



Agenda

Ordinary Meeting of Council

Wednesday 9 July 2025 6:00 pm



Notice of an Ordinary Meeting of Council

Elected Members

An Ordinary Meeting of Council of the City of Fremantle will be held on Wednesday 9 July 2025 in the Council Chamber (Bibbool Room) at the Walyalup Civic Centre, located at 151 High Street, Fremantle commencing at 6:00 pm.

A handwritten signature in black ink, appearing to read "Glen Dougall".

Glen Dougall
Chief Executive Officer

2 July 2025



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Official opening, welcome and acknowledgement

Ngala kaaditj Whadjuk moort keyen kaadak nidja Walyalup boodja wer djinang Whadjuk kaaditjin wer nyiting boola yeye.

We acknowledge the Whadjuk people as the traditional owners of the greater Fremantle/Walyalup area and we recognise that their cultural and heritage beliefs are still important today.

Attendance, apologies and leave of absence

Apologies

There are no previously received apologies.

Leave of absence

There are no previously received leave of absence.

Applications for leave of absence

Elected members may request leave of absence.

Disclosures of interest by members

Elected members must disclose any interests that may affect their decision-making. They may do this in a written notice given to the CEO or at the meeting.

Responses to previous public questions taken on notice

There are no responses to public questions taken on notice at a previous meeting.

Public question time

Members of the public have the opportunity to ask a question or make a statement at council and committee meetings during public question time. Further guidance on public question time can be viewed [here](#), or upon entering the meeting.



Petitions

Petitions may be tabled at the meeting with agreement of the presiding member.

Deputations

A deputation may be made to the meeting in accordance with the City of Fremantle Meeting Procedures Policy.

Presentations

Elected members and members of the public may make presentations to the meeting in accordance with the City of Fremantle Meeting Procedures Policy.

Confirmation of minutes

OFFICER'S RECOMMENDATION

Council confirm the minutes of the Ordinary Meeting of Council dated 25 June 2025.

Elected member communication

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



Reports and recommendations from officers

Planning reports

C2507-1 DEFERRED ITEM - HIGH STREET, NO. 1-4/64 (LOT 50),
FREMANTLE - CHANGE OF LAND USE TO HOTEL AND INTERNAL
ALTERATIONS - (JD DA0355/24)

Meeting date:	9 July 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Amended Development Plans
Additional Information: (viewed electronically)	2. Amended Acoustic Report and Addendum 3. Amended Waste Management Plan 4. Amended Operations Management Plan and Intended Manner of Trade - DA0355/24 5. Amended Planning Report 6. Response to Deferral Advice 7. Heritage Impact Statement 8. HCWA Delegated Assessment 9. HCWA Advice Letter 10. Schedule of Submissions and Applicant Response 11. Historical Floor Plans 12. May OCM Minutes 13. Site Photos

SUMMARY

Approval is sought for a change of use to Hotel and internal additions and alterations at No. 1-4/64 High Street, Fremantle.

At its meeting on 14 May 2025, Council deferred their decision with the advice that Council is not prepared to grant planning approval to the application for the change of use to Hotel and internal alterations to the existing building at No.1-4/ 64 (Lot 50) High Street, Fremantle based on the current submitted application and invite the applicant, prior to the next appropriate Ordinary Council Meeting, to consider submitting an amended proposal to consider the following:

1. In relation to the subject site at 1-4, 64 High Street:

- *Provide clarity in relation to those portions of 64 High Street that are allotted for the exclusive use of the applicant and how other*



areas of the building are to be shared and/or serviced, including the circulation areas associated with 'Stair 2', and any other shared/communal space;

- Site management, including patrons/guests entering and exiting the buildings, and whether Hotel guests from the adjoining but interrelated operations at 15 Pakenham Street will have the same access privileges to the subject site, including any licensed areas, as Hotel guests at 64 High Street;*
- Consideration of a secure onsite bike storage area and/or bike share opportunities to partially alleviate the parking shortfall on site;*
- Updated acoustic report to demonstrate whether the roof top bar and deck areas are capable of being used by guests and the general public in a manner that includes music that will likely be significantly higher than ambient/background levels in a way that achieves compliance with the applicable Assigned Noise Levels at nearby noise sensitive premises, including any necessary building works to achieve suitable attenuation, and consideration of suitable hours of operation for the internal and external spaces individually;*
- Updated Waste Management Plan that includes an adequate bin storage area to be located onsite (not within the ROW) for the storage of all required bins associated with all activities at 64 High Street, including the waste management requirements of other tenancies on the subject site (unless it is demonstrated they maintain their own dedicated bins in separate storage areas), and all other matters identified in the Officers Recommended Condition 6 in the Agenda (p. 47-48)*
- Amended room layouts for each Dormitory that demonstrate Hotel guests will have reasonable access to light, outlook and ventilation;*
- Clarification regarding the ventilation proposed for dormitories and internalised lounge spaces; and,*
- Any other measures that consider the amenity of guests and surrounding land uses.*
- Consider noise ingress from surrounding noise generating venues in an updated acoustic report.*

- 2. In relation to the applicant's proposal to operate a single licensed hotel operation across two separate disconnected lots (64 High St and 15 Pakenham St):*



- *Clarification of the legal instruments required to staple together the planning, liquor licensing and management requirements to facilitate the operation of a single licensed hotel and backpacker business over the disconnected lots at 15 Pakenham Street and 64 High Street;*
- *A modified application demonstrating how the existing operations at 15 Pakenham Street are to be expanded into the subject site at 64 High Street, noting that a single hotel liquor license and a single management operation is proposed by the applicant;*
- *Recitals that demonstrate the proponents understanding of and commitment to maintaining the ROW as intended at law, namely as an open and accessible space suitable for use by all entities that have legal access to it, including as a dedicated fire exit route at all times;*
- *The relinquishment of the parklet associated with 15 Pakenham Street to make available additional street parking bays to alleviate in part the parking shortfall associated with the application;*
- *Draft Operations Management Plan and Waste Management Plan for the combined operations covering matters listed in the recommended Conditions 3 and 6 of the Agenda.*

On 11 June 2025, in response to the above, the applicant submitted the following additional information and/or responses to the above request:

- Response to Deferral Advice
- Amended Planning Report
- Amended Development Plans
- Tenancy Delineation Plans (incorporated into the Amended Development Plan set)
- Amended Operations Management Plan and Intended Manner of Trade
- Amended Waste Management Plan
- Amended Acoustic Report and Addendum

The proposal is referred back to Council due to the nature of some discretions being sought and comments received during the notification period that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4) and Local Planning Policies. These discretionary assessments include the following:

- Land use



- Car and bicycle parking
- Alterations and additions

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a change of use to a Hotel and internal additions and alterations at No. 1-4/64 High Street, Fremantle (subject site). The site will be owned by the operators of the Hotel at 15 Pakenham Street on the opposite side of the right of way, however the applicant has advised the two sites will operate independently.

The proposed works include:

- Ground floor to include an entry lobby, offices, laundry and storage facilities.
- First floor fit out to include:
 - 4 x 10 bed dorms.
 - 2 x 9 bed dorms.
 - 1 x 3 bed dorm.
 - 1 x 1 bed dorm.
 - A common area and seating.
 - Bathroom/shower facilities.
- Second floor fit out to include:
 - 3 x 10 bed dorms.
 - 1 x 8 bed dorm.
 - A common area.
 - Kitchen and food storage facilities.
 - Bathroom/shower facilities.
- Third floor fit out for a bar/common area. The applicant/operator will be seeking a Hotel liquor license subject to approval of this current application being granted.

There will be no external additions or alterations to the external surfaces of the existing building (with the exception of the replacement doors). The existing two (2) shops fronting High Street will be retained. There is no signage proposed in this application. An advice note is included advising that any signage may require additional approval.

In response to the reasons for deferral, the applicant has provided the following details:



- Delineation plans are included within the Amended Development Plans set. The delineation plans clearly illustrate the areas of the building which are allocated to shop 1 and 2 facing High Street, common areas that are shared amongst occupants/tenants of the building and the areas allocated exclusively to the proposed Hotel use.
- The applicant has stated that guests from the Hotel at 15 Pakenham Street will have no access rights to the Hotel on the subject site and vice versa. They will be separate businesses/operations with no overlap.
- Seven (7) floor stand and four (4) wall mounted bicycle racks will be provided in the common area on the ground floor accessed from the right of way. A condition is recommended that details of these bicycle racks are to be provided prior to the lodgment of a building permit application and installed prior to occupation.
- The applicant has provided an addendum to the acoustic report which is included as an attachment. The acoustic report and addendum have not provided details on how music from the roof top bar will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*. A condition is recommended that no live music is permitted from the roof top bar and other music is to be restricted to ambient/ background levels only.
- An amended waste management plan has been provided detailing the locations of bin stores which are to be contained within the subject site.
- Amended room layouts to illustrate that there will be access to light and ventilation. Common areas are to feature mechanical ventilation.
- Additional details on noise ingress from surrounding noise generating venues have been included in the acoustic report addendum.

Amended development plans are included as Attachment 1.

Site/application information

Date received:	12 November 2024
Owner name:	Owners of Strata Plan 25565, Mr Wayne Johnson, Monk Nominees Pty Ltd, Navy Club Incorporated
Submitted by:	Dynamic Planning & Developments
Scheme:	City Centre Zone
Heritage listing:	State Heritage Registered, CoF Level 2, West End Heritage Area
Existing land use:	Club Premises, Shop
Use class:	Hotel
Use permissibility:	A



Figure 1 – Subject site planning context map.

CONSULTATION

External referrals

Heritage Comments (Under Delegation from the Heritage Council of Western Australia)

The subject site is located within the state registered curtilage of the West End, Fremantle (Place No. 25225). As the proposal has very limited impact on the streetscape, and is not an individual place listed in the West End, except under the City's Heritage List, the heritage impact of the application was consequently assessed by the City acting under delegation from the Heritage Council of WA (HR401) pursuant to Section 22(1) of the *Heritage of Western Australia Act 1990*.

The City's Heritage Officer has advised that they have no objection to the proposal as the interior of the building was significantly damaged by fire in the 1980's with only the external façade remaining intact. As such, the internal alterations are acceptable as they will only impact the later internal building fabric. The HCWA



Delegated Assessment and Advice Letter is included in the additional information section of this report.

Fremantle Port Authority

The subject site falls within Buffer Area 2 as per Local Planning Policy 2.3 Fremantle Port Buffer Area Development Guidelines (LPP2.3).

For development proposals with the potential to accommodate 20 or more persons on a full or part time basis, referral to the Fremantle Port Authority is required under LPP2.3.

In this instance the proposal includes 100 beds which would provide the potential for greater than 20 persons to be accommodated on site. In response to the application referral, the Fremantle Port Authority advised that they had no objection to the proposal subject to all requirements of the policy being met.

As per LPP2.3, for development in Area 2, consideration is to be given to the following potential impacts:

- a) Ingress of toxic gases in the event of an incident within the Port,
- b) Shattering or flying glass as a consequence of explosion within the Port,
- c) Noise transmission emanating from the Port (attenuation in the order of 30dB(A) is required), and
- d) Odour.

LPP2.3 states that within Area 2, buildings shall be designed so as to incorporate all of the design and construction features outlined as follows:

Windows and openings

- a) Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6 mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3 mm.*
- b) All safety glass shall be manufactured and installed to an appropriate Australian Standard.*

Air - conditioning systems

- c) As per Area 1 (f) above (multiple systems to have internally centrally located shut down point and associated procedures for emergency use, preference for split "refrigerate" systems)*
- Construction*



d) Quiet house design guidelines shall be applied to residential developments.

e) All developments shall incorporate roof insulation.

However, it is noted in LPP2.3 that these requirements may not be possible to achieve in the case of the proposals involving the adaptation / reuse of buildings of conservation and heritage significance. As the works involve internal alterations and no significant external works, it is not considered appropriate to require quiet house design upgrades or the incorporation of roof insulation. The applicant has indicated they will install 6mm glazing in an internal frame. This will be addressed via a recommended condition as well as air conditioning shutdown points as stated above.

Internal referrals

Heritage

This two-storey rendered brick, commercial building was erected in c1910 for the Bank of Adelaide. The bank was located on the corner of High and Pakenham Streets and three attached commercial shops faced onto High Street. At some stage the western shop (60 High) was sold and in 1986 it was incorporated into the premise of the adjacent Buffalo Club (54 High).

In 1984 an application to extensively redevelop the Bank of Adelaide (fmr.) and add an extra two floors was initially rejected by Fremantle Council but was later approved because the interior of the building had been extensively damaged by fire. Historic photographs taken during the redevelopment works record that only the facades on High and Pakenham Street were retained. The Navy Club occupied most of the building from the 1980s to the early 2020s except for the two ground floor shops facing High Street have accommodated a range of businesses.

The two storey rendered masonry facades to High and Pakenham Street are the only remaining fabric of the c. 1910 Bank of Adelaide building. These facades will not be altered under this proposal. All works proposed in this application are internal, and they will not affect the historic building fabric or the heritage character of the West End, Fremantle and its significant streetscapes.

The HCWA Delegated Assessment is included as additional information. In addition, the applicant has provided a Heritage Impact Statement which is also included as additional information.

Other Advice



The application was referred to the relevant internal departments at the City of Fremantle for formal comment as part of the assessment process. All departments were generally satisfied with the proposed development. Any comments received will be addressed via conditions and advice notes. The comments received related to ensuring standard requirements are followed, specifically:

1. Building permit required (advice note)
2. Removal of asbestos (advice note)
3. Noise from construction works (advice note)
4. Waste management plan (condition)
5. Registration of a lodging house (advice note)
6. Food premises approval required (advice note)
7. Noise to comply with *Environmental Protection (Noise) Regulations 1997* (advice note)
8. Works within thoroughfare (advice note)

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal required a merit-based assessment against the Scheme. The advertising period concluded on 2 January 2025, and 15 submissions were received all objecting to the proposal. The following issues were raised (summarised):

- Overcrowding of people in the surrounding area placing pressure on local amenities and public infrastructure/ transport.
- Increased noise disturbance for surrounding residents.
- The use of the rooftop area for a bar/ common area will result in additional noise disturbance.
- Economic impact from oversaturation of similar land uses.
- Blocking of the right of way to the north will prevent access for services vehicle and will block a fire escape which services adjoining buildings.
- Insufficient car parking provided.
- Visual privacy/ overlooking concerns from the upper floor windows.
- Insufficient waste management plans.
- Concern over impact to the existing heritage listed building.
- Increase in antisocial behaviour.

The verbatim submissions as well as the applicant's response can be found in the additional information section of this report.

In response to the above, the following comments are provided by officers:



- The location of the subject site in the City Centre is considered to be suitably located in proximity to public transport and amenities capable of handling the proposed occupancy number. Further assessment on the discretionary land use is included below.
- The gate originally proposed to the entrance of the right of way has been removed from the proposal and the applicant is not proposing to use the ROW for anything other than the thoroughfare it is intended for.
- The proposed land use intensity is considered appropriate for the region-serving role of the City Centre.
- A concept operations management plan has been provided which aims to mitigate antisocial behavior. A condition is recommended for an operations management plan to be provided to address additional operational aspects including but not limited to guest arrival, length of stay, deliveries/servicing of the premises.
- The applicant has provided an amended Waste Management Plan (WMP) which is included as additional information. Waste will be collected by private commercial contractors from existing bin stores on site. A condition for an amended WMP has been recommended to provide additional information on an allocated bin presentation area in the street verge and methods/ responsibility for transferring of bins from the bin store to the street and/or waste collection vehicle.

For the purpose of considering the abovementioned submissions, the following land uses surround the subject site.

- 54 High Street – Buffalo Club
- 49-59 High Street – Small bar, shop, restaurant/ café, residential on upper levels
- 61 High Street – Shop/commercial tenancies, residential on upper levels
- 32-66 High Street – Shop and residential on upper levels
- 15 Pakenham Street – Hotel (subject to proposed expansion)
- 26 Pakenham Street – Exhibition centre

The remaining comments are addressed in the officer comment below.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies. The relevant assessment criteria are discussed as follows:

- Land use



- Car and bicycle parking
- Alterations and additions

The above matters are discussed below.

Background

The subject site is located on the north west corner of High and Pakenham Street. The site has a land area of approximately 580m² and is currently a Club premises (known as the Navy Club) and Shop. Strata lots 1-4 have a total area of 1589m² across three (3) levels as indicated in the table below. The site is zoned City Centre and is located within the West End Heritage Area.

The existing building covers the entirety of the site and is included on both the State Heritage Register and the City of Fremantle Heritage List (level 2). The building was significantly damaged by fire in the 1980's with only the external façade remaining intact. The internal levels were reconstructed shortly after and are not considered to form part of the heritage significant fabric. The historical floor plans from 1984 are included as additional information.

In 2015 an application was referred to Council for the installation of a parklet in the road reserve adjacent to 15 Pakenham Street. The location is tied to the road reserve/pavement fronting 15 Pakenham Street and had no reference to the subject site or any other adjoining site. It also follows a separate approval pathway than a DA.

ADDRESS	LANDOWNER	VOL.	FOLIO	AREA (M2)
Strata Lot 1 - 64 High Street, FREMANTLE (ground floor)	Mr Wayne Johnson	1992	218	51m ²
Strata Lot 2 - 64 High Street, FREMANTLE (ground floor)	Monk Nominees Pty Ltd	1992	219	446m ²
Strata Lot 3 - 64 High Street, FREMANTLE (1st floor)	Monk Nominees Pty Ltd	1992	220	419m ²



Strata Lot 4 - 64 High Street, FREMANTLE (2nd and 3rd floors)	Navy Club Incorporated	1992	221	673m ²
Total				1589m ²

A search of the property file has revealed the following history for the site:

- Partial change of use to a fast food outlet (juice bar) and internal fit out to 1/64 High Street - DA0291/16
- External painting of building - DA0307/10
- Health Act certificate of max accommodation - 246 persons (for second floor entertainment hall) – 2008
- Health Act certificate of max accommodation - 96 persons (for observation deck bar and function room) – 2005
- Internal storeroom addition - DA599/97
- Alterations to third floor toilets - DA415/97
- Installation of two (2) flag poles - DA195/96
- Change of use to restaurant and neon signage - DA336/86B
- Alteration to existing tenancies to create a reception, shop and office - BL3858/1985
- Fit out of ground floor restaurant, kitchen and shops, fit out of first floor office spaces, fit out of a second floor function room and construction of a third floor observation deck - DA64/84
- Alterations to first floor of existing bank premises - BL240/1978

This item was previously reviewed by Council at its meeting in May 2025. Council deferred its decision on the item requesting the applicant review a number of matters in relation to its operations, interactions with existing neighbouring land uses and waste management. The previous report, and minutes of Council can be found in the Additional Information to this item.

In response, the applicant has reviewed their documentation and provided updated information and plans to address the reasons for deferral. The Officers Comment below, discusses the current iteration of the proposal as put forward by the applicant.

Land Use

A Hotel is an 'A' use in the City Centre Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning



approval. In considering an 'A' use the Council will have regard to the matters to be considered in the *Planning and Development (Local Planning Schemes) Regulations 2015*. In this regard the following matters, among others, have been considered:

- (a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area*
- (m) *The compatibility of the development with its setting including the relationship of the development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development*
- (n) *The amenity of the locality including the following:*
 - (i) *Environmental impacts of the development*
 - (ii) *The character of the locality*
 - (iii) *Social impacts of the development*
- (y) *Any submissions received on the application.*

For the purpose of assessing matter (a) above, the objectives of the City Centre zone are as follows:

Development within the City Centre zone shall —

- (i) *provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services, consistent with the region-serving role of the centre and including residential uses, and*
- (ii) *comply with the objectives of local planning area 1 of schedule 7,*
- (iii) *conserve places of heritage significance the subject of or affected by development.*

The proposed development is considered to address the above matters for the following reasons:

- The land use is considered to satisfy the objectives of the City Centre zone as it will provide a use which is consistent with the region-serving role of the centre.
- The proposed land use will complement the surrounding retail and hospitality land uses and will assist in the ongoing viability of these businesses.
- The proposal will assist in achieving the City's strategic objectives as it will contribute to a resilient seven-day economy and contribute to creating a vibrant and active city centre.
- The proposed land use is not considered to result in any significant increase in impact on the amenity of the area relative to the historical land uses for the site, which were for entertainment purposes as detailed in the property history



above. The ground floor will be for a reception/office, the first and second floors for accommodation and the roof terrace for a bar operated under a hotel liquor license. Any impact on the amenity of the surrounding area will be considerably less compared to the previous use of the site which allowed for 246 people in the second floor entertainment hall and 96 people on the third level roof deck and function room. Regardless of this, a condition is recommended requiring an Amended Operations Management Plan detailing how the land use will operate to mitigate any potential impact to the amenity of occupants and surrounding residents.

- In relation to the roof top bar the acoustic consultant has stated in the acoustic report included as additional information that "compliance with the applicable Assigned Noise Levels at the nearest noise sensitive premises is not considered to be onerous and would be recommended to be analysed during the design development phase of the project". As such, a recommended condition for an amended acoustic is included to ensure that the bar will operate within the requirements of the *Environmental Protection (Noise) Regulations 1997*.
- The subject site is located within 400m of the Fremantle Train Station and within approximately 150m of high frequency and standard bus routes which will reduce car dependency and provide alternative methods of transport. Access to convenient alternative modes of transport compliments the proposed land use.
- The built heritage of the site has been carefully considered throughout the assessment of the application. The alterations to the heritage listed building will allow for its continued use and vitality into the future.
- There is considered to be sufficient separation from adjoining residential and commercial tenancies to reduce the potential for a detrimental impact on the amenity of these properties.
- The ground floor of the proposed hotel is separated from the adjoining club premises ('The Buffalo Club') by the existing shop tenancies fronting High Street. The first floor features the female/male bathroom facilities and stair well along the boundary abutting this adjoining premises. The upper floors sit above the roof line of this adjoining premises. The layout of the proposed hotel will minimise the noise transfer from potential live music in the adjoining premises. The applicant provided an addendum to the acoustic report, included as additional information, which provided internal noise level measurements undertaken in proximity to the subject site on Saturday, 7th June 2025 at approximately 10pm. Noise levels on the proposed roof terrace area of the development were found to be the most affected location. Noise levels at this location were recorded at 51 dB(A), with music not clearly audible – only the bass from the nearby entertainment venue being somewhat apparent. The report states that at this noise level, the glazing upgrades that



are required to be implemented as part of the "Area 2" Port Buffer Area Development Guidelines, would easily ameliorate the noise levels such that an acceptable internal noise level would be achieved.

Parking

Element	Requirement	Proposed	Extent of Variation
Car parking	1: 2.5 m ² of public bar area (N/A) 1: 5 m ² of lounge /garden area (N/A) 1: 1 bedroom Required: 11 parking bays	Nil	11
Delivery bays	1: service/ storage area	The RoW to the north of the building will be used for temporary parking when deliveries are received.	Complies
Bicycle parking	Class 1: 1 per 25m ² bar floor area and 1 per 100m ² lounge and beer garden Required: 5 bicycle racks Class 3: 1 per 25m ² bar floor area and 1 per 100m ² lounge and beer garden Required: 5 bicycle racks	11 x class 2	5x Class 1 5 x Class 3

Clause 4.7.3.1 of LPS4 states that Council may –

- (a) *Subject to the requirements of Schedule 7*, waive or reduce the standard parking requirement specified in Table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following –*
- (i) *the availability of car parking in the locality including street parking,*
 - (ii) *the availability of public transport in the locality,*



- (iii) *any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of the efficiencies gained from the consolidation of shared car parking spaces,*
- (iv) *any car parking deficiency or surplus associated with the existing use of the land,*
- (v) *legal arrangements have been made in accordance with clause 4.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory,*
- (vi) *any credit which should be allowed for a car parking demand deemed to have been provided in associated with a use that existed before the change of parking requirement,*
- (vii) *the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,*
- (viii) *any other relevant considerations.*

*Note: *In some sub areas identified in Schedule 7 reduction of parking bays is not permitted. The requirements of Schedule 7 prevail over this clause.*

The reduction in on-site car parking is considered to meet the requirements of Clause 4.7.3.1 of the Local Planning Scheme No.4 for the following reasons:

- The subject site is located within a 250-metre buffer of a high frequency bus route (bus stops located within 100m of the site) and is within an 800-metre buffer of the Fremantle Train Station entrance.
- There are paid public car parking lots with unrestricted time limits located on Marine Terrace and at the Fishing Boat Harbour.
- Additionally, there are a number of private car parking facilities that offer all day parking in the area, which may be suitable for a short term accommodation user if they have a vehicle.
- The City's Integrated Transport Strategy identifies the future approach for parking within the City of Fremantle. The aim is to provide new parking facilities located on the periphery of the central city. This approach will minimise the impact of vehicles on the pedestrian priority city centre. The proposed development is consistent with this strategy as it will not encourage the use of vehicles to drive into the central city area.
- The variation to the required Class 1 bicycle racks is considered acceptable as they will be offset by additional Class 2 bicycles racks. The area indicated for bicycle storage is secure and will not be accessed by members of the public. The Class 2 bicycle racks will offer a similar level of security as Class 1.



Local planning policy

Local Planning Policy 3.21 – West End Heritage Area

The proposal is for moderate internal alterations and additions to the existing building. There will be no alterations or additions to the external surfaces or areas of the building. Given the nature of the development, it is not considered that there will be any detrimental impact, nor will it detract from, the heritage value of the West End Heritage Area.

Waste management

The applicant has provided an amended Waste Management Plan (WMP) which is included as additional information. Waste will be collected by private commercial contractors from existing bin stores on site. A condition for an amended WMP has been recommended to provide additional information on collection times/ days, an allocated bin presentation area in the street verge and methods/ responsibility for transferring of bins from the bin store to the street.

CONCLUSION

Approval is sought for a change of use to Hotel at No. 1-4/64 (Lot 50) High Street, Fremantle, which includes internal alterations to the existing building. At a previous meeting of Council, the item was deferred with a request for the applicant to address a number of matters. A summary of the applicants changes/responses can be found in the Additional Information.

The proposed development is consistent with the objectives of the City Centre zone and will provide accommodation for visitors to the area. The heritage status of the building has been considered, and the proposed works are deemed acceptable as they will not have a significant impact on any original fabric of heritage value. The City's heritage officers have deemed the works acceptable. In accordance with the above, the application is recommended for conditional approval.

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Liveable City - A unique built heritage and history that is preserved, protected and shared



- Adaptive re-use of heritage buildings is enabled through supporting private investment, renewal and innovation.

Thriving City - A resilient seven-day economy

- City centre visitation extends beyond the weekend peak.

Thriving City - Vibrant and active city centre

- A coexistence of residents, visitors and workers creates a desirable environment in which to live, work, and visit.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Change of Use to Hotel and Internal Additions and Alterations at No. 1-4/64 (Lot 50) High Street, Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 11 June 2025. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. Prior to lodgement of a Building Permit application for the development hereby approved, an amended environmental acoustic report prepared by suitably qualified consultant confirming that the proposed development will comply with the *Environmental Protection (Noise) Regulations 1997*, is to be submitted and approved, to the satisfaction of the City of Fremantle. The



environmental acoustic report is to provide additional details on how the roof top bar will operate with the abovementioned regulations.

3. Prior to lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, an Amended Operations Management Plan including, but not limited to, the following:

- Emergency contact details
- Management and reporting of antisocial behaviour
- Complaints management procedure
- Security and access to rooms
- Guest arrival / check in/out
- Maximum length of stay
- Deliveries and servicing
- Maximum occupancy
- Management, operation and access hours of the observation deck bar

The Operations Management Plan must be implemented at all times to the satisfaction of the City of Fremantle for the life of the development.

4. Prior to lodgement of a Building Permit application for the development hereby approved, No. 64 (Strata Lots 1-4) High Street are to be legally amalgamated into one lot on the Certificate of Title. Alternatively, the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.
5. Prior to occupation of the development hereby approved, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:
 - Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed"



utilising laminated or toughened safety glass of a minimum thickness of 3mm.

- Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.

6. Prior to lodgement of a Building Permit application for the development hereby approved, the owner is to submit a waste management plan for approval by the City, detailing at a minimum the following:

- Estimated waste generation
- Proposed storage of receptacles
- Collection methodology for waste
- Location of bin presentation for collection area
- Method of / responsibility for moving and returning waste from bin storage area to presentation area
- Days/ times of waste collection (note: bins are not to be collected before 6:00am on weekdays and 7:00am on weekends)
- Additional management requirements to be implemented and maintained for the life of the development.

The waste management plan should give consideration to the fact the City is required to manage residential waste. As a result, the waste management plan will need to align with the waste services available to residents. The Waste Management Plan must be implemented at all times to the satisfaction of the City of Fremantle.

7. Prior to occupation of the development hereby approved, the bicycle racks indicated on the approved plans must be installed and thereafter be maintained for the life of the development, to the satisfaction of the City of Fremantle.
8. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building which is not subject to the development hereby approved. Any damage shall be rectified to the satisfaction of City of Fremantle.
9. The operating hours of the roof top bar/deck is restricted to between the following hours to the satisfaction of the City of Fremantle:
- a. 6am and 12 midnight Monday to Saturday.



- b. 10am and 12 midnight Sunday.
- c. 12 noon and 10pm Christmas Day and Good Friday (ancillary to a meal only).
- d. 12 noon to 12 midnight ANZAC Day; and
- e. 12 midnight to 2am New Years Day.

No live music is permitted from the roof top bar/deck.

10. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice note(s):

- i. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
- ii. A BA9 – Occupancy Permit application form is required to be submitted for the unauthorised building works. A Certificate of Building Compliance (BA18) must be submitted with the application and signed and completed by a Registered Building Surveyor Contractor (private sector). A list of Registered Building Surveyors can be obtained from the Western Australian Building Commission website - <https://www.commerce.wa.gov.au/building-commission>.
- iii. In relation to the Heritage conditions above, should there be any further clarification regarding the requirements of these conditions please contact the City's Heritage Department on 9432 9999 or alternatively planning@fremantle.wa.gov.au, or where relevant the Heritage Council of Western Australia. In addition to this, there are a number of technical advice sheets for conservation of privately-owned heritage buildings on the City's website.
- iv. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health*



(Asbestos) Regulations 1992 and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a Class B asbestos removal licence holder for. All asbestos removal is to be carried out in accordance with the Work Health and Safety Act 2020 and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a Class A asbestos removal licence holder and an application submitted to WorkSafe, Department of Commerce.

<https://www.commerce.wa.gov.au/worksafe/>.

- v. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.

Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.

- vi. The premises must comply with the *Food Act 2008*, regulations and the Food Safety Standards incorporating AS 4674-2004 *Design, construction and fit-out of food premises*. Detailed architectural plans and elevations must be submitted to Environmental Health Services for approval prior to construction via an [application to notify/register a food business](#). The food business is required to be registered under the *Food Act 2008*. For further information contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.
- vii. The proponent must make application during the Building Permit application stage to Environmental Health Services via Schedule 3 – *Application for registration of a lodging house* as a requirement of the City of Fremantle's Health Local Laws 1997. For further information and a copy of the application form contact Environmental Health Services on 9432 9999 or via health@fremantle.wa.gov.au.



- viii. All noise from the proposed development must comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* (as amended), such as:

1. mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
2. vehicles;
3. amplified acoustic systems; and
4. patron noise.

It is advised to seek the services of an acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.

- ix. Any works within the adjacent road reserve, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.
- x. The applicant is advised that any signage may be subject to a separate application for planning approval.
- xi. The applicant/owner is advised that the premises must comply with the *Environmental Protection (Noise) Regulations 1997*.
- xii. With regards to the Waste Management Plan, the applicant is advised that additional information in relation to the City's waste management requirements can be found in Local Planning Policy 2.24 Waste Management Plans for New Development and WALGA waste documents. (Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities).
- xiii. The applicant is advised that the adjoining right of way shall remain clear of any obstructions or regular activity. Any reference to a gate installed at the entrance to this right of way is not subject to this development approval and the ROW should not be used for any activity other than being a thoroughfare.



C2507-2 DEFERRED ITEM - KEEGAN STREET, NO.7 (LOT 73), O'CONNOR
- PROPOSED MULTI-UNIT WAREHOUSE DEVELOPMENT - (LG
DA0401/24)

Meeting date:	9 July 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Amended Development Plans - 19 June 2025 2. Superseded Development Plans - 14 May 2025
Additional Information:	3. Treewest Australia Arborist Report - 3 May 2025 (viewed electronically) 4. Site Photos

SUMMARY

Approval is sought for a Warehouse development at No. 7 (Lot 73) Keegan Street, O'Connor.

At its meeting on 14 May 2025, Council resolved to defer the application with advice and invited the applicant to consider submitting an amended proposal addressing the objectives of Local Planning Policy 2.26 Tree Retention.

On 19 June 2025, in response to the above, the applicant submitted the following additional information and/or responses to the above request:

- Amended Development Plans (Attachment 1), including:
 - Regulated trees and non-regulated trees indicated for removal.
 - Recommended Tree Protection Zones for each regulated tree.
 - Amended design of "unit 6" in the northeastern corner of the site
 - Removal of three (3) on-site car bays (total of 36 on-site bays)
 - Addition of retaining and vegetation area surrounding northeastern regulated tree
- Treewest Australia Arborist Report (Attachment 3)

The proposal is referred back to Council due to the nature of some discretions being sought. The application seeks discretionary assessments against the Local Planning Policies. These discretionary assessments include the following:



- Removal of regulated trees
- Front setback

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a single storey Warehouse development at No.7 (Lot 73) Keegan Street, O'Connor (subject site). The proposed works include:

- The demolition of the existing industrial building.
- The removal of 2 regulated and 16 unregulated on-site trees (resulting in a total removal of 19 on-site trees).
- Retention of 1 on-site regulated tree.
- The construction of 16 warehouse units with a total Gross Leasable Area (GLA) of 2294m².
- The construction of 36 car parking bays.
- The construction of three (3) new crossovers, two (2) on the eastern boundary and one (1) on the northern boundary.
- The removal of two (2) redundant crossovers.
- The installation of landscaping

The applicant submitted amended plans on 24 April 2025 including the following:

- The relocation of the proposed east crossover 5m further north to avoid the removal of an existing verge tree.
- Proposed planting of an additional 8 on-site trees (resulting in a total addition of 19 trees)
- Alteration of survey plan to include on-site trees marked for removal and regulated tree marked for retention.

Amended development plans are included as attachment 1, and previous plans are included as attachment 2.

In response to the reasons for deferral from the 14 May OCM 2025, the applicant submitted an arborist report and additional justification on 13 June 2025 which included the following:



- Arborist assessment of regulated trees identified under LPP2.26 – Tree Retention Which includes a visual Tree Assessment (VTA) including age, health, characteristics and species of on-site regulated trees.
- Identification of tree protection zones (TPZ) and structural root zones of on-site regulated trees.
- Correction on the identification of on-site regulated trees (as confirmed by the Arborist). Specifically, where the previous report identified 5 regulated trees, the updated information confirms that there are presently 3 regulated trees on site. A total number of 19 trees are proposed to be removed, however only 2 of these are regulated. One regulated tree is proposed to be retained.
- Amended site survey plan to include tree protection zones and the regulated tree marked for removal. Alterations to the built form and carparking is also proposed to ensure an appropriate tree protection zone is provided.

Site/application information

Date received:	23 December 2024
Owner name:	Marshwood Holdings Pty Ltd
Submitted by:	Dynamic Planning and Developments
Scheme:	Industrial Zone
Heritage listing:	Not Listed
Existing land use:	Industry
Use class:	Warehouse/Storage
Use permissibility:	P



Figure 1 – Planning context map.



Figure 2 – Site aerial image (March 2025).

CONSULTATION

External referrals

Nil required.

Internal referrals

City of Fremantle Parks and Landscape

The submitted application proposed the removal of a verge tree for the installation of one of three (3) crossovers. As per City specifications, any crossover should be relocated so existing trees aren't removed and all existing trees to be retained are



to be at least 2m from proposed crossovers to ensure structural roots are not cut through during excavation.

The applicant subsequently provided amended development plans with an alternate crossover location to retain the verge tree located on the eastern boundary.

The application was submitted prior were received prior to the City's adoption of Local Planning Policy 2.26 – Tree Retention (LPP2.26). During the assessment, it was identified that a number of trees on site proposed to be removed, may fit the definition of a Regulated Tree under the policy.

There are two mature *Agonis flexuosa* trees found in good to fair health and fair structural condition in the northeast corner that are proposed to be removed based on the current design of the development. There are also 3 x mature *Eucalyptus marginata* remnant trees found in good to fair health and fair structural condition in the southwest corner that could be retained if the car park was modified and the garden space made larger.

City of Fremantle Infrastructure Engineering

The comments received related to ensuring standard requirements are followed, specifically:

1. Works within the road reserve (advice note)
2. Vehicle crossover permit (condition/advice note)
3. Works within a thoroughfare permit (advice note)
4. Tree protection zone (condition and advice note)
5. Construction management plan required (advice note)
6. Landscaping plan (condition)
7. Stormwater disposal plans (condition)
8. Detailed car parking plans (condition)

Community

This application involves the development of a warehouse building. The proposed land use is a permitted use and does not seek significant discretions to any applicable planning controls. As such, advertising in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* was not required.

OFFICER COMMENT

Statutory and policy assessment



The proposal has been assessed against the relevant provisions of Council local planning policies. In this particular application the areas outlined below do not meet the policy provisions:

- Removal of regulated trees
- Front setback

The above matters are discussed below.

Background

The subject site is located on the western side of Keegan Street, located on the corner of the Peel Road intersection. The site has a land area of approximately 3713m² and currently features an existing industrial building which is proposed to be demolished to facilitate the proposed development. The site is zoned Industrial and is not individually heritage listed nor located within a Heritage Area.

A search of the property file did not reveal any development history for the site. The dwelling was constructed circa 1965 based on historical aerials.

Tree Retention

Local Planning Policy 2.26 – Tree Retention

The purpose of LPP2.26 is to clarify the circumstances in which a development application and approval are required for any tree-damaging activity and guides the assessment of these applications and other planning proposals. LPP2.26 applies to all lots within a Development Area, on land zoned 'Industrial', or on land coded R30 and below within the City's Local Planning Scheme No. 4 area.

The objectives of LPP2.26 are to:

- *Prioritise the retention, protection, and the provisions of trees on private land and adjacent reserves in the planning process.*
- *Promote and facilitate tree preservation at the earliest possible stage in the planning and development process, balancing with the desired built form and land use outcomes.*
- *Preserve and enhance neighbourhood amenity, character and sense of place.*
- *Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.*



A development application is required for any tree-damaging activity to a regulated tree within the area identified in LPP2.26.

Under LPP2.26 tree-damaging activity means –

- a) the killing or destruction of a tree; and / or*
- b) the removal of a tree; and / or*
- c) the severing of branches, limbs, stems or trunk of a tree; and / or*
- d) the ringbarking, topping or lopping of a tree; and / or*

Under LPP2.26 a regulated tree means –

A living tree that:

- a) is 8m or more in height; and / or*
- b) has an average canopy diameter of at least 6m; and / or*
- c) has a trunk circumference of at least 1.5m, measured 1.4m above the ground; and*
- d) is of a species that is not included on State or local area weed register.”*

The applicant initially did not provide an arborist report, or detailed justification for the removal of regulated trees on site.

On 19 June 2025, to respond to the deferral and original officer recommendation for refusal, the applicant submitted the following additional information:

- Amended Development Plans (Attachment 1), including:
 - Regulated trees and non-regulated trees indicated for removal
 - Recommended Tree Protection Zones for each regulated tree.
 - Northeastern regulated tree included for removal Alternate design of “unit 6” in the northeastern corner of the site
 - Removal of three (3) on-site car bays (total of 36 on-site bays)
 - Addition of retaining and vegetation area surrounding northeastern regulated tree
- Treewest Australia Arborist Report (Attachment 3)

The arborist report identifies three (3) trees that meet the definition of ‘regulated tree’ outlined in LPP2.26. The arborist report provides a general overview of the trees, detailing their species, height and comments on their condition and structural integrity. The report outlines the recommended tree protection zones (for the trees and root balls) for each regulated tree in accordance with AS4970-2009 that would be required, should the trees be required to be retained.

The arborist report confirms that there are a total of 3 regulated trees on site, reduced from 5 identified in an initial survey plan. A total of 19 trees are proposed to be removed across the site, however only 2 of these are regulated. One regulated tree is proposed to be retained.

In the southwestern corner, there are 2 mature *Agonis Flexuosa* (Peppermint) trees in good to fair health and structural condition, and in the northeastern corner there is one *Eucalyptus* variant (Jarrah) tree in good health and structural condition (see Figure 3 below).

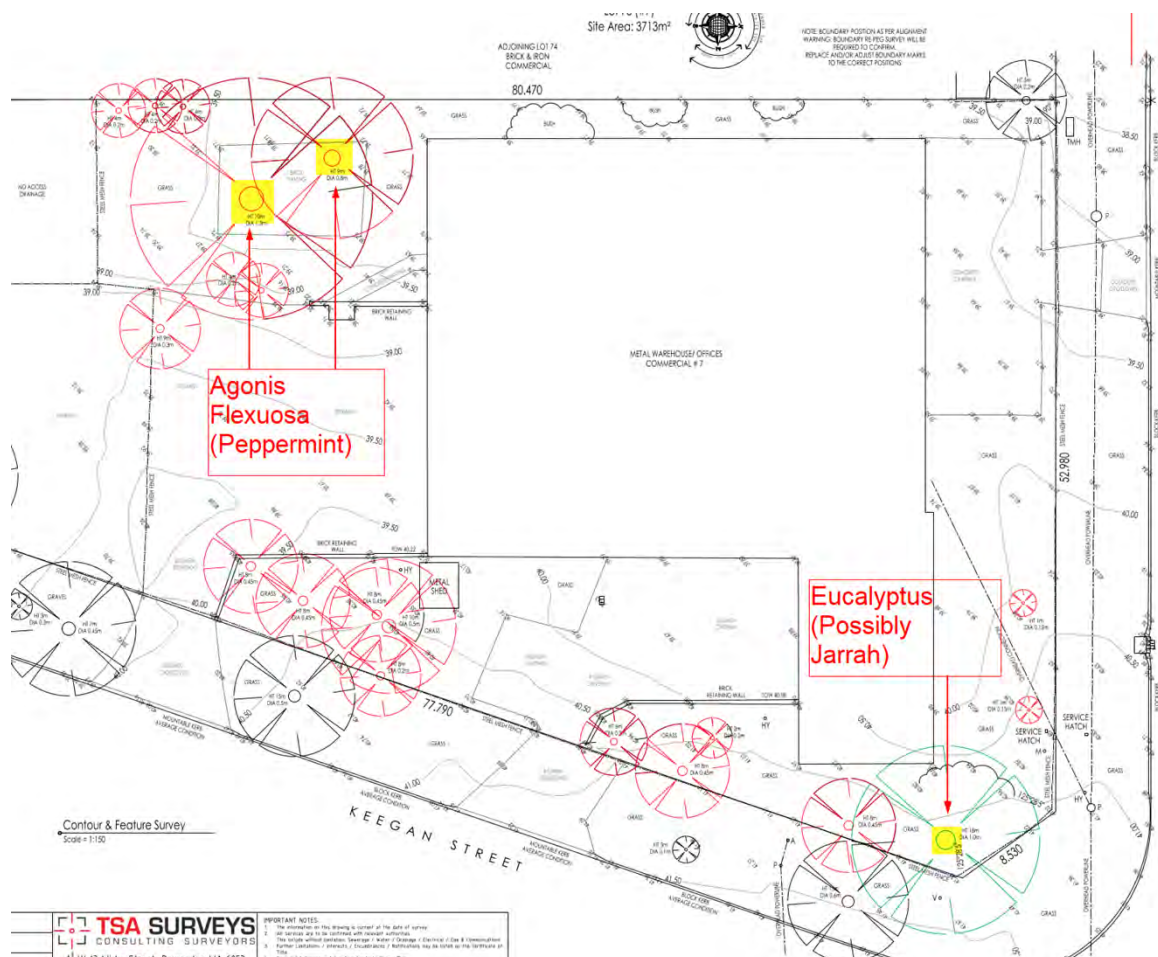


Figure 3 – Location of identified regulated trees

The mature *Eucalyptus* tree in the northeastern corner remains identified for retention. Figure 4 below, is marked up with regulated trees to be removed marked with a red X and regulated trees to be retained marked with a green O. All other vegetation is proposed to be cleared from the site however, this is not subject to assessment under LPP2.26.

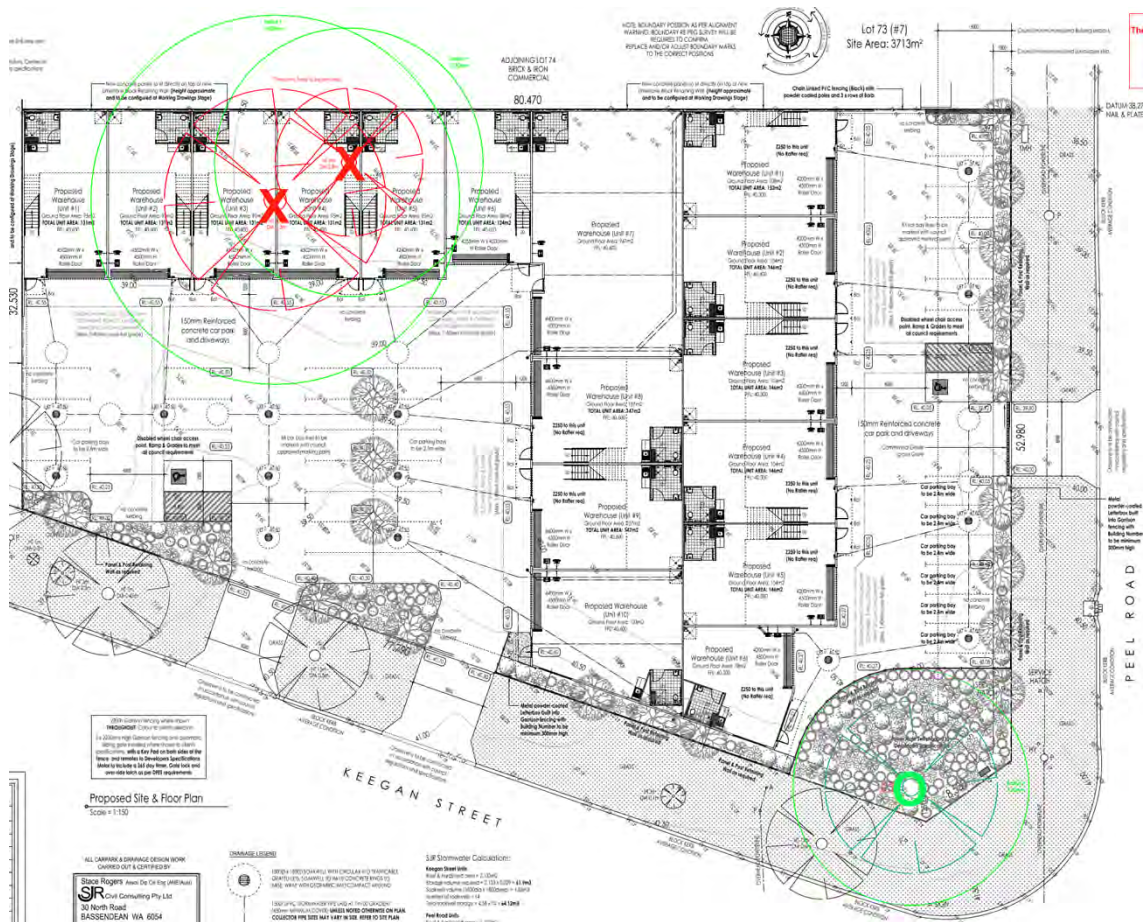


Figure 4 – Location of regulated trees marked for removal and corresponding tree protection zones (green rings).



Figure 5 – Regulated trees proposed for removal at the southwest of the site.



Figure 6 – Regulated tree to be retained, northeast of the site.



Considering the above provided information, table 2 evaluates the proposed tree-damaging works under the general requirements, applicable to all regulated trees within the City (Clause 4 of LPP2.26):

Table 2 – General requirements

Provision	Proposed	Officer Comment
<i>'4.1 Unless its removal is approved as part of a subdivision or development approval, or is exempt under the provisions of this Policy, a regulated tree is to be retained and protected for the duration of its natural life.</i>	2 Regulated trees are proposed to be removed.	The proposed removal does not form part of an existing development approval, nor do the works meet the required criteria for approval exemption. Therefore, the works are subject to assessment and development approval.
<i>4.2 Retention and protection of regulated trees is to be prioritised, and development works, structure plan and subdivision design are to avoid or, as a minimum, minimise harm to regulated trees.</i>	Two regulated trees to be removed, one regulated tree marked for retention.	The applicant has given due consideration through alternative development plans to the retention of one regulated tree in the northeast corner of the site. Two trees are proposed for removal.
<i>4.3 Where tree-damaging activity is proposed to a regulated tree the following will be given due regard in the assessment process:</i> a) health, maturity, species, and location of the tree; b) ecological, biodiversity, and environmental values of the tree; c) contribution of the tree to the streetscape; d) the preservation of any other regulated tree on the subject site; e) the location of the tree within the development site and capacity for a modified building design or subdivision to maximise tree retention with particular regard for retaining regulated trees within setback areas, private open	The applicant has provided an arborist report with an assessment of the health, species, maturity, location and recommended tree protection zones in accordance with <i>Australian Standard 4970</i> . The provided additional information has been given due regard in officer assessment below.	An arborist report has been provided including an assessment of the on-site regulated trees, confirming they are in fair - good health. The arborist report identifies the required tree protection zones (if trees are to be retained) as per Australian Standard 4970, this has been considered in officer assessment below. Additional justification and arborist recommendations have been included in officer assessment below.



<p><i>space, and common property areas;</i> <i>f) any existing development on the site;</i> <i>g) design and location of proposed crossovers;</i> <i>h) topography and the potential impact from excavation / fill; 6/8</i> <i>i) possible safety risks due to tree limb failure and infrastructure, and / or structural damage associated with the retaining the tree;</i> <i>j) tree protection zone(s) per Australian Standard 4970 – Protection of Trees on Development Sites;</i> <i>k) tree replacement and / or planting proposed;</i> <i>l) recommendations of an arborist's report; and</i> <i>m) the objectives of this Policy.</i></p>		
<p><i>4.4 The following justifications for tree damaging activity to a regulated tree will not be considered:</i> <i>a) impact on views;</i> <i>b) the tree is disliked;</i> <i>c) to reduce presence of birds or other fauna;</i> <i>d) the tree causes nuisance by way of leaf, fruit, or bark shedding or the like; or e) the tree impacts private gardens, solar installations, swimming pools, etc.</i></p>	<p>2 regulated trees are proposed to be removed.</p>	<p>The justifications listed under clause 4.4 have not been provided or considered in the assessment process.</p>

In accordance with clause 5 of LPP2.26, a Regulated tree must be retained and protected unless approved to be removed. The retention and protection of regulated trees is to be prioritised and a proposal for development is to avoid or at minimum, minimise harm to these trees.

Clause 5.4 of LPP2.26 sets out circumstances in which tree-damaging activity to regulated trees may be considered



5.4 Tree-damaging activity to a regulated tree may be considered where, in the City's opinion, the following relevant information and / or technical reports have been provided that demonstrate:

- a) the regulated tree is unhealthy, based on an arborist's report;*
- b) the regulated tree causes safety risks to people, or damage to infrastructure or buildings based on recommendations of an arborist's report and / or structural engineering report; or*
- c) the redesign of the development to accommodate the regulated tree is unfeasible.*

The initial application did not provide an arborist report or detailed justification against the policy, rather simply sought to remove some of the regulated trees and did not provide details of tree protection measures for the proposed retained regulated tree.

Considering the additional information provided by the applicant to support the updated development plans, the proposed removal of two regulated trees is considered to satisfy the policy for the following reasons:

- It is considered the development has been sufficiently redesigned to allow for the retention of the northeastern regulated tree which is in good health and structural condition. The applicant has considered the retention of the northeastern tree through amended development plans that include a larger tree protection zone in accordance with arborist report recommendations.
- The submitted arborist report confirms the tree protection zone of the two southwestern regulated trees overlaps with the floor space of six (6) units in the southwestern corner of the site. It is considered that the design to accommodate both the retention of the trees and preservation of the proposals net floor area may not be feasible and would require significant alterations to the proposed development, including the loss of substantial floor area and car parking.

Land Use

A Warehouse/storage is a 'P' land use within the Industrial zone, which means that the use is permitted by the Scheme.

Built Form

The following matters, as per clause 67 of the Regulations, are deemed applicable to the built form assessment of the proposed development:



- (m) *the compatibility of the development with its setting, including —*
 - (i) *the compatibility of the development with the desired future character of its setting; and*
 - (ii) *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*

The proposed warehouse development is considered to address the above matters for the following reasons:

- The proposed development is compatible with the existing and future character of the area being a largely mixed use/commercial precinct.
- The approval of this development will not result in an over-densification of warehouses in the area.
- The proposed development is compatible with the existing and future character of the area being commercial/mixed use.
- The building bulk or scale of the single-storey building is not considered excessive and will not result in any significantly detrimental impact on the amenity of the surrounding area.
- The building is orientated parallel to the street, resulting in a uniform and legible appearance.
- The proposed development is appropriately located in an area which was historically an industrial area which is experiencing a shift towards commercial/mixed use developments.

The applicable built form requirements are specified in Local Planning Policy 3.8 - Local Planning Area 8 - O'Connor. Refer Table 1 below.

Table 2 – Primary Controls

Provision	Permitted	Proposed	Officer Comment
Plot Ratio	1.0	0.62	Complies
Site Coverage	75% / 2379m ²	61.78% / 2294m ²	Complies



Building Height	No restriction	7.2m	Complies
Front Setback	Min. 6m	Keegan Street: 18.5m – 1.5m Peel Road: 14.3m	A reduction in minimum front setback to Keegan Street is considered acceptable. The discretion spans 26.3m of the Keegan Street frontage (Approx 33%) and is not considered to contribute to a negative streetscape impact. The building setback follows the existing pattern along Peel Road, is consistent with existing buildings on subject site and consistent with setback for buildings along Keegan street
Rear Setback	Min. Nil	Nil	Complies
Side Setback	Min. Nil	Nil	Complies

Car Parking

The proposed onsite vehicle parking has been assessed against LPS 4 cl. 4.7.2 Vehicle Parking Requirements. Refer Table 2 below.

Table 3 – Parking Requirements

Element	Requirement	Proposed	Complies
Car parking bays	Warehouse/Storage 1: 100m ² of NLA Total – 23 bays required	36 car bays	Complies



Delivery bays	Ratio: 1 per unit Total: 16 units / 16 bays required	Dedicated delivery bays not proposed to be marked.	Service area provided at front of the units. Excess of parking bays also provided on site.
Bicycle racks	-	-	N/A

The provision of onsite carparking complies with the requirements of LPS4. Delivery bays have not been indicated on the development plans although it is considered that there will be suitable area to address these requirements in front of units, as well as through large roller doors to most units. A standard condition is recommended for a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428.

Landscaping

The applicable landscaping requirements are specified in Local Planning Policy 3.8 - Local Planning Area 8 - O'Connor (LPP3.8). Refer Table 3 below for the assessment of these requirements.

Table 4 – Landscaping Requirements

Element	Requirement	Proposed	Complies
Landscaping	5% of the total lot area, distributed in areas no less than 4m ² and no less than 1.5m wide – 185.65.6m ² of landscaping required.	9.4% - 351m ²	Complies
Trees	1 shade tree for every 50m ² of landscaping provided on the lot and within the street verge area – 5 trees required.	8 shade trees in landscaping area.	A condition of approval is recommended for the submission of a detailed landscaping plan and subsequent installation of landscaping as per requirements.



	<p>1 shade tree located in parking area for every 4 car parking bays – 9 trees required in parking area</p> <p>2 replacement trees of a minimum 30 litre pot size and capable of achieving recognition as a regulated tree when mature for each regulated tree removed (LPP 2.26 – Regulated Tree) – 4 trees required</p> <p>18 trees required</p>	<p>11 trees provided in car parking area</p> <p>Nil 30 litre replacement trees provided.</p> <p>Total of 19 trees shown on submitted site plan, no detail regarding species or size.</p>	
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Traffic and Access

The subject site features three (3) existing crossovers from Keegan Street. These crossovers are to be removed with the verge and kerbing to be reinstated with this requirement forming a recommended condition. Three (3) new crossovers will be constructed to service the development as well as the service/delivery areas of the development. The proposed development will not result in a significant intensification of vehicular traffic.

The built form objectives of LPP3.8 have been addressed above. The remaining Statement of Objectives are addressed in Table 3 below.



Table 5 - Statement of Objectives

	Statement	Assessment
1.	To retain the O'Connor Industrial area as a strategic industrial area for Fremantle and the South-West metropolitan region and to ensure that development contributes to high standard of amenity and design as well as compatibility with adjacent residential uses.	The proposed use is a permitted use under LPS4. The proposed development is of an acceptable standard and will contribute to the amenity of the area via its built form and landscaping. The subject site is not located within the immediate vicinity of any residential uses.
2.	To provide adequate zoning for the development of commercial uses along major roads and to restrict the encroachment of such uses into residential and industrial areas.	The proposed use is a permitted use in the Industrial zone under LPS4. There will be no encroachment into residential areas.
3.	To retain existing residential areas as predominantly low density residential, with access to suitable open space and protection of amenity from adjoining industrial uses.	N/A
4.	To ensure the development of the South Street Local Centre as a vibrant community hub that serves the day-to-day needs of nearby residents.	N/A
5.	To ensure safe access and movement for pedestrians and cyclists.	There are no pedestrian footpaths along Keegan Street. In addition, it is not considered to be a major thoroughfare for pedestrians or cyclists. Regardless of this, the proposed development features appropriate vehicular access/egress points with adequate sight lines. As such, it is not considered that the subject site will feature any significant amount of pedestrian traffic.
6.	To prevent, as far as practicable, the intrusion of commercial and industrial traffic into residential streets.	The proposal will not result in any significant intrusion of commercial traffic into residential areas. Keegan Street extends between Peel Road and Garling Street which are considered



		appropriate traffic corridors to manage an increase in traffic to and from the area resulting from the proposed development.
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CONCLUSION

Approval is sought for the development of a single storey Warehouse at No. 7 (Lot 73) Keegan Street, O'Connor. As discussed above, the proposed warehouse development is considered to satisfy the relevant statutory requirements of LPS4 and relevant Council policy provisions. Accordingly, the proposed warehouse development is recommended for approval, subject to conditions.

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the single storey Warehouse addition at No. 7 (Lot 73) Keegan Street, O'Connor, as detailed on plans dated 19 June 2025, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 19 June 2025. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.



2. Prior to lodging an application for a building permit, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle. All storm water discharge from the development hereby approved shall be contained and disposed of on-site unless otherwise approved by the City of Fremantle.
3. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
4. Prior to lodgment of a Building Permit application for the development hereby approved, a detailed landscaping plan including information relating to species selection of the required trees, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e mulch, lawn etc) shall be submitted to and approved by the City of Fremantle.
5. Prior to the occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Fremantle. All landscaped areas are to be maintained on an ongoing basis for the life of the development, to the satisfaction of the City of Fremantle.
6. Prior to commencement of development the existing regulated tree in the northeastern corner of the site, shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction to the satisfaction of the City of Fremantle.
7. The existing regulated tree in the northeastern corner indicated on the site plan must:
 - i. be retained and subsequently maintained in a healthy state;
 - ii. be protected during the construction of the development in accordance with Australian Standard AS4970; and
 - iii. only be maintenance pruned in accordance with Australian Standard AS 4373.



If, notwithstanding paragraph (i) the existing tree dies or becomes unhealthy and requires replacement, the landowner must notify and make suitable arrangements with the City of Fremantle for two replacement tree(s). Thereafter, the replacement tree(s) must be retained and maintained in accordance with this condition.

8. Prior to occupation, four (4) replacement trees of a minimum 30 litre pot size and capable of achieving recognition as a Regulated tree when mature shall be planted in-ground within the lot, each having the minimum tree planting areas as prescribed by clause 5.3.2 of the R-Codes or otherwise approved by the City. The replacement tree(s) must;
 - i. be planted before the development is occupied;
 - ii. be maintained during the life of the development; and
 - iii. only be maintenance pruned in accordance with the Australian Standard AS 4373.

If, notwithstanding paragraphs (i) and (ii) a tree dies or becomes unhealthy the landowner must notify and make suitable arrangements with the City of Fremantle for a replacement tree(s). Thereafter, the replacement tree(s) must be retained and maintained in accordance with this condition.

9. Prior to the issue of a building permit, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZS 1428.
10. Prior to the occupation of the development hereby approved, vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.
11. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.



12. Prior to the issue of a Building Permit a Construction Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:

- a) 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.

Dewatering application must include:

- Written approval from department of Water and Department of Park and Wildlife
- Dewatering impact report
- Demonstrated compliance with Swan Trust Policy SRT/DE6
- Before discharge in to the City's storm water system, they need to have a sediment control and weekly monitoring plan.

The approved Demolition and Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

13. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice Note(s):

- i. The submitted landscaping plan required by the conditions above shall supply a minimum of 18 trees on site meeting the following criteria:



- a. Five (5) of the total number of trees shall be planted within the dedicated landscaping areas.
 - b. Eleven (11) of the total number of trees shall be shade trees for the car parking bays.
 - c. Four (4) of the total number of trees must be a minimum of a 30 litre pot size and capable of achieving recognition as a regulated tree when mature.
- ii. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
 - iii. The applicant is advised that any signage may be subject to a separate application for planning approval.
 - iv. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
 - v. This approval does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.
 - vi. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.
 - vii. Prior to commencement of development the existing tree(s) within the road reserve, shown on the approved plans shall be protected through the implementation of a Tree Protection Zone for protection during construction.
 - viii. The City's crossover specifications can be found via the following link: <https://www.fremantle.wa.gov.au/planning-and-building/planning-and-building-applications/building/crossovers/>



- ix. Additional information with regard to the tree protection zone requirements can be found here:
<https://www.fremantle.wa.gov.au/waste-and-environment/trees-landscapes-and-verges/>
- x. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.

The applicant is advised that the /The new/ modified vehicle crossover shall be separated from any verge infrastructure by:

- a minimum of 2.0 metres in the case of verge trees
- a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayment's or street furniture), and
- a minimum of 1.0 metre in the case of power poles, road name and directional signs.



C2507-3 SOUTH TERRACE, NO. 234 (LOT 27, 29, 300, 301), SOUTH
FREMANTLE - MOTOR VEHICLE WASH DEVELOPMENT AND
SIGNAGE - (JD DAP004/24)

Meeting date:	9 July 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Amended Development Plans 2. Acoustic Report
Additional Information: (viewed electronically)	3. Amended Operational and Noise Management Plan 4. Amended Transport Impact Statement and Peer Review 5. Stormwater and Sewer Management Plan 6. Planning Report 7. Heritage Officer Assessment 8. Response to City of Fremantle Feedback 9. Schedule of Submissions and Applicant Response 10. Original Development Plans (Obsolete) 11. Site Photos

SUMMARY

Approval is sought for the demolition of an existing building and the construction of a motor vehicle wash development and signage at No. 234 (Lot 27, 29, 300 & 301) South Terrace, South Fremantle.

As the development value is \$3.5 million, the applicant has opted to have the application determined by the Metro Inner Development Assessment Panel (DAP). The City's Responsible Authority Report (RAR) is referred to Council for comment.

The application is recommended for approval.

PROPOSAL

Detail

Approval is sought for the demolition of an existing building and the construction of a Motor vehicle wash development and signage at No. 234 (Lot 27, 29, 300 & 301) South Terrace, South Fremantle. The proposed works include:

- Demolition of the existing building on site.



- Construction of a Motor vehicle wash building consisting of three (3) self-closing car wash bays and a plant room.
- Modification of the existing crossovers on South Street and South Terrace (cars to enter from South Street and exit via South Terrace).
- Installation of four (4) vacuum car bays and three (13) car parking bays.
- Installation of a dog wash facility.
- Construction of a bin store on the corner of South Street and South Terrace.
- Construction of a 2.1m high screen fence along the east side boundary.
- Installation of signage.
- Installation of landscaping.

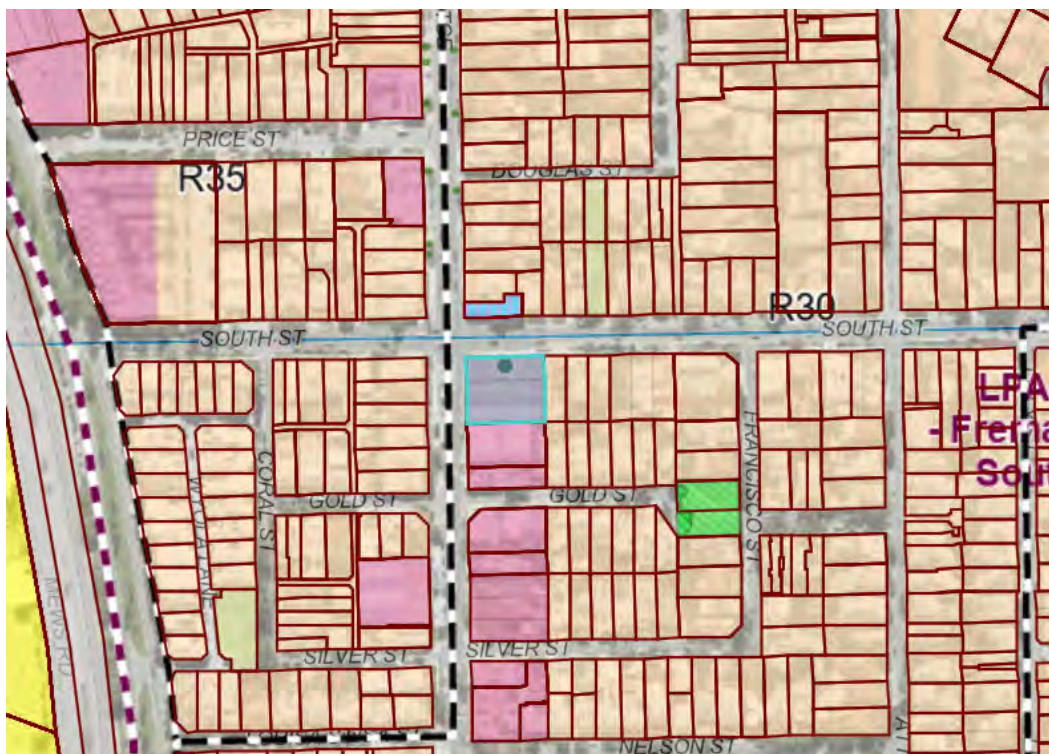
The applicant submitted amended plans/additional information on 12 June 2025 including the following:

- Modification of the Motor vehicle wash building roof form.
- Amendments to the colour palette and external finishes.
- Amendments to the Transport Impact Statement (including a peer review) and Operational and Noise Management Plan.
- A response to City of Fremantle feedback and additional justification on the merits of the proposal.

Amended development plans are included as Attachment 1.

Site/application information

Date received:	5 December 2024
Owner name:	Glowmark Nominees Pty Ltd
Submitted by:	Apex Planning
Scheme:	Mixed Use R30
Heritage listing:	South Fremantle Precinct Heritage Area
Existing land use:	Educational Establishment
Use class:	Motor Vehicle Wash
Use permissibility:	A



STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Liveable City - Sustainable growth in city centre population

- Fremantle is recognised as a development-friendly city as a result of flexible and adaptable approaches to planning.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

SUPPORT the Officer's Recommendation to APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the demolition of an existing building and the construction of a Motor vehicle wash development and signage at No. 234 (Lot 27, 29, 300 & 301) South Terrace, South Fremantle, subject to the conditions outlined in the responsible authority report.



LOT NO. 27, 29, 300 & 301 (NO. 234) SOUTH TERRACE SOUTH
 FREMANTLE – MOTOR VEHICLE WASH DEVELOPMENT

Form 1 – Responsible Authority Report
 (Regulation 12)

DAP Name:	Metro Inner	
Local Government Area:	City of Fremantle	
Applicant:	Apex Planning	
Owner:	Glowmark Nominees Pty Ltd	
Value of Development:	\$3.5 million	
Responsible Authority:	City of Fremantle	
Authorising Officer:	Manager Development Approvals	
LG Reference:	DAP004/24	
DAP File No:	DAP/24/02818	
Application Received Date:	5 December 2024	
Report Due Date:	10 July 2025	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1. Amended Development Plans 2. Acoustic Report 3. Amended Operational and Noise Management Plan 4. Amended Transport Impact Statement 5. Stormwater and Sewer Management Plan 6. Planning Report 7. Heritage Officer Assessment 8. Response to City of Fremantle Feedback 9. Schedule of Submissions and Applicant Response 10. Original Development Plans 11. Site Photos	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections



Officer Recommendation

That the Metro Inner DAP resolves to:

1. Accept that the DAP Application reference DAP/24/02818 is appropriate for consideration as a "Motor Vehicle Wash" land use and compatible with the objectives of the zoning table in accordance with City of Fremantle Local Planning Scheme No. 4;
2. Approve DAP Application reference DAP/24/02818 and accompanying plans (attachment DA01 (Rev. D), DA02 (Rev. D), DA03 (Rev. E), DA04 (Rev. D), LS01 (Rev. D), LS02 (Rev. D)) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of and the provisions of City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to lodgement of a Building Permit application for the development hereby approved, storm water and waste water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
3. Prior to lodgement of a Building Permit and/or Demolition Permit application for the development hereby approved, a Construction/Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) 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.
- 4. Prior to lodgement of a Building Permit application for the development hereby approved, storm water disposal plans, details and calculations must be submitted for approval by the City of Fremantle and thereafter implemented, constructed and maintained to the satisfaction of the City of Fremantle.
- 5. Prior to the lodgement of a Building Permit application for the development hereby approved, design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the City of Fremantle. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters, other plant and bin storage areas must be integrated into the design of the building and located to minimise any visual and/or noise impact on the occupants of nearby properties and screened from view from the street.
- 6. Prior to lodgement of a Building Permit application for the development hereby approved, an outdoor lighting plan must be submitted and approved by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.
- 7. Prior to lodgement of a Building Permit application for the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, a detailed parking and vehicle circulation plan design which complies with the Australian Standard AS/NZS 2890 and AS/NZSC 1428, including parking bay/s, visitor bays, loading bays, disabled bays, aisle widths, circulation areas, driveway/s and points of ingress and egress.
- 8. Prior to lodgement of a Building Permit application for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.



9. Prior to lodgement of a Building Permit application for the development hereby approved, details of how the recommendations contained in the environmental acoustic report prepared by Herring Storer Associates, dated 18 October 2024 (Ref: 32932-4-24207), are to be implemented into the design/operation of the development are to be submitted and approved to the satisfaction of the City of Fremantle and thereafter maintained for the life of the development.
10. Prior to the lodgement of a Building Permit application for the development hereby approved, details on how vehicle access and egress to the subject site shall be restricted to the following movements:
 - a) Left turn in only via the South Street crossover from vehicles travelling in a westerly direction along South Street; and
 - b) Left turn out only via the South Terrace crossover for vehicles to exit the site and travel in a southerly direction along South Terrace).

The approved traffic access and egress shall be maintained for the life of the development to the satisfaction of the City of Fremantle.

11. Prior to the occupation of the development hereby approved, vehicle crossovers, including any approved works required to restrict vehicle access and egress, shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Fremantle.
12. Prior to the occupation of the development hereby approved, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Fremantle.
13. Prior to occupation of the development hereby approved, the applicant is to submit, and have approved to the satisfaction of the City of Fremantle, an Operational Management Plan addressing the following:
 - Operating hours
 - Noise mitigation measures
 - Operation of the motor vehicle wash facilities
 - Deactivation process for wash and vacuum bays during the night period
 - Site and car wash maintenance and servicing procedures



- Waste management
- Garden and landscaping maintenance
- Emergency contact details and complaints management

The Operational Management Plan must be implemented at all times to the satisfaction of the City of Fremantle for the life of the development.

14. Prior to occupation of the development hereby approved, the approved landscaping shall be completed in accordance with the approved plans and maintained for the life of the development to the satisfaction of the City of Fremantle.
15. Prior to the occupation of the development hereby approved, all car parking, and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
16. Prior to occupation of the development hereby approved, No. 234 (Lots 27, 29, 300 & 301) South Terrace are to be legally amalgamated into one lot on the Certificate of Title. Alternatively, the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.
17. Prior to occupation/ use of the development hereby approved, the boundary fence located on the north-west and west boundaries shall be of a clean finish in any of the following materials:
 - coloured sand render,
 - face brick,
 - painted surface,
 - other approved finish

and be thereafter maintained to the satisfaction of the City of Fremantle.

18. The Motor Vehicle Wash and all associated facilities, including the dog wash and all vacuums, shall be limited to the operating hours of between 6:30am and 10:30pm.



19. The self-closing doors at the entry and exit of the car wash bays are to remain operational at all times and maintained for the life the development to the satisfaction of the City of Fremantle.
20. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
21. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

Advice note(s):

1. A Building permit is required for the proposed Building Works. A certified BA1 application form must be submitted and a Certificate of Design Compliance (issued by a Registered Building Surveyor Contractor in the private sector) must be submitted with the BA1.
2. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
3. With regards to condition 10 above, the applicant is encouraged to contact the City of Fremantle's Infrastructure Business Services department via info@fremantle.wa.gov.au or 9432 9999 to consider the works to restrict vehicle movements to left turn in/left turn out, such as median island extensions, line marking and signage. All works are to be completed to City of Fremantle standards and specifications at the applicant's expense.
4. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.
5. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.
6. If construction works involve the emission of noise above the assigned levels in the Environmental Protection (Noise) Regulations 1997, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm



(excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.

Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.

7. All noise from the proposed development must comply with the requirements of the Environmental Protection (Noise) Regulations 1997 (as amended), such as:
 - a) mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;
 - b) vehicles;
 - c) amplified acoustic systems; and
 - d) patron noise.

It is advised to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.

8. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a Class B asbestos removal licence holder for. All asbestos removal is to be carried out in accordance with the Work Health and Safety Act 2020 and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a Class A asbestos removal licence holder and an application submitted to WorkSafe, Department of Commerce.
<https://www.commerce.wa.gov.au/worksafe/>.

9. The applicant is advised that a crossover permit must be obtained from the City's Engineering Department. New/modified crossover(s) shall



comply with the City's standard for crossovers, which are available on the City of Fremantle's web site.

The applicant is advised that the /The new/ modified vehicle crossover shall be separated from any verge infrastructure by:

- a) a minimum of 2.0 metres in the case of verge trees
- b) a minimum of 1.2 metres (in the case of bus shelters, traffic management devices, parking embayment's or street furniture), and
- c) a minimum of 1.0 metre in the case of power poles, road name and directional signs.

10. The applicant is advised that any signage may be subject to a separate application for planning approval.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban Zone
Local Planning Scheme	Local Planning Scheme No. 4
Local Planning Scheme - Zone/Reserve	Mixed Use Zone
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Motor Vehicle Wash – A
Lot Size:	1321m ²
Existing Land Use:	Educational Establishment
State Heritage Register	No
Local Heritage	<input type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input checked="" type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other



Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

The application seeks approval for the demolition of an existing building and the construction of a Motor vehicle wash development and signage at No. 234 (Lot 27, 29, 300 & 301) South Terrace, South Fremantle (subject site). The proposed development includes the demolition of the existing building and the construction of a Motor vehicle wash and associated facilities. The key components of the proposed development can be seen at Attachment 1 and are summarised as follows:

Proposed Land Use	Motor Vehicle Wash (A)
Proposed Net Lettable Area	N/A
Proposed No. Storeys	Single Storey
Proposed No. Dwellings	N/A

The works component of the development includes:

- Demolition of the existing building on site.
- Construction of a Motor vehicle wash building consisting of three (3) self-closing car wash bays and a plant room.
- Modification of the existing crossovers on South Street and South Terrace (cars to enter from South Street and exit via South Terrace).
- Installation of four (4) vacuum car bays and three (13) car parking bays.
- Installation of a dog wash facility.
- Construction of a bin store on the corner of South Street and South Terrace.
- Construction of a 2.1m high screen fence along the east side boundary.
- Installation of signage.
- Installation of landscaping.

The applicant submitted amended plans/additional material on 12 June 2025 including the following:

- Modification of the Motor vehicle wash building roof form and materials.
- Amendments to the colour palette and external finishes.



- Amendments to the Transport Impact Statement (including a peer review) and Operational Management Plan (to further address noise management).
- A response to City of Fremantle feedback and additional justification on the merits of the proposal.

Amended development plans are included as Attachment 1. The original development plans are included as additional information.

Background:

Subject Site

The subject site features an existing building being used as an Educational establishment. The site was previously used as a boat sales yard and other related commercial activities. The site is a corner lot fronting South Street to the north and South Terrace to the west and adjoins a residential lot to the east and shops and residential dwellings to the south. The site is zoned Mixed Use under LPS4 and is within the South Fremantle Precinct Heritage Area. No. 234 South Terrace consists of four (4) lots featuring a combined land area of 1321m² as detailed in the table below. A condition is recommended for the lots to amalgamated prior to occupation of the development.

ADDRESS	LANDOWNER	VOL.	FOLIO	AREA (M ²)
Lot 27 (No. 234) South Terrace, South Fremantle	Glowmark Nominees Pty Ltd	1965	368	445m ²
Lot 29 (No. 234) South Terrace, South Fremantle	Glowmark Nominees Pty Ltd	1965	369	438m ²
Lot 300 (No. 234) South Terrace, South Fremantle	Glowmark Nominees Pty Ltd	1965	368	48m ²
Lot 301 (No. 234) South Terrace, South Fremantle	Glowmark Nominees Pty Ltd	1965	369	390m ²

Site History

A search of the property file has revealed the following history for the site:

- Temporary shelter addition to an existing Educational establishment – DA0289/24
- Change of use to boat sales yard and office and the construction of a 1.8m high chainmesh fence – DA250/88A – 1990
- Change of use to real estate offices/marine broker/travel agency and the extension of existing office
- Carport addition to south east corner of site – 8624/1975
- Office and workshop construction for a car sales yard – 1974

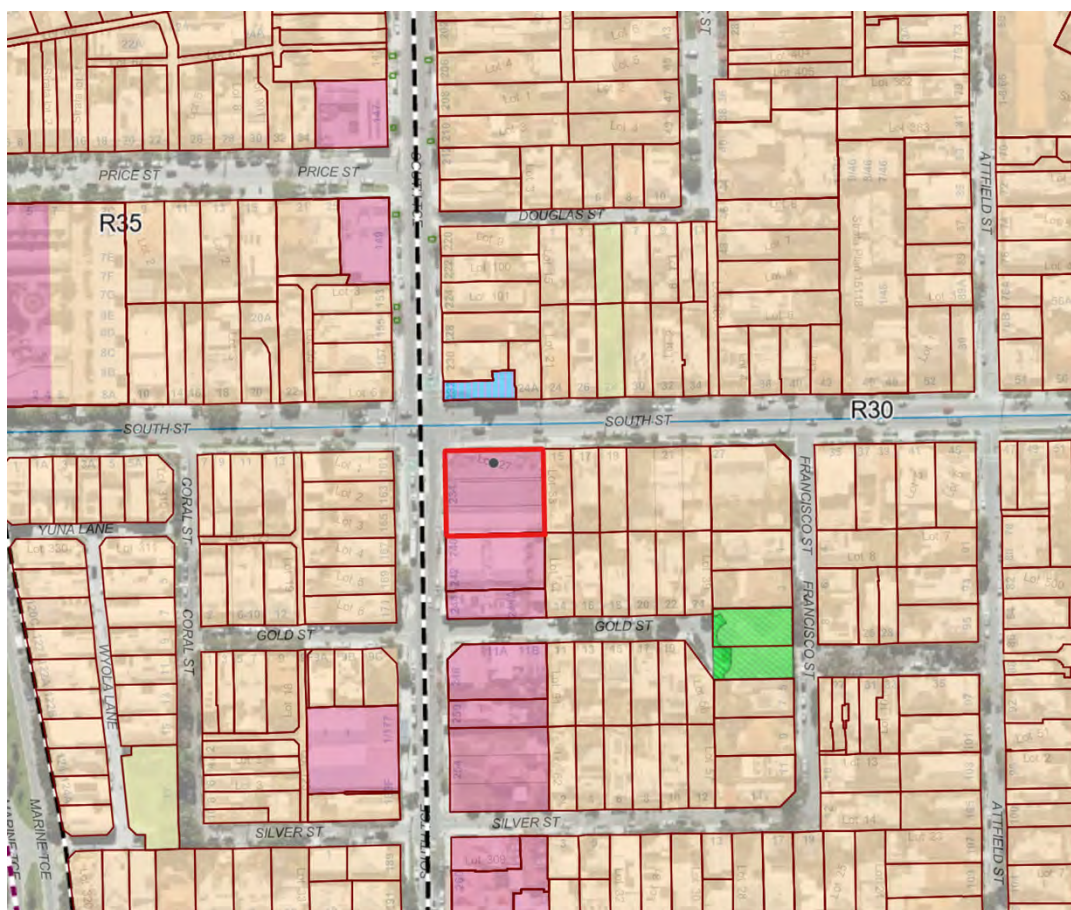


Figure 1 – Planning Context Map

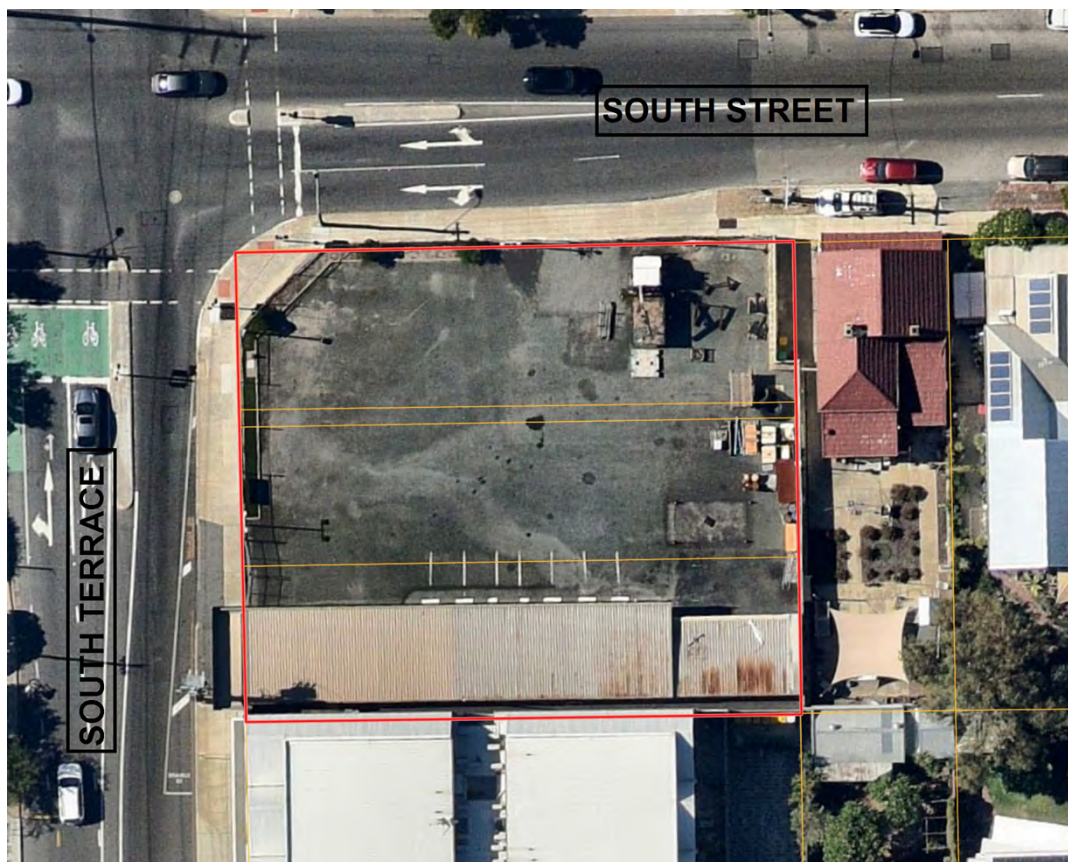


Figure 2 – Site Aerial Image



Figure 3 – Existing Street View



Legislation and Policy:

Legislation

1. *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)*
2. Metropolitan Region Scheme
3. City of Fremantle Local Planning Scheme No. 4

Planning and Development (Local Planning Schemes) Regulation 2015 (WA):

- Schedule 2, Part 8, Clause 64 – Advertising applications
- Schedule 2, Part 9, Clause 67 – Matters to be considered by local government
- Schedule 2, Part 9, Clause 68 – Determination of applications
- Schedule 2, Part 9, Clause 70 – Form and date of determination

Local Planning Scheme No. 4:

- 3.2.1 - (b) Mixed Use zone objectives
- Table 1 - Zoning
- 4.7 - Vehicle Parking

State Government Policies

- State Planning Policy 7.0: Design of the Built Environment

Local Policies

- Local Planning Policy 1.1 – Planning Refunds, Amendments, and Community Consultation
- Local Planning Policy 1.6 – Heritage Assessment and Protection
- Local Planning Policy 1.10 – Construction Sites
- Local Planning Policy 2.8 – Fences
- Local Planning Policy 2.14 – Advertisement Policy
- Local Planning Policy 2.24 – Waste Management Plans for New Development
- Local Planning Policy 3.6 – Heritage Areas

The development assessment has been undertaken in accordance with the abovementioned legislation and policies.



Consultation:

Public Consultation

In accordance with LPP1.1 (Planning Refunds, Amendments, and Community Consultation), the application was advertised to the public from the 15 January 2025 until 14 February 2025 by means of letters to owners/occupiers of properties within a 200m radius of the site, a sign on the street frontage, the City's MySay webpage and notices in the press. A 'Talk to a Planner' session was also held on 25 February 2025 at the City's library.

In response, the City received a total of 91 submissions. 81 submissions were received that objected to the proposal and 10 submissions were received in support of the proposal. A schedule of the public submissions which includes the full details on each submission as well as the applicant's response to these submissions is included as additional information.

A summary of the key points raised in the submission in support of the proposal are detailed below:

- The location will provide an opportunity for surrounding residents to wash their vehicles.
- The proposal appears to be an improvement in aesthetic appearance compared to the existing development and is an appropriate use given that many vehicles in the locality are forced to park on the street and will then be capable of being washed without the chemical residue running into the storm water drainage system.
- The proposed dog wash will provide a location for surrounding residents to wash their dogs after visits to the beach.
- The proposed landscaping will be an improvement over the site's current existing paved bitumen surface.
- The proposal is a good utilisation of the site and will provide useful amenities to the residents and ratepayers.

A summary of the key points raised in objection to the proposal are included in the table below:

Table 1 – Summarised Objections and Officer Comments

Issue Raised	Officer comments
The location is not appropriate and will be dangerous for pedestrians. The proposal will generate too much traffic for the area and will result in	The Traffic Impact Statement indicates that the development has the potential to generate up to 18 vehicles per hour. It is expected that many people using



an increase in traffic congestion. The South Street/South Terrace intersection is one of the most heavily used entry points to the city for both private and public transport. The vehicles exiting onto the street will result in increased traffic through back streets.	the car wash would be residents of the area or people visiting the area for other reasons.
The car wash is not needed, there are already car washes located on Victoria Street, Hampton Road and in North Fremantle.	Figure 4 illustrates the car washes located in Fremantle. They are generally evenly spaced throughout the area. It is not considered that the approval of a small scale car wash would result in an over densification of car washes in the immediate or surrounding area.
The proposal is not in keeping with the South Fremantle heritage area and will detract from the houses, cafes, restaurants and bars that contribute to the area. The proposed carwash, with its utilitarian design featuring painted cement board and a lightweight steel frame, would starkly contrast with the character of the area. No textural, tonal or formal qualities are present. It appears to be a painted tilt up concrete building.	The applicant submitted an amended design based on advice from the City. The amended design is considered an improvement and will reduce any potential visual impact from the built form.
The noise pollution from the car wash machinery, vehicles, or other operations will be intolerable and incessant for those of us living in close proximity. The 24/7 operation would subject the surrounding residential area to constant machine noise and activity, particularly at night. It would it be best to restrict operation to daytime hours only.	Appropriate conditions of approval are recommended to ensure the development will operate in accordance with the applicable legislation. The operating hours have been reduced to between 6:30am and 10:30pm as per the Operational and Noise Management Plan included as an attachment.
The site is within a predominantly residential area and is an unacceptable use of the mixed use zone.	The proposal has been assessed against the objectives of the Mixed Use zone in the following sections.



There is little to no mention in the proposal of the potential environmental impact of this facility, particularly regarding chemical runoff and airborne pollutants from sprays. These chemicals could negatively affect the health of residents and the surrounding environment, and these risks need to be seriously addressed.	Water run off from the car wash bays will be directed to a series of silt pumps and convey flows through an oily water separation prior to connection to Water Corporation sewer. A standard condition is recommended for storm water and waste water disposal plans to be approved prior to lodgement of a building permit application.
The car wash will also have a detrimental impact on property values in the area. The noise, traffic, light, and other disturbances will likely make the area, particularly my neighbouring property, less desirable for future buyers, and this will inevitably lower the potential sale price for local residents.	The scale and intensity of the development is not considered to be significant. The design of the building has been amended to reduce any detrimental impact to visual amenity. It is not considered that the proposal will have a significant impact on property values in the area.
A better option would be another boutique build similar to 240 South Terrace that would allow more people to live in and enjoy Fremantle.	Assessment of the application must take into considered the proposal that has been lodged.
The proposed car wash is out of touch with a community who do not prioritise pride in car ownership over more important social issues.	More important social issues are not a consideration in the assessment of the proposal. A car wash will provide a service for residents who may not have a space to wash their vehicle.
The 1.8m high wall along South Terrace creates a potential blind spot for pedestrians. Drivers may have difficulty seeing pedestrians crossing in front of the car wash entrance, increasing the risk of accidents.	The front fence is setback 1m from the lot boundary to allow for acceptable sightlines between the street and subject site.
The proposed landscaping is a positive improvement however, the use on non-natives is not desirable. The renders are misleading and depict plants that don't exist. The use of larger hedging shrubs would soften the predominantly harsh brick and concrete appearance of the site.	An amended landscaping plan has been submitted which includes a greater variety of native ground covers and shrubs.



Figure 4 – Map of existing Motor vehicle wash facilities in Fremantle.

Other Advice

City of Fremantle Heritage Comment

The demolition of the existing buildings and structures on site is acceptable as it will not adversely affect the values of the heritage area. New infill development needs to positively respond to the character of the heritage area and comply with LPP3.6 Heritage Areas.

The proposed carwash building is not fully consistent with some of the provisions of LPP3.6 Heritage Areas because it is set back behind the established front setback to both South Terrace and South Street. However, the scale, form and articulation of the building has been modified following the receipt of initial heritage advice and it is now largely sympathetic with the general built form character of the heritage area:



- The building has a simple rectangular plan form.
- The building is a relatively modest structure which is largely single storey but with a small two storey section at the South Street end.
- The roof is a simple hip and gable structure that responds to the largely residential character of South Street and with the character of historic commercial buildings in South Terrace.
- The scale of the building is reduced by the articulated verandah element which interprets traditional building form in the area while also providing amenity for building users.
- Building materials are generally sympathetic with the painted and rendered historic commercial buildings in the area and the colour scheme is discrete using creamy limestone colours to blend with the use of natural stone in the area. Signage is also reasonably discrete and limited in size.
- The bin store and car vacuum bay wall elements are 1800mm high fence like elements but there are large gaps between these elements to allow carwash activity to activate the street.

On balance the proposed development will have only a minor impact on the heritage value of the south Fremantle Heritage Area and is therefore supported. The Heritage Officer Assessment is included as additional information.

City of Fremantle Internal Referral

The application was referred to the relevant internal departments at the City of Fremantle for formal comment as part of the assessment process. All departments were generally satisfied with the proposed development. Any comments received will be addressed via conditions and advice notes. The comments received related to ensuring standard requirements are followed, specifically:

- Building permit required (advice note)
- No unauthorised works within thoroughfare (advice note)
- Construction/demolition management plan (condition)
- Detailed parking plan (condition)
- Vehicle crossover upgrade (advice note)
- Removal of asbestos (advice note)
- Sand drift from property (advice note)
- Noise from construction works (advice note)
- Acoustic noise from development (advice note)

Planning Assessment:

The proposal has been assessed against all the relevant legislative requirements of the Scheme, State and Local Planning Policies, and outlined in the Legislation



and Policy section of this report. The following matters have been identified as key considerations for the determination of this application:

- Land use
- Parking
- Demolition of buildings
- Traffic and access
- Noise
- Signage
- Heritage
- Signage

Land Use

Table 2 – Land Use Permissibility

Provision	Proposal	Zone	Permissibility
Local Planning Scheme 4 clause 3.3 - Zoning Table	Motor Vehicle Wash	Mixed Use	A

A Motor Vehicle Wash is an 'A' use in the Mixed Use zone which means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2. In considering an 'A' land use, the Council will have regard to the matters set out in clause 67 of the Regulations, Schedule 2. In this regard the following matters have been considered:

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (c) any approved State planning policy*
- (g) any local planning policy for the Scheme area;*
- (k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting, including —*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the*



- likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
- (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development; '*
- (s) the adequacy of —*
- (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) the history of the site where the development is to be located;*
- (y) any submissions received on the application;*

For the purpose of assessing matter (a) above, the objectives of the Mixed Use zone are as follows:

Development within the mixed use zone shall —

- (i) provide for a mix of compatible land uses including light, services and cottage industry, wholesaling, trade and professional services, entertainment, recreation and retailing of goods and services in small scale premises, including showrooms, where the uses would not be detrimental to the viability of retail activity and other functions of the City Centre, Local Centre and Neighbourhood Centre zones;*
- (ii) provide for residential at upper level, and also at ground level providing the residential component is designed to contribute positively to an active public domain;*
- (iii) ensure future development within each of the mixed used zones is sympathetic with the desired future character of each area;*
- (iv) ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality, and*
- (v) conserve places of heritage significance the subject of or affected by the development.*

The proposed development is considered to be consistent with the Regulations and zone objectives for the following reasons:

- The proposal is for a commercial use which includes three (3) wash bays and four (4) vacuums. The scale and intensity of the development is



considered appropriate and should not result in any significant impact to the amenity of the locality.

- The approval of this development will not result in an over-densification of motor vehicle wash facilities in the area.
- It is considered that a Motor vehicle wash will provide a convenient service for surrounding residents on a site that has historically been utilised for commercial purposes.
- Any potential impact to the amenity of the area will be minimised by the design of the wash bays which feature self-closing doors. People will not leave their vehicles and the operation of the wash cycle is automatic. The enclosing of vehicles in the wash bay will minimise any spray drift and reduce impact from noise.
- A 2.1m high noise barrier is proposed along the east boundary and a 1.8m high barrier along a portion of the west boundary to mitigate noise from the wash bays and vacuums.
- The Motor vehicle wash and all associated facilities will cease operation at 10:30pm, with reduced operations between the 'night period' (as defined by the Noise Regulations) between 10pm and 10:30pm. The operating hours indicated in the Amended Operational and Noise Management Plan have been included as a recommended condition.
- The design of the proposal has undergone several revisions and is supported by City Heritage Officers. There should be no impact on the amenity of the area resulting from the height, bulk, scale or appearance of the building. The conservation of the heritage significance of the area has been a key focus of this development and is addressed further in the following sections.
- It is considered that the proposal will operate without resulting in any significant impact to the traffic network in the locality, as addressed in the following sections



Figure 5 – Illustration of land uses surrounding the subject site.

Parking

The proposed onsite vehicle parking has been assessed against LPS 4 cl. 4.7.2 Vehicle Parking Requirements. Refer Table 3 below.

Table 3 – Required vehicle parking

Element	Requirement	Proposed	Extent of Variation
Motor Vehicle Wash	Car bays required 2: 1 wash bay Required: 6 bays	7 bays (inclusive of 4 vacuum bays)	Complies

The provision of onsite carparking complies with the requirements of LPS4. A standard condition is recommended for a detailed parking plan design which complies with the *Australian Standard AS/NZS 2890* and *AS/NZS 1428*.



Demolition of Buildings

The requirements for the demolition of a building are prescribed under clause 4.14 of LPS4.

4.14.1 Council will only grant planning approval for the demolition of a building or structure where it is satisfied that the building or structure:

- (a) has limited or no cultural heritage significance, and*
- (b) does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.*

4.14.2 In considering an application under 4.14.1, Council shall have regard to any heritage assessment required under the Planning and Development (Local Planning Schemes) Regulations 2015.

The proposed development is considered to be consistent with clause 4.14 and can be supported for the following reasons:

- The building located on the subject site was constructed between 1961 and 1965 based on historical aerials. The building is considered to be a simple brick and iron warehouse. An assessment was completed by City Heritage Officers and it is considered that the place is of little cultural heritage significance and contributes minimally to the heritage character of the West End Heritage Area.

Traffic and Access

The proposed Motor vehicle wash features crossovers to allow vehicles to enter from South Street and exit onto South Terrace. The crossovers are located adjacent to the existing crossovers as illustrated by Figure 6 below. Appropriate conditions are recommended for the removal of redundant crossovers and the construction of new crossovers prior to occupation. The site will allow for up to 12 vehicles to queue while waiting for a car wash bay to become available.

The applicant has submitted an Amended Transport Impact Statement (TIS) which is included as an attachment. The TIS seeks to demonstrate that the proposed development will operate without resulting in any significant impact to the traffic network in the locality.

The TIS was referred to the City's Engineering Infrastructure team for review with the following comments provided.



- *The amended TIS submitted for the proposed development is generally adequate, with modelling and trip generation rates appropriate. Under typical operating conditions, the development is expected to maintain acceptable traffic flow and internal vehicle circulation.*
- *However, some concerns remain regarding vehicles turning right in to the subject site from South Street and vehicles exiting the site turning right onto South Terrace near a signalised intersection.*
- *These issues present safety/operational risks as well as potential congestion issues which, due to the site's constrained location and surrounding road network, may not be fully resolvable based on the current proposal.*
- *City Officers would consider both accesses being left in / left out with minor civil works such as median island extension, line marking and signage (in-line with City of Fremantle standards and specifications) as being acceptable to resolve traffic congestion and safety concerns.*
- *A design to address the works must be submitted to the City's Engineering Infrastructure Services for approval prior to the lodgement of a Building Permit application. All works are to be completed at the applicant's expense.*

Based on the advice above, a condition is recommended detailing that access to the subject site via the South Street crossover shall be restricted to left turn in only (from vehicles travelling in a westerly direction along South Street) and vehicle egress from the site via the South Terrace crossover site shall be restricted to left turn out only (vehicles to leave the subject site in a southerly direction along South Terrace). It is considered that this will resolve potential safety/operational risks and avoid any additional congestion in the South Street/South Terrace intersection.

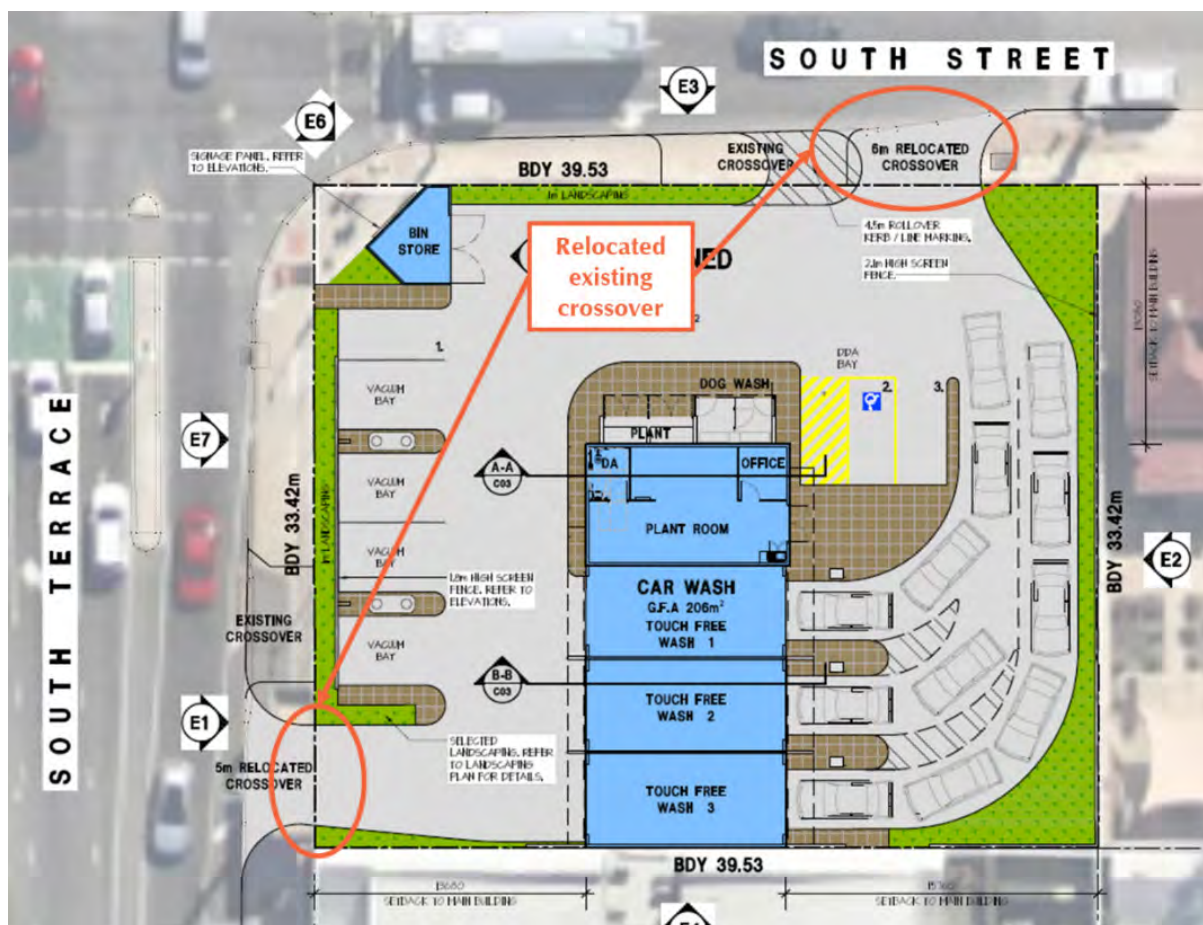


Figure 6 – Relocation of crossovers.

Noise Impact Assessment

The applicant submitted an Acoustic Report, which is included as an attachment, that acknowledges all of the above policies and seeks to demonstrate the proposal is capable of compliance with all requirements stated in the policies and guidelines, providing recommendations where appropriate and noting that acoustic treatments will be further specified when detailed designs and a full mechanical equipment schedule is provided for further assessment.

Recognising the proximity of residential properties, the applicant amended their proposal to have limited operating hours, whereas previously it was proposed to be 24 hours.

A number of appropriate conditions of approval and advice notes have been recommended to ensure the proposal is developed in full accordance with relevant requirements of the above policies and all required acoustic treatments are implemented successfully and for the life of the development.



Heritage

The subject site is located in the South Fremantle Precinct Heritage Area and is subject to assessment against Local Planning Policy 3.6 – Heritage Areas. Refer to the table below.

<i>3.6 Infill development (new buildings)</i>	
<i>3.6.1 Intent</i>	
<p>New buildings within a heritage area should respect and complement the heritage significance of the area. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours, without copying historic detailing or decoration. New infill buildings should respond sympathetically to the heritage values of the heritage area as a whole, and also to that part of the heritage area in the vicinity of the proposed development. Imaginative, well designed and harmonious construction is encouraged.</p>	<p><i>Officer Comments</i></p> <p>The building is a relatively modest structure which is largely single storey. The roof is a simple hip and gable structure that responds to the largely residential character of South Street and with the character of historic commercial buildings in South Terrace.</p>
<i>3.6.2 Design guidance</i>	
<p><i>Siting and Scale</i></p> <p>i. New infill development within a heritage area should:</p> <p>a) Maintain a setting that is consistent with the original streetscape, including front and side setback patterns.</p> <p>b) Have a consistent bulk and scale in relation to the original street pattern. E.g. If the original street pattern is single storey then the new infill development should also be (or present as) single storey (at least to the front section of the lot).</p> <p>c) Have a plate height consistent with the original street pattern. New developments often propose a lower plate height than the earlier and original buildings. To ensure a consistency of scale the plate height is an important element to ensure it is consistent with the original street pattern.</p> <p>ii. New Infill development to secondary streets will be assessed on individual circumstances and merit. Issues to consider include:</p> <p>a) Prevailing streetscape and setbacks of the side street</p>	<p><i>Officer Comments</i></p> <p>As per advice from City Heritage Officers, a proposal that responded to the established street setbacks would have been preferable however, on balance the proposed development will have only a minor impact on the heritage value of the South Fremantle Precinct Heritage Area due to the building being setback into the site.</p>



<p>b) Avoiding a continuous wall and providing articulation of walls to a secondary street.</p> <p>c) Avoiding a two-storey height wall to the side street, unless the prevailing streetscape is predominantly two-storey.</p> <p>iii. Street setbacks deemed to comply with the above are specified in Schedule 1 for some areas.</p>	
<p><i>Building Form</i></p> <p>The form of the building is its overall shape, size and the general arrangement of its main parts.</p> <p>i. New infill building within a heritage area should respect and harmonise with and be sympathetic to the predominant form of the prevailing streetscape without mimicking heritage detailing.</p> <p>ii. Where a building form is highly repetitive, significant departures in form will appear at variance to the streetscape and should not be introduced.</p> <p>iii. The treatment of new infill buildings in terms of the roof form, proportions, materials, number, size and orientation of openings, ratio of window to wall etc. should relate to that of its neighbours.</p> <p>iv. Symmetry or asymmetry of facades in the prevailing streetscape is an element of form to be kept consistent.</p> <p>v. Contemporary building designs should respond to, and interpret, the scale, articulation and detail of the existing nearby buildings in a modern, innovative and sympathetic way.</p>	<p><i>Officer Comments</i></p> <p>The proposal includes a building with a simple rectangular form. It is not attempting to mimic or recreate any heritage detailing in the area and will be sympathetic to the surrounding built form consisting of single storey residential and commercial/ mixed use two storey buildings.</p>
<p><i>Materials, Colours and Detailing</i></p> <p>i. Materials and level of detailing should reflect / interpret the predominant materials and detailing of the original prevailing streetscape and not visually dominate the streetscape or adjacent heritage buildings.</p> <p>ii. Whilst the basic form, scale and structure of new development should be consistent with the character of the area, new buildings should not seek to emulate heritage detailing to any great extent: 'Faux' or 'mock' heritage detracts from an understanding and appreciation of the original building and will not be supported. New development should blend in with the streetscape but be discernible as new when looked at more closely.</p>	<p><i>Officer Comments</i></p> <p>Building materials are generally sympathetic with the painted and rendered historic commercial buildings in the area and the colour scheme is discrete using creamy limestone colours to blend with the use of natural stone in the area. Signage is also reasonably discrete and limited in size.</p>



iii. Use of original or traditional colours is encouraged. Glossy materials or finishes should be avoided unless a historical precedent for their use can be demonstrated.	
<p><i>Other Elements</i></p> <p><i>Roofs</i></p> <p>i. Traditionally roof lines are a predominant element of the streetscape. All new infill development shall respond to and reinforce the existing characteristics of the prevailing streetscape regarding plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs.</p> <p>ii. Roof forms that interpret the predominant roof forms of the prevailing streetscape may be considered.</p> <p><i>Verandahs / Porches / Awnings</i></p> <p>i. Verandahs, porches and awnings were often an important element of streetscapes. Inclusion of verandahs, porches and awnings appropriate to the streetscape are encouraged without too precisely mimicking the style of the original character-building elements or heritage detailing.</p>	<p><i>Officer Comments</i></p> <p>The roof is a simple hip and gable structure that responds to the largely residential character of South Street and with the character of historic commercial buildings in South Terrace</p> <p>The articulated verandah element interprets traditional building form in the area and will provide amenity for building users.</p>

Signage

The proposal features the following wall signs:

- 3.1m (w) x 1.5m (h) sign located on the front fence on north west corner of the subject site.
- 3.4m (w) x 1m (h) sign located on the north elevation of the building.
- 3.5m (w) x 1.2m (h) sign located on the west elevation of the building.

The proposed signage is assessed against Local Planning Policy 2.14 Advertisement Policy. Refer to the table below.

PROVISION	REQUIREMENT	ACCEPTABLE
1.1 General requirements applicable to all signs:	(a) Advertisements will not be approved on properties primarily used for residential purposes where the advertisement does not pertain to a relevant home business, occupation or store on the site unless otherwise	<p>The signage relates specifically to the Motor vehicle wash proposed to operate on the site.</p> <p>The signage is not proposed to be illuminated and are not</p>



	<p>provided for in another local planning policy.</p> <p>(b) Advertisements are to be located and designed so as not to cause a hazardous distraction to motorists, pedestrians or other road users.</p> <p>(c) Advertisements will be compatible with the style, scale and character of the surrounding streetscape, and the predominant uses within the locality. Consideration will be given to the number and type of existing signs in the locality so as to avoid visual clutter.</p> <p>(d) Advertisements shall not impede pedestrian or vehicle movements.</p> <p>(e) Illuminated signs are to be maintained to operate as an illuminated sign; and</p> <p>(f) Advertisements are not to emit a flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.</p> <p>(g) Advertisements in the form of an Animated signs will not, be supported by Council.</p> <p>(h) Advertisements will not be approved on private land which include,</p> <ul style="list-style-type: none"> i. the name, logo, or symbol of a company or other organisation that does not own or substantially occupy the site or building on which the advertisement is located, or ii. a product or service not provided on the site on which the advertisement is located; iii. a product or service that does not form part of the signage displaying the name, logo or symbol; of a company or other organisation that owns or substantially occupy the site or building on which the advertisement is located; or 	<p>of a scale that would cause any distraction.</p> <p>The scale of the signage is appropriate in relation to the building.</p> <p>There will be no impeding of pedestrian or traffic movements.</p>
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	iv. signs for an activity or event not occurring on the site on which the advertisement is located.	
Wall Signage	<p>(a) The advertisement does not project above the fascia of the building and does not exceed the frontage of the tenancy; and</p> <p>(b) The advertisement(s) are restricted to three signs per street frontage per tenancy.</p>	<p>The signage will not project above the fascia of the building.</p> <p>The signage proposal includes one sign on the north elevation (facing South Street), one sign on the west elevation (facing South Terrace) and a sign on the fence located on the north west corner.</p>

State Planning Policy

State Planning Policy 7.0 - Design of the Built Environment

An assessment has been conducted against the design principles of SPP7.0 which are Context and character, Landscape quality, built form and scale, Functionality and build quality, Sustainability, Amenity, Legibility, Safety, Community, and Aesthetics.

Refer comments below:

- The proposal has been carefully considered against the distinctive characteristics of the area. It is considered that the overall design is a substantial improvement on the original proposal and will not detract from the context, character and heritage value of the area.
- The applicant submitted an amended landscaping plan which included additional shrubs and small trees based on advice provided by City Officers. The proposed landscaping will reduce the visual impact of the built form and contribute to the amenity of the area.
- The built form of the development was subject to several revisions based on advice from City Officers. It is considered that the amended design is a significant improvement and will have no impact on the amenity of the area.
- The proposal includes a legible building design with the street aspects oriented parallel to the boundaries. While the building is setback further than the adjoining buildings fronting South Street and South Terrace, it is considered that this is necessary to allow for vehicle circulation/means of access and egress.
- The traffic safety of the site has been considered. The recommended conditions restricting vehicle access/egress (left turn in and out) will resolve potential traffic safety and congestion concerns. In addition, the proposal features suitable sight lines to ensure safety of pedestrians.



- The proposed building is a simple design with materials and finishes which will contribute to the aesthetic of the South Fremantle area.

Conclusion:

Approval is sought for the demolition of an existing building and the construction of a Motor vehicle wash development and signage at No. 234 (Lot 27, 29, 300 & 301) South Terrace, South Fremantle. The proposed development is consistent with the objectives of the Mixed Use zone and will provide a service for surrounding residents. The proposal will not have a significant impact on the heritage significance of the South Fremantle Precinct Heritage Area. The proposal is supported by the City's Heritage Officers who have deemed the works acceptable, after several revisions of the design. In accordance with the above, the application is recommended for conditional approval.



C2507-4 HAMPTON ROAD, NO. 231 (LOT 101), SOUTH FREMANTLE -
DEMOLITION OF EXISTING BUILDINGS - (JD DA0114/25)

Meeting date:	9 July 2025
Responsible officer:	Manager Development Approvals
Voting requirements:	Simple Majority Required
Attachments:	1. Development Plans
Additional Information:	2. Planning Application Report
<i>(viewed electronically)</i>	3. Heritage Assessment and Impact Statement
	4. DWER Referral Response
	5. Site Photos

SUMMARY

Approval is sought for the demolition of an existing warehouse building at No. 231 (Lot 101) Hampton Road, South Fremantle.

The proposal is referred to Council due to the nature of some discretions being sought. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4) and Local Planning Policies. These discretionary assessments include the following:

- Demolition of a building in a heritage area.

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for the demolition of an existing warehouse building at No. 231 (Lot 101) Hampton Road, South Fremantle. The proposed works include:

- Demolition of an existing warehouse building.

Development plans are included as attachment 1.

Site/application information

Date received:	1 May 2025
Owner name:	Misty Investments (WA) Pty Ltd
Submitted by:	Allerding & Associates
Scheme:	Mixed Use Zone R25
Heritage listing:	South Fremantle Precinct Heritage Area
Existing land use:	Warehouse

Use class: Warehouse
Use permissibility: P

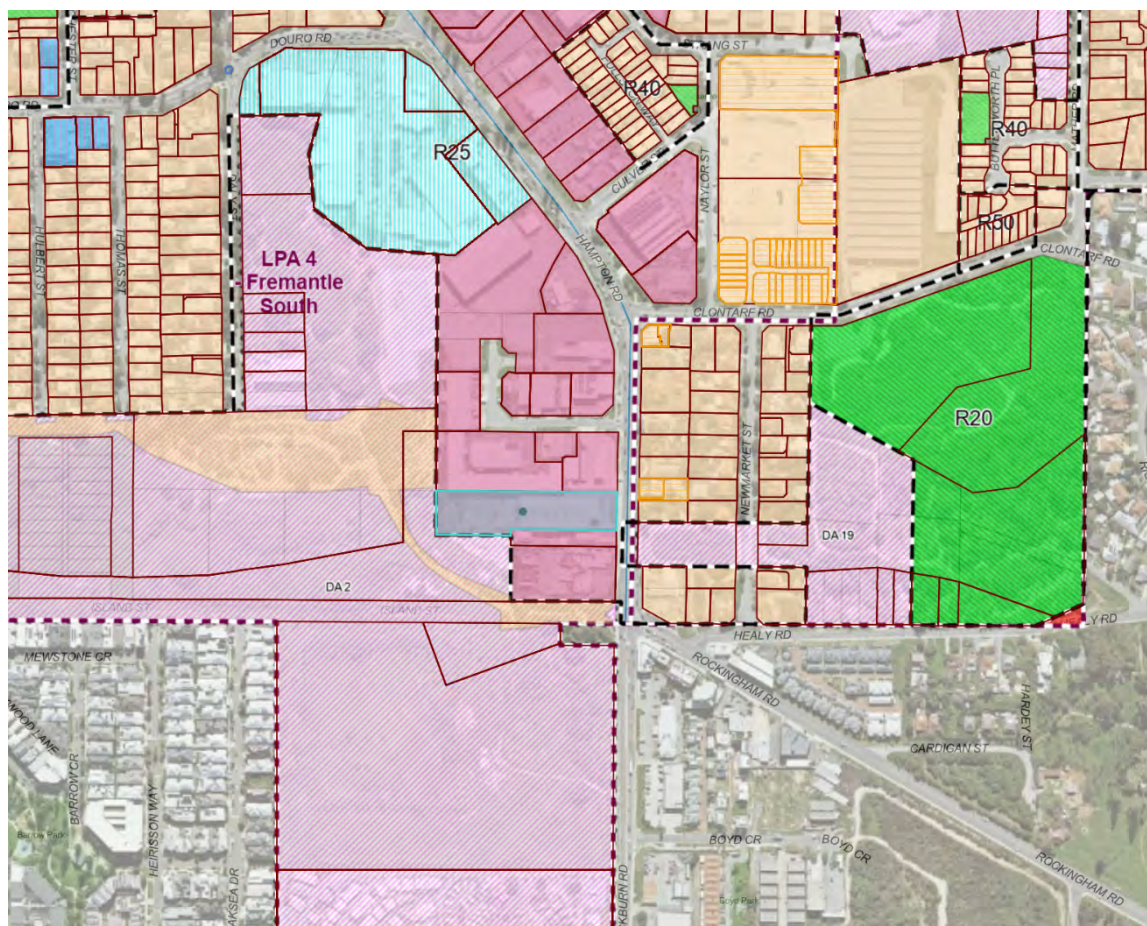


Figure 1 – Planning Context Map.

CONSULTATION

External referrals

Department of Water and Environmental Regulation

The proposal was referred to DWER due to the subject site being located adjacent to several contaminated sites. The subject site is not classified under the *Contaminated Sites Act 2003*. DWER provided the following advice:

The site is considered to be suitable for the proposed demolition and the department has no objection to the proposed demolition of the building and shed on site, and the approval should not include a contamination condition. There is a potential for contamination to have occurred at the site associated with historical on-site activities and adjacent off-site activities undertaken on former Lot 100,



which may be encountered if demolition works involve excavation works that disturb soil (such as the removal of foundations or footings).

The department recommends that the approval include the following advice notes:

Advice

An appropriate management plan should be prepared to address the risks associated with potential disturbance of any deleterious materials in soils that may be encountered during any excavations.

The site should be reported under the Contaminated Sites Act 2003 in the event that indicators of contamination are encountered (such as deleterious materials, widespread asbestos containing materials, stained or odorous soils). In the event of encountering localised asbestos containing materials within soils, these can be managed using the Department of Health's guidance "Management of Small-Scale Low-Risk Soil Asbestos Contamination" and do not require reporting under the Act.

If asbestos is contained within the fabric of the building and the shed, this should be removed by a licensed asbestos contractor and disposed off-site to an appropriately licensed facility.

The requirement for an appropriate management plan as mentioned above has been incorporated into the recommended condition requiring a Demolition Management Plan (refer point n.). The remaining points are included as an advice note. The DWER Referral Response is included as additional information.

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessments against LPS4 and local planning policies. The advertising period concluded on 3 June 2025, and nil submissions were received

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies. In this particular application, the proposed works below requires a merit-based assessment against LPS4 and relevant policy provisions:

- Demolition of an existing warehouse building.

The above matters are discussed below.

Background

The subject site is located on the west side of Hampton Road in South Fremantle. The site has a land area of approximately 6205m² and is currently occupied by a Warehouse. The site is zoned Mixed Use and has a density coding of R25. The site is located within the South Fremantle Precinct Heritage Area. The site is not heritage listed.

A search of the property file has revealed the following history for the site:

- Demolition of existing residential dwelling and addition to front of existing warehouse building – Circa 1995 (no approvals/permits evident on file. Based on historical aerial imagery)
- Rear extension of existing warehouse building – Circa 1989 (no approvals/permits evident on file. Based on historical aerial imagery)
- Building licence – Construction of a warehouse building – BL6727/1971

Refer to aerial imagery below for evidence of the development history on the subject site.

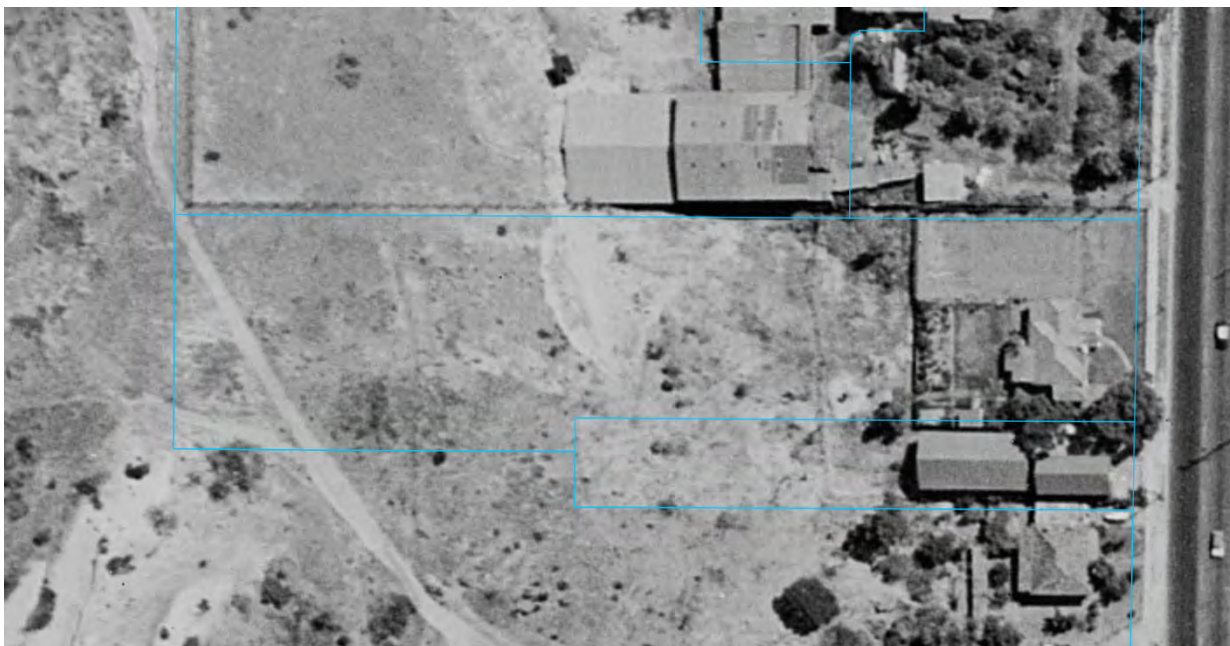


Figure 2 – 1965 aerial image of subject site illustrating the residential dwelling.



Figure 3 – 1981 aerial imagery of subject site illustrating the warehouse addition.

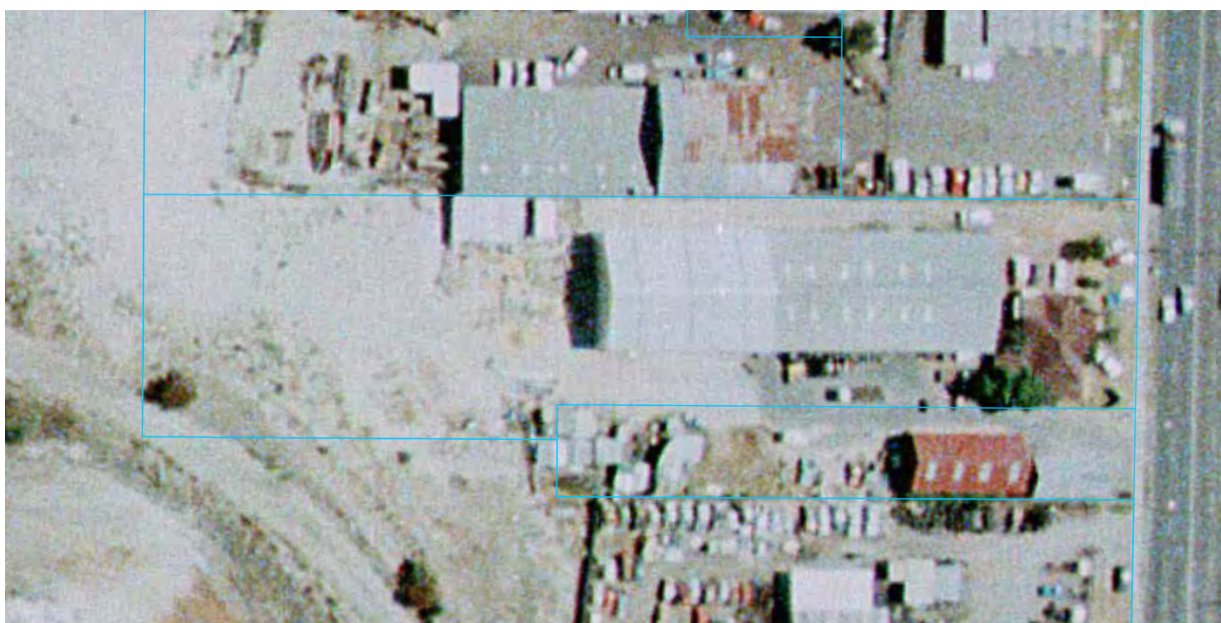


Figure 4 – 1989 aerial imagery of subject site illustrating the rear warehouse extension.



Figure 5 – 1999 aerial imagery of subject site illustrating the front warehouse addition and the removal of the dwelling.



Figure 6 – 2025 aerial image of the subject site.

Demolition of Buildings

LPS4 provides the following requirements for the demolition of buildings and structures –

4.14.1 Council will only grant planning approval for the demolition of a building or structure where it is satisfied that the building or structure:

(a) has limited or no cultural heritage significance, and



(b) does not make a significant contribution to the broader cultural heritage significance and character of the locality in which it is located.

The City's Heritage Officers have provided the following comments –

- No. 231 Hampton Road, South Fremantle has no heritage significance. It does not meet the threshold for inclusion on the Fremantle Heritage List and it is not a Contributory Place in South Fremantle Heritage Area. The demolition of the commercial building and all structures on site will not have an adverse impact on the heritage values of locality.*

It is considered that the proposed demolition of a dwelling in a heritage area meets the requirements of clause 4.14.1 and as such can be supported. The Heritage Impact Assessment is included as additional information.

3.4 Demolition	
3.4.1 Intent	Officer Comments
<p>Demolition is a permanent change that cannot be reversed: even removal of places with lower levels of individual heritage significance can cumulatively undermine the significance of a heritage area.</p> <p>Demolition of any building or structure on any site located in a Heritage Area requires development approval under the Local Planning Scheme.</p> <p>In considering a proposal for demolition on any site in a Heritage Area where the mapping of Contributory Places has not been completed and/or is incomplete, the Council shall determine whether any fabric located thereon qualifies as a Contributory Place and applications will be assessed against Clause 4.14 of Local Planning Scheme No. 4 with the following providing additional guidance.</p>	<p>The City's Heritage Officers have provided the following comments –</p> <ul style="list-style-type: none"> <i>No. 231 Hampton Road, South Fremantle has no heritage significance. It does not meet the threshold for inclusion on the Fremantle Heritage List and it is not a Contributory Place in South Fremantle Heritage Area. The demolition of the commercial building and all structures on site will not have an adverse impact on the heritage values of locality.</i>
3.6.2 Design Guidance	Officer Comments
<p>i. Demolition of a contributory place or removal of significant fabric within a heritage area is contrary to the objectives of this policy, and will generally not be supported.</p>	<p>The applicant is not seeking to justify the demolition of the existing building for economic reasons or due to the condition of the building.</p>



<ul style="list-style-type: none"> • Demolition approval will not be considered on the grounds of economic or other perceived gain for the redevelopment of the land. • Condition of the place is not necessarily an acceptable reason for demolition. <p>ii. When considering partial demolition, the original / early portion of the building should be retained and conserved: demolition of elements of cultural heritage significance will generally not be supported.</p> <p>iii. The removal and replacement of asbestos or other hazardous materials from a place located within a heritage area is supported if the removal involves the immediate replacement with a matching (but non-hazardous) material (e.g. flat asbestos wall sheeting with joint cover battens is replaced with flat fibre cement sheeting with joint cover battens in the same configuration – a replacement with timber weatherboards or fibre cement weatherboards would generally not be supported).</p> <p>iv. Where demolition of a heritage protected place is approved, an archival record prepared in a format approved by the City may be required as a condition of planning approval.</p>	<p>The demolition does not involve the partial demolition of a place or the removal and replacement of any building fabric.</p> <p>An archival record is not considered necessary for the documentation of a warehouse building of limited cultural heritage significance.</p>
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CONCLUSION

The demolition of the existing warehouse building on the subject site is supported as it has minimal cultural heritage significance and is not considered a contributory place in the South Fremantle Precinct Heritage Area. The application is recommended for conditional approval.

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Liveable City - Sustainable growth in city centre population



- Fremantle is recognised as a development-friendly city as a result of flexible and adaptable approaches to planning.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

APPROVE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the demolition of the existing warehouse building at No. 231 (Lot 101) Hampton Road, South Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 15 March 2024. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
2. Prior to lodgement of a Demolition Permit application for the development hereby approved, a Demolition Management Plan shall be submitted and approved, to the satisfaction of the City of Fremantle addressing, but not limited to, the following matters:
 - a) 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.
- n) Risks associated with potential disturbance of any deleterious materials in soils that may be encountered during any excavations.

The approved Demolition and Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

Advice note(s):

- i. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
- ii. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via info@fremantle.wa.gov.au or 9432 9999.
- iii. This approval does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before work commences.
- iv. In regard to the condition requiring a Construction Management Plan, Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>.

A copy of the City's Construction and Demolition Management Plan Proforma which needs to be submitted with building and demolition permits can be accessed via:



<https://www.fremantle.wa.gov.au/sites/default/files/Construction%20and%20Demolition%20Management%20Plan%20Proforma.pdf>

The Infrastructure Business Services department can be contacted via Engineering-DA@fremantle.wa.gov.au or 9432 9999.

- v. Any removal of asbestos is to comply with the following –

Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a Class B asbestos removal licence holder for. All asbestos removal is to be carried out in accordance with the *Work Health and Safety Act 2020* and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];

Note: Removal of any amount of friable asbestos must be done by a Class A asbestos removal licence holder and an application submitted to WorkSafe, Department of Commerce
<https://www.commerce.wa.gov.au/worksafe/>.

- vi. If construction works involve the emission of noise above the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an *Application for Approval of a Noise Management Plan* must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence.
- vii. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.
- viii. The site should be reported under the *Contaminated Sites Act 2003* in the event that indicators of contamination are encountered (such as deleterious materials, widespread asbestos containing materials, stained or odorous soils). In the event of encountering localised asbestos containing materials within soils,



these can be managed using the Department of Health's guidance "Management of Small-Scale Low-Risk Soil Asbestos Contamination" and do not require reporting under the Act.

If asbestos is contained within the fabric of the building and the shed, this should be removed by a licensed asbestos contractor and disposed off-site to an appropriately licensed facility.



C2507-5 PLANNING INFORMATION REPORT - JULY 2025

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Meeting date: 9 July 2025
Responsible officer: Manager Development Approvals
Voting requirements: Simple Majority Required
Attachments: 1. Delegated applications - June 2025

Under delegation, development approvals officers determined, in some cases subject to conditions, each of the applications relating to the place and proposals as listed in the attachments.

2. UPDATE ON METRO INNER DAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Meeting date: 9 July 2025
Responsible officer: Manager Development Approvals
Voting requirements: Simple Majority Required
Attachments: Nil

Applications that have been determined by the Metro Inner DAP and/or are DAP/Council determinations that are subject to an application for review at the State Administrative Tribunal are included below.

1. Application Reference
DAP0023/25
Site Address and Proposal
16 Collick Street, Demolition of Single house
Council Consideration/Decision
<ul style="list-style-type: none"> At its meeting held on 9 April 2025, Council resolved to Refuse the application in accordance with the Officers recommendation.
Current Status
<ul style="list-style-type: none"> On 7 May 2025 an Application for Review by the State Administrative Tribunal was lodged by the owner. A Directions Hearing was held on 23 May 2025. A Mediation session was held between the parties on 17 June 2025. A further Mediation session is scheduled for 14 August 2025.

2. Application Reference
DAP004/24



Site Address and Proposal
234-238 South Terrace, South Fremantle – Motor Vehicle Wash
Council Consideration/Decision
<ul style="list-style-type: none"> • Application for development was received on 5 December 2024. • A DAP meeting has not yet been scheduled for the item. • As the application was submitted prior to 1 May 2025, the Responsible Authority Report will be presented to Council. • A report for this item is included in this agenda.

3. Application Reference
DAP001/25
Site Address and Proposal
47 Pakenham Street, Fremantle – Mixed use residential development (13 Multiple Dwellings and Restaurant/Café)
Council Consideration/Decision
<ul style="list-style-type: none"> • Application for development was accepted on 14 January 2025. • Council reviewed the proposal at its meeting on 9 April 2025, where it provided DAP with an alternative recommendation of Refusal. • At its meeting on 29 April 2025, the Metro Inner DAP deferred the item for 120 days for further information and/or amendments regarding building height. • The applicant has opted to not make changes to their proposal. • A DAP meeting was held on 25 June 2025 where DAP approved the application.

4. Application Reference
DAP002/25
Site Address and Proposal
33 South Terrace, Fremantle – Four storey Tourist Development
Council Consideration/Decision
<ul style="list-style-type: none"> • Application for development was accepted on 10 February 2025. • At its meeting on 11 June, Council resolved to support the development with a minor advice note addition to the Officers Recommendation. • A DAP meeting was held on 25 June 2025 where DAP approved the application.

5. Application Reference
DAP003/25
Site Address and Proposal
82-84 Stirling Highway, North Fremantle – Co-Living Development
Council Consideration/Decision
<ul style="list-style-type: none"> • Application for development was accepted on 24 April 2025. • A DAP meeting has not yet been scheduled for the item.



- As the application was submitted prior to 1 May 2025, the Responsible Authority Report will be presented to Council.

6. Application Reference
DAPV001/25
Site Address and Proposal
19 Essex Street, Fremantle- Variation to previously approved development
Council Consideration/Decision
<ul style="list-style-type: none">• Application for development was accepted on 16 May 2025.• The Responsible Authority Report is due to be submitted to DAP by 1 August 2025.• A DAP meeting for the item has not been scheduled.• As the application was submitted after 1 May 2025, the Responsible Authority Report will not be presented to Council.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council receive the following information reports for July 2025:

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY
2. UPDATE ON METRO INNER DAP DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW.



Strategic and general reports

C2507-6 SCHEME AMENDMENT NO. 86 – NON CONFORMING DENSITY

Meeting date: 9 July 2025
Responsible officer: Manager Strategic Planning and City Design
Voting requirements: Simple Majority Required
Attachments: 1. Scheme Amendment Report - Insertion of clause to vary minimum density provision - Amendment 86

SUMMARY

The purpose of this report is for Council to initiate Scheme Amendment No. 86 to the City's Local Planning Scheme No. 4 (Attachment 1). The amendment seeks to insert a clause into the scheme which provides for the future redevelopment of grouped and multiple dwellings where the existing built density exceeds the density code shown on the Scheme Map. The clause would allow for redevelopment equal to, but not exceeding the existing built density, subject to local government approval.

BACKGROUND

There are a number of lots within the City where the existing grouped or multiple dwelling development density exceeds the current density provided in the Scheme Map. These developments were approved prior to the gazettal of Local Planning Scheme No. 4 (LPS 4) on 8 March 2007. The established built density of these developments provide housing diversity in established residential locations, primarily coded R20 to R30, close to services and transport corridors. As these developments are aging, redevelopment is beginning to be investigated. Additionally, the City has received enquiries as to how such an affected development may be rebuilt in case of accidental destruction. Currently, there is no certainty as to how such a proposal would be assessed and this makes finding insurance challenging for the owners of these properties.

To maintain housing diversity and the dwelling yield of these lots, as well as to provide certainty to landowners and residents, Officers are proposing the introduction of the following clause into the scheme.

1. Inserting a new clause 4.2.6 as follows:

Notwithstanding the requirements of clause 4.2.3, existing grouped dwellings or multiple dwellings that exceed a density code shown on the Scheme Map at



the Gazettal date of the Scheme can, with the approval of the local government, be redeveloped at a density higher than that shown on the Scheme Map, equal to, but not exceeding the existing built density, subject to the proposed development –

- a) being assessed based on the equivalent R-Coding within the Residential Design Codes as determined by the minimum site area, dwelling density/number or plot ratio of the existing development to be replaced/redeveloped;
- b) being, in general, consistent with the building height and setbacks of the building being replaced. Where the height of the existing built form exceeds the height within Schedule 7 of this Scheme, the height of the existing built form shall replace the maximum height(s) within Schedule 7 for the proposed development;
- c) giving consideration for contemporary living standards, design and building codes;
- d) having a yield, including (as appropriate) average and minimum site area, number of units, and plot ratio, substantially the same as that of the development being replaced;
- e) complementing the character of the streetscape;
- f) resulting in improved landscaping of the site; and
- g) providing adequate car parking and safe means of vehicular and pedestrian access to the site.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Liveable City - Sustainable growth in city centre population



- Fremantle is recognised as a development-friendly city as a result of flexible and adaptable approaches to planning.

Resilient City – A focus on planning for a stronger and more resilient future

- The matters contained in this report align to the intent of this theme's outcome.

CONSULTATION

Under regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a standard amendment requires public consultation for a minimum of 42 days unless the Western Australian Planning Commission (WAPC) or the Minister for Planning determines otherwise.

Should Council support the proposed Amendment, it will be referred to the WAPC and then the Minister for Planning for approval to advertise.

OFFICER COMMENT

It is widely acknowledged that there is a housing shortage in the Perth metropolitan area, with the State planning framework and State government policy focused on infill development. This amendment facilitates the retention of this diversity, by supporting redevelopment of sites which currently provide a higher yield than would otherwise be dictated by the current Scheme map. The City's Local Planning Strategy is aligned with the amendment providing the following:

Objective A3.1 *"Provide a greater range of dwelling types and sizes in various locations, including affordable housing opportunities."*

Objective A3.1.5 *"Permit multiple dwellings (one dwelling wholly or partially above another) in all residential densities, subject to local character and scale."*

Objective A3.2 *"To ensure housing achieves high standards of on-site and neighbourhood amenity."*

In addition, the City's draft Local Planning Strategy includes the following statement:

"Continue to support and investigate opportunities or bonuses to incentivise housing diversity, particularly for adaptable, accessible and / or affordable housing on redevelopment sites through policy, structure plan or scheme"



provisions that respond to identified need for more adaptable, accessible and affordable housing to accommodate community profile, aging in place and create market incentive to provision."

There are a number of sites within the City which have residential developments which exceed the density provisions for their designated coding. The majority of these lots are located in R20, R25 or R30 areas, some within a split coding. Based on Officer's research, it is anticipated that this clause would apply to approximately 460 lots within the City. The table below identifies an example of five notable properties within the City which are developed to a density which exceeds what would be permitted under the current R-Code deemed to comply provisions.

Address	Current development	LPS4 R-Coding	Deemed to Comply under current R-Code Vol. 1 provisions	Approximate dwelling yield under LPS4
31 East St, Fremantle	10 storeys 50 apartments Avg site area: 68m ²	R25	Maximum 7m wall height, 8m gable, skillion and concealed roof or 10m hipped and pitched roof height. Average site area per dwelling for multiple dwellings – 350m ²	11 (49 less dwellings)
19-21 Harvest Rd, North Fremantle	7 storeys 43 apartments Avg site area: 89m ²			10 (33 less dwellings)
1 Forrest St, Fremantle	6 storeys 30 apartments Avg site area: 153m ²			13 (17 less dwellings)
111 Marmion St, Fremantle	3 storeys 6 apartments Avg site area: 126m ²	R25/30		2 (4 less dwellings)
1 Chudleigh St, Fremantle	3 storeys 6 apartments Avg site area: 126m ²			2 (4 less dwellings)

These sites have long operated at higher densities, and enforcing the current Scheme Map limits would reduce housing yield. The proposed clause supports redevelopment of aging properties while preserving existing densities, promoting efficient land use and housing diversity without down coding. It also provides certainty for owners and their insurers.

Developments subject to this amendment were approved under provisions of previous schemes and should continue to provide a much needed supply of housing for the community. Without the provisions of this amendment allowing these developments to be rebuilt with the same number of dwellings would result in reducing the value of these properties to landowners if the building becomes uninhabitable or is destroyed.



Should the Amendment be supported, future redevelopment would not be permitted to exceed the existing built density of the site. Additionally, the proposed development would be required to meet the following conditions:

- a) complementing the character of the streetscape;
- b) not detrimentally increasing the mass, scale or surface area of the development relative to existing development on surrounding sites;
- c) resulting in improved landscaping of the site;
- d) providing adequate and safe means of vehicular and pedestrian access to the site; and
- e) providing an adequate number of parking spaces on site.

To maintain neighborhood character and amenity, new developments must enhance the streetscape, avoid excessive bulk or scale, and improve landscaping. They must also ensure safe and sufficient vehicular and pedestrian access while meeting parking requirements to prevent strain on public spaces. This approach balances redevelopment with local context and infrastructure needs.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. Endorse Amendment No. 86 to the City of Fremantle Local Planning Scheme No. 4, as shown in Attachment 1.
2. Authorises the Mayor and Chief Executive Officer to sign and affix the City seal on behalf of Council on all necessary documentation relating to the advertising of Amendment No. 86, as shown in Attachment 1, to the City of Fremantle Local Planning Scheme No. 4.
3. Proceeds to seek approval from the WAPC and the Minister for Planning to advertise Amendment No. 86 to the City of Fremantle Local Planning Scheme No. 4, as shown in Attachment 1, in accordance with regulation 46A(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



4. Determines that Amendment No. 86 to the City of Fremantle Local Planning Scheme No. 4, as shown in Attachment 1, does not require referral to the Environmental Protection Authority (EPA) under clause 81(2) of the *Planning and Development Act 2005*.
5. Resolves that the amendment is a Standard Amendment in accordance with regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the amendment is:
 - a) an amendment to the scheme to provide for the modification of s planning code that is to be read as part of the scheme;
 - b) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - c) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
6. Notes that upon receiving approval to advertise, Amendment No. 86 will be advertised for 42 days, unless another timeframe is determined by the WAPC, and then be referred back to Council for a final recommendation.



C2507-7 CEO ANNUAL PERFORMANCE REVIEW FOR 24/25 AND ADOPTION OF PERFORMANCE CRITERIA FOR 25/26

Meeting date:	9 July 2025
Responsible officer:	Manager People and Culture
Voting requirements:	Absolute Majority Required
Attachments:	<ol style="list-style-type: none">1. CONFIDENTIAL - Performance Review Report 2025 - Glen Dougall2. Summary Report to Council - CEO Performance Review 20253. CONFIDENTIAL – Contract of Employment

SUMMARY

This report recommends Council receive the minutes of the CEO Performance Review Committee, for the CEO's annual performance review for the period of July 2024 to June 2025. Recommendations are also made on the proposed performance criteria for the period of July 2025 to June 2026 for Council consideration.

BACKGROUND

Council, as the employer of the Chief Executive Officer (CEO), is required to establish measures, review the performance of the CEO, and provide feedback to the CEO in line with their employment contract, at least once per year.

The Council appointed a CEO Performance Review Committee (the Committee) to undertake the performance review of the CEO on behalf of Council throughout the year, and to report findings and recommendations to Council for consideration in accordance with the *Local Government Act 1995*.

To ensure the CEO performance review is undertaken in an impartial and transparent manner, the Council appointed an independent consultant from Price Consulting Group to undertake the annual review process in consultation with the Committee.

FINANCIAL IMPLICATIONS

The *Local Government Act 1995* Part 5, Division 4 requires that a CEO is to be paid in line with the current Salaries and Allowances Tribunal determination.



LEGAL IMPLICATIONS

The CEO performance review has been conducted in accordance with sections 5.38 and 5.39 (3)(b) of the *Local Government Act 1995*, which requires that:

- The performance of the CEO be reviewed at least once a year for each year of employment;
- The employment of the CEO is to be governed by a written employment contract, which shall include performance criteria for the purpose of conducting a review; and
- A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

The Committee recommend an increase of 3.5% to Mr Dougall's salary (cash component) and 0.5% to the superannuation component, effective 1 July 2025. This increase maintains the Total Reward Package within the SAT approved range for a CEO in a Band 1 Council.

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Corporate - Lead and empower the organisation to deliver the vision of 'strong reputation, stronger future'

- The matters contained in this report align to the intent of this theme's outcome.

CONSULTATION

All Elected Members and a selection of staff were invited to undertake an online questionnaire as part of the CEO's annual performance review process.

OFFICER COMMENT

In line with the review process adopted by Council, the CEO's annual performance review for the period July 2024 to June 2025 was undertaken by the City's external consultant, in consultation with the CEO Performance Review Committee (the Committee).



A summary of the process undertaken is provided below:

Activity	Completed Date (2025)
CEO self-report sent to consultant	12 May
Feedback questionnaires issued/feedback period opens	19 May
Feedback period closes	2 June
Draft Assessment Report sent to CEO for initial review regarding procedural fairness	9 June
Consultant sends Draft Performance Review Report and a working draft of the new CEO Performance Criteria to members of the CEO Performance Review Committee	16 June
Consultant presents high-level outcomes to the Committee and facilitates a discussion that identifies: <ul style="list-style-type: none"> Key achievements to thank/congratulate the CEO for Priority focus areas for the next period Any changes required to the Performance Criteria for the next period 	16 June
Consultant meets with CEO to advise the outcomes of the meeting with Committee	16 June
Consultant facilitates the formal feedback meeting with CEO and Committee	16 June
Consultant finalises the Performance Review Report and sends to the CEO and Mayor	1 July
Consultant develops a Summary Report to Council and sends to CEO for inclusion on the Agenda for the 9 July OCM.	

A summary report of the findings from the annual performance review of Mr Dougall is provided by the consultant from Price Consulting Group in Attachment 2.

The proposed performance criteria for the period July 2025 to June 2026 is provided in Attachment 2, for Council Consideration. Following adoption of the revised performance criteria, the Committee agreed that the CEO will prepare a brief a brief report outlining progress against these KPIs in October and February for discussion with the Committee.



VOTING AND OTHER REQUIREMENTS

Absolute Majority Required

OFFICER'S RECOMMENDATION

Council:

1. Note the annual performance review of Mr Glen Dougall, Chief Executive Officer, has been completed for the period of July 2024 to June 2025; and receive the Performance Review Report provided by Price Consulting Group in Confidential Attachment 1.
2. Endorse the findings of the Summary Report, provided by Price Consulting Group in Attachment 2.
3. Approves an increase of 3.5% to Mr Dougall's salary (cash component) and 0.5% increase to the superannuation component, effective 1 July 2025.
4. Approves the CEO's Performance Criteria for July 2025 to June 2026, as shown in Attachment 2.
5. Approves that Mr Dougall's employment contract be extended for 5 years, from the expiration of his current contract term, as shown in Confidential Attachment 3.



Statutory reports

Nil.

Committee reports

Nil.

Motion of which previous notice has been given

A member may raise at a meeting such business of the City as they consider appropriate, in the form of a motion of which notice has been given to the CEO in accordance with the Meeting Procedures Policy.

Nil.

Urgent business

In cases of extreme urgency or other special circumstances, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.

Late items

In cases where information is received after the finalisation of an agenda, matters may be raised and decided by the meeting. A written report will be provided for late items.

Confidential business

Nil.

Closure