of Fremantle is not aware of any clear evidence that trends in short stay accommodation supply and demand are causing similar impacts within WA to any significant degree, and therefore it considers that mechanisms such as limiting the maximum number of nights in a year a property may be offered for rent on a short stay basis are not warranted, given the negative impact they would have on the availability of tourist accommodation and the practical difficulties and resource implications they would present in terms of compliance monitoring.

Conclusion

It is recommended that a submission be made by the City based on the contents of the Officer Comment section above. The deadline for submissions is 25 January, prior to the date of the January Ordinary Council Meeting on 30 January. Accordingly it is proposed to lodge the submission immediately after consideration of the item by FPOL Committee, and the Standing Committee will be advised that any additional or amended comments arising from consideration of the item by council on 30 January will be submitted immediately following the council meeting.

VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

COMMITTEE RECOMMENDATION ITEM FPOL1901-3
(Officer's recommendation)

Moved: Cr Hannah Fitzhardinge

Seconded: Cr Jenny Archibald

Council:

- 1. Endorse the submission by the Chief Executive Officer to the Legislative Assembly of WA's Economics and Industry Standing Committee inquiry into Short-Stay Accommodation, based on the contents of the report on the matter included in the agenda of the Finance, Policy, Operations and Legislation Committee meeting held on 23 January 2019.**

Carried en-bloc: 7/0

Cr Ingrid Waltham, Cr Hannah Fitzhardinge, Cr Doug Thompson,
Cr Adin Lang, Cr Sam Wainwright, Cr Jenny Archibald, Cr Andrew Sullivan

ARMC2202-2 ADOPTION OF THE 2021 COMPLIANCE AUDIT RETURN

ADDITIONAL INFORMATION 1 - Quantum Assurance – Quality Assurance Review Report



City of Fremantle

Compliance Audit Return 2021

Quality Assurance Review Report – February 2022

Reference	
Version	1.0
Date of Final Report	8 February 2022
Circulation	

Conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing*



City of Fremantle
Compliance Audit Return 2021
Quality Assurance Review Report

Contents

1.1	Introduction.....	1
1.2	Objective and Scope	1
1.3	Summary of Procedures	1
1.4	Limitations	2
1.5	Independence	2
1.6	Summary of Findings	2
1.7	Overall Conclusion.....	4
	Appendix 1 – CAR 2021 with Respondents and Reviewer's Responses.....	5



City of Fremantle
Compliance Audit Return 2021
Quality Assurance Review Report

1.1 Introduction

The City of Fremantle ('the City') engaged Quantum Assurance to assist with the completion of the 2021 Compliance Audit Return ('CAR').

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* (see below), each Western Australian local government is required to carry out a compliance audit for the period **1 January to 31 December** against the requirements set out in the Department of Local Government, Sport and Cultural Industries ('DLGSC') Smart Hub.

The completed CAR must be submitted to the Audit Committee for endorsement and then Council for their adoption. Once adopted by Council, the CAR must be certified by the Mayor and Chief Executive officer and submitted to DLGSC by 31 March 2022.

1.2 Objective and Scope

The objective was to respond to the audit areas raised by the DLGSC in the CAR for 2021 by collecting the data using the City's records and through discussion and advice from officers, provide the City with a report on the findings, including recommending solutions on any issues that may arise.

The CAR 2021 comprises sections on:

- a) Commercial Enterprises by Local Governments.
- b) Delegation of Power / Duty.
- c) Disclosure of Interest.
- d) Disposal of Property.
- e) Elections.
- f) Finance.
- g) Integrated Planning and Reporting.
- h) Local Government Employees.
- i) Official Conduct.
- j) Optional Questions.
- k) Tenders for Providing Goods and Services.

The scope of the review included ensuring:

- a) Responses provided were received from the responsible officers recorded in the various CAR sections; and
- b) Evidence referenced is available, appropriate and supports the responses provided.

The review covered the period of the CAR 2021, being 1 January 2021 to 31 December 2021.

1.3 Summary of Procedures

Our review has been conducted in accordance with the Australian Standard on Assurance Engagements *ASAE 3000 Assurance Engagements Other than Audits or Reviews of Historical Financial Information* and *ASAE 3100 – Compliance Engagements*. We believe that the assurance evidence we have obtained is sufficient and appropriate to provide a basis for our conclusion.



City of Fremantle
Compliance Audit Return 2021
Quality Assurance Review Report

Our procedures consisted primarily of:

- a) Review of the completed responses to the CAR 2021;
- b) Email correspondence with relevant City of Fremantle staff;
- c) Interviews with relevant City of Fremantle staff; and
- d) Review of supporting documentation to support the responses.

1.4 Limitations

Because of the inherent limitations of an assurance engagement, together with the internal control structure it is possible that fraud, error, or non-compliance with the compliance requirements may occur and not be detected. The conclusions expressed in this report have been formed on this basis.

A reasonable assurance engagement throughout the specified period does not provide assurance on whether compliance with the compliance requirements will continue in the future.

This report has been prepared for the City of Fremantle for the purpose of assisting them to meet the compliance requirements of Regulation 14 of the *Local Government (Audit) Regulations 1996* and may not be suitable for another purpose. We understand this report will be distributed to the Department of Local Government, Sport and Cultural Industries (DLGSC).

We disclaim any assumption of responsibility for any reliance on this report to any persons or users other than the City of Fremantle and DLGSC, or for any purpose other than that for which it was prepared.

1.5 Independence

We have complied with our independence and other relevant ethical requirements of the *Code of Ethics for Professional Accountants* issued by the Accounting Professional and Ethical Standards Board, and complied with the applicable requirements of *Australian Standard on Quality Control* to maintain a comprehensive system of quality control.

1.6 Summary of Findings

The following findings were identified during the review:

- a) The CAR 2021 responses were provided by the responsible officers recorded in the various CAR sections;
- b) The responses are supported by appropriate evidence that has been sighted during the review (Refer Appendix 1 which summarises the Respondents' and the Reviewer's comments and evidence);
- c) There is one response where Quantum Assurance has a different interpretation to the Respondent:

Reference	Question	Commentary in CAR
Optional Questions	Question 5: s5.96A(1), (2), (3) & (4) Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	Respondent: The Elected Member Allowances & Reimbursements Policy details elected members' allowances and reimbursements entitlements.



City of Fremantle
Compliance Audit Return 2021
Quality Assurance Review Report

Reference	Question	Commentary in CAR
		<p>Reviewer: In relation to LG (Admin) Regulations 29 C (2) (f), the City advises that it discloses the approved position for elected members' allowances and reimbursements in the Elected Member Allowances & Reimbursements Policy. The actual amounts received are not provided in a separate register. This appears to be contrary to the intent of LG (Admin) Regulations 29 C (2) (f):</p> <p><i>Local Government (Administration) Regulations 1996</i> Part 7 Access to information r. 29D</p> <p>(f) the type, and the amount or value, of any fees, expenses, or allowances paid to each council member during a financial year beginning on or after 1 July 2020;</p>

d) There were 5 non-compliances out of 97 questions, for the following questions:

Reference	Question	Exception Noted in CAR
Disclosure of Interest	Question 5: Section 5.76 Admin Reg 23, Form 3 Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	One annual return was received post the deadline of the 31 August 2021. It was received on 7/09/2021. The DLGSC and Crime, Corruption and Control Commission were notified on 7/09/2021.
Disclosure of Interest	Question 25: Section 5.51A(1) & (3) Did the CEO prepare, and implement and publish an up-to-date version on the local government's website, a code of conduct to be observed by employees of the local government?	The new employee code of conduct is in the process of being finalised since the introduction of the Local Government Regulations Amendment (Employee Code of Conduct Regulations) 2021 and is not yet on the City's website.
Finance	Question 3: Section 7.9(1) Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	The Office of the Auditor General (OAG) is yet to conclude the audit (as at 25 January 2022) and has provided formal advice that this is due to OAG resourcing issues.
Optional Questions	Question 3: Section 5.87C Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C?	One exception occurred relating to notification within 10 days. The initial gift disclosure was made to the Chief Executive Officer on 23 December 2021 (within 3 days). However, this disclosure was missing some information required by section 5.87C(3). This information was received on 17/01/2022, making the disclosure complete after 28 days.



City of Fremantle
Compliance Audit Return 2021
Quality Assurance Review Report

Reference	Question	Exception Noted in CAR
Tenders for Providing Goods and Services	Question 1: F&G Reg 11A (1) & (3) Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A (1) & (3)] in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	The City advises it is aware of instances when some expenditure is over thresholds and others where the City was not able to get the minimum number of quotes due to market conditions. The City's procurement function is operated as a blend of centralised and decentralised procedures. The City utilises monthly reports of suppliers' expenditure from TechOne, as a 'detective control' to highlight possible instances of acting outside of the Policy. The Procurement Team run these monthly reports and then, as necessary, send them to the relevant line managers for action. The City advises these reports have identified some anomalies.

1.7 Overall Conclusion

In our opinion, based on the procedures performed as outlined in section 1.3 above, the Compliance Audit Return 2021 as attached in Appendix 1 is supported by appropriate evidence and sign-off of the responses.

We appreciate the assistance of the City's management and staff in completing this review. If you have any queries on this report, or if we can provide any further assistance, please contact me.

QUANTUM ASSURANCE

GEOFF WHITE
DIRECTOR

8 February 2022



City of Fremantle
Compliance Audit Return 2021
Quality Assurance Review Report

Appendix 1 – CAR 2021 with Respondents and Reviewer's Responses

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

Fremantle - Compliance Audit Return 2021

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2021?	Not applicable		Acting Director City Business Economic Development Officer
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2021?	Not applicable		Acting Director City Business Economic Development Officer
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2021?	Not applicable		Acting Director City Business Economic Development Officer
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2021?	Not applicable		Acting Director City Business Economic Development Officer
5	s3.59(5)	During 2021, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Not applicable		Acting Director City Business Economic Development Officer

Department of Local Government, Sport and Cultural Industries - Compliance Audit - Return



Department of
Local Government, Sport
and Cultural Industries

Delegation of Power/Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16	Were all delegations to committees resolved by absolute majority?	Yes	Respondent: All delegations adopted by absolute majority at Ordinary Council Meeting of 26 May 2021 – FPOL2105-11 Reviewer: Minutes sighted.	Manager Governance
2	s5.16	Were all delegations to committees in writing?	Yes	Respondent: Delegations in writing included in Register of Delegated Authority adopted 26.05.21. Register - Register of Delegated Authority 2021-2022 - 25 November 2021.pdf (fremantle.wa.gov.au) Reviewer: Minutes and attachments sighted and documents observed on City's website.	Manager Governance
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	Yes	Respondent: See Register of Delegated Authority Reviewer: Refer Q2 above.	Manager Governance
4	s5.18	Were all delegations to committees recorded in a register of delegations?	Yes	Respondent: See Register of Delegated Authority Reviewer: Refer Q2 above.	Manager Governance
5	s5.18	Has council reviewed delegations to its committees in the 2020/2021 financial year?	Yes	Respondent: All delegations reviewed on 26 May 2021 – FPOL2105-11 Reviewer: Minutes evidencing review sighted.	Manager Governance
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	Yes	Respondent: See Register of Delegated Authority	Manager Governance
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	Respondent: All delegations adopted by absolute majority at Ordinary Council Meeting of 26 May 2021 – FPOL2105-11 Reviewer: Minutes evidencing resolution sighted.	Manager Governance
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	Respondent: See Register of Delegated Authority Reviewer:	Manager Governance

2021 City of Fremantle CAR with full responses 4 Feb 2022 - Final 8.02.2022

2 of 14

Department of Local Government, Sport and Cultural Industries - Compliance Audit - Return



Department of
Local Government, Sport
and Cultural Industries

				Register with appropriate delegations sighted.	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	Respondent: See Register of Delegated Authority. Reviewer: Register with appropriate delegation sighted (Ref 518161)	Manager Governance
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	Yes	Respondent: See Ordinary Council Meeting of 26 May 2021 – FPOL2105-1 and 23 June 2021 ARMC2106-3 Reviewer: Minutes evidencing compliance sighted.	Manager Governance
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes	Respondent: See Register of Delegated Authority Reviewer: Refer Q1 above.	Manager Governance
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year?	Yes	Respondent: Delegations by Council reviewed 26 May 2021 – FPOL2105-11 Delegations by CEO reviewed 14 June 2021 Reviewer: Refer Q9 above.	Manager Governance
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19?	Yes	Respondent: See register of use of CEO delegation, Manager Governance delegation Reviewer: Sighted: <ul style="list-style-type: none"> Register of use of CEO delegation, Manager Governance delegation (Ref 843997) Sample of various 'written' uses of delegation (E.g.: professional development reimbursement, Committee minutes, Building permits, fee waivers etc.) 	Manager Governance

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes	Reviewer: Disclosure of interest register sighted (815566). Sample of minutes sighted (May & August 2021) noted with disclosures and appropriate actions.	Manager Governance
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	Not applicable		Manager Governance
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	Yes	Reviewer: Sample of minutes sighted (May & August 2021) noted with disclosures.	Manager Governance
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes	Reviewer: Sighted timely primary returns for new elected members & key appointments.	Manager Governance
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	No	Respondent: 1 return was received 7/09/2021. DLGSC and CCC were notified 7/09/2021. Reviewer: Correspondence sighted for exception.	Manager Governance
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	Yes	Reviewer: Sighted on a sample basis.	Manager Governance
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	Yes	Reviewer: Refer Q1 above.	Manager Governance
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A, in the form prescribed in Admin Reg 28?	Yes	Reviewer: Refer Q1 above.	Manager Governance
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	Yes	Reviewer: Sighted appropriate adjustments in the Register.	Manager Governance
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes	Reviewer: Yes, sighted transfer of obsolete documents from Register to 'vault folders' for archiving.	Manager Governance

2021 City of Fremantle CAR with full responses 4 Feb 2022 - Final 8.02.2022

4 of 14

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B, in the form prescribed in Admin Reg 28A?	Yes	Reviewer: Sighted Register (Ref 4386471).	Manager Governance
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes	Reviewer: Sighted on City's website.	Manager Governance
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	Yes	Reviewer: Sighted updates to the Register.	Manager Governance
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes	Reviewer: Refer Q10 above.	Manager Governance
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?*	Yes	Reviewer: Sighted Register.	Manager Governance
		*Question not applicable after 2 Feb 2021			
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11(2) was the nature of the interest recorded in the minutes?*	Yes	Reviewer: Sighted minuted reference in the Register.	Manager Governance
		*Question not applicable after 2 Feb 2021			
17	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Not applicable		Manager Governance
18	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	Not applicable		Manager Governance
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	Not applicable		Manager Governance
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees? **Question not applicable after 2 Feb 2021	Yes	Reviewer: Sighted 'vaulted' Code of Conduct.	Manager Governance
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?	Yes	Reviewer: Maintained for period required.	Manager Governance

2021 City of Fremantle CAR with full responses 4 Feb 2022 - Final 8.02.2022

5 of 14

Department of Local Government, Sport and Cultural Industries - Compliance Audit - Return



Department of
**Local Government, Sport
and Cultural Industries**

		**Question not applicable after 2 Feb 2021			
22	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates within 3 months of the prescribed model code of conduct coming into operation (3 February 2021)?	Yes	Respondent: Adopted by absolute majority at Ordinary Council Meeting of 28 April 2021 – FPOL2104-8 Reviewer: Sighted appropriate minutes.	Manager Governance
23	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4)?	Yes	Respondent: See FPOL2104-8 Reviewer: Sighted appropriate minutes.	Manager Governance
24	s5.104(7)	Did the CEO publish an up-to-date version of the adopted code of conduct on the local government's website?	Yes	Reviewer: Sighted on the City's website.	Manager Governance
25	s5.51A(1) & (3)	Did the CEO prepare, and implement and publish an up-to-date version on the local government's website, a code of conduct to be observed by employees of the local government?	No	Respondent: New employee code of conduct in the process of being finalised since the introduction of the Local Government Regulations Amendment (Employee Code of Conduct Regulations) 2021.	Manager Governance

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) (unless section 3.58(5) applies)?	Yes	Reviewer: Public notices sighted as compliant.	Economic Development Officer
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	Yes	Reviewer: Public notices sighted as compliant.	Economic Development Officer

Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate?	Yes	Reviewer: Sighted Register, maintaining notices as disclosed.	Manager Governance
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office,	Yes	Reviewer: Sighted Register with notices as disclosed.	Manager Governance

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

		from the electoral gift register, and retain those forms separately for a period of at least two years?			
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with Elect Reg 30G(6)?	Yes	Respondent: 2021 Electoral Gift Register - 16 October 2021 - ALL CANDIDATES - Governance (ID: 5203220).pdf (fremantle.wa.gov.au) Reviewer: Sighted Register on the City's website.	Manager Governance

Finance					
No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	Yes	Reviewer: Sighted minutes.	Manager People and Culture
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	Not applicable	Respondent: Audit committee has no delegated authority.	Manager Governance
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	No	Respondent: The Office of the Auditor General (OAG) is yet to conclude the audit (as at 25 January 2021). Reviewer: Advice from OAG sighted.	Acting Manager Finance
4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes	Respondent: Actions recorded and report progress. Some items are ongoing.	Acting Manager Finance
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	Not applicable	Respondent: Refer Q3 above.	Acting Manager Finance
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	Not applicable	Respondent: Refer Q3 above.	Acting Manager Finance
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	Yes	Respondent: For the reporting period 2019-20.	Acting Manager Finance

2021 City of Fremantle CAR with full responses 4 Feb 2022 - Final 8.02.2022

7 of 14

Department of Local Government, Sport and Cultural Industries - Compliance Audit - Return



Department of
Local Government, Sport
and Cultural Industries

Integrated Planning and Reporting					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	Respondent: On 26 June 2019 (FPOL Planning 1906-12), Noting In March 2021 Council endorsed the approach in progress to update the Strategic Community Plan. Reviewer: Minutes sighted and also noted on the City's website.	Manager Strategic Planning
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	Respondent: The Corporate Business Plan 2019 - 2023 was adopted on 26 June 2019. Reviewer: Minutes sighted.	Manager Strategic Planning
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Yes	Reviewer: The Corporate Business Plan 2019 - 2023 contains the information referenced in Admin Reg 19 D A (2) & (3).	Manager Strategic Planning

Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	Not applicable	CEO recruitment process commenced January 2022.	Manager People and Culture
2	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	Not applicable		Manager People and Culture
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	Not applicable		Manager People and Culture
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4)?	Not applicable		Manager People and Culture
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	Not applicable		Manager People and Culture
6	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	Not applicable		Manager People and Culture

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer? <i>Note: The Act was amended in 2019 to state: "5.120. Complaints officer" (1) The CEO may designate an employee of the local government to be its complaints officer. (2) If an employee is not designated under subsection (1), the CEO is the local government's complaints officer."</i>	N/A	Respondent: The CEO designated the Manager Governance to be the City's complaints officer under s.5.120. The current legislation does not require the complaints officer to be a senior employee.	Manager Governance
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a)? Does the complaints register include all information required by section 5.121(2)?	Yes	Respondent: See website Reviewer: Register sighted on the City's website.	Manager Governance
3	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes	Respondent: Register - Complaints Register - Local Government Act 1995 s5.121 - 23 August 2021.pdf (fremantle.wa.gov.au) Reviewer: Compliant Register sighted on the City's website.	Manager Governance

Optional Questions					
No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to 31 December 2021? If yes, please provide the date of council's resolution to accept the report.	Yes	Respondent: Presented to Council's Audit Committee on 11 August 2020 item ARMC2008-1. Reviewer: Minutes sighted.	Acting Manager Finance
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2021? If yes, please provide date of council's resolution to accept the report.	Yes	Respondent: <ul style="list-style-type: none"> Internal Control accepted 26 February 2020 – ARMC2002-1. Risk Management accepted 25 November 2020 – ARMC2011-4. Legislative compliance upcoming (Feb. 2022) 	Manager Governance

2021 City of Fremantle CAR with full responses 4 Feb 2022 - Final 8.02.2022

9 of 14

Department of Local Government, Sport and Cultural Industries - Compliance Audit - Return



Department of
Local Government, Sport
and Cultural Industries

				<ul style="list-style-type: none"> Previous review of all areas accepted 22 May 2019 – ARMC1905-4. <p>Reviewer: All Minutes sighted</p>	
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C?	No	<p>Respondent: One exception occurred. The initial gift disclosure was made to the Chief Executive Officer on 23 December 2021 (within 3 days). However, this disclosure was missing some information required by section 5.87C(3). This information was received on 17/01/2022, making the disclosure complete after 28 days.</p> <p>Reviewer: Correspondence evidencing this was sighted.</p>	Manager Governance
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?	Yes	<p>Reviewer: Sighted minutes of adoption (September 2020).</p>	Manager Governance
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	Yes	<p>Respondent: The Elected Member Allowances & Reimbursements Policy details elected members' allowances and reimbursements entitlements.</p> <p>Reviewer: In relation to LG (Admin) Regulations 29 C (2) (f), the City advises that it only discloses the approved position for elected members' allowances and reimbursements in the Elected Member Allowances & Reimbursements Policy. The actual amounts received are not provided in a separate register. This appears to be contrary to the intent of LG (Admin) Regulations 29 C (2) (f).</p>	Manager Governance

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
Local Government, Sport
and Cultural Industries

6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes	Reviewer: Sighted minutes of adoption (September 2020).	Manager Governance	
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2020/2021 financial year and publish it on the local government's official website by 31 July 2021?	Yes	Reviewer: Sighted complaint report on the City's website.	Manager Governance	
8	s6.4(3)	By 30 September 2021, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2021?	YES	Respondent: Draft financial statements provided to OAG on 29.09.2021.	Acting Manager Finance	
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	YES	Respondent: Budget adopted by Council June 2021 – provide to the Department on 10.09.2021. Reviewer: Sighted approval and required supporting documents.	Acting Manager Finance	

Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A(1) & (3)] in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	No	Respondent: We are aware of instances when some expenditure is over thresholds and others where we were not able to get the minimum number of quotes due to market conditions. Reviewer: Confirmed in discussion that monthly reports of suppliers' expenditure, used as a 'detective control' highlight possible instances of acting outside of the Policy. The City's procurement function is operated as a blend of centralised and decentralised procedures. The Procurement Team run these monthly reports and then,	Manager Asset Management

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

				as necessary, send to the relevant line managers for action.	
2	s3.57 F&G Reg 11	Subject to F&G Reg 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in F&G Reg 11(1)?	Yes	Reviewer: Sample tenders sighted.	Manager Asset Management
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	Yes	Reviewer: Sample tenders sighted.	Manager Asset Management
4	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	Yes	Reviewer: Sighted Purchasing Policy which references the City's commitment to satisfy this 'anti-avoidance' obligation.	Manager Asset Management
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation?	Yes	Respondent: Via Tenderlink Reviewer: Tenderlink has this capability. The City's Purchasing Policy sets the requirement for compliance.	Manager Asset Management
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	Yes	Reviewer: Sighted the Tender Register on the City's website, which evidences compliance.	Manager Asset Management
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes	Reviewer: Compliant Register sighted on the City's website.	Manager Asset Management
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	Yes	Reviewer: Sighted sample tender documentation where this is stated. The City confirmed it adheres to this requirement.	Manager Asset Management
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	Yes	Reviewer: Sample tender sighted evidenced compliance. The City confirmed it adheres to this requirement.	Manager Asset Management
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes	Reviewer: Sample tenders sighted evidenced compliance and noted as recorded in Tender Register. The City confirmed it adheres to this requirement.	Manager Asset Management

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



**Department of
Local Government, Sport
and Cultural Industries**

11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	Yes	Reviewer: Sample expression of interest sighted evidenced compliance. The City confirmed it adheres to this requirement.	Manager Asset Management
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	Yes	Reviewer: Sighted sample EOI documentation where this is stated. The City confirmed it adheres to this requirement.	Manager Asset Management
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under F&G Reg 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	Yes	Reviewer: Sample EOI sighted evidenced compliance. The City confirmed it adheres to this requirement.	Manager Asset Management
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	Yes	Reviewer: Sample EOI sighted evidenced compliance. The City confirmed it adheres to this requirement.	Manager Asset Management
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	Not applicable	Respondent: No panels are in place	Manager Asset Management
16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	Not applicable		Manager Asset Management
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	Not applicable		Manager Asset Management
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of F&G Reg 24AG?	Not applicable		Manager Asset Management
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	Not applicable		Manager Asset Management
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	Not applicable		Manager Asset Management
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	Not applicable		Manager Asset Management

2021 City of Fremantle CAR with full responses 4 Feb 2022 - Final 8.02.2022

13 of 14

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
**Local Government, Sport
and Cultural Industries**

22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	Not applicable	Manager Asset Management
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**C2202-1 FREMANTLE TECHNICAL COLLEGE, NO. 11-15 (LOT 2680)
GROSVENOR STREET, BEACONSFIELD - DEMOLITION OF ALL
EXISTING BUILDINGS AND INCIDENTAL STRUCTURES (ED
DA0549/21)**

ADDITIONAL INFORMATION 1 – Site Photos

Photo 1 & 2: Subject site as viewed from Grosvenor Street



Photos 3 & 4: Subject Site as viewed from Caesar Street



Photos 5, 6 & 7: Subject Site as viewed from Badham Close Carpark





ADDITIONAL INFORMATION 2 – Heritage Assessment (Griffiths Architects)

Job No. 20117



FREMANTLE TAFE

Former FREMANTLE
TECHNICAL SCHOOL
15 GROSVENOR STREET,
BEACONSFIELD

Heritage Assessment

Prepared for:
Department of Communities

FINAL
March 2020

Griffiths Architects



Griffiths Architects



ABN 91 277 671 706
1/315 Rokeby Road, Subiaco
Western Australia 6008
Telephone 08 9381 1666
Facsimile 08 9381 1566
mail@griffithsarchitects.com.au
www.griffithsarchitects.com.au

Griffiths Architects is a leading architectural firm in Perth, Australia. Griffiths Architects was born out of a practice of which Philip Griffiths was a co-director for over 20 years.

The company emerged from a desire to diversify the range of work covered by the practice, and to take a fresh approach to design.

The practice undertakes commissions in architecture, heritage, urban, interior design, interpretation and heritage assessments. Griffiths Architects provides professional advice on a range of issues related to these areas of our discipline.

The practice has won architectural, planning, and heritage awards for a wide range of projects located throughout the state.

Griffiths Architects has a great depth of experience across numerous project types and delivers innovative solutions that embrace environmental responsibility with elegant and simple solutions. The projects are the product of working closely with clients, carefully assessing their expectations, and delivering high quality results.

Cover: Fremantle Technical School the 1966 north, south and link blocks. Griffiths Architects March 2020

Revision History

Date of this revision: 25 March 2020

Document	Version	Author	Status	Date	Distribution
HA	01	Griffiths Architects	Draft	17/03/20	GMPPM
HA	02	Griffiths Architects	Final Draft	20/03/20	GMPPM
HA	03	Griffiths Architects	Final	25/03/20	GMPPM, COF

Griffiths Architects



Contents

Contents	i
Introduction	1
Heritage Listings	1
Background	2
Statement of Significance	20
Conservation Policy	21
References	21

Griffiths Architects



Introduction

This Heritage Assessment (HA) was prepared by Griffiths Architects. Fremantle TAFE, the former Fremantle Technical School, is not included in the State Register but is included on the City of Fremantle's Municipal Inventory and Scheme Heritage List as a Level 3 Place. It is included in the inventory for its social value as a tertiary education place. There are no values attached to the fabric of the place.

In its general policy for places at this level, the City notes that the place has been identified as being of some cultural heritage significance for its contribution to the heritage of Fremantle in terms of its individual or collective aesthetic, historic, social or scientific significance, and/or its contribution to the streetscape, local area and Fremantle. It also notes that its contribution to the urban context should be maintained and enhanced.

This HA examines the place and tests whether there is heritage value beyond social significance. Indeed, as time passes and since the closure of the school, social value has begun to diminish.

In the assessment, the values that are to be tested are those stated in the Municipal Inventory Statement of Significance. The assessment has determined that the place has social value as a location, but that this is a case where the physical form has little merit. Alternative strategies to retention should be explored, including retention of some of the mature trees, a site planning response to the school plan, and perhaps an examination of the re-use of 'U' Block if this is assessed as a feasible option.

Heritage Listings

The place is included in City of Fremantle's Municipal Inventory and Scheme Heritage List as a Level 3 Place.



Background

Documentary evidence

The documentary evidence was gathered from secondary sources, aerial photography, and drawings provided by the Department of Finance, Building Management and Works, which record the history of the development of the place.

Fremantle Technical School at South Terrace was built onto the former primary schools (1877) which was supplemented by a very fine building designed by Hillson Beasley in 1913 and is registered as *Fremantle Technical College Annexe* (Heritage Place no 01007). Following the completion of John Curtin High School, the college expanded into the buildings at *Princess May Reserve* (Heritage Place 851), which had been a school for boys and girls and an annex for the high school.



Landgate aerial photograph 1965.

Planning began for the new Fremantle Technical School at Beaconsfield in 1965 on a previously undeveloped site, that was lightly wooded with a series of tracks running across it.¹

Hobbs Winning and Leighton Architects and Engineers were commissioned to design the new technical school and in November 1965 produced plans for a suite of buildings that covered much of the site, with the largest element being a 'U' shaped block on a benched part of the site adjacent to

¹ Landgate aerial photography 1965

Griffiths Architects



Lefroy Street, being a two storey block, with a part third storey on the south side against Lefroy Street.²

By August 1966, the drawings for the whole complex were complete and accommodation was provided for teaching mechanical engineering, electrical engineering, materials testing, pottery sculpture, modelling, art, metal art, home furnishing, cooking, physics, chemistry, drawing, hair dressing, millinery and dressmaking, plumbing and sheet metal work, wool classing, carpentry, machining and motor mechanics, electrical trades, welding and boiler-making, library, cafeteria and administration. Extensive use was made of concrete for columns, slabs and beams, spandrel panels, concrete block infill walls, with flat metal roofs. Asbestos cement sheeting was used for the deep fascias and eaves soffits. The aesthetic was simple and industrial in its resolution, using some of the language of the post-World War II International style.³

Hobbs Winning and Leighton were commissioned to design a number of minor extensions in 1971 and 1975; plumbing and sheet metal workshop extensions, automotive workshop and administration.⁴

An aerial photograph from 1974 shows a site almost fully developed, with sparse peripheral and internal landscaping.⁵ Only two further major buildings were added after this time.



Landgate aerial photograph 1974.

² PWD 43719 BMW att 6/94/01Bk_4

³ PWD Att 6/94/0 Bk 3

⁴ PWD 6/94/2 A 2 and 6/94/4

⁵ Landgate aerial photography 1974.

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The next major development to occur was designed by the Public Works Department Architectural Division in 1981. This was a dedicated library building located at the western end of the site, linked back to the original U shape block at its north western corner. It replaced the original library, which was later adapted to staff studies. It was designed in contrast to its predecessors in a more organic style and made use of brickwork, asbestos cement fascia panels and metal deck roofs. An aerial photograph from 1983 indicates the library completed and a marginally increased tree canopy on an otherwise sparsely vegetated site.⁶ There were also changes to the canteen and student amenities at this time.



Landgate aerial photograph 1977.

Also, by 1981, the first demountable classrooms in the south east corner of the site had arrived, with more arriving by 1983, and the last sometime after 1990.

In 1982 a minor extension to the fitting and machining workshop was designed by the PWD.

The last large expansion took place in 1983 when the PWD designed and had constructed the new catering trades, commercial studies and classroom block in the north west corner of the site. This was a three storey building designed with a concrete frame, aluminium windows, Hardiflex spandrel panels, and flush jointed brickwork, with corrugated steel roofs.⁷

A further expansion program was also undertaken in 1983, when staff accommodation was expanded to the west of the north-south axial spine and this was designed by the PWD also. In the same year the central store was expanded.

⁶ PWD 6/94/14

⁷ PWD 6/94/15

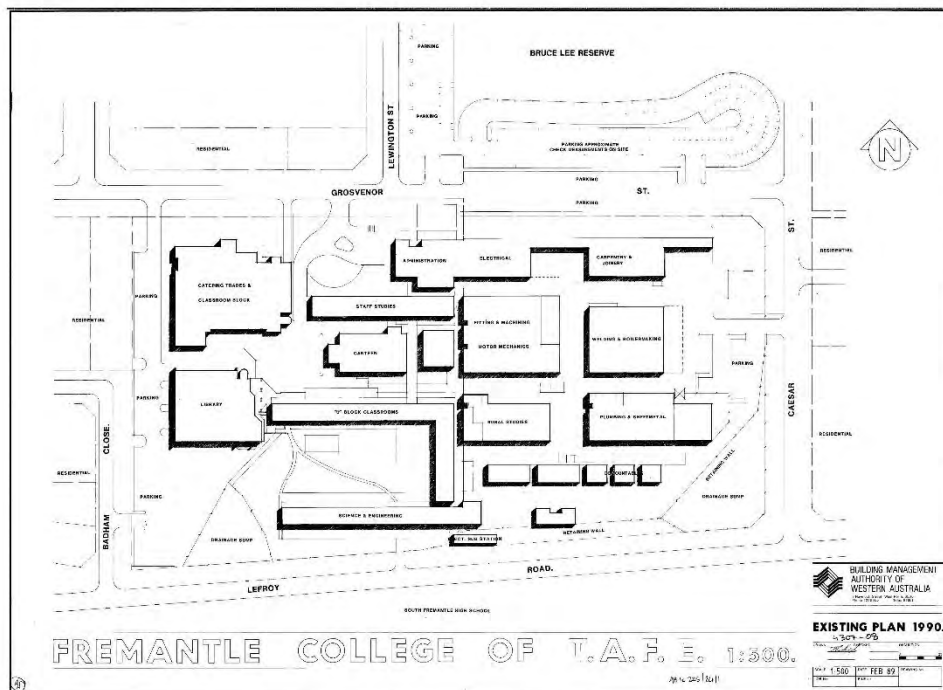
Griffiths Architects



The pace of development slowed by the mid 1980s, with a small expansion of the plumbing workshop and access ramps designed by the PWD in 1984, and some internal upgrade works, together with sheds, further demountables and the construction of additional parking in the reserve opposite the school in Grosvenor Street.



Landgate aerial photograph 1981.



Existing Plan 1990 BMW Fremantle College of TAFE 1:500 plan att. 225/24/1.

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By 1990, the place was known as the Fremantle College of Technical and Further Education (TAFE) and a plan prepared by the Building Management Authority, successor to the PWD, provides a picture of all of the development on the site. Little has changed since this time.

In the time that followed there were minor internal alterations completed under the direction of BMA in 1990, and also by Casella Edgar and Wade and finally some changes to the engineering block under the direction of T&Z Architects and Planners in 1995.

Aerial photography indicates no further change other than a maturing of the tree canopy.

The campus closed in 2018 and has since had occasional short term use at periods. The site is now closed and has a security system to deter vandalism.

Physical Evidence

Context

Fremantle TAFE is constructed on a benched site in a context of single residential development to the west, Bruce Lee Oval to the north, assisted housing to the east and south Fremantle High School to the south.

The natural contours fall steeply from the north to the south, and the site is benched to accommodate the school design. Limestone pitched retaining walls are a prominent feature of the site when viewed from Lefroy Road, and the school turns its back to this frontage.

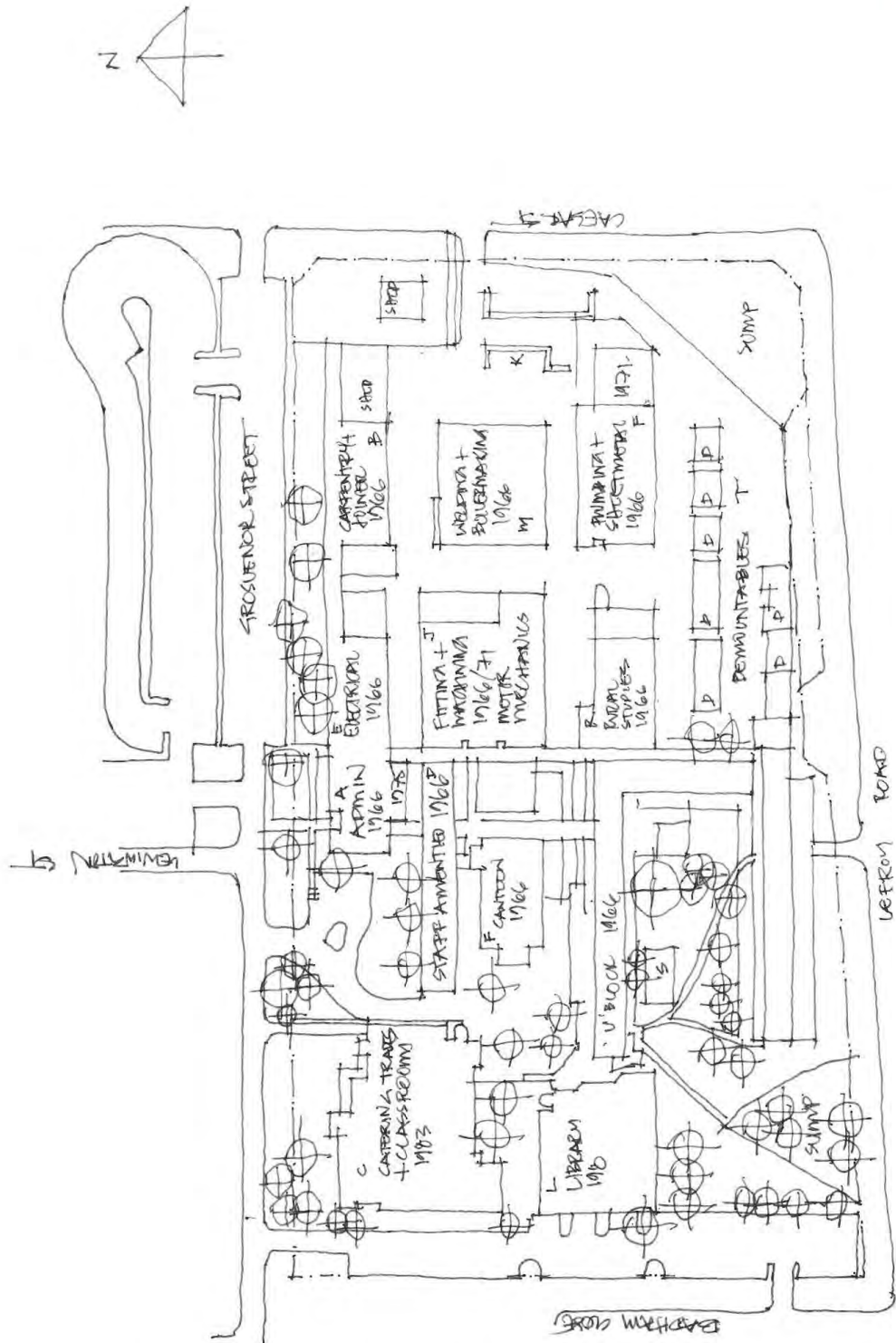
The main site access is from Grosvenor Street to the north, with large expanses of parking on Grosvenor Street in the road reserve and to the west of the site along Boreham Close.

Setting

The site is planned in a linear pattern with development arranged on the east west axis to give the accommodation access to north and south light, together with north south link elements.

There is peripheral planting and some internal planting, though there is no perceptible landscape planting theme. Surfaces comprise bitumen roads and vehicular and hard standing, and various kinds of concrete paths. The plantings comprise Norfolk Island Pines, Sheoak, Hills Figs, Callistemons, Jacaranda, Cypress Pines, Frangipani, Melaleuca, and a variety of palms. All plantings are from 1966 onwards and there is not strong planting theme, beyond the planting theme of Norfolk Island Pines.

Pavings comprised concrete, concrete slabs and bitumen.



Fremantle TAFE, Sketch site plan, Griffiths Architects March 2020.

Griffiths Architects



The Buildings.

The first stage.

The majority of the buildings were realised from 1966-7 in a major building program and these include:

The two and three storey 'U' Block referred to on the drawings as the North, South and Link Blocks, constructed in concrete frame and slabs, flat roofs, aluminium framed windows with a steel columned verandahs and precast concrete spandrel panels, polished concrete block infill panels, concrete staircases with timber handrails and a combination of masonry and light framed dividing walls. This building is robustly constructed with high ceilings and would appear to have a degree of adaptability.



Main school entrance off Grosvenor Street. Griffiths Architects March 2020.

Griffiths Architects



The centre of U Block. Griffiths Architects March 2020.



Detail of U Block verandah. Griffiths Architects March 2020.

Griffiths Architects



U Block viewed from Lefroy Street Griffiths Architects March 2020.

The next group are industrial style buildings that emulate the kind of environment the students might expect to find themselves in after graduation. These buildings include the Electrical; Carpentry and Joinery; Welding and Boiler-making; Plumbing and Sheet Metal; Wool Classing (later Rural Studies); Fitting and Machining; and, Motor Mechanics. These are all steel framed with a variety of precast concrete and split faced concrete block walls, low pitched trussed roofs and deep asbestos cement fascias, highlight windows. All are surrounded with bitumen paving.



Rural Studies (Wool classing) and Plumbing and Sheetmetal. Griffiths Architects March 2020.

Griffiths Architects



Plumbing and Sheetmetal. Griffiths Architects March 2020.



Fitting and Mechining, Motor Mechanics. Griffiths Architects March 2020.

Griffiths Architects



Carpentry and Joinery. Griffiths Architects March 2020.



Typical workshop Interior. Griffiths Architects March 2020.

Griffiths Architects



The Administration and Canteen; and first Library (later staff studies) have a low scaled aesthetic and are constructed in split faced concrete blocks and deep asbestos cement fascia panels.



The original library (left) and administration building extension (right). Griffiths Architects March 2020.



Canteen courtyard. Griffiths Architects March 2020.

Griffiths Architects



Administration building south façade. Griffiths Architects March 2020.

Administration Building

All of these buildings are austere and use the aesthetic of the Post World War II International style, albeit in a brutalist form in terms of materials and finishes.

The last major buildings

Many of the buildings were expanded quite soon after completion and each was extended in a style to match the existing.

However, when the time came to build a new Library (1981) and the Catering Trades and Classroom block (1983), the aesthetic changed to more organic forms and the construction material change as well, with painted face brick and corrugated steel roofs, some using curved forms.

Griffiths Architects



Library interior. Griffiths Architects March 2020.

Demountables and Sheds

Over time, a number of minor buildings were distributed around the site including sheds within 'U' Block quadrangle, storage sheds associated with the trades workshops and demountable classrooms east of 'U' Block, some of which arrived after 1990.

Griffiths Architects



Library from the west. Griffiths Architects March 2020.



Library and Catering Trades courtyard. Griffiths Architects March 2020.

Griffiths Architects



Catering Trades and Classroom Block. Griffiths Architects March 2020.



Demountables east of U Block. Griffiths Architects March 2020.



Discussion and Comparative

Technical education was inaugurated in 1900. Technical schools were purpose built after federation including Perth School (1909) and Fremantle Technical School (1913) in the grounds of Fremantle Infants School.

In the post World War II era TAFEs were built in Leederville, Central TAFE Leederville starting in 1940, Bunbury (1970), and Wembley Technical School.

A search of inHerit revealed only technical schools from the pre-World War II period, aside from Fremantle TAFE.

Values

The values in this section are based on the guidance offered in the State Heritage Office document *Criteria for the Assessment of Local Heritage Places and Heritage Areas 2012*.

Criterion 1 Aesthetic value

The setting and assemblage of buildings does not present a cohesive aesthetic, but rather present as an inward looking light industrial complex of buildings with low aesthetic value.

Criterion 2 Historic value

Fremantle TAFE is historically significant for providing technical and further education to the southern metropolitan area for just over 50 years

Criterion 3 Research value

The site was wasteland before the construction of the complex and nothing in the information yielded during this assessment suggests that there is research value in the place.

Criterion 4 Social value

Fremantle TAFE has a degree social value for providing as a tertiary education place for over 50 years.

Criterion 5 Rarity

There is so little comparative data available on technical schools of the period, that it is difficult to assess the degree of rarity.

Criterion 6 Representativeness (significance in demonstrating the characteristics of a class of cultural place or environment in the local district)

The TAFE schools evolved over time throughout the state, from technical schools in the post Federation Period, through to larger complexes in the post-World War II period. Fremantle TAFE is representative of this latter period when there was a large expansion of the system.

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Condition

The place is varying degrees of condition with a combination of deterioration and to a lesser extent, vandalism. Nevertheless the values remain represented by the fabric.

Integrity

The place has lost its uses and the place will no longer be associated with education. Further there is limited capacity for adaptation, meaning that its integrity is low.

Authenticity

Each phase of the complex was executed, and most elements have been subject to a degree of change. Authenticity remains moderate.

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Statement of Significance

From the City of Fremantle Heritage inventory, the place is described as having social significance to the local community as a tertiary educational facility.

Fremantle TAFE, a college campus comprising linear planned buildings of one, two and three storeys, constructed in concrete, concrete block, brick and steel, with aluminium windows and metal deck roofs, has cultural heritage significance for the following reasons;

The place has a degree social value for providing as a tertiary education place for over 50 years.

The architecture is utilitarian drawing on design elements of the post World War II International style and has no particular architectural merit. Ephemeral structures and demountable buildings are visually intrusive.

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Conservation Policy

LPP 1.6 Heritage Assessment requires a heritage assessment for a Category 3 place where demolition of a primary structure or other specified types of ancillary structures is being considered. At this stage the full extent of demolition is unknown, but in the short term, the removal of demountables is contemplated.

In its general policy for places at this level, the city notes that the place has been identified as being of some cultural heritage significance for its contribution to the heritage of Fremantle in terms of its individual or collective aesthetic, historic, social or scientific significance, and/or its contribution to the streetscape, local area and Fremantle. It also notes that its contribution to the urban context should be maintained and enhanced. However, in the City's statement of significance, there is no mention of the physical environment to which the value attaches.

It generally follows that the values are embodied in the physical fabric of a place. This assessment finds that the built environment is unexceptional and that perhaps the social value might be represented in some other way, such as the mature trees, site planning, and perhaps an examination of what buildings might be tested for an alternative use, together with interpretation. Most buildings are specialised, represent under-utilisation of land and contaminated with extensive use of asbestos cement. In some cases, buildings are in an advanced state of decay and economic re-use would be problematic. .

References

City of Fremantle, LPP 1.6 Heritage Assessment.

City of Fremantle, MHI Entry.