



Agenda

Ordinary Meeting of Council

Wednesday 11 February 2026 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 11 February 2026 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

4 February 2026



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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

Cr Geoff Graham	Central Ward
Cr Ingrid van Dorssen	North Ward

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 10 December 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

C2602-1 ADVERTISING AMENDMENTS TO LPP 2.9: RESIDENTIAL STREETSAPES AND LPP 3.6 HERITAGE-PROTECTED PLACES BUILT FORM AND LAND USE

Meeting date:	11 February 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Attachments:	<ol style="list-style-type: none">1. Amended draft LPP 2.9 Residential Streetscapes2. Amended draft LPP 3.6 Heritage-Protected Places Built Form and Land Use3. Current LPP 2.9 - Residential Streetscapes

SUMMARY

This report discusses proposed amendments to Local Planning Policy 2.9: Residential Streetscapes (LPP 2.9) and recommends that Council endorse it for advertising.

BACKGROUND

At the Ordinary Council Meeting of 12 February 2025 Council received the Local Planning Policy (LPP) Review Timeline 2025-26. The project intends to update and streamline the City's statutory planning framework. This report continues this review.

The existing LPP 2.9 has not been reviewed since 2018. Since that time, several changes to the State planning framework and the local planning context have occurred. Notably, the Residential Design Codes Volume 1 has now been separated into Parts B and C, with Part B generally being used to assess low density development and Part C being used to assess medium density as shown below:



Residential Design Codes		Single Houses	Grouped Dwellings	Multiple Dwellings (including dwelling components of mixed use developments)
Volume 1	Part B	R40 and below	R25 and below	R10 to R25
	Part C	R50 and above; R100-SL; R-AC	R30 and above; R100-SL; R-AC	R30 to R60
Volume 2		NA	NA	R80 and above; R-AC

Further, the Western Australian Planning Commission (WAPC) has recently released a draft template that all local governments are to use for local planning policies.

The template requires a local government to make clear where new deemed-to-comply criteria replace the R-Codes criteria and clarifies that all variations be assessed against the Design Principles of the R-Codes. This is not a change in planning assessment, rather a change in formatting and ensuring all local planning policies are created only with provisions they are authorised to have in accordance with the R-Codes. Local planning policies cannot vary Design Principles but may provide guidance on how to assess the principles within the local context through Local Housing Objectives embedded into the policy.

Last year, the City updated the heritage policy (LPP 3.6) to set out more in-depth built form criteria and advice for development to heritage-protected places across the City. LPP 2.9 will not apply to heritage-protected places.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Under draft amendments to the *Planning and Development (Local Planning Regulations) 2015* (the Regulations), local planning policies will automatically sunset five years after adoption unless renewed by Council. Additionally, LPPs will



need to be in a manner and form determined by the Western Australian Planning Commission (WAPC), which has released a draft template.

Some R-Codes criteria require approval from the WAPC before the local government can modify them. The limiting of the driveway width to a maximum of 4.5 metres wide is one such criterion and was approved by the WAPC after the last LPP 2.9 update. This criterion is being maintained in the proposed updated policy and does not require further approval. None of the other currently proposed policy amendments require additional approval from the WAPC.

The Regulations sets out the process for amending a local planning policy.

STRATEGIC IMPLICATIONS

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

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

- A contemporary planning framework considers the changing needs of our community amid challenging economic times while ensuring our built environment is resilient to changes in climate.

CONSULTATION

The policy will be advertised in accordance with clause 4, Schedule 2 of the Regulations for a minimum of 21 days, after which it will be referred back to Council with a final recommendation for adoption.

OFFICER COMMENT

The amended LPP 2.9 is included as Attachment 1, while the existing LPP 2.9 is included as Attachment 3. The overall intent is to simplify the policy and align it with the R-Codes where such changes maintain the amenity of the area.

Proposed changes are as shown in the below table:

No	Amendment	Reason
1.	Modified Format of the policy is proposed to be changed. These format changes identify the specific R-Codes clauses to be	To reflect the draft manner and form required by DPLH and recognise that the R-Codes Volume 1 have been split into

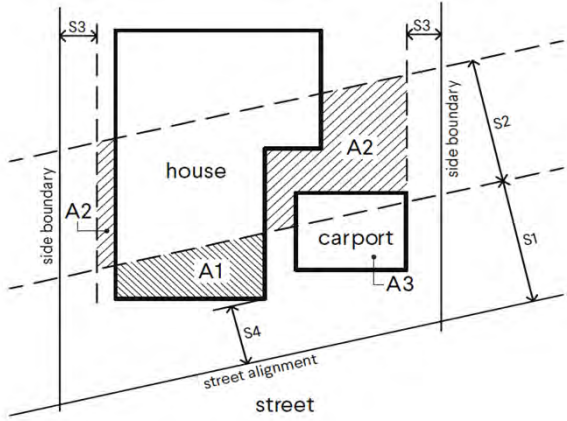


	amended and set out deemed-to-comply criteria.	Parts B (low density) and C (medium density). Aligning the format and requirements with the state planning framework will also simplify the process for applicants.									
2.	<p>New Policy Objectives have been formulated, noting the existing policy does not have any.</p> <p>The Policy aims to:</p> <ul style="list-style-type: none"> • Reduce the dominance of garages and carports on the streetscape; • Maintain the traditional streetscapes of established areas; • Ensure changes are not detrimental to the amenity of adjoining lots or the locality. 	Objectives are needed to provide the underlying rationale for the policy criteria and should inform the Policy requirements. This assists decision makers when exercising discretion.									
3.	<p>Modified Application section has been amended to specify that this Policy does not apply to heritage-protected places, including heritage areas and individual places.</p> <p>The section refers readers to equivalent provisions in LPP 3.6 for heritage-protected places.</p> <p>Clarification is also included that the specified deemed-to-comply criteria in the Policy replace those of the R-Codes, and that any variation is to be assessed against the Design Principles of the R-Codes and the Objectives of this Policy.</p>	To make clear that all heritage-protected places are assessed under LPP 3.6, and to clarify how an assessment under a local planning policy is carried out, reducing areas of conflict and contradiction.									
4.	<p>Deleted Ground and upper floor street setbacks have been deleted and now default to the R-Codes setbacks for South Fremantle, Samson, O'Connor and Hilton (where the place is not heritage listed nor in a Heritage Area).</p> <p>Remaining suburbs retain the existing ground and upper floor setbacks.</p>	<p>The R-Codes provides a single setback number and does not differentiate between ground floor and upper floors. The existing policy sets out setbacks for these suburbs as follows:</p> <table border="1"> <thead> <tr> <th>Suburb</th> <th>Ground</th> <th>Upper</th> </tr> </thead> <tbody> <tr> <td>South Fremantle</td> <td>7m</td> <td>10m</td> </tr> <tr> <td>Samson</td> <td>6m</td> <td>8m</td> </tr> </tbody> </table>	Suburb	Ground	Upper	South Fremantle	7m	10m	Samson	6m	8m
Suburb	Ground	Upper									
South Fremantle	7m	10m									
Samson	6m	8m									



		O'Connor	8m	10m
		Hilton	7m	9m
<p>The R-Codes set out a 6m setback for R15 through R25 coded properties and a 4m setback for R30 and R35 properties. Providing a setback based on density is more responsive to local context than that based on a suburb boundary. As density increases, lots tend to be smaller, which puts pressure on setbacks. The R-Codes setbacks, while lower than the existing setbacks, maintain a generous streetscape and allow easier use of smaller lots.</p> <p>Further, contemporary building methods often result in a ground and upper floor having the same setback. Contemporary living preferences also place more importance on backyard areas for private outdoor living. Reverting to the R-Codes reduces the need for bespoke designs and can potentially reduce planning and construction costs while responding to modern housing desires.</p> <p>The staggered ground and upper floor setbacks of the remaining suburbs are proposed to be retained until such time as the heritage reviews have been completed for these suburbs. This is to allow for any potential identification of heritage places or place based policy criteria which may be more suitable than the R-Codes.</p> <p>Most of South Fremantle and Hilton are within Heritage Areas,</p>				



		<p>and therefore any street setbacks will need to respond to the requirements in LPP 3.6.</p>
<p>5.</p>	<p>New Front setbacks may be reduced up to 50% in South Fremantle, Samson, O'Connor and Hilton (where the place is not heritage listed nor in a Heritage Area) provided that a compensating area behind the setback line with a minimum 50% soft landscaping is provided as shown in the R-Codes Figure extract:</p>  <p>A1 Area of building forward of primary street setback A2 Compensating open space behind primary street setback A3 The carport in S1 does not need to be compensated for in S2 S1 Primary street setback distance (Table B) S2 Distance behind the primary street setback, equal to S1 S3 Side boundary setback (Table 2a and 2b) S4 Maximum reduced primary street setback (half of S1)</p>	<p>Setback averaging comes from the existing R-Codes, with an additional City requirement that the compensating area be minimum 50% landscaping. Averaging allows minor variations in streetscape in return for more vegetation along the street. These minor variations also add visual interest without detrimentally impacting amenity.</p>
<p>6.</p>	<p>New For all suburbs, minor projections, such as chimneys, eaves, window hoods and other architectural features, are acceptable provided they do not project more than 0.75m into the street setback.</p>	<p>Allows for minor variations that provide visual interest without dominating the streetscape.</p>
<p>7.</p>	<p>Deleted The existing carport variations criteria have been carried over and included as Local Housing Objectives, with the exception of the variation considered for retention of existing mature trees.</p>	<p>Moved to align with the WAPC template. The ability to consider variations for tree retention is provided in LPP 2.26: Tree Retention and does not need to be duplicated here.</p>
<p>8.</p>	<p>Modified The criteria for carports within the primary street setback area to be deemed-to-comply have been modified to:</p>	<p>a) Under the current policy, roofs may have a nil street setback and do not take into account vehicle sightlines. The modifications allow for</p>



	<ul style="list-style-type: none"> a) Require the entire carport to be set back 1.5m from the street boundary. b) Allow increased dimensions of pillars/posts from 150mm to 450mm. c) Change from an average maximum height of 2.8m to a total maximum height of 3m. d) Permit attached doors, gates and fences/enclosures where they meet the deemed-to-comply criteria of the City's LPP 2.8: Fences. e) Permit pillars and posts to be located on the boundary where a carport is less than 10m in length. 	<p>the R-Codes vehicle sightlines (1.5m setback) and street setbacks to provide safety and reduce building encroachment towards public footpaths.</p> <ul style="list-style-type: none"> b) To align better with the R-Codes. The marginal increase in dimension will have no impact on amenity. c) In many situations it was unclear how to measure the 'average' height of a carport and so a set maximum is proposed for clarity. d) Provided the carport enclosure has the same criteria as that of a fence, there is no need to require that the fence and gates be detached. This will allow for more simple carport approvals and a reduction in officer workload. e) Officers commonly support placing posts on the boundary as this has little impact on the adjoining neighbours due to the fact that they do not comprise a solid wall and make more efficient use of space. The proposed 10m length matches that within the R-Codes for patios, which are similar-looking structures. Building codes may require that roofs be set back further.
9.	Modified Included the R-Codes vehicle sightlines diagrams and noted that they also have to be met.	For ease of reference and to draw the reader's attention to a R-Codes requirement not included or varied by this Policy.
10.	Deleted Building orientation section deleted. This section required that a building be oriented parallel to the boundary with front doors and windows clearly facing the street.	Allows for irregular shaped boundaries. It is also noted that it is extraordinarily rare for a building to not be aligned with the street front boundary as this most effectively utilises the lot



		<p>(assuming the lot is fairly regular in shape).</p> <p>The requirement for street surveillance from windows already exists in the R-Codes.</p> <p>Any character or heritage requirements, are covered by LPP 3.6 requiring the dwelling orientation respond to the Heritage place.</p>
11.	<p>Deleted</p> <p>a) Deleted reference to Category B of Table 3 of the R-Codes.</p> <p>b) Building height and scale variation criteria added as Local Housing Objectives except that criteria iii was deleted.</p>	<p>a) The R-Codes already defaults to category B unless otherwise stated in the local planning framework, rendering this clause superfluous.</p> <p>b) Criteria iii is part of the existing R-Codes Design Principles criteria and therefore superfluous.</p>
12.	<p>No change</p> <p>The maximum driveway width of 4.5m has been carried over from the existing Policy in a way that ensures it applies to Parts B & C of the R-Codes.</p>	<p>For consistency and as a result of adapting the policy to the draft WAPC template.</p>

Following endorsement, LPP 2.9 will be advertised for a minimum of 21 days. Comments received will be reviewed before the policy is referred back to Council for a recommendation on final adoption with or without further modifications.

Other Policy Changes

Currently, Local Planning Policy 3.6: Heritage-protected Places Built Form and Land Use (LPP 3.6) refers to the existing LPP 2.9 criteria for parts of South Fremantle. Because the proposed changes to LPP 2.9 clarifies that heritage places are not covered by the policy, LPP 3.6 has been modified to delete reference to LPP 2.9. The following changes have been made and are shown in the track changes version of LPP 3.6 in Attachment 2:

1. New criteria 9.1(i)(b) Primary Street Setbacks - Additions and Alterations to All Contributory and Listed Residential Places:

No additions or buildings to be located within the primary street setback, in front of a place, or within an established street setback area unless



reinstating an original feature in the original architectural style or is a type of development set out elsewhere in this policy (ex: carports, fences, etc.).

2. In cl. 17.1 – Other street setbacks, reference to South Fremantle has been deleted.

The above changes will only impact non-contributory and non-individually listed properties and require that new dwellings are to demonstrate they are consistent with the prevailing streetscape of the heritage area context in which they are situated. Evaluation of context for each new development in a heritage area will create a more cohesive streetscape than would otherwise be achieved from imposing a set deemed-to-comply value.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council endorse amendments to LPP 2.9: Residential Streetscapes, provided in Attachment 1, and LPP 3.6 Heritage-Protected Places Built Form and Land Use, provided in Attachment 2, for the purpose of advertising in accordance with clause 5, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



C2602-2 WAPC RECOMMENDATION SCHEME AMENDMENT NO. 76 - LOT 1488, 103 CARRINGTON STREET, LOTS 1, 2, AND 3, 396 HIGH STREET, LOT 148, 386 HIGH STREET, LOT 51, 167 HOLLAND STREET, LOT 252, 169 HOLLAND STREET, AND LOTS 1-4 ON STRATA PLAN 65266, 171 HOLLAND STREET

Meeting date: 11 February 2026
Responsible officer: Manager City Planning
Voting requirements: Simple Majority Required
Attachments: 1. WAPC Schedule of Modifications Amendment No 76
2. Amendment No 76 Schedule of Submissions
3. Amendment No 76 Report - for advertising

SUMMARY

This report discusses the results of community consultation for Amendment No. 76 to the City's Local Planning Scheme No. 4 (LPS4). The amendment proposes:

1. Amending the density coding of Lot 1488, 103 Carrington Street, Lots 1, 2, and 3, 396 High Street, Lot 1483, 386 High Street, Lot 51, 167 Holland Street, Lot 252, 169 Holland Street, and Lots 1-4 on Strata Plan 65266, 171 Holland Street, Fremantle from R30 to R160.
2. Amending clause 6.2, schedule 2 – Additional Uses by allowing the consideration of Consulting Rooms, Office, and Restaurant/Café uses on 396 High Street, Fremantle.
3. Amending clause 6.7, schedule 7 – Local Planning Areas (Development Requirements) by inserting a new Sub Area 6 including development and built form controls pertaining to building height, tree retention, and pedestrian access.
4. Deleting Special Control Area SCA 5.7 from Lot 1488, 103 Carrington Street, Lots 1, 2, and 3, 396 High Street, Lot 1483, 386 High Street, Lot 51, 167 Holland Street, Lot 252, 169 Holland Street, and Lots 1-4 on Strata Plan 65266, 171 Holland Street, Fremantle.
5. Amending the Scheme Map accordingly.

This report recommends Amendment No. 76 be referred to the Western Australian Planning Commission (WAPC) with a recommendation for support subject to modifications (found at Attachment 1) as discussed below.



BACKGROUND

The amendment relates to the lots at the intersection of High and Carrington Streets. Much of the area, including Lots 1, 2, 3 and 1483 High Street, and Lot 252 Holland Street are now vacant following staged demolition of older dwellings between 2015 and 2020. Lot 1488 Carrington Street contains a former service station that has been unused since around 2008 and is now in poor condition. Lot 51 Holland Street retains a single 1960s dwelling, while Lots 1–4 on Strata Plan 65266 accommodate four single storey units constructed in 2012. -storey units constructed in 2012.

The site abuts the Holland Street pocket park and a grouped dwelling development to the west. To the south, across High Street is the Royal Fremantle and Fremantle Public golf courses. Development to the north of Holland Street includes mixed grouped dwellings and two storey multiple dwellings. The area to the east of the site, across Carrington Street consists of single-storey and grouped dwellings located within the City of Melville.



Figure 1: Subject site

The amendment proposal was initially lodged with the City in May 2023. Full discussion of the proposed amendment can be found in the report presented to Council at the 8 May 2024 Ordinary Council Meeting (Item C2405-7) where Council resolved the following:

1. Council, pursuant to section 75 of the Planning and Development Act 2005, resolve to prepare an amendment to City of Fremantle Local Planning



Scheme No. 4, subject to the modifications detailed in Attachment 2, and clause f below, to:

- a. Amend the density coding of Lot 1488, 103 Carrington Street, Lots 1, 2, and 3, 396 High Street, Lot 1483, 386 High Street, Lot 51, 167 Holland Street, Lot 252, 169 Holland Street, and Lots 1-4 on Strata Plan 65266, 171 Holland Street, Fremantle from R30 to R160.*
 - b. Amend clause 6.2, schedule 2 – Additional Uses by allowing the consideration of Consulting Rooms, Office, and Restaurant / Café uses on 396 High Street, Fremantle.*
 - c. Amend clause 6.7, schedule 7 – Local Planning areas (Development Requirements) by inserting a new Sub Area 6 including development and built form controls pertaining to building height, tree retention, noise mitigation, and pedestrian and vehicular access.*
 - d. Delete Special Control Area 5.7 from Lot 1488, 103 Carrington Street, Lots 1, 2, and 3, 396 High Street, Lot 1483, 386 High Street, Lot 51, 167 Holland Street, Lot 252, 169 Holland Street, and lots 1-4 on Strata Plan 65266, 171 Holland Street, Fremantle.*
 - e. Amend the Scheme Map accordingly.*
 - f. Modifications to increase the maximum building height permitted in Area 1 per Category C of the Residential Design Codes of WA.*
- 2. Council considers the Amendment is complex under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason(s):*
- a. The amendment is not addressed by the Fremantle Local Planning Strategy.*
 - b. The amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality.*
- 3. Council, pursuant to section 83A of the Planning and Development Act 2005, resolve to submit the proposed local planning scheme amendment, as referred to in resolution 1 above, to the Minister for Planning seeking approval to advertise the amendment.*

Upon lodgement of the amendment for approval to advertise, the WAPC required a number of modifications, including:

- Inserting at point 3 *“Amending the Scheme Map to insert Additional Use 4 over Lots 1, 2 and 3 (No. 396) High Street, Fremantle.”*
- Deleting Area 1 and 2 from Sub Area 6. The version endorsed by Council is shown in figure 2 and the modified version is shown in figure 3 below and means that the provisions are consistent across the site, rather than divided between the two areas.

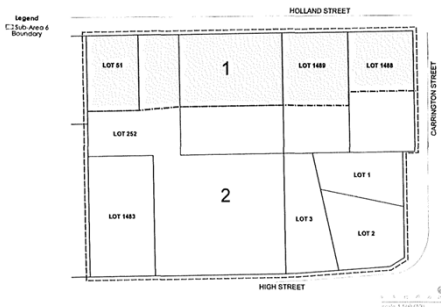


Figure 2

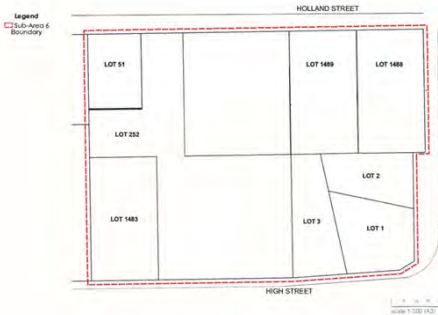


Figure 3

- Deleting building height requirements. This would mean building height provisions across the site would default to the R160 requirements set out in the Residential Design Codes (R-Codes).
- Deleting the requirement for the development to require housing diversity.
- Deleting the requirement for an acoustic assessment to be prepared.
- Deleting the vehicle access and Traffic Impact Assessment requirements.

The final text approved by the WAPC for advertising was as follows:

Resolved that the local government, pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Amending the density coding of Lot 1488, 103 Carrington Street, Lots 1, 2 and 3, 396 High Street, Lot 1483, 386 High Street, Lot 51, 167 Holland Street, Lot 252, 169 Holland Street, and Lot 1-4 on Strata Plan 65266, 171 Holland Street, Fremantle from R30 to R160.
2. Amending clause 6.2, schedule 2 – Additional Uses by inserting the following:

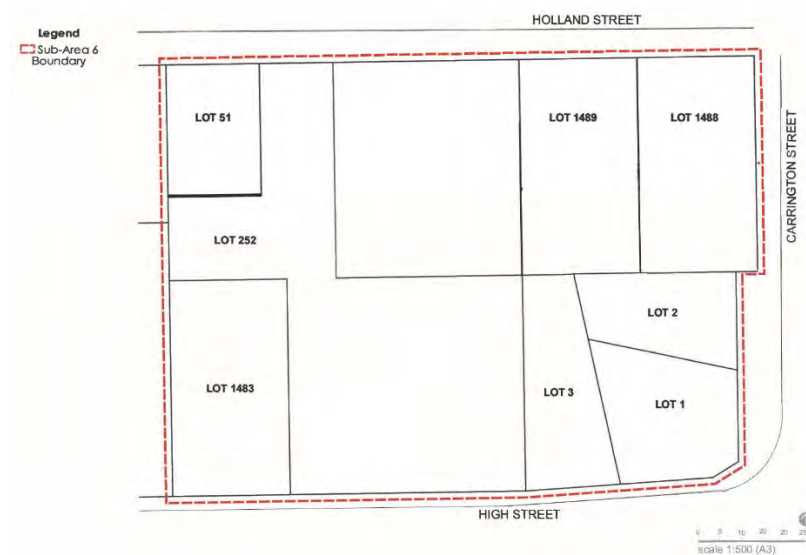
4	396 (Lots 1, 2 and 3 on Plan 31414 Certificates of Title 37/349A and 45/96A) High Street, Fremantle	Consulting Rooms, Office, Restaurant/Café	<ol style="list-style-type: none"> 1. The additional uses are 'D' uses. 2. Any uses of Consulting Rooms, Office and/or Restaurant/Café shall not exceed a combined gross net lettable area of 320 square metres and shall be restricted to the ground level only.
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3. Amending the Scheme Map to insert Additional Use 4 over Lots 1, 2 and 3 (No. 396) High Street, Fremantle.
4. Amending clause 6.7, schedule 7 – Local Planning Areas (Development Requirements) by inserting the following:

Local Planning Area 2 – Fremantle

Sub Area 6



Building Height

- (a) Clause 2.2 "Matters to be considered in applying general and specific height controls" does not apply to Sub Area 6.

Other Development Standards

- (b) A minimum 6-metre-wide vehicle accessway connecting Holland Street and Carrington Street that includes provision for a high amenity separated pedestrian accessway connecting Carrington Street to Holland Park is to be provided across Lot 252 Holland Street and the northern extent of Lots 2 and 3 High Street.
 - (c) Communal open space shall retain the north-south spine of remnant trees and connect with the east-west pedestrian link from Carrington Street to Holland Park
 - (d) Development abutting the communal open space shall be designed so as not to compromise the integrity or wellbeing of the remnant trees, including setbacks to the tree canopy dripline and the use of appropriate landscaping.
5. Deleting Special Control Area SCA 5.7 from Lot 1488, 103 Carrington Street, Lots 1, 2, and 3, 396 High Street, Lot 1483, 386 High Street, Lot



51, 167 Holland Street, Lot 252, 169 Holland Street, and Lots 1-4 on Strata Plan 65266, 171 Holland Street, Fremantle.

6. Amending the Scheme Map accordingly.

The full scheme amendment report is included as Attachment 3. Due to required process, the report only includes the original resolution and the WAPC's final amended resolution. Any modifications to the resolution recommended by the City after advertising in the below Council report are to be included as a separate Schedule of Modifications (Attachment 1). Once adopted by Council, the report and the City's requested modifications, will be provided to the WAPC for final approval.

While the WAPC has now supported the City's intent to prepare a new local planning scheme, as this amendment has been in process for some time it is required to be finalised.

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The process for local government to amend a local planning scheme is set out in Schedule 2, Part 5, Division 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

STRATEGIC IMPLICATIONS

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

Liveable City - Connected city

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

Liveable City - Sustainably designed and optimised urban and natural environments

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



CONSULTATION

In accordance with regulation 47 of the Regulations the amendment was advertised for a period of 61 days. Three submissions were received during this period. One in support, one opposing and one providing comment only. A summary of the submissions and officer responses are contained in the table below. Full submissions and agency comments can be found in the Schedule of Submissions found at Attachment 2.

Submission	Officer Response
Support	
Supports addition of new uses – specifically consulting rooms, offices and restaurant/cafe use.	Support noted
Support for retention of existing trees on site.	
Support for improving access to Lots 1, 2, and 3 from Holland Street.	



Do not support	
<p>Existing traffic issues on Holland Street and Carrington Street are already severe, especially during peak hours, making right and left turns difficult and unsafe.</p> <p>Higher density development would add hundreds of vehicles which would:</p> <p>-density development would add hundreds of vehicles</p> <ul style="list-style-type: none"> • Greatly worsen turning movements at multiple intersections • Reduce traffic flow • Increase congestion to unacceptable and potentially dangerous levels <p>Netball centre traffic already overwhelms Holland Street on Saturdays for half the year, creating major congestion and parking issues. Additional dwellings would intensify this situation.</p> <p>Proposed vehicle accessway between Carrington and Holland Streets is strongly opposed, with the submitter arguing it would amplify all existing problems due to short distances, high traffic volumes, and unsafe turning conditions.</p> <p>Opposition to allowing consulting rooms, offices, or restaurant/café uses at 396 High Street, as the site sits immediately before a heavily congested intersection. Slowing or turning vehicles would disrupt traffic flow, particularly heavy vehicles from the port.</p>	<p>A traffic impact assessment will be required to be undertaken as part of a development application for any proposed development on the site to minimise the impact of any additional vehicle movements. Vehicle access to this site will be determined at the development application stage. Traffic impact and the location of crossovers will form part of the application.</p> <p>The accessway between Carrington and Holland Street is proposed to consolidate vehicle access for development on site and reduce crossovers onto Carrington and Holland Streets.</p>



Comment	
Comment regarding integrity of existing retaining walls and impact of future construction activities.	Comment noted.

The amendment was referred to the following external agencies for comment:

- Main Roads WA
- Water Corporation
- Western Power
- City of Melville
- PTA
- Department of Education
- Public Transport Authority
- Department of Transport
- Town of East Fremantle

Responses were received from Main Roads WA, Water Corporation, Western Power, Department of Transport and Major Infrastructure. Full agency and officer responses can be found in the Schedule of Submissions (Attachment 2).

OFFICER COMMENT

Following the advertising period, Officers propose three modifications to the amendment for referral to the WAPC for approval and subsequent referral to the Minister for Planning. The schedule of modifications is found at Attachment 1.

These modifications seek to reinstate several elements that were removed by the WAPC prior to granting consent to advertise. Other elements removed at this stage, such as the requirement for a Traffic Impact Statement and Acoustic Report, do not need require reinstatement through the scheme amendment as these matters are already addressed through the deemed provisions and the R-Codes require these when appropriate.

The modifications recommended by Officers are:

- Inserting the following street setback requirements for Holland Street –
 - (b) Notwithstanding the street setback requirements of the Residential Design Codes, the minimum street setback for Holland Street shall be:*



<i>Building Height</i>	<i>Minimum setback from Holland Street</i>
<i>2 storeys (Wall height of 8 metres or less and roof height of 10 metres or less)</i>	<i>4 metres</i>
<i>>2 storeys (Wall height exceeding 8 metres and roof height exceeding 10 metres)</i>	<i>7 metres</i>

(c) For the purposes of retaining an existing tree, the minimum 4 metre setback for buildings with a wall height of 8 metres or less and a roof height of 10 metres or less can be reduced by 50%.

The inclusion of the above provisions are to facilitate a built form and streetscape transition from the R30 lots on the northern side of Holland Street to the proposed R160 development to the south. The proposed R160 coding for the entire subject site would allow for 5 storeys with a minimum setback of 2m along Holland Street.

Existing single storey development is set back approximately 3.5 – 8m from Holland Street. Officers are of the opinion that a 7m setback for development above 2 storeys would provide an appropriate built form and streetscape outcome, providing a height transition from the one and two storey dwellings on the north side of Holland Street. The reduced setback permitted in (c) provides incentive to retain existing trees in the street setback area.

The version referred to the WAPC prior to advertising contained the following provisions for building height:

- (a) Clause 2.2 "Matters to be considered in applying general and specific height controls" does not apply to Sub Area 6.*
- (b) Permitted building heights shall be in accordance with the requirements set out in the table below –*

<i>Area</i>	<i>Permitted Building Height</i>
<i>1</i>	<i>As defined by Volume 1, Part B, Table 3, category C of the R-Codes.</i>
<i>2</i>	<i>Single houses and grouped dwellings as defined by Volume 1, Part C, Table C of the R-Codes, with a minimum 2 storeys.</i> <i>Multiple Dwellings as defined by Volume 2, Part 2, Tables 2.1 and 2.2 of the R-Codes, with a minimum of three storeys.</i>

- (c) An additional two storeys may be permitted within Area 2, subject to:*



- (i) *the provision of at least 15% social and / or affordable housing within the development, designed and constructed to Platinum standard, as defined in Liveable Housing Design Guidelines*

- (ii) *the development being of distinctive architecture befitting its location and exceptional design quality meeting, at the highest possible standard, the principles of good design listed under Schedule A – Supplemental Provisions to the deemed provisions Clause 78A Advisory Committee (6)(c) of this Scheme, and including, but not limited to:*
 - *the development demonstrating a selection of high-quality building materials, sustainable building measures and building longevity*
 - *the design addressing the relationship of taller components to lower levels (podium)*
 - *the impact of the development on distant views of the site*
 - *the roofscape aspect of the design.*

As a result of discussions with the Department of Planning, Lands and Heritage (DPLH) these provisions were removed from the version approved for advertising. With the deletion of Areas 1 and 2 from Sub Area 6 the above provisions were no longer appropriate and removed resulting building height provisions reverting to those contained in the R-Codes, as outlined above. Officers are of the opinion that the site requires built form guidance to achieve an outcome which is sympathetic to the properties to the north.

- Requirement for arboriculture report with the following provision –

(g) An arboriculture report is to be submitted by a suitably qualified professional demonstrating that development, including hardstand, is located and carried out in a manner that does not impact the health of trees to be retained on the site.

The site contains a number of existing trees contributing to the amenity of the area and where possible these should be retained. It is vital that thorough assessment is undertaken as part of future development application processes to ensure that proposed development does not adversely impact the viability of these trees.

- Inserting the requirement for housing diversity with the following provision –



(h) Development shall demonstrate housing diversity by providing a range of dwelling size that cater for different household types. The proportion of each shall be evidenced by local demographics, market demand, and neighbourhood character.

The version of the amendment presented to Council in May 2024 sought to include this provision, but it was deleted by the WAPC prior to approval to advertise was granted. Officers are of the opinion that it is important to provide diverse housing options for the community. The Draft Local Planning Strategy supports this provision as evidenced by Part 2, 4.1.4 Demographic Analysis which states "Diversity in housing type and density remain a key objective of the City of Fremantle Council and the City will continue to support different needs, life stages and lifestyle values, through adequate and appropriate zoning and planning scheme provisions."

Given that the proposed changes are Officer changes not based on issues raised in submissions, the overall lack of public submissions, and that the modifications predominantly revert back to the intent of the original scheme amendment, additional advertising is not required.

CONCLUSION

Amendment No. 76 responds to a changing urban context at the intersection of High and Carrington Street, where significant demolition has created an opportunity for redevelopment.

Following advertising Officers are recommending three modifications to the advertised version of the amendment – revised built form requirements, an arboriculture reporting provision, and reinstatement of a housing diversity requirement – to ensure the amendment delivers appropriate built form transition, protects existing vegetation, and supports a mix of dwelling types consistent with the City's broader objectives. Officers are recommending Amendment No. 76 be referred to the WAPC with a recommendation of support, subject to the modifications outlined in Attachment 1.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

1. Refer Amendment No. 76 to Local Planning Scheme No. 4 to the Western Australian Planning Commission with a recommendation for support with modifications (Attachment 1) and affirms that the modifications do not require further advertising in accordance with Schedule 2, Regulation 41 of the *Planning and Development (Local Planning Schemes) 2015*.
2. Authorise the Mayor and Chief Executive Officer to sign and seal any documentation necessary to action the scheme amendment in line with part 1 and as required by the Western Australian Planning Commission and the *Planning and Development (Local Planning Schemes) 2015*.



C2602-3 SCHEME AMENDMENT NO.86: NON-CONFORMING DENSITY - WAPC RECOMMENDATION

Meeting date: 11 February 2026
Responsible officer: Manager City Planning
Voting requirements: Simple Majority Required
Attachments: 1. Amendment No 86 Report

SUMMARY

This report discusses the results of the community consultation for Amendment No. 86 to the City of Fremantle (the City) Local Planning Scheme No. 4. The amendment proposes adding a clause to the scheme to guide future redevelopment of grouped and multiple dwellings in cases where the current built density is higher than the density code indicated on the Scheme Map. Under this clause, redevelopment may match—but not surpass—the existing built density, subject to local government approval.

The report recommends Amendment No. 86 be referred to the Western Australian Planning Commission (WAPC) for approval without modification.

BACKGROUND

There are several residential lots within the City where existing grouped and multiple dwelling developments exceed the current density permitted under the Local Planning Scheme No. 4 (LPS 4). These developments, approved under earlier schemes, provide housing diversity in areas primarily coded R20 to R30, generally close to services and transport corridors. As these properties age, redevelopment is being considered. Further, the City has received a number of enquiries from strata bodies concerned about insuring their existing buildings, given that it is unclear whether redevelopment to the same density would be permitted under existing scheme provisions should the building be accidentally damaged or destroyed.

City Officers propose introducing a clause into the scheme to preserve existing densities and provide clarity for landowners.

Scheme Amendment No. 86 was initiated at the Ordinary Meeting of Council on 9 July 2025 (Item C2507-6), where it was resolved that 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 a 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 ten be referred back to Council for a final recommendation.*

The WAPC granted approval to advertise the amendment with two minor amendments, these being:

- subclause c) changed from "giving consideration for contemporary living standards, design and building codes;" to "giving consideration to contemporary amenity and design provisions of the Residential Design Codes in accordance with R-Code deemed appropriate under Clause 4.2.6 a);"



- subclause d) changed from “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;” to “maintaining 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;”

The final amendment wording approved by the WAPC for advertising was as follows:

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

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 amenity and design provisions of the Residential Design Codes in accordance with R-Code deemed appropriate under Clause 4.2.6 a);
- d) maintaining 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.

The full scheme amendment report and wording as advertised can be found at Attachment 1.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

The process for local government to amend a local planning scheme is set out in Schedule 2, Part 5, Division 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

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

In accordance with regulation 47 of the Regulations the amendment was advertised for a period of 42 days. Eight submissions were received during this period, all from external agencies. Four in support and four providing comment only. The submissions and officer responses are contained below.

Submission	Officer Response
Support	
In response to correspondence received on 20 October 2025, Main Roads has no objection to the amendment and provides the following comments: It is understood that this amendment is a retrospective rezoning intended to align	Support noted



<p>existing developments that exceed the current density code with the planning scheme. Some sites currently have a lower zoning than the existing development, which result in a reduced dwelling yield if redeveloped. This amendment provides consistency and ensures that, when these sites are redeveloped, housing diversity is maintained, and higher-density housing is retained within established neighbourhoods.</p>	
<p>The DoH has no objection to this proposed amendment. The DoH strongly encourages the City of Fremantle to consult with the DoH and/or the City's Environmental Health team regarding any future redevelopment of existing grouped and multiple dwellings as described in this amendment proposal to ensure environmental public health risk is assessed and public health legislative requirements are met.</p>	<p>Support noted</p>
<p>Thank you for the opportunity to provide the below comments on the Draft Scheme Amendment: <i>The Department of Housing and Works supports, in principle, the intent of the scheme amendment to enable the redevelopment of existing grouped or multiple dwellings that exceed the current density code identified for that site on the Scheme, to the same built density, even if it's higher than the current adopted, endorsed and gazetted density code. To support this outcome, the following condition is proposed: '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' The Department understands that the City's intention is to maintain housing diversity and dwelling yield on these sites. However, the Department is concerned that the proposed condition (a) may inadvertently constrain the ability to respond appropriately to market demands and deliver diverse housing outcomes. For example, an existing development comprising a specific number of three-bedroom family dwellings may be</i></p>	<p>In principle support noted</p> <p>The sites to which this amendment applies generally provide a diversity of dwelling in their location currently. The intent of this amendment is to allow replacement of buildings on a close to like-for-like basis rather than allow replacement with higher density, which would require other considerations such as traffic impacts, infrastructure, etc.. Officers acknowledge the importance of dwelling diversity and</p>



<p><i>considered to reflect an R40 coding. Under the proposed condition, redevelopment would be limited to the minimum lot size requirements of R40. This could restrict opportunities to deliver higher numbers of alternative housing types, such as smaller single-person dwellings, which may be more suitable for the area. Such limitations could result in a built form with reduced scale compared to the original development.</i></p> <p><i>Therefore, the city is encouraged to consider linking redevelopment potential to the existing building bulk—specifically height and site coverage—rather than solely to theoretical R-Coding based on dwelling numbers or site area.</i></p>	<p>are in the process of reviewing the City's local planning scheme with this in mind.</p>
<p>Thank you for providing the documents related to Scheme Amendment 86 for our review. We appreciate the opportunity to be consulted on this matter. After reviewing the proposed amendment, we would like to inform you that we have no objection to the scheme amendment. We note that a similar approach is reflected in our Local Planning Scheme No. 6 (LPS6), specifically under Clause 26(3),</p>	<p>Noted</p>
<p>Comment Only</p>	
<p>Thank you for your correspondence dated 20 October 2025 inviting the Department of Transport and Major Infrastructure (DTMI) to provide comment on the above proposed Local Planning Scheme (LPS) amendment. The Urban Mobility (UM) division of DTMI has reviewed the submitted documents and provides the following comments:</p> <p>1. DTMI recommends clause 4.2.6, g) read “providing adequate car and bicycle parking and safe means of vehicular, pedestrian, and active transport access to the site”.</p> <p>DTMI has not liaised with Main Roads WA or the Public Transport Authority (PTA) with regards to this response. It is recommended the City of Fremantle contact Main Roads and PTA directly if necessary.</p>	<p>The amendment requires consideration of the R-Codes, which incorporates bike requirements in higher density development. Officers are of the opinion that the provision of bicycle parking provided for in the R-Codes is appropriate.</p> <p>The proposal was referred to Main Roads for comment as part of the consultation process, who have noted no objections.</p>
<p>I refer to your letter dated 20 October 2025 regarding the advertising of Local Planning Scheme No. 4 - Amendment No. 86. It is noted that no documents relating to State Planning Policy 3.7 <i>Bushfire</i> (SPP</p>	<p>Comments noted</p>



<p>3.7) have been submitted as part of this referral.</p> <p>Given the proposal seeks to provide for redevelopment of existing grouped and multiple dwellings in established residential areas that exceed the current density code, the amendment would enable proposed development to maintain the existing built density, and maintain dwelling yield on these sites which may not be considered an intensification of land use, the application of State Planning Policy 3.7 <i>Bushfire</i> (SPP 3.7) may not be required, in this instance. Please note that the application of SPP 3.7 is ultimately at the discretion of the decision maker.</p> <p>Thank you for providing us with the opportunity to make a submission, DFES has no further comments</p>	
<p>Thank you for your letter of 20 October 2025 regarding the proposed Scheme Amendment No.86 to Local Planning Scheme No.4, which was referred to the Heritage Council under the provisions of Section 79 of the <i>Planning and Development Act 2005</i>.</p> <p>The proposed Scheme Amendment has been considered for its potential impact on heritage-protected places within the scheme area and the following advice is given:</p> <ol style="list-style-type: none"> 1. It is noted that Scheme Amendment no.86 will facilitate the redevelopment of existing sites at an equivalent built density subject to certain conditions that exclude consideration of historic heritage. 2. It is recommended that the amendment allows for consideration of historic heritage and potential impacts of future redevelopment on or adjacent heritage-protected places in accordance with State Planning Policy 3.5, Historic Heritage Conservation. This may include: <ol style="list-style-type: none"> a. Proposed clause 4.2.6 be amended to incorporate protection of historic heritage values of a heritage protected place; b. Setbacks where sites are adjacent to heritage-protected places be varied through the planning framework as a further measure to mitigate impacts from redevelopment. 3. Please note that future developments affecting State Registered Heritage Places need to be referred to the Heritage Council 	<p>Officers are of the opinion that the wording of the proposed clause does not pose an increased impact on heritage places on adjoining lots. Subclause b) of the proposed amendment requires setbacks generally consistent with the current built form. This allows some discretion while maintaining the expectation that the building footprint will not substantially change.</p>



<p>for advice. Proposals will be assessed on their merits and will need to demonstrate that the heritage values of the State Registered place are adequately addressed. We hope that these comments are of value in the development of the proposed Scheme Amendment.</p>	<p>The City will continue to refer development proposals affecting State Registered Heritage places to the Heritage Council.</p>
<p>The proposed Local Planning Scheme No. 4, Amendment No. 86 does not directly affect Western Power’s network management and infrastructure upgrades and therefore, Western Power does not wish to make any comment on the proposal.</p>	<p>Noted</p>

OFFICER COMMENT

The proposed amendment aligns with broader State planning policies that emphasise infill development to tackle Perth’s housing shortage. The majority of sites to which this amendment would apply have long operated at higher densities, and enforcing current Scheme Map limits would reduce housing yield. By supporting redevelopment at existing densities, the amendment promotes efficient land use, housing diversity, and certainty for owners and insurers. It ensures that properties approved under previous schemes continue to contribute to the housing supply without being down coded.

Future redevelopment under this amendment would not permit densities beyond what is already built but would require developments to meet specific conditions. These include complementing the streetscape, avoiding excessive bulk or scale, improving landscaping, ensuring safe pedestrian and vehicular access, and providing adequate on-site parking. This approach balances the need for housing diversity and redevelopment with maintaining neighbourhood character and amenity, ensuring that new projects integrate well with surrounding properties and local infrastructure.

For full discussion of the amendment refer to the minutes of the Ordinary Meeting of Council of the 9 July 2025, item C2507-6.

Following advertising Officers are recommending progressing the amendment without modification. Should Council resolve to endorse the Officer recommendation, the amendment will be referred to the WAPC for approval.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

1. Refer Amendment No. 86 (Attachment 1) to the Western Australian Planning Commission with a recommendation for support without modifications in accordance with Schedule 2, Regulation 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Authorise the Mayor and Chief Executive Officer to sign and seal any documentation necessary to action the scheme amendment in line with part 1 and as required by the Western Australian Planning Commission and *Planning and Development (Local Planning Schemes) 2015*.



C2602-4 PRITCHARD STREET, NO. 6/4 (LOT 29), O'CONNOR -
UNAUTHORISED PARTIAL CHANGE OF USE TO RECREATION -
PRIVATE - (CR DA0323/25)

Meeting date: 11 February 2026
Responsible officer: Manager City Planning
Voting requirements: Simple Majority Required
Attachments: 1. Development plans
2. Development Application Letter
3. Management plan
4. Site Photos

SUMMARY

Approval is sought for an unauthorised partial change of use from Industry to Recreation – Private (Pottery Studio) and alterations at No.6/4 Pritchard Street, O'Connor.

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) including the following:

- Land use
- Car and bicycle parking

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for unauthorised partial change of use from Industry to Recreation - Private (Pottery Studio) and alterations at No. 6/4 Pritchard Street, O'Connor (subject site). Works undertaken as part of the unauthorised use include:

- Internal fit out of existing tenancy
- Addition of external signage to front of tenancy

The operations of the Recreation – Private land use as outlined in the provided Management Plan (attached) includes:

- Pottery studio business with operating hours of 10am – 9pm, seven (7) days a week.
- Classes held between 10am-9pm primarily on weeknights and weekends.
- "Open access sessions" Friday and Saturdays 10am-6pm



- Maximum capacity of 30 people, including 1 full time and 2 casual staff, maximum two staff at any one time.
- No dedicated car parking bays are provided for the exclusive use of the tenancy but rather shared with strata (Unlined hardstand parking that could accommodate up to 16)

The applicant submitted amended plans on 1 December 2025, including the following additional information:

- Location of restroom facilities within the common property

Amended development plans are included as an attachment to this report.

Site/application information

Date received:	26 September 2025
Owner name:	Luisa Calanni C/O Salt Property
Submitted by:	Jani Song
Scheme:	Industrial Zone
Heritage listing:	Not Listed
Existing land use:	Industry
Use class:	Recreational - Private
Use permissibility:	D



Figure 1 – Planning context map



Figure 2 – Subject site aerial image (November 2025)

CONSULTATION

Community

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, for the proposed onsite parking shortfall. The advertising period concluded on 22 December 2025, and 3 submissions in support were received. The following submissions were received (summarised):

- All three submissions were made by tenancy owners at No.4 Pritchard Street, O'Connor.



- Pottery Studio business contributes positively to strata and local area.
- No perceived changed or negative impact on internal and local traffic from land use.
- Toilet facilities are unimpacted and maintained adequately.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of Local Planning Scheme No.4 (LPS4) and relevant Council local planning policies. The relevant assessment criteria are discussed as follows.

- Land use
- Car and bicycle parking

The above matters are discussed below.

Background

The subject site is located on the eastern side of Pritchard Street, O'Connor. The site has a land area of approximately 250m² and is currently a single storey building with a mezzanine. The site is zoned Industrial. The site is not individually heritage listed nor located within a Heritage Area.

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

- In 1970 4 Pritchard Street was approved as 8 industrial units with a "factory unit" land use.
- In 1978 City of Fremantle mailed confirmation of 6/4 Pritchard that a proposed "smash repair business" was a permitted use under Industrial zoning.

As noted above, the application is for an unauthorised, existing business. In July 2025 a complaint was received regarding the business and unauthorised change of use of a Recreation - private at 6/4 Pritchard street, O'Connor.

Upon investigation, the City's Compliance department confirmed that an unauthorised Recreation – private was in operation at 6/4 Pritchard street, O'Connor and the applicant was advised that they would be required to lodge a planning application.

The existing approved 'industry' land use is defined in LPS4 as:



means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes –

- (a) the storage of goods;*
- (b) the work of administration or accounting;*
- (c) the selling of goods by wholesale or retail;*
- (d) the provision of amenities for employees;*
- (e) incidental purposes;*

Whereas a 'recreation – private' land use is defined in LPS4 as:

means premises that are –

- (a) used for indoor or outdoor leisure, recreation or sport; and*
- (b) not usually open to the public without charge;*

Land Use

Recreation - Private is a 'D' use in the Industrial Zone, which means that the use is not permitted unless the Council has exercised its discretion by granting planning approval. In considering a 'D' 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 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*
- (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*
- (y) Any submissions received on the application.*

For the purpose of assessing matter (a) above, the objectives of the Industrial zone as detailed in LPS4, clause 3.2.1(g) are as follows:



- (i) provide for manufacturing, processing and fabrication industry, the storage and distribution of goods and associated uses, service industry, utilities and communication, ancillary retail which by the nature of their operations should be separated from residential areas, and
- (ii) ensure that development contributes to a high standard amenity and design as well as compatibility with adjacent residential areas.

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

- As the development was approved in the 1970s as 8 “Factory units”, determining the current uses are not readily available in records. A site visit and review of existing documents look to be a variety of Industry, Industry-light, Automobile Repair and the unauthorised Recreation-private uses across its 8 units.
- There currently are two approved uses on record, two lunch bar uses at unit 1 and 5 which both look to not be in use currently.
- Adjoining property to north also within Industrial zone has approved Recreation- Private (music rehearsal studio) land use approved to north, No.7/2 Pritchard Street, O’Connor in DA0601/25.
- The proposed land use is highly compatible with surrounding residential and commercial zones. The location of 6/4 Pritchard is within 75m distance of commercial zones and 166m distance of residential zones of which the proposed business would cater to.
- Access is limited to enrolled participants and members attending scheduled classes and open studio sessions, rather than unrestricted public access. This reduces potential social impact of the development by monitoring and maintaining customer traffic.
- Enables a compatible creative land use that diversifies employment and economic activity.
- Excluding the external signage above entrance of tenancy, there are no external alterations, which will ensure scale, bulk and appearance is consistent with surrounding industrial development.
- The proposed parking is discussed in detail in the below car parking section.



Figure 3 -outlined adjoining properties and status of approved use types.

Car Parking

The car parking requirements for the existing and proposed land uses are identified in the table below.

Element	Requirements	Bays required	Provided
Industry (existing)	1: 50 m ² gla (250m ²)	5 bays	16 common property bays
	1: service/ storage area	1	1



Recreation Private	1: 5 seats or 1: 5 people accommodated – (30 capacity proposed)	6 bays	16 common property bays
	1: service/storage area	1	1

In accordance with clause 4.7.3.1 of the City's LPS4, Council may waive or reduce the standard parking requirements specified in Table 2 of LPS4 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 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 association 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.*

The reduction in on-site car parking is considered to meet the requirements of Clause 4.7.3.1 of the LPS4 for the following reasons:

- As stated in the management plan (see attached), the period of most heavy occupation will be during classes which will primarily operate on weeknights and weekends, running outside typical business hours of the surrounding tenancies.
- The use of Recreation – Private increases the required number of bays by 1 in comparison with the approved Industry use.
- This minor parking shortfall is not considered to significantly intensify the existing industrial traffic situation.
- Parking within No. 4 Pritchard Street is within common property, with a total of 13 bays shown on strata plan with additional unlined hardstand used for parking to rear of property (to a total of 16 based on site visit and past DA assessment that concurs with 16 bays DA0249/17).



- Parking is unallocated, with the current uses at the lot ranging various Industry, Industry Light and Automobile repair uses that utilise parking as needed for employees and customers whose primary visiting hours differs to the Recreation – private use.
- Due to the nature of the business being predominantly outside of typical business hours for the other businesses, the Recreation – Private use will blend well with the existing industry uses of the lot that will utilise parking interchangeably during weekday business hours.
- Notwithstanding this, if future clientele chose to travel via vehicle, there is ample on street parking at the front of the site, which would adequately compensate for the lack of on-site bays.
- Whilst public transport is well provided to the area along South Street, it is considered unlikely customers will use this means of transport due to the lack of walking path on Pritchard Street.

Bicycle Racks

Industry (previous use)

Element	Required	Provided	Variation
Class 1 or 2	class 1 or 2: 1 per 150m ² gla Required: 2 racks	Nil	2 racks

Recreation Private (proposed use)

Element	Required	Provided	Variation
Class 1 or 2	Class 1 or 2: 1 per 4 employees Required: 1 racks	Nil	1 racks
Class 3	Class 3: 1 per 200m ² gla Required: 2 racks	Nil	2 racks

In combination with the parking shortfall, it is considered that it is reasonable to require the installation for one secure bicycle storage area within the tenancy. A condition of approval is recommended for this to be installed.



In accordance with clause 4.7.3.4 of the City's LPS4 –

Council may waive the class 3 bicycle rack requirements of Table 2, where:

- (i) the provision of such bicycle racks would be incompatible with the overall design of the development; and
- (ii) the required number of class 3 racks to be provided can adequately be provided on public land in the immediate vicinity of the development; and
- (iii) a cash contribution, equivalent to the cost of installation of the required class 3 bicycle racks is negotiated and made to the City of Fremantle for provision of bicycle racks in the immediate vicinity of the development.

The reduction in the required class 3 bicycle racks is considered to meet the requirements of Clause 4.7.3.4 of the LPS4 for the following reasons:

- Due to the design of the streetscape being utilised for industrial traffic and existing hardstand car parking in front of the industrial lot and lack of footpaths or bike paths, Class 3 bicycle racks would be incompatible with the overall design of the development and streetscape (see attached site photos). The requirement of clause 4.7.3.4 to waive the required class 3 racks are therefore met.

CONCLUSION

Approval is sought for the unauthorised partial change of use from Industry to a Recreation – Private (Pottery Studio) Land Use and Alterations at No.6/4 Pritchard Street, O'Connor. The land use is of a reasonable scale and is compatible with the character of the area. Proposed parking will have little impact on the existing parking arrangement on the parent lot. In accordance with the assessment 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:

Thriving City - A resilient seven-day economy

- A City with a diverse range of unique, resilient and sought-after businesses and attractions.



Green Plan 2020

Encourage the retention of vegetation on private land.

No trees effected or proposed to be removed.

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, Unauthorised Partial Change of Use from Industry to Recreation – Private (Pottery Studio) and Alterations at No.6/4 (Lot 8) Pritchard, O'Connor, as detailed on plans dated 1 December 2025, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 1 December 2025. It does not relate to any other development on this lot.
2. The approved Recreation - Private land use shall be limited to the operating hours of 10am to 9pm or as otherwise approved by the City of Fremantle.
3. The approved Recreation – Private land use is limited to a capacity of 30 people, including staff.
4. Within 90 days of determination of the hereby approved Recreation – Private (Pottery Studio) land use, a plan detailing the provision of 1x Class 1 or 2 (as defined in Local Planning Scheme No. 4) bicycle rack shall be provided, to the satisfaction of the City of Fremantle.

Within 120 days of the hereby approved Recreation – Private (Pottery Studio) land use, the required bicycle racks must be installed in accordance with the approved plan and thereafter be maintained for



the life of the development, to the satisfaction of the City of Fremantle.

5. Within 90 days of determination of the hereby approved Recreation – Private (Pottery Studio) land use, a parking management plan is to be provided, to the satisfaction of the City of Fremantle.

Advice note(s):

- i. 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>.
- ii. The applicant is advised that the subject site is in close proximity of noise and activity normally associated with typical industrial zoned land. The applicant is encouraged to consult with a suitably qualified acoustic engineer to investigate sound attenuation measures to limit amenity impact to occupants from both internal and external noise sources.



C2602-5 CHRISTINA PARADE, NO. 7 (LOT 29), NORTH FREMANTLE -
UPPER FLOOR ANCILLARY DWELLING AND ADDITIONS AND
ALTERATIONS TO EXISTING SINGLE HOUSE – (JD
DA0300/25)

Meeting date:	11 February 2026
Responsible officer:	Manager City Planning
Voting requirements:	Simple Majority Required
Attachments:	1. Amended Development Plans
Additional Information:	2. Cover Letter
<i>(viewed electronically)</i>	3. Schedule of Submissions
	4. Site Photos

SUMMARY

Approval is sought for an upper floor ancillary dwelling and additions and alterations to an existing Single house at No. 7 (Lot 29) Christina Parade, North Fremantle.

The proposal is referred 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 Residential Design Codes (R-Codes) and Local Planning Policies. These discretionary assessments include the following:

- Lot boundary setback (east)
- Open space
- Visual privacy

The application is recommended for conditional approval.

PROPOSAL

Detail

Approval is sought for a second storey ancillary dwelling addition and alterations to an existing Single house at No. 7 (Lot 29) Christina Parade, North Fremantle (subject site). The proposed works include:

- Construction of a ground floor garage/workshop accessed via the rear right of way.



- An alfresco area and a lift addition located towards the rear of the existing dwelling.
- Construction of an upper floor ancillary dwelling and separate living area over the proposed ground floor addition.

The applicant submitted amended plans on 28 January 2026 which included the following changes:

- Increased setback of the upper floor from west side lot boundary (now deemed to comply).
- Increased setback of east balcony.
- Reconfiguration of upper floor layout.

Amended development plans are included as attachment 1.

Site/application information

Date received:	2 September 2025
Owner name:	Barry George Trewin
Submitted by:	Ecotecture
Scheme:	Mixed Use R25
Heritage listing:	North Fremantle Precinct Heritage Area
Existing land use:	Single House
Use class:	Single House
Use permissibility:	A



Figure 1 – Planning context map.

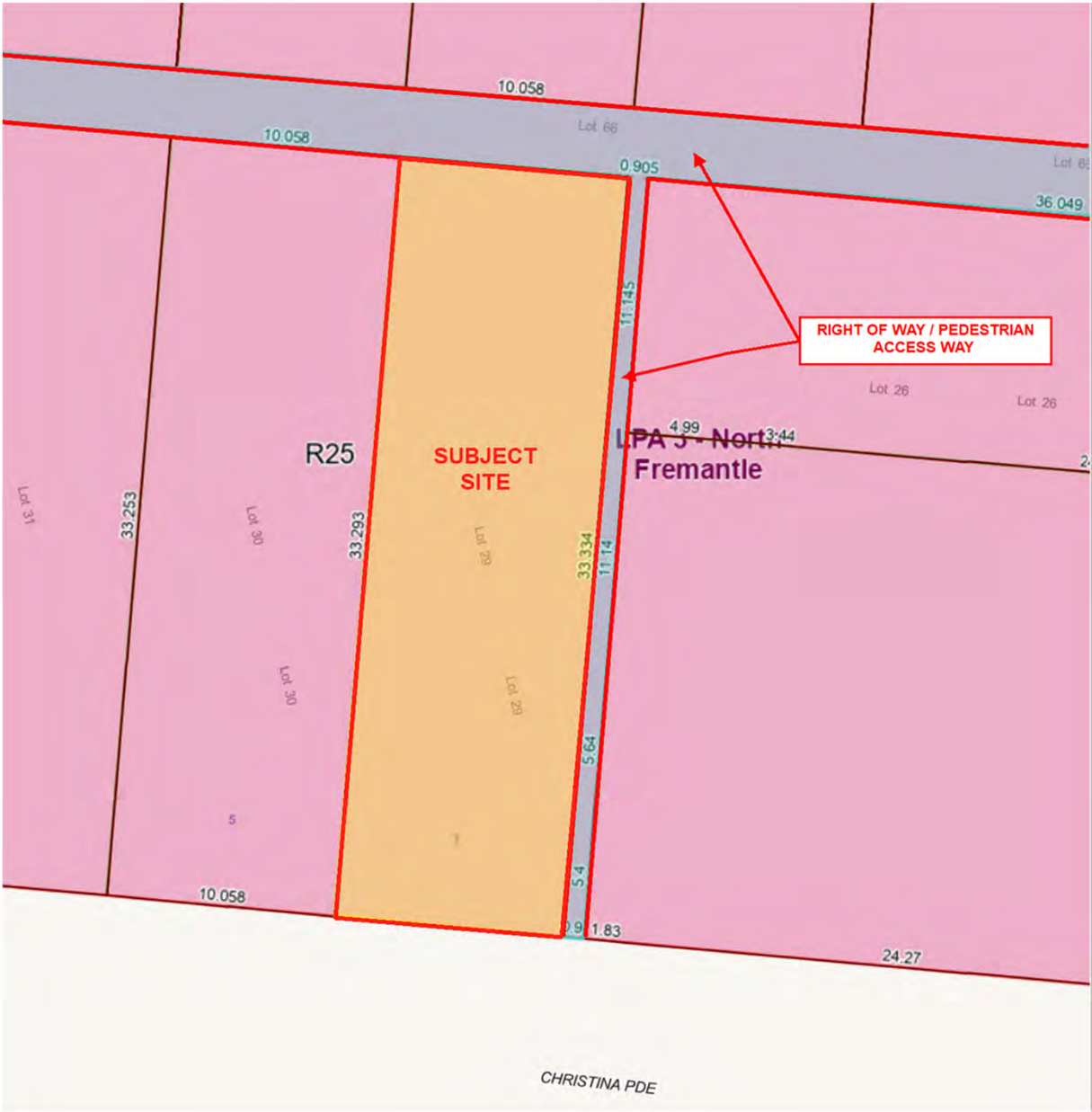


Figure 2 – Location of right of way and pedestrian access way.



Figure 3 – Aerial image of the subject site (August 2025).



Figure 4 – Subject site as viewed from Christina Parade.

CONSULTATION

External referrals

Nil required.

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 the R-Codes. The advertising period concluded on 10 October 2025, and three (3) submissions were received. The following issues were raised (summarised):

- The two storey boundary wall on the east aspect of the proposal will result in an impact to amenity by virtue of bulk and scale.
- The proposed building will result in additional overshadowing to the east and result in the loss of solar access from afternoon sun from the west.
- The excessive height, bulk, scale and lack of setbacks will result in a detrimental impact to the streetscape and surrounding area.



- The ancillary dwelling is an excessive size and exceeds the maximum 70m² floor area prescribed in the R-Codes.
- The reduction in open space will result in an impact to environmental quality, visual openness, and liveability of surrounding properties.
- The privacy screening on the east aspect is insufficient and will result in a loss of privacy on the adjoining property.
- The two storey boundary wall on the west aspect of the proposal will result in a feeling of enclosure and will result in a detrimental impact to amenity by virtue of bulk and scale.
- The proposed building will result in additional overshadowing to the west and result in the loss of solar access from morning sun from the east.

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

- The lot is a north-south orientated lot. While at a slight angle, the majority of the overshadowing during the winter solstice at midday will fall over Christina Parade. The proposal satisfies the deemed to comply requirements of clause 5.4.2 Solar access for adjoining sites of the R-Codes.
- The west lot boundary setback for the ground and upper floor was made deemed to comply after comments were reviewed by the applicant.
- The proposed ancillary dwelling has a floor area of 62m² which satisfies the deemed to comply requirements of the R-Codes. The proposal includes a separate living area; however, the separate living area is not self-contained (it does not include kitchen facilities) and therefore does not add to the floor area of the ancillary dwelling or constitute a separate dwelling.
- Visual privacy has been suitably address via screening which will be secured via relevant recommended conditions.

The verbatim submissions are included as additional information. The abovementioned comments are addressed in the officer comment below.

City of Fremantle Heritage Comment

The City has reviewed the proposed development and provides the following comments in relation to the heritage impact of the proposal.

- 7 Christina Parade is a single storey brick and tile house that was constructed in the 1990s and has little heritage value. 7 Christina Parade is not a Contributory Place in the North Fremantle Precinct.
- The north side of Christina Parade where this house is located has a little heritage character and is largely characterised by single storey recent development.



- The proposed extension to 7 Christina Parade is set back towards the rear of the site and will have minimal impact on the streetscape character of Christina Parade because it will be largely concealed by the single storey section at the front of the house.
- The works proposed in this application are acceptable from a heritage standpoint as they will have no discernable impact on the heritage values of the North Fremantle Precinct Heritage Area.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Lot boundary setback (east, west)
- Open space
- Visual privacy

The above matters are discussed below.

Background

The subject site is located on the north side of Christina Parade between Stirling Highway and Thompson Road. The site has a land area of approximately 339m² and is currently occupied by a Single house. The site is zoned Mixed Use and has a density coding of R25. The site is located within the North Fremantle Precinct Heritage Area but is not individually heritage listed.

The site features access from Christina Parade as well as rear vehicle access via a right of way which runs along the site's northern boundary. A 0.9m wide pedestrian access way runs along the west boundary of the subject site (between the subject site and 90-92 Thompson Road). A search of the property file has revealed the following history for the site:

- DA297/92 – Demolition of existing dwelling and construction of two Grouped dwellings.



Land Use

Planning approval was granted for two (2) Grouped dwellings which were constructed in 1992. The site was subdivided following the construction of the dwellings so that the subject dwelling sits entirely within its own lot.

Lot boundary setback

Element	Requirement	Proposed	Extent of Variation
East – Upper floor boundary wall	1.2m *Required setback reduced to 0.75m – refer note 1 below	0.2m to lot boundary 1.1m to opposing side of PAW	0.55m
East – Upper floor balcony	2.5m *Required setback reduced to 2.05m	0.7m 1.6m to opposing side of PAW	1.35m

The east boundary wall is considered to meet the Design principles of the R-Codes in the following ways:

- The east lot boundary setbacks are detailed in Figure 5 and 6 below. The bulk and scale of the east boundary wall is considered to be sufficiently mitigated by the adjoining 0.9m wide pedestrian access way running between the subject site and adjoining properties.
- The east boundary wall will have minimal impact on the sunlight and ventilation on adjoining properties and will not reduce their northern solar access.
- There are no major openings indicated on the boundary wall. There will therefore be no impact to the visual privacy on the adjoining properties.
- The upper floor located on the boundary will result in more effective use of space on the site.
- There will be no significant reduction in sunlight to major openings or outdoor living areas on the adjoining properties to the east.
- The two storey additions are located to the rear of site and will have no significantly detrimental impact on the streetscape.

The east balcony lot boundary setback is considered to meet the Design principles of the R-Codes in the following ways:

- The bulk of the upper floor balcony is minimised by the 0.7m setback combined with the adjoining 0.9m wide pedestrian access way running between the subject site and adjoining properties.
- The balcony will have minimal impact on the sunlight and ventilation on adjoining properties and will not reduce their northern solar access.



- Visual privacy screening has been indicated on the development plans which will be secured via recommended conditions. There will therefore be no impact to the visual privacy on the adjoining properties.
- The upper floor balcony will result in more effective use of space on the site.
- The two storey additions are located to the rear of site and will have no significantly detrimental impact on the streetscape.

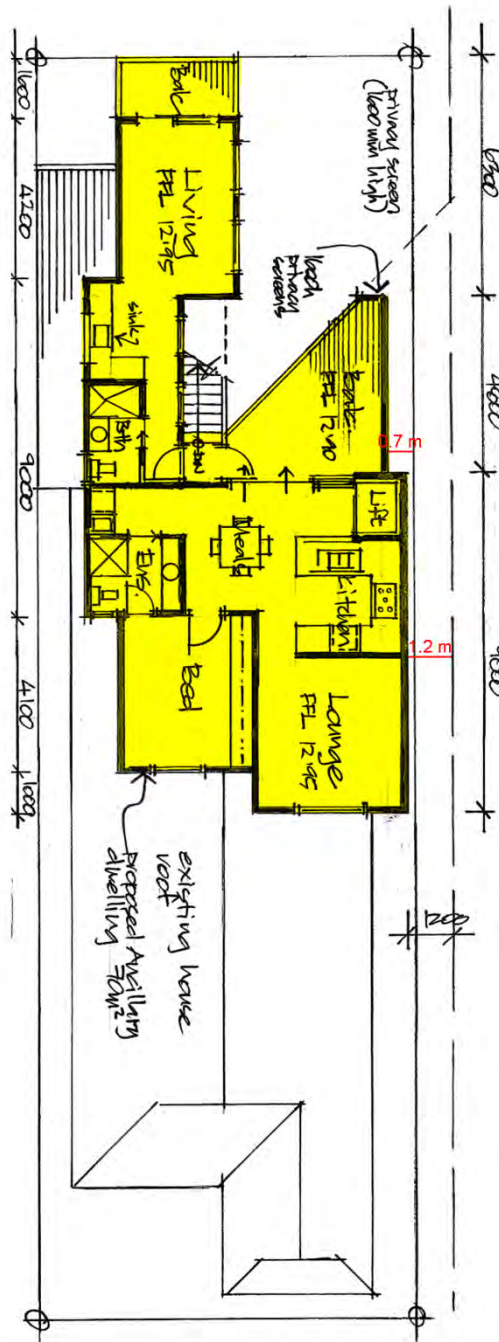




Figure 5 – Upper floor layout illustrating setbacks from balconies and major openings in relation to adjoining properties.

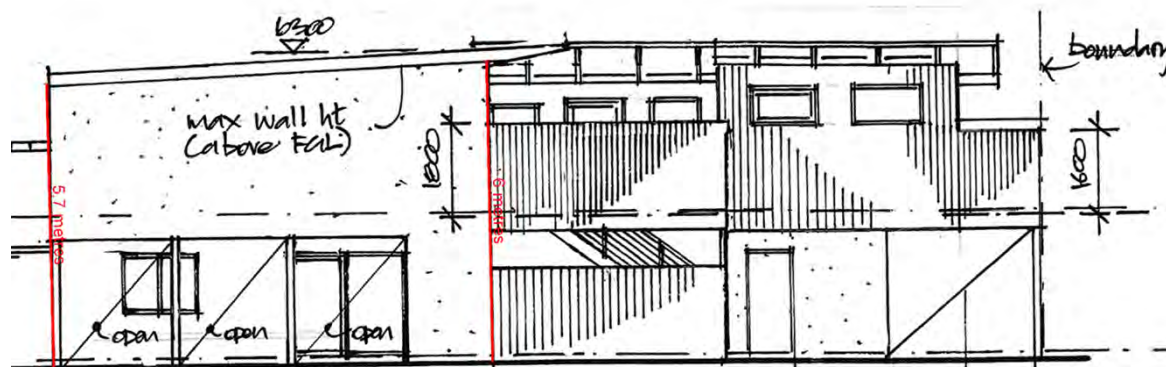


Figure 6 – Illustration of the east facing boundary wall and upper floor balcony.

Open space

Element	Requirement	Proposed	Extent of Variation
Open space	Lot size: 339m ² Required: 50% / 169.5m ²	Built area 180m ² Provided: 46.9% / 159m ²	3.1%

The open space variation is considered to meet the Design principles of the R Codes in the following ways:

- The reduction to the open space requirements will not have any adverse impact to the streetscape character. The two storey additions are located 15m from the primary street and the front of dwelling will continue to present as a modest single storey building with the street setback area unchanging.
- The two storey building bulk is suitably located to the rear of the site to minimise impact to the heritage significance of the North Fremantle Precinct Heritage Area.
- There are sufficient windows, balconies and outdoor spaces to allow for continued access to sunlight and ventilation for the existing dwelling.
- There will remain sufficient area for the installation of landscaping and vegetation.
- The proposal will allow for sufficient opportunities for external outdoor pursuits via the proposed balconies and outdoor living areas.
- The proposal will continue to allow for sufficient area for external utilities and essential facilities.



Visual privacy

Visual privacy screening has been provided to address the relevant deemed to comply requirements of the R-Codes as illustrated by Figure 7 below. Appropriate conditions of approval have been recommended to secure the installation of the screening in accordance with R-Code requirements.

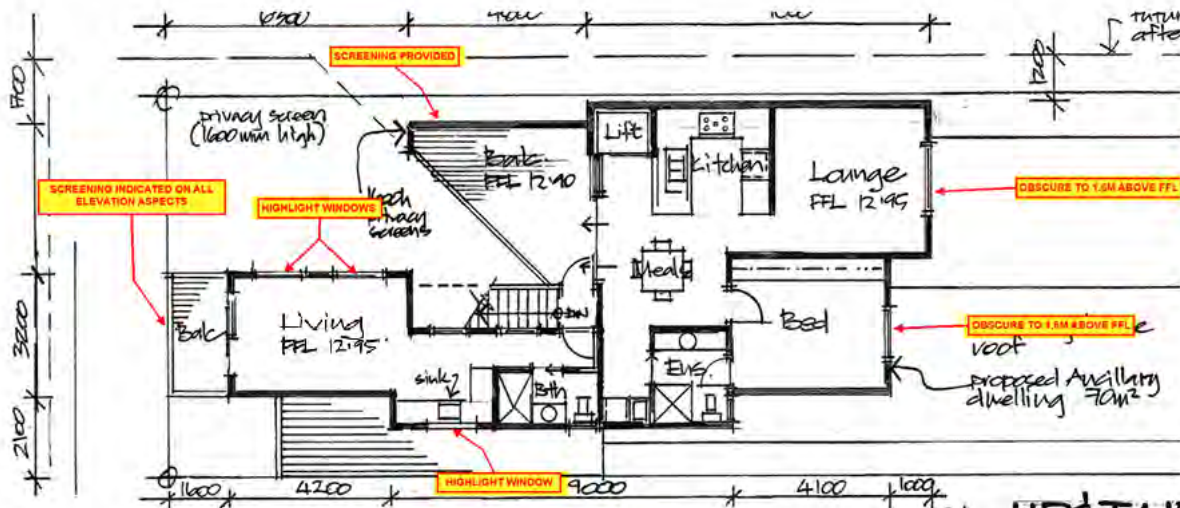


Figure 7 – Illustration of upper floor windows and the proposed method of screening.

Local Planning Policy 3.6 Heritage-protected Places Built Form and Land Use

10. Non-contributory Properties Including New Infill	Officer Comment
<p>10.1 Siting and Scale</p> <p>10.1.1. New development is to maintain the scale, siting, bulk, form and streetscape appearance of the prevailing streetscape and so should be guided by the criteria for contributory places elsewhere in this policy, but with some greater degree of flexibility.</p> <p>10.1.2. New buildings within a heritage area shall:</p> <ul style="list-style-type: none"> a) Maintain a setting that is consistent with the original streetscape, including front and side setback patterns (refer figure series below); b) Have a consistent bulk and scale in relation to the original street 	<p>As detailed in the Heritage Officer assessment above, 7 Christina Parade was constructed in the early 1990's and is not considered to be a contributory place. The north side of Christina Street inclusive of the subject site has little heritage character and is characterised by single storey recent development. Regardless of the comments above, the proposed additions are set back 15m from Christina Parade and will have minimal impact on any perceived streetscape character. The rear additions will be concealed by the existing single storey section towards the front of the site and will therefore maintain the existing streetscape setting.</p>



<p>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); and</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>10.1.3. Second storey additions to the rear of buildings on corner lots are to be set back an appropriate distance based on a streetscape analysis of the secondary street. Issues to consider include:</p> <p>a) Prevailing streetscape and setbacks of the side street;</p> <p>b) Avoiding a continuous wall extending from the existing side wall; and</p> <p>c) Avoiding a two-storey height wall to the side street (unless this reflects the prevailing streetscape).</p> <p>10.1.4. Street setbacks deemed to comply with the above are specified in Part 5 for some areas.</p>	
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CONCLUSION

Approval is sought for a second storey ancillary dwelling addition and alterations to an existing Single house at No. 7 (Lot 29) Christina Parade, North Fremantle. The application has been referred to Council due to variations to the Residential Design Codes as well as comments received during the notification period. As discussed above, it is considered that the proposed variations address the relevant design principles of the R-Codes and policy provisions with no significant impact to the amenity of the adjoining neighbours. The application is therefore 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 Upper Floor Ancillary Dwelling and Additions and Alterations to an Existing Single House at No. 7 (Lot 29) Christina Parade, North Fremantle, subject to the following condition(s):

1. This approval relates only to the development as indicated on the approved plans, dated 28 January 2026. 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. 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. Prior to lodgement of a Building Permit application for the development hereby approved, a detailed drawing showing how the upper floor living area balcony located on the north rear elevation, the ancillary dwelling balcony located on the east side elevation and the



ancillary dwelling lounge and bedroom located on the south front elevation, is to be screened in accordance with Clause 5.4.1 C1.2 of the Residential Design Codes by either:

- a. fixed obscured or fixed translucent glass to a minimum height of 1.60 metres above internal floor level, or
- b. fixed screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the internal floor level, or
- c. a minimum sill height of 1.60 metres above the internal floor level,

Prior to occupation of the development hereby approved, the approved screening method shall be installed and maintained to the satisfaction of the City of Fremantle.

4. Prior to occupation/ use of the development hereby approved, the boundary wall located on the east and west side elevation shall be of a clean finish in any of the following materials:
 - coloured sand render,
 - face brick,
 - painted surface,

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

5. All works indicated on the approved plans, including any footings, shall be wholly located within the cadastral boundaries of the subject site.
6. 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 to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.
- ii. Fire separation for the proposed building works must comply with Part 3.7.1 of the Building Code of Australia.



iii. 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.

- iv. 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 Engineering-DA@fremantle.wa.gov.au or 9432 9999.
- v. The owner is advised that an obstruction permit may be required from the City for any future obstruction of the Christina Parade road reserve. An application for obstruction permit can be found via www.fremantle.wa.gov.au.



C2602-6 HARWOOD STREET, NO. 17 (LOT 53), HILTON – ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE - (LG DA0355/25)

Meeting date: 11 February 2026
Responsible officer: Manager City Planning
Voting requirements: Simple Majority Required
Attachments: 1. Amended Development Plans
Additional Information: 2. [Site Photos](#)
(*viewed electronically*)

SUMMARY

Approval is sought for single storey additions and alterations to an existing Single house at No.17 (Lot 53) Hilton.

The proposal is referred to Council due to the nature of some discretions being sought that cannot be addressed through conditions of approval. The application seeks discretionary assessments against the Residential Design Codes (R-Codes). These discretionary assessments include the following:

- Boundary wall
- Visual privacy

The application is recommended for refusal.

PROPOSAL

Detail

Approval is sought for rear single storey additions and alterations to an existing Single house at No.17 (Lot 53) Harwood Street, Hilton (subject site). The proposed works include:

- Demolition of portions of external western wall, external northern wall and various internal walls.
- Construction of single storey addition on the western elevation.
- Construction of deck to the front of the existing dwelling.

The applicant submitted amended plans on 7 January 2026 that made the following alterations to the plans:

- Proposed southern boundary wall addition reduced from 3.1m – 3.2m to 2.7m – 2.8m in height (400mm reduction) (see Figure 1),
- Additional overshadowing diagram provided

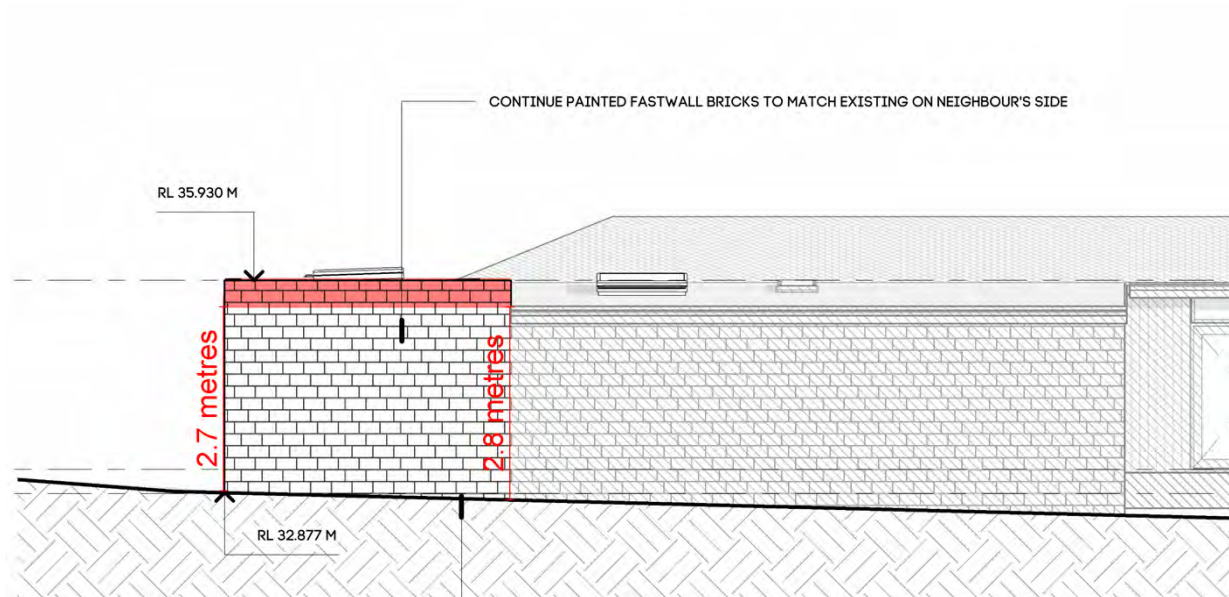


Figure 1 – Portion of reduced southern boundary wall height in amended plans (highlighted red)

The amended development plans are included as an Attachment.

Site/application information

Date received:	24 October 2025
Owner name:	Edwina Cameron & Graham Cameron
Submitted by:	Frank Berreto (Zengcad)
Scheme:	Residential R20/R25
Heritage listing:	Hilton Garden Suburb Heritage Area / Not individually listed
Existing land use:	Single house
Use class:	Single house
Use permissibility:	P

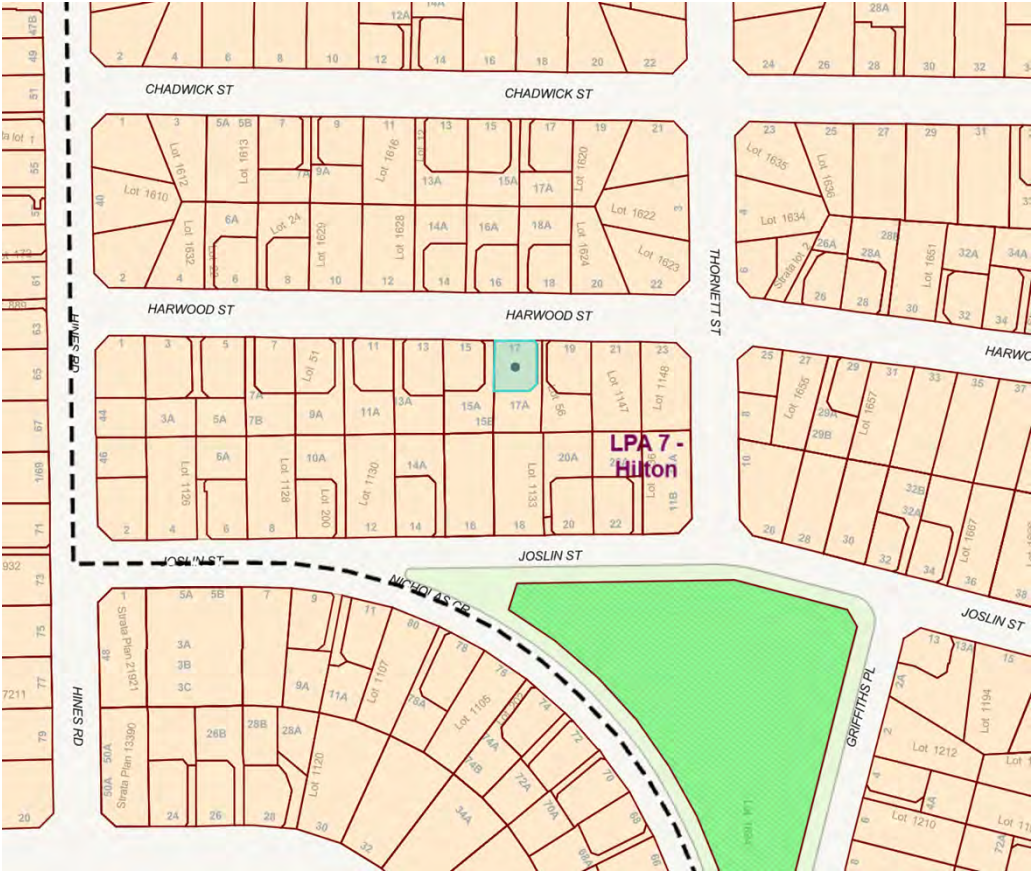


Figure 2 – Planning context map

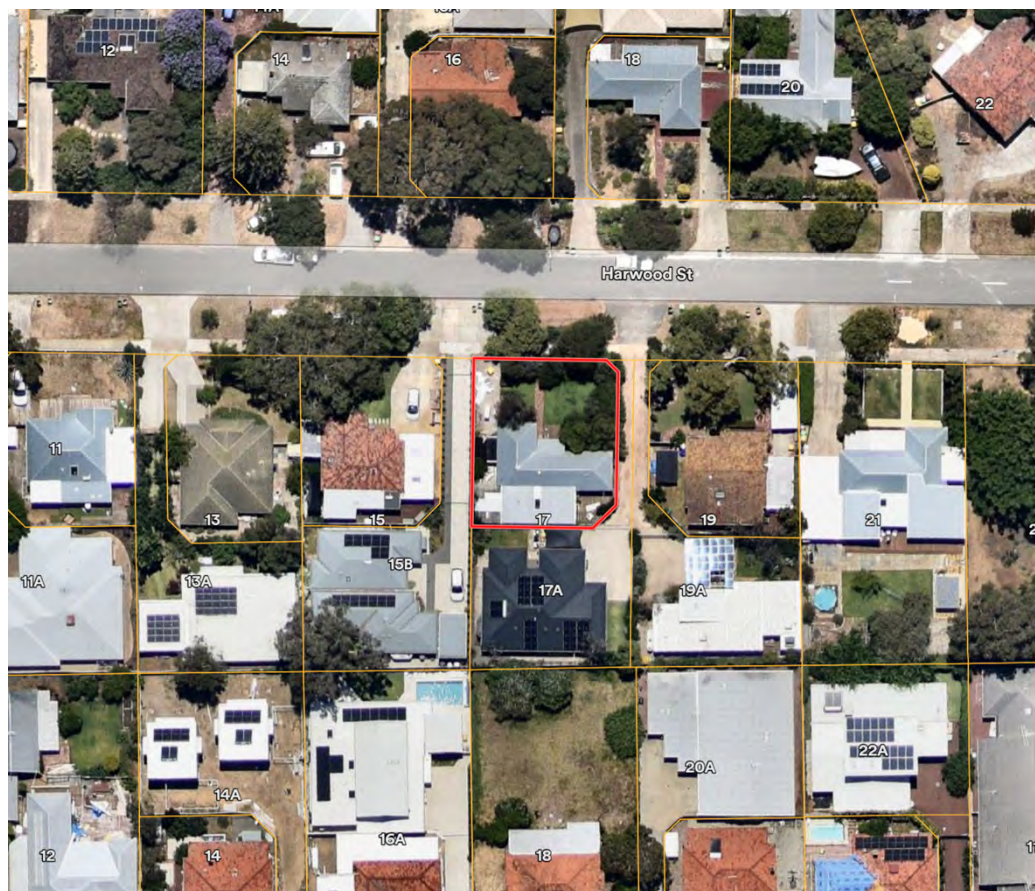


Figure 3 – Aerial image of subject site (November 2025)

CONSULTATION

External referrals

Nil required.

Internal referrals

City of Fremantle Heritage

The subject site is a “contributory” property within the Hilton Garden Suburb Heritage Area, and therefore it is important to consider the heritage impact of the proposed additions on the heritage values of the place.

As the addition is set well back from the front of the building and meets the requirements of LPP 3.6 Heritage-protected Places Built Form and Land Use (LPP 3.6). The deck extension is not roofed and is also supported with no heritage issues.

It is considered that the proposed development will have no discernable impact on the heritage values of the Hilton Garden Suburb. A detailed officer assessment of



the proposal against the criteria of LPP3.6 is in the officer’s comment section below.

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 the R-Codes Volume 1. The advertising period concluded on 2 December 2025, and no submissions were received.

OFFICER COMMENT

Statutory and policy assessment

The proposal has been assessed against the relevant provisions of LPS4, the R-Codes and relevant Council local planning policies. Where a proposal does not meet the Deemed-to-comply requirements of the R-Codes, an assessment is made against the relevant Design principles of the R-Codes. Not meeting the Deemed-to-comply requirements cannot be used as a reason for refusal. In this particular application the areas outlined below do not meet the Deemed-to-comply or policy provisions and need to be assessed under the Design principles:

- Boundary walls
- Visual privacy

The above matters are discussed below.

Background

The subject site is located on the southern side of Harwood Street approx. 70m west of Thornett Street intersection. The site has a land area of approximately 378m² and is currently a single storey dwelling. The site is zoned Residential and has a density coding of R20/R25. The site is not individually heritage listed but is located within the Hilton Garden Suburb Heritage Area.

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

- DA0311/18 – Additions and alterations to existing Single house

Boundary walls

Element	Requirement	Proposed	Extent of Variation
South Boundary Wall	In areas coded R20 and R25, walls not higher	Boundary wall length: 13m	+4m length



	<p>than 3.5m, up to a maximum length of the greater of 9m or one-third the length of the balance of the site boundary behind the front setback, to up to two site boundaries</p>	<p>Boundary wall height: 2.6m – 2.8m</p>	
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The southern boundary wall is not considered to meet the design principles of the R-Codes for the following reasons:

- The proposed southern boundary wall addition adjoins the southern properties (17A Harwood) covered alfresco and uncovered primary outdoor living area (see Figure 4).
- The shadow cast from the additional southern boundary wall will further restrict the level of sunlight to adjoining outdoor living area and result in a negative amenity impact to adjoining property.
- The location of the boundary wall will result in an increased sense of building bulk to the adjoining outdoor living area. This increased building bulk is considered to result in a detrimental amenity impact to adjoining property.
- The sunlight access to adjoining 17A Harwood’s outdoor living area is already restricted by existing southern boundary wall and the proposed extension of this boundary wall will only further impede the amenity of adjoining properties only outdoor living area.



Figure 4 – Illustration depicting location of southern boundary wall interfacing with adjoining 17A Harwood

Visual privacy

Element	Requirement	Proposed	Variation
View east (Deck)	7.5m cone of vision setback	2.6m	4.9m, no screening indicated on plans. If approved, screening would be requested via condition of approval.

As the proposed cone of vision results in sightlines to potential adjoining outdoor living area of eastern property, the proposed reduction in cone of vision is not considered acceptable. Should the council be of mind to approve the proposal, a condition of approval would be applied for the applicant to provide screening along the eastern elevation.



Figure 5 – Proposed cone of vision from deck to adjoining eastern property

Local Planning Policy 3.6 – Heritage protected Places Built Form and Land Use

The below table outlines the relevant criteria of LPP3.6 applicable to this development application.

9.1 Siting, Setbacks and Scale		
Item	Contributory	Officer Comment
iii. Side additions	Notwithstanding the criteria discouraging openings, removal of walls, and the like to the original building exterior elsewhere in this Policy, side additions are permitted provided they: a) Are single storey and lower in height than the place; b) Are set back 1m min. from front building line; c) Have a new roof independent from the roof form of the place and which doesn't continue the	Proposed side addition is single storey and lower in height than the existing dwelling, is setback greater than 1m from front building line and has a roof line that is independent and that does not alter the original roof form. As such the proposed side addition is considered acceptable.



	<p>slope of the roof of the original building exterior; and d) Have no alteration to existing roof form.</p>	
<p>iv. Rear additions (single and double storey)</p>	<p>Ensure that development:</p> <ul style="list-style-type: none"> a) has a maximum height that is the lesser of the Scheme, the R-Codes, or the visible from the street line of sight; b) does not alter the original building exterior; c) employs one of the following methods to retain the distinct form of the place: <ul style="list-style-type: none"> i. Be detached from the place; ii. Be attached by a linkage with a reduced scale and/or contrasting material; iii. Have side walls set in from the place; iv. Have a wall height lower than that of the place; or v. Have differing finishes/materials from the original place or a material change at the junction of the old and new. 	<p>The proposed rear addition is modest in scale and does not alter the original building exterior. The proposal employs criteria iv, in that the wall height is lower than that of the main dwelling.</p>
<p>9.2 Verandahs, porches and awnings</p>		
<p>i. Form and material</p>	<ul style="list-style-type: none"> a) Original verandah or porch forms and materials are to be retained and conserved. b) Front verandahs, porches, etc. are not to be enclosed. 	<p>Proposed front deck extension is open on all sides and does not replace any existing verandah or porch.</p>
<p>iv. Additions</p>	<p>a) New verandahs, porches and awnings can be introduced where they do not involve removal of the original and are appropriate to the streetscape without too precisely mimicking the style of the original character, building elements or heritage detailing unless it is a reconstruction.</p>	<p>As stated above, the proposal does not involve the removal of an original verandah or porch, as such the proposal does not introduce a verandah where the original building had a porch or vice versa. The proposed</p>



	b) Do not introduce a verandah where the original building had a porch and vice versa.	deck is modest in scale and will have no discernible impact on the existing dwelling.
9.3 Doors and Windows		
v. Conversion of windows to doors	Conversion of windows to doors of the original building exterior may be considered in certain circumstances.	One existing front opening is being converted to a door on the northern elevation, the modifications have been reviewed and are considered acceptable.
vi. Internal openings	Internal doors can be altered, blocked and new openings introduced.	All internal modifications have been reviewed and are considered acceptable.
15. Hilton Garden Suburb Heritage Area		
15.1 Street Setbacks	15.1.1 New extensions shall be located at the rear or side of the original dwelling.	Proposed dwelling extensions located at the rear and side of dwelling.
15.6 Boundary walls	15.6.1 Boundary walls shall be located a significant distance from the front boundary to maintain a streetscape of separated single residences separated by open space.	Proposed boundary walls located to the rear and side of dwelling, separated a significant distance from the front boundary. There is no discernible impact to the existing streetscape vista and as such they are considered acceptable.

CONCLUSION

Approval is sought for the additions and alterations to an existing Single house at No. 17 Harwood Street, Hilton. It has been determined that the length and location of the proposed southern boundary wall will result in a detrimental impact to the amenity of the adjoining property by way of building bulk and loss of solar access to the neighbouring properties only outdoor living area. Therefore, the application is recommended for refusal.

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

- A higher density City with a diverse range of housing options being available in the city centre that cater to multiple demographics.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, the additions and alterations to existing Single house at No. 17 (Lot 53) Harwood Street, Hilton, as detailed on plans dated 7 January 2026, for the following reasons:

1. The proposed southern boundary wall is inconsistent with the Residential Design Codes, section 5.1.3 - Lot boundary setbacks, as it will restrict sunlight to adjoining outdoor living area and result in a detrimental impact on the amenity of the adjoining property.
2. The proposed southern boundary wall is inconsistent with the Residential Design Codes, section 5.1.3 - Lot boundary setbacks, as it will result in excessive building bulk to adjoining outdoor living area and result in a detrimental impact on the amenity of the adjoining property.
3. The proposed southern boundary wall is inconsistent with clause 67 (2)(m)(ii) of the Deemed Provisions (*Planning and Development (Local Planning Schemes) Regulations 2015*) with the development impacting the adjoining land by nature of orientation, bulk and height.



C2602-7 MODIFICATION TO FORMER MATILDA BAY BREWERY SITE
STRUCTURE PLAN - 130 STIRLING HIGHWAY, NORTH
FREMANTLE

Meeting date: 11 February 2026
Responsible officer: Manager City Planning
Voting requirements: Simple Majority Required
Attachments: 1. Matilda Bay Structure Plan - Modified
2. WAPC Schedule of Modifications Matilda Bay
Structure Plan

SUMMARY

The purpose of this report is to discuss modifications to the Former Matilda Bay Brewery Site Structure Plan, found at Attachment 1, due to the intended upcoming revocation of Local Planning Policy 3.11: McCabe Street Area, North Fremantle – Height of New Buildings.

This report recommends that Council apply to the Western Australian Planning Commission (WAPC) to make modifications to the structure plan.

BACKGROUND

The Former Matilda Bay Brewery Site Structure Plan (the structure plan) was endorsed by the Western Australian Planning Commission (WAPC) on the 6 October 2020. The structure plan applies to the area of land bounded by McCabe Street to the north, Stirling Highway to the west and Thompson Road and Coventry Parade to the south. The site contains the heritage listed former Matilda Bay Brewery building. The structure plan provides guidance for future redevelopment of the site.

At the 11 June 2025 Ordinary Council Meeting Council were informed of the intent to revoke Local Planning Policy 3.11: McCabe Street Area, North Fremantle – Height of New Buildings (LPP 3.11) upon adoption of draft Local Planning Policy 3.22: North Fremantle (LPP 3.22). Building height requirements contained in the structure plan refer to the provisions of LPP 3.11, meaning an update is required to ensure height provisions are maintained in the planning framework for this potential development site.

Proposed amendments to the structure plan as discussed below.



FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Schedule 2, Part 4, Clause 29(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows the local government to request a structure plan to be amended by the WAPC.

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.

Liveable City - Connected city

- Streets are well connected, and it is easy and safe for pedestrians and cyclists to move within neighbourhoods and between key destinations and precincts.

Liveable City - Sustainably designed and optimised urban and natural environments

- Urban development and public realm enhancement is coordinated, design-led, and sympathetic to surrounding natural environments.

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

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

CONSULTATION

The landowners of the site have been advised of the intent to revoke LPP 3.11 and as a consequence the need to modify the current structure plan to ensure that the relevant LPP provisions are maintained for the site.

In accordance with Schedule 2, Part 4, Clause 29(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the amendments will not be advertised as Officers are of the opinion that the amendment is of a minor



nature, specifically as the amendment seeks to maintain the existing provisions for the site.

OFFICER COMMENT

The building height requirements contained in the structure plan refer to LPP 3.11. This policy was adopted in 2009 and amended in 2015. The policy set out building height requirements for development sites near McCabe Street to preserve views as identified in the 2008 McCabe Height Study. Recent Mixed-use and residential projects north of McCabe Street have eroded significant portions of key view corridors, substantially limiting the realization of the intended outcomes. Full discussion of the review and endorsement of the intent to revoke the policy can be found at item C2506-7 of the minutes of the 11 June 2025 Ordinary Council Meeting.

Without the provisions of LPP 3.11, the building height acceptable outcomes for the structure plan site would revert to the R160 height of 5 storeys/18m without any discretionary criteria. This would result in a significant reduction in discretionary height in some areas of the site and an increase in areas abutting established residential areas south of the site. The maximum building heights for the site permitted under LPP 3.11 are illustrated in figure 1 below.

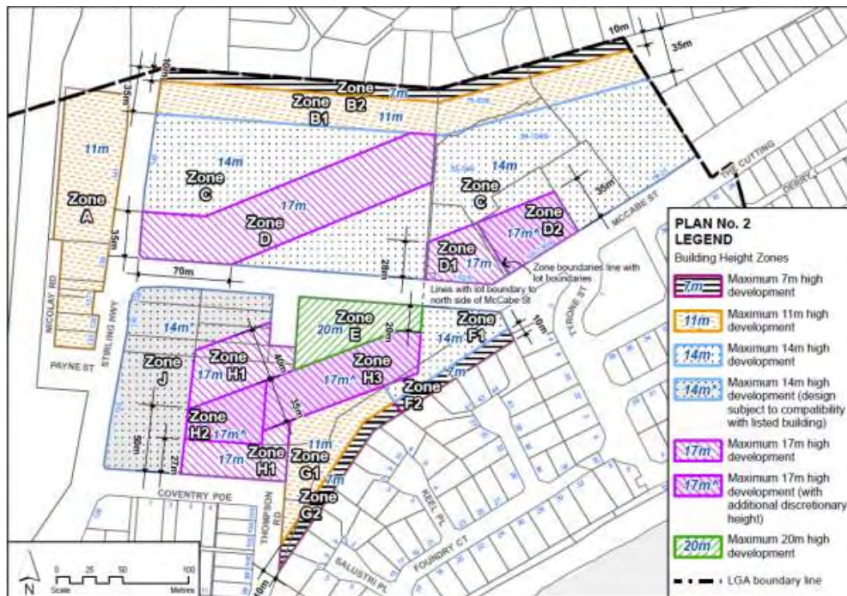


Figure 1: LPP 3.11 Height of New Buildings

Proposed amendments to the structure plan remove reference to LPP 3.11 and insert the relevant clauses of the policy into Part 1. This maintains the height provisions of between 7-20m, with discretionary height in the center of the site up to 33m subject to meeting a number of discretionary criteria. It also ensures the



retention of the provision to consider the impact of development on the heritage building.

The amended structure plan can be found at Attachment 1 of this report and a schedule of modifications at Attachment 2. The proposed modifications to the structure plan do not change the current requirements for development of the site, instead outlining the relevant clauses of LPP 3.11, rather than just referring to the policy which will no longer exist.

Ideally, the structure plan would be reviewed to refine the proposed building heights for the site, however, this responsibility rests with the owner. The City does not have the capacity to undertake this work while the new scheme process is in progress. Should the landowners wish to review the height provisions of the structure plan, this can be undertaken as a separate process.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council, in accordance with Schedule 2, Part 4, Clause 29(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, recommends to the Western Australian Planning Commission amend the Former Matilda Bay Brewery Site Structure Plan as at Attachment 1.



C2602-8 PLANNING INFORMATION REPORT - FEBRUARY 2026

1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY

Meeting date: 11 February 2026
 Responsible officer: Manager City Planning
 Voting requirements: Simple Majority Required
 Attachments: 1. Schedule of applications determined under delegated authority

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 DEVELOPMENT ASSESSMENT PANEL (DAP) DETERMINATIONS AND RELEVANT STATE ADMINISTRATIVE TRIBUNAL APPLICATIONS FOR REVIEW

Meeting date: 11 February 2026
 Responsible officer: Manager City Planning
 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
DAP007/25
Site Address and Proposal
No. 242 Marine Terrace, South Fremantle- Six storey Multiple dwelling development
Update and status
<ul style="list-style-type: none"> • Application for development was accepted on 28 October 2025. • Community consultation for this item has closed. • The Responsible Authority Report was originally due on 21 January 2026, with the clock stopped to request further information from the applicant. At the time of writing this report, a revised due date had not been set. • A DAP meeting has not yet been scheduled.

2. Application Reference
DAP008/25
Site Address and Proposal



No. 8 Point Street, Fremantle- 8 Storey mixed use development comprising student accommodation

Update and status

- On 22 December 2025, the City accepted an application for the above proposal.
- Community consultation for this item closes on 11 February 2026.
- A Responsible Authority Report is due to DAP on 17 March 2026.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council receive the following information reports for February 2026:

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



General reports

C2602-9 CANTONMENT STREET - PUBLIC REALM CO-OPERATION DEED

Meeting date: 11 February 2026
Responsible officer: Director Planning, Place and Urban Development
Voting requirements: Simple Majority Required
Attachments: 1. CONFIDENTIAL - Cooperation Deed - Final Draft

SUMMARY

The purpose of this report is to present Council with a proposal to deliver enhancement works to Cantonment Street; that coincide with private development; and is co-funded between the City and the two main developers, for:

- Elders Woolstores Redevelopment;
- Point St Residential Redevelopment.

The detail of this proposal is captured in the attached Co-Operation Deed which sets out the broad commitments between the parties and the key components of the public realm project, including:

- Financial contributions;
- Managing the project / partnerships;
- Design development;
- Procurement, Construction and Timing.

This proposal aligns closely with Council's recently adopted City Plan that articulates a spatial vision for the city centre in terms of increased residential population and an improved public realm.

This report recommends that Council endorse this deed of agreement that will enable the Chief Executive Officer to continue to work with developers in refining all aspects of a future joint project.

BACKGROUND

On 7 December 2023 the Development Assessment Panel granted approval for the residential development on Point Street, estimates at \$100m. Revised plans have recently been submitted to the City for a DAP determination in March 2026, where it is likely that the developer will seek a similar amendment to the condition of approval for % For Art funding to be used for public works.

On 29 April 2025 the Development Assessment Panel granted approval for the redevelopment of Elders Woolstores, estimated at \$110m, and also amended a condition of approval to enable the developer to contribute its % For Art funding towards public realm improvements.



On 27 August 2025 the Council adopted its City Plan for the centre of Fremantle noting that it will “guide the review of statutory planning instruments; public realm priorities; and advocacy for key city projects and initiatives.” One of the key city precincts in the Plan is Cantonment Street – identifying the investment opportunities for significant increases in residential population as well as the need to improve the public realm to increase the attractiveness and sustainability of inner city living. See diagram below.

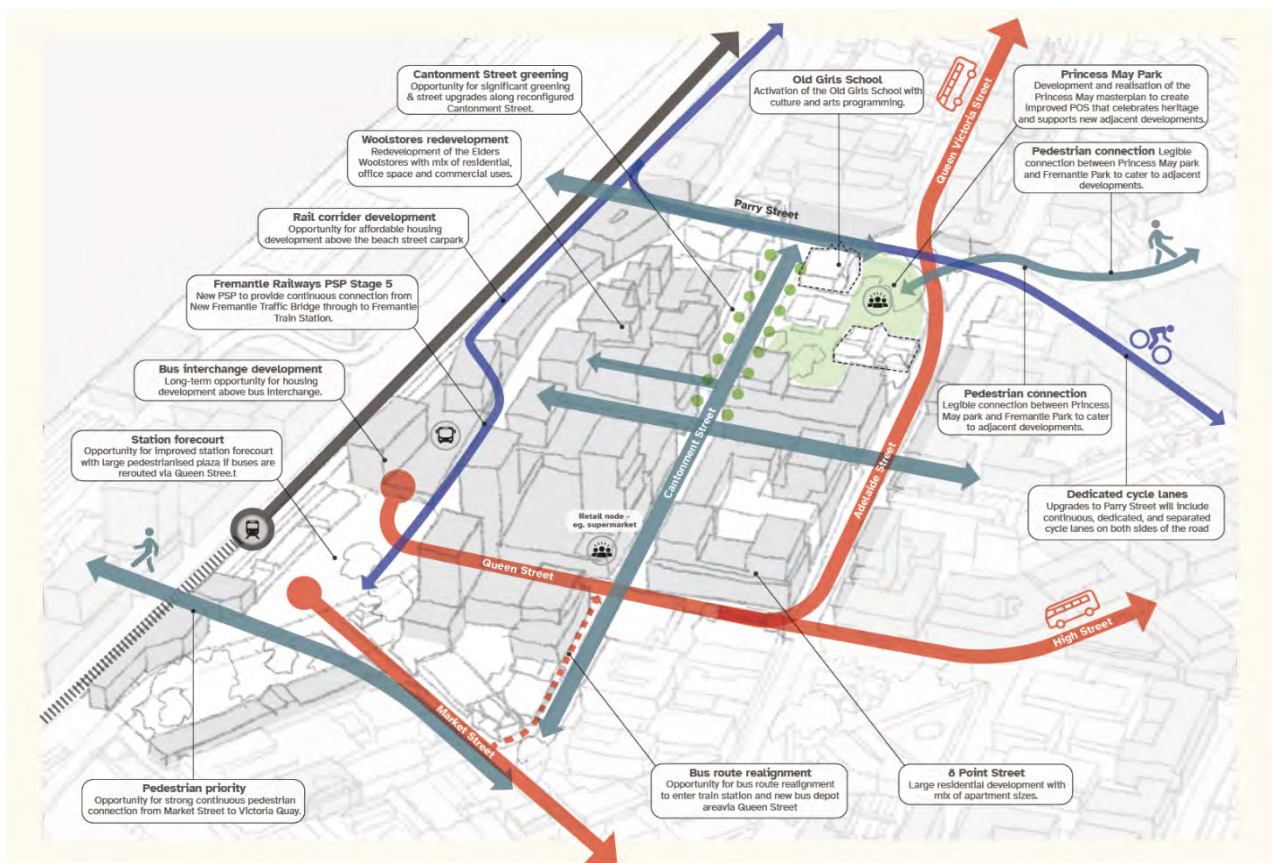


Diagram 1. Extract from City Plan – Cantonment Street Precinct.

City staff have been working with representatives from the two key developers to establish a single vision for the public realm improvements and to discuss how this can be achieved using both private and public funding.

FINANCIAL IMPLICATIONS

Funding of public realm works could be as low as \$200,000 for some basic greening and furniture, to more than \$5m+ for comprehensive re-working of public spaces. It is therefore proposed that the total project budget will need be fixed and the scope and level of infrastructure changes moderated to fit the budget. At this point in time, the total project budget for this precinct is set at \$4.2m. Of this, half is proposed to be funded through developer contributions as deemed possible through planning conditions, and \$2.1m to be funded by the



City. The options for establishing the City's contribution are currently being explored, and include:

- Allocation of municipal funds within the Long Term Financial Plan;
- Loan, held in Reserve, serviced through diverting first few years of new rates from the developments to repay loan;
- A combination of above.

The City is keen to develop a financial model that provides for the timely funding of works to coincide with developers' practical completion and 'repaid' through the generation of rates from the new development. This could prove to be an attractive incentive for other private developments around Fremantle.

LEGAL IMPLICATIONS

This initial Co-Operation Deed is non-binding.

STRATEGIC IMPLICATIONS

This item is in alignment 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.

CONSULTATION

The design of public realm will be subject to engagement with stakeholders and community feedback will be presented to Council in the future as part of design development and project refinement.

OFFICER COMMENT

The City has been in negotiation with the two key developers for much of 2025 to discuss how a joint-funded partnership might take shape to achieve the following outcomes:

- 'pooling' of funds to maximise the ability to deliver a transformative public realm improvement project in Cantonment Street.
- Sequencing the delivery of works to coincide with construction completion of two key redevelopment sites.
- Develop a design 'vision' early in the process to set the expectations and commitments towards improving the precinct.



The Co-Operation Deed is seen as a first step in committing to achieve these outcomes and establishing a collaborative working relationships between parties to help ensure success.

Key aspects of the Co-Operation Deed include:

1. Project Partners

- City of Fremantle.
- Point St Developers – represented by Sirona Urban.
- Elders Woolstore Developers – represented by H-U.

2. Financial Contributions

- Allocation of % For Art contributions.
- \$1m from Point St development.
- \$1.1m from Elders Woolstore development.
- \$2.1m from City of Fremantle.

3. Developing a Shared Vision

- A mutually agreed concept design.
- Alignment with City Plan and City Standards.
- A focus on pedestrian amenity.

4. Advancing the Partnership

- Establishment of a Project Control Group.
- Budget planning / control.
- Managing Procurement and Risks.
- Coordination of works / sequencing.
- Confidentiality (including this Deed).

5. Establishing Key Design Principles

- Consistency with City strategies and streetscape standards.
- Adding 'green' to streetscapes.
- Prioritising pedestrian and cycling movements over cars.
- Inclusive and universal design.
- Improved lighting.

This Co-Operation Deed is non-binding but represents a genuine commitment to work in partnership to achieve a great public realm outcome alongside the redevelopment of two key city centre sites.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

1. Endorse the Co-Operation Deed, provided in Attachment 1, to enable the continuation of co-ordinated project planning for public realm enhancement in the Cantonment Street precinct; and
2. Note that any financial contribution towards the public realm works, will be considered by Council as part of the Long Term Financial Plan and budget processes.



C2602-10 CURB OF PROLIFERATION OF CONVENIENCE TYPE SHOPS

Meeting date: 11 February 2026
Responsible officer: Director Planning, Place and Urban Development
Voting requirements: Simple Majority Required
Attachments: Nil

SUMMARY

The purpose of this report is to -

- Provide recommendations in response to a notice of motion (NoM) presented by Cr (former) Ben Lawver concerning the sale of tobacco, vape and incidental products from convenience type stores; and
- Provide a progress update on the actions requested by Council arising from the notice of motion (NoM).

BACKGROUND

At the Ordinary Meeting of Council held on 13 August 2025, a Notice of Motion was adopted which asked the Chief Executive Officer to provide recommendations to Council on what local governments can do to curb the proliferation of convenience type shops often selling vaping products, tobacco, and other associated paraphernalia along with various incidental products. The following was adopted (C2508-14):

Council:

- 1. Requests the Chief Executive Officer to provide recommendations to Council on what local governments can do to curb the proliferation of convenience type shops often selling vaping products, tobacco, and other associated paraphernalia, including but not be limited to:*
 - a. Planning scheme amendments to restrict locations where convenience type shops can be located;*
 - b. Policy changes to limit convenience type shops more generally;*
 - c. Tougher penalties for illegal or unauthorised activities;*
 - d. Strategies for enforcing any existing restrictions or eliminate illegal activities; and*
 - e. Any other measures/actions the Chief Executive Officers deems appropriate to help reduce illegal activity and limit the spread of convenience type shops in Fremantle.*
- 2. Request that the Chief Executive Officer write to the relevant State Government Ministers and Members of Parliament to advocate for:*



- a. *Reform to the Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA) allow landlords to terminate leases where tenants are suspected or found guilty of illegal action;*
 - b. *Reform to the Tobacco Products Control Act 2006 (WA) to adopt penalty structures similar to South Australia's reformed legislation; and*
 - c. *Introduction of state-wide amendments to Local Planning Schemes to make convenience stores a discretionary use within city centre zones.*
3. *Request that the letter is sent to the following State Government Ministers and Members of Parliament:*
- a. *Hon Reece Whitby, Minister for Police;*
 - b. *Hon Simone McGurk, Member for Fremantle;*
 - c. *Hon Dr Tony Buti, Attorney General and Minister for Commerce;*
 - d. *Hon Meredith Hammat, Minister for Health.*

FINANCIAL IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The *Planning and Development Act 2005* creates offences for development undertaken in contravention of a local planning scheme.

STRATEGIC IMPLICATIONS

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

Thriving City - A resilient seven-day economy

- A City with a diverse range of unique, resilient and sought-after businesses and attractions.

Thriving City - A thriving and supportive ecosystem for start-ups and small businesses

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

Thriving City - Vibrant and active city centre

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



CONSULTATION

City Officers have met with WA Police and the Department of Health WA concerning the sale of vapes and other illicit products from vape stores and convenience stores. Officers have been advised by the Department to forward any new information in relation to any new stores being established and they will investigate. They have also advised that they have been working with the Therapeutic Goods Administration (TGA) who have greater powers to deal with these matters. In addition, the State Government has recently announced a range of new measures to help crack down on the illegal tobacco trade and help keep the community safe.

In recognition of the increasing complexity of illegal tobacco investigations and links to organised crime, a new approach will be put in place to boost capability both now and in preparation of enforcement of updated legislation.

Under the new measures, Superintendent Steve Post, a senior WA Police Officer with four decades of police experience who played a leading role in Operation Tide during the pandemic, will be deployed to provide leadership to the Department of Health's tobacco compliance operations.

Additional staff will also be deployed to the Tobacco Compliance Unit to assist, more than doubling inspector capacity.

As part of the new measures, there will be an opportunity for both current officers and those who have recently left the police to join Department of Health and use their knowledge to help with tobacco compliance and supporting Operation Maverick.

Since Operation Maverick was established in November 2025, WA Police have charged 12 people with 59 offences including criminal damage by fire, criminal damage, burglary, stealing and drug offences.

Changes to the *Tobacco Products Control Act* are currently being drafted. These amendments will ensure Western Australia has among the strongest penalties in Australia for the sale of illicit tobacco, as well as allowing for the closure of stores caught selling these products.

OFFICER COMMENT

In response to the specific questions raised in the notice of motion presented by Cr Lawver on 13 August 2025, the City's response is as follows:



Resolution 1

- A. Planning scheme amendments to restrict locations where convenience type shops can be located; and
- B. Policy changes to limit convenience type shop more generally

The City's Local Planning Scheme No. 4 has been reviewed and has been determined by Council and the Western Australian Planning Commission to be at the end of its life. The development of a new Local Planning Scheme is underway and will form the focus for the City Planning team in 2026. The development of a new scheme will involve consideration of land uses and their appropriateness for each zone.

At present, a Convenience Store is a use that is exempt from the need to apply for planning approval in the City Centre zone. To try and regulate locations where convenience type shops can be located a local government can seek to alter this permissibility in their Local Planning Scheme. Once a Development Application is required, the assessment process could then be supported by the development of a planning policy that applies further controls and limitations of numbers of all convenience stores within the City.

Changing the permissibility of a land use outside of creating a new Scheme, would require a Scheme Amendment, a process that, due to a number of regulated steps and approval points, can take a substantial period of time. Focusing on writing a Scheme Amendment to address a single issue at this time will delay work on the new Scheme. This could be considered as part of the early work of the proposed committee structure which is subject to council consideration in the near future. There is no guarantee the State Government will support an individual Scheme Amendment from Fremantle on this matter alone, given that the Western Australian Planning Commission has recently resolved that a new Scheme is required and work is now underway. Changes to land use permissibility is recommended to be considered as part of the comprehensive review of our planning framework, currently underway as part of the new scheme.

It is also worth noting that even when land use permissibilities are 'tightened up' in the Local Planning Scheme, this regulatory control will have some, but limited, reach. A future premise may argue they are a Shop and use this to try and get around any regulations.

The underlying concern around convenience stores is that some of these premises are being used predominantly for the purpose of illicit sale of tobacco and other smoking products. Enforcement of illicit tobacco sales is the key to addressing the issue and this can only be advanced by the State Government. Any changes to the Scheme provisions will only provide support to State legislation.



C. Tougher penalties for illegal or unauthorised activities

In terms of increased penalties, the City has no jurisdictional power here. The City currently refers any suspected activity around the selling of illegal goods to the State Department of Health who work with WA Police, Federal Police and the Therapeutic Goods Administration (TGA) who determines compliance action, penalties and enforcement. As discussed above, the State Government has recently announced new measures to address illegal cigarette sales and is working on additional legislation to further address the issue.

- D. Strategies for enforcing any existing restrictions or eliminate illegal activities; and
- E. Any other measures/actions the Chief Executive Officers deems appropriate to help reduce illegal activity and limit the spread of convenience type shops in Fremantle.

As there are limited planning controls available under the current planning scheme in relation to Convenience Stores, the most effective short-term action is to continue with advocacy pressure on State and Federal Governments for:

- Increased resources/action regarding compliance and law enforcement in instances where Convenience Stores are used for the selling of illegal goods.
- Changes to the broader planning and health regulatory framework to allow better enforcement and/or controls to regulate Convenience Stores.

Resolution 2 & 3

The Chief Executive Officer wrote to the relevant State Government Ministers and Members of Parliament in November 2025, highlighting the increase of convenience stores in Fremantle which are selling vaping products, tobacco, and the City's very limited jurisdiction in this area. On behalf of Council, the Chief Executive Officer requested urgent legislative reform and/or amendments to tackle this problem at the appropriate regulatory level. The following were requested, in line with the Notice of Motion:

- a. Reform to the Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA) allow landlords to terminate leases where tenants are suspected or found guilty of illegal action,
- b. Reform to the Tobacco Products Control Act 2006 (WA) to adopt penalty structures similar to South Australia's reformed legislation, and



- c. Introduction of state-wide amendments to Local Planning Schemes to make convenience stores a discretionary use within city centre zones

The Chief Executive Officer also requested a response to these requests and an estimated timeline for progressing these actions, where agreeable.

The Minister for Commerce; Tertiary and International Education; Multicultural Interest, Hon Dr Tony Buti MLA, provided a response noting that the Cook Government is committed to protecting local communities from the sale and supply of illegal and illicit products, and that the matter has been forwarded to the appropriate Government agencies for consideration when developing the appropriate regulatory response to the issues raised.

The Minister for Health; Mental Health, Hon Meredith Hammat MLA, provided the following response:

The Cook Government will be introducing amendments to strengthen Western Australia's vaping and tobacco laws. These changes are expected to complement national reforms, and ensure Western Australian legislation remains robust and responsive to ongoing challenges, including the sale and supply of illicit tobacco and vaping products.

In the interim, the Department of Health remains committed to enforcing existing regulations under the Tobacco Products Control Act 2006. Since 01 January 2024, the Department of Health has inspected more than 1,970 premises, seizing over 1 million cigarettes and nearly 220,000 vapes. The Department of Health is working closely with the WA Police Force and other Commonwealth enforcement agencies, particularly in matters where serious criminal activity may be involved.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

1. Note that the City will investigate measures to curb the proliferation of convenience type shops as part of the new Local Planning Scheme, including but not limited to:
 - a. Changing land use permissibility, requiring all future convenience stores to lodge for development approval; and
 - b. Development of a detailed policy to augment the Scheme, setting criteria around locations, numbers of similar stores, etc.
2. Continue to engage with relevant authorities on the enforcement of these matters, and continue to emphasise the importance of finalising tighter State Government regulation; and
3. Note that the current status of actions, together with the recommendations above, address all resolutions of the Notice of Motion (C2508-14).



C2602-11 FREMANTLE PARK MAJOR EVENT CONSIDERATION

Meeting date: 11 February 2026
Responsible officer: A/Manager Economic Development and Events
Voting requirements: Simple Majority Required
Attachments: 1. CONFIDENTIAL - Event A - Event application report
2. CONFIDENTIAL - Event A Site Map - Fremantle Park

SUMMARY

The purpose of this report is to seek approval for a major event to be approved outside of the scope of the Outdoor Events Policy.

This report recommends that Council authorise the Chief Executive Officer to approve Event A (as outlined in Attachment 1) to be held at Fremantle Park in late 2026.

BACKGROUND

The City's Outdoor Events Policy applies to all privately managed outdoor events held at designated outdoor event venues.

The policy outlines venues within the City of Fremantle that are deemed as designated outdoor event venues and categorises the venues as either *Gold*, *Silver* or *Bronze*, depending on their suitability to accommodate events.

The policy provides an annual allocation for large and major events for each outdoor event venue along with the following principles which are applied to the scheduling and frequency of events:

- No more than one event will normally be approved on the same day in each venue.
- Scheduling will seek to achieve an appropriate balance between event activity and recreational use.
- Sufficient intervals will be maintained between events to enable venue rehabilitation and upkeep.

The following Large and/or Major impact events that have taken place/are approved to take place at Fremantle Park in 2026:

January 17, 2026 Nick Cave: Bad Seeds Concert

Completed



These events are assessed as either Large or Major events and in line with the Outdoor Events Policy; the Fremantle Park has an allocation of a maximum of one major or one large impact events.

Officers are seeking Council approval for a further one additional major impact event to be granted approval to take place in 2026 held calendar year.

In November 2025, Council endorsed the City proceeding to community consultation on proposed changes to the allocation of events at outdoor venues such as Fremantle Park, Fremantle Oval and Esplanade Park. Although the consultation period only recently concluded on 30 January and is still to be evaluated, the City has received an application for Event A which, subject to approval, would begin promotion in February and open ticket sales in May.

EVENT OVERVIEW

Event A has been used to refer to the event detailed in Attachment 1. This event is being treated as confidential, as the name of the event and detail associated with the event is commercial in confidence at this time and until it is formally announced.

Please refer to specific Event A details in Attachment 1.

Event A is a touring outdoor music event and has been delivered in a range of regional and metropolitan venues and has grown to become a well-recognised outdoor music brand, attracting significant patronage and repeat audiences in each host location.

Event A features major Australian and international artists and are designed as relaxed, daytime-to-evening outdoor concerts. They incorporate food and beverage offerings and place a strong focus on audience experience. In Fremantle, Event A has been hosted at large-scale outdoor venues and has successfully attracted several thousand patrons, contributing to visitation and economic activity in the city.

The event typically attracts a broad adult demographic, with a strong appeal to 25–55-year-olds. Event organisers work closely with local suppliers, contractors, hospitality businesses, and accommodation providers to maximise local economic and community benefits.

Event A has documented an estimated attendance that exceeds the current allocation for Fremantle Park. If approved, the Events team will work with the organisers to determine a suitable maximum patron number of up to 20,000.



The projected increase in attendance compared to previous years is attributed to the potential headline of acts proposed for the event. The final approved capacity will be subject to a range of factors, including site layout, infrastructure requirements, ticket sales, crowd management considerations, and applicable health and safety requirements.

City officers will continue to liaise with Event A to ensure the proposed attendance figures are appropriate for the site and compliant with all relevant health and safety standards.

The submitted site plan will be reviewed in consultation with the event organiser to determine the most suitable positioning of the stage and major event infrastructure. This will include consideration of impacts on nearby residents, informed by learnings from previous large-scale events held at Fremantle Park, including Falls Festival, Blues and Roots and the most recent Nick Cave Wild God Tour.

FINANCIAL IMPLICATIONS – EVENT FEES & CHARGES

Fee Type	Fee Amount
Refundable Bond	\$20,000 (exc. GST)
Application for non-complying event (regulation 18)	\$1,000 (exc. GST)
Obstruction permit	\$136 (exc. GST)
Total exc. GST	\$21,136 (exc. GST)
Application Fee	\$150 (inc. GST)
Hire Fees – 1 x event day	\$11,295 (inc. GST)
Bump in/out fees (Inclusive of 4 Bump-in Days and 3 Bump-out Days)	\$15,820 (inc. GST)
Public Building application – with 25% early bird discount	\$653.25 (inc. GST)
Parking Fees	\$2,686.20 (inc. GST)
Total inc. GST	\$30,804.45 (inc. GST)
TOTAL EVENT FEES	\$51,940



NOTE: Please be aware that the City of Fremantle Fees & Charges for 26/27 are subject to council adoption and may change – this fee schedule is a draft only, City of Fremantle officers will advise of final fees in July 2026.

LEGAL IMPLICATIONS

Formal Event Approval will be provided under a contractual agreement between the event organisers and the City. The City will be recognised as the approver for the event.

Event Approval will be subject to the event organisers seeking all other necessary approvals from required stakeholders and obtaining final public building approval sign off by the Environmental Health team prior to the event commencing on the event day.

STRATEGIC IMPLICATIONS

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

Thriving City - Vibrant and active city centre

- Key city centre places are activated by a diverse program of both programmed and community-driven events and activities.

CONSULTATION

Officers across the organisation including environmental health, infrastructure, parks, and community safety have been consulted and support the addition of Event A within the allocation of Fremantle Park.

The Parks and Recreation team have confirmed they can restore the reserve within their standard restoration works if suitable turf protection measures are in place.

The Environmental Health team are comfortable with the potential impacts of these events taking place can be managed appropriately through the event approval process.

Since the policy came into effect in September 2021, the City has received 14 resident noise complaints about events at Fremantle Park. The recent Nick Cave concert did not generate any noise complaints to date.



OFFICER COMMENT

The Policy was established to identify and endorse suitable venues for outdoor events, define event categories (large and major scale), and allocate an annual number of large and major scale events to these venues.

City officers have assessed Event A application to understand their potential impact on public amenity and nearby residents, particularly regarding noise and other disruptions typically associated with large-scale events. Based on the limited number of complaints received to date about events held at Fremantle Park, officers recommend progressing with approval for Event A.

Noise impacts will be carefully managed, with staging and speaker placement designed to minimise disruption to the community. Regulation 18 approvals, issued by Environmental Health to permit noise levels above those normally allowed under the Environmental Noise Regulations, will align with the standard noise thresholds already established for this venue.

All events must continue to meet the City's existing event approval processes, which consider community and economic benefits, as well as patron and public safety.

Due to its timing, Event A will be approved under the current Outdoor Event Policy but delivered after adoption of the City's new Outdoor Events Policy. As such, the event will be managed and in accordance with the new policy settings rather than the existing policy.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council authorise the Chief Executive Officer to approve Event A (as outlined in Attachment 1) to be held at Fremantle Park in 2026.



C2602-12 TENDER FCC693/25 PROVISION OF HVAC SERVICES

Meeting date: 11 February 2026
 Responsible officer: Manager Infrastructure, Project Management & Facilities
 Voting requirements: Simple Majority Required
 Attachments: 1. CONFIDENTIAL - Evaluation

SUMMARY

The purpose of this report is to consider tender number FCC693/25 for HVAC Services at various City of Fremantle assets.

This report recommends that Council accepts the tender submitted by Australian HVAC in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.

BACKGROUND

The City of Fremantle called for tenders to appoint a suitably qualified and experienced HVAC contractor to provide HVAC services to support the City's asset management. The Contractor will provide reactive and preventative maintenance, and minor works as required.

FINANCIAL IMPLICATIONS

The table below summarises the available budget, current expenditures, recommended tender price by Australian HVAC for the provision of HVAC services and associated expenses:

Budget Account	Account Description	25/26 FY Budgeted Amount	Estimated Expenditure per Annum	Estimated Expenditure over maximum Contract Term
Nat Acc 61123	Facilities Reactive maintenance	\$2,186,640	\$230,000	\$1,610,000
Nat Acc 61125	Facilities Preventative	\$272,000	\$65,000	\$455,000.00
101282	Planned maintenance (Facilities)	\$230,000	\$30,000	\$210,000.00
Total per annum		\$2,688,640.00	\$325,000.00	\$2,275,000.00



Sufficient funding provision has been allocated in the 2025/26 budget and is forecast in the Long Term Financial Plan to deliver the services within budget.

LEGAL IMPLICATIONS

Tenders were invited in accordance with section 3.57 of the *Local Government Act 1995* and the tendering procedures and evaluation complied with part 4 of the Local Government (Functions and General) Regulations 1996.

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

- Infrastructure, services and facilities meet the needs of a growing residential population, and contribute to making the city centre a safe and desirable place to live.

Liveable City - Functional and inclusive recreational facilities

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

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

- Our built heritage is central to our character and sense of place and is retained and protected for future generations to enjoy.
- Adaptive re-use of heritage buildings is enabled through supporting private investment, renewal and innovation.

Thriving City - Vibrant and active city centre

- The amenity and infrastructure that services our inner-city neighbourhoods reflect that of a modern and global city.

Resilient City – A future-proofed asset base that remains functional and accessible to the community

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



OFFICER COMMENT

Detail

Tender FCC693/25 for HVAC services at various City assets was advertised on 9th of December 2025 and closed on 8th of January 2026.

There was not an applicable contract in the WALGA Preferred Supplier Program.

Essential details of the contract are outlined below:

Contract type	Supply of Goods and Services
Contract duration	Five (5) years with two (2) one (1) year extensions
Commencement date	
Completion date	

Tender evaluation

Tender submissions were received from the following contractors and evaluated by the tender evaluation panel:

- Amek Engineering
- Australian HVAC Services Pty Ltd

The tender evaluation panel establishes whether the tender submissions conform to the conditions for tendering and selects a suitably qualified and experienced contractor.

The tender evaluation panel comprised:

- Manager Infrastructure Project Management and Facilities
- Assets Technical Officer
- Facilities Management Coordinator
- Team Leader Facilities Management

Tenderers were required to disclose information that might be relevant to an actual or potential conflict of interest and disclose if they had any relationship with City of Fremantle employees involved in the tender process. Members of the tender evaluation panel are required to disclose any actual or perceived interest with any of the tenderers. No disclosures were made.

To obtain the broadest possible comparison base, each of the tenders was evaluated against the following tender selection criteria and was in turn graded in the tender evaluation matrix.



Item No	Description	Weighting
1	Relevant Experience	20%
2	Key Personnel, Skills and Resources	30%
3	Demonstrated Understanding	40%
4	Sustainability	10%

In line with the recently adopted Procurement Policy and to support value-for-money outcomes, the evaluation panel assessed all submissions qualitatively prior to viewing pricing. Submissions achieving a qualitative score of 55 or higher (the minimum acceptable standard) were then ranked from lowest to highest based only on price.

Two (2) tender submissions received were conforming, and no tender submissions received were non-conforming.

The tender submitted by Australian HVAC scored the highest qualitative rating with 76 points. The remaining tender submissions scored lower than the minimum acceptable qualitative standard.

The results of the qualitative evaluation and pricing for delivery of tender number FCC639/25 HVAC Services at Various City assets are shown in the Confidential Attachment.

The recommended tenderer, Australian HVAC have submitted pricing in line with pretender estimates and shown understanding of the contract requirements through the qualitative criteria.

Australian HVAC, the recommended tenderer, was assessed as having the capacity, resources, experience, and management systems to safely undertake the works and deliver the level of service described in the specification, in accordance with the terms of the tender document.

Environmental considerations

Australian HVAC highlighted waste management methodologies to reduce, reuse and recycle as well actively manage HVAC waste systems and gas management.



Risk consideration

An assessment undertaken by Dun and Bradstreet indicates that Australian HVAC Pty Ltd have a high risk of 8.93% failure, this figure relates to the credit portion of the report only whilst other areas of the report only show low risk, there are no court actions or demonstrated history of concern. The credit portion of the report relates to payments made by the tenderer, the report highlights that 91% of all payments are made within the industry standard payment terms, with only 5% over the 90+ day period.

Given the City of Fremantle pays the tenderer and does not receive payments from them this is relatively low risk.

The recommended tenderer Australian HVAC has no history of supply issues or risk effecting performance. The contract clearly highlights the KPI requirements the contractor must comply with, these KPI measures include time related performance criteria that can be used to manage any issues relating to delays by the contractor. Within the contract there is a non-exclusive use clause which allows the City to use contractors outside of the current contract if the KPI's are not being met.

Given these mitigation strategies City officers deem this low risk and recommend to proceed.

There are no strategic or corporate risks within the City's existing risk registers which relate to the issues contained in this report.

contract specific risk assessments have been developed and will be used in the management of this contract.

References

The City has received references in respect to the recommended tenderer, as follows:

Reference 1 - Local Government

- The referee provided feedback regarding the provision of maintenance services over 5 years and commented on the high quality of work.
- Communication, response times and quality of service were all highlighted as being of high quality and meeting requirements.

Reference 2 - Local Government

- The referee provided feedback regarding the provision of maintenance and project services coming up to 5 years and commented on the high quality of work.



- Quality of work for both reactive maintenance and project works was highlighted as being of high quality and provided within the service time frames.

Comment

Australian HVAC Pty Ltd provided a high level of detail within their qualitative submission, with particular emphasis on their understanding of City requirements, heritage compliance and 24/7 service provision.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

OFFICER'S RECOMMENDATION

Council:

1. Accept the tender from Australian HVAC Pty Ltd for FCC693/25 at the rates tendered for a period of 5 years.
2. Approve the option to extend the contract for up to 2 years (one year plus one year) providing Australian HVAC have performed satisfactorily in accordance with the terms of the Contract.
3. Delegate Authority to the Chief Executive Officer, to approve the option to extend the contract for up to two (2) years providing Australian HVAC Pty Ltd have performed satisfactorily in accordance with the terms of the contract.



C2602-13 TENDER FCC696/25 - LANDSCAPE SERVICES

Meeting date: 11 February 2026
Responsible officer: Manager Parks and Landscape
Voting requirements: Simple Majority Required
Attachments: 1. CONFIDENTIAL - Evaluation

SUMMARY

The purpose of this report is to consider tender number FCC696/25 for Landscape Services on specified reserves, street gardens, carparks and pedestrian access ways across the City of Fremantle.

This report recommends that Council accepts the tender submitted by Landscape and Maintenance Solutions in accordance with the tender evaluation undertaken as per the selection criteria included in the tender document.

BACKGROUND

The City of Fremantle is seeking to engage the services of a suitably qualified and experienced Contractor for the provision of landscape maintenance services. The works includes scheduled landscape servicing of specified reserves, carparks, street gardens and pedestrian access ways. In addition to scheduled servicing, this contract also calls for the provision of a schedule of rates to provide a suite of landscaping services on an as needs basis.

The Contractor is responsible for providing all staff, supervision, materials, supplies and equipment necessary to accomplish the undertaking of all works as per the frequencies, timeframes and service requirements detailed within this document.

FINANCIAL IMPLICATIONS

The table below summarises the available budget, current expenditures, recommended tender price by Landscape and Maintenance Solutions for the set service and additional service schedules:



Budget Account	Account Description	25/26 FY Budget	Amount allocated for this contract (annual)
100316.61123	Maintain Verges and Street Gardens	\$1,044,000	Set Service: \$180,000 Additional Services: \$50,000
100320.61123	Maintain Soft Landscaping	\$577,000	Set Service: \$65,000 Additional Services: \$30,000
Total per annum		\$1,611,000	\$325,000

Sufficient funding provision has been allocated in the 2025/26 financial year budget to deliver the service within budget. This service spans multiple years therefore a commitment to suitable budget provision for future years must be considered.

LEGAL IMPLICATIONS

Tenders were invited in accordance with section 3.57 of the *Local Government Act 1995* and the tendering procedures and evaluation complied with part 4 of the *Local Government (Functions and General) Regulations 1996*.

STRATEGIC IMPLICATIONS

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

Liveable City - Sustainably designed and optimised urban and natural environments

- The community can access and enjoy natural areas and green spaces for passive and active recreation.

OFFICER COMMENT

Detail

Tender FCC696/25 for Landscape Services was advertised on 28 November 2025 and closed on 19 December 2025.

The tender was advertised to the open market to ensure a range of suppliers were able to tender.

Essential details of the contract are outlined below:



Contract type	Supply of Goods and Services
Contract duration	Two (2) years with two (2) further one-year extension options at the sole discretion of Principal
Commencement date	1 March 2026
Completion date	28 February 2030

Tender evaluation

Tender submissions were received from the following contractors and evaluated by the tender evaluation panel:

- Environmental Industries Pty Ltd – ABN: 80 009 156 343
- GLG GreenLife Group Pty Ltd – ABN: 32 684 375 320
- Horizon West Landscape Construction – ABN: 57 630 647 348
- Landscape and Maintenance Solutions - ABN: 48 160 379 608
- Landscape Australia Construction – ABN: 55 645 701 622
- UGC Group – ABN: 51 627 183 448

The tender evaluation panel establishes whether the tender submissions conform to the conditions for tendering and selects a suitably qualified and experienced contractor.

The tender evaluation panel comprised:

- Manager Parks and Landscape
- Parks Coordinator
- Supervisor - Parks and Landscape
- Administration Officer
- Contracts Officer (non-voting)

Tenderers were required to disclose information that might be relevant to an actual or potential conflict of interest and disclose if they had any relationship with City of Fremantle employees involved in the tender process. Members of the tender evaluation panel are required to disclose any actual or perceived interest with any of the tenderers. No disclosures were made.

To obtain the broadest possible comparison base, each of the tenders was evaluated against the following tender selection criteria and was in turn graded in the tender evaluation matrix.



Item No	Description	Weighting
1	Relevant Experience	20%
2	Key Personnel, Skills and Resources	25%
3	Demonstrated Understanding	45%
4	Sustainability	10%

In line with the Procurement Policy and to support value-for-money outcomes, the evaluation panel assessed all submissions qualitatively prior to viewing pricing. Submissions achieving a qualitative score of 55 or higher (the minimum acceptable standard) were then ranked from lowest to highest based only on price.

The six tender submissions received were conforming.

The tenders submitted by Landscape Australia Construction and GLG Greenlife Group scored the highest qualitative rating with 76 points, followed by Landscape and Maintenance Solutions and Environmental Industries with 62 points. The remaining tender submissions scored lower than the minimum acceptable qualitative standard of 55.

The results of the qualitative evaluation and pricing for delivery of FCC696/25 for Landscape Services are shown in the Confidential Attachment. The recommended tenderer was based on an assessment of the qualitative evaluation and value for money.

Landscape and Maintenance Solutions, the recommended tenderer, was assessed as having the experience, skills, resources to safely undertake the works and deliver the level of service described in the specification. Their methodology, works program and reporting system meets the requirements of the specification. Clarifications were sought regarding pricing for respondents deemed as capable of performing the job. Their tender provided the best value for money for the City from the tenderers who met the specification requirements.

Environmental and sustainability considerations

Sustainability was demonstrated through a range of waste and recycling programs, energy reduction through battery powered equipment, GPS technology and works programming, and fuel-efficient fleet. They are a Perth company based in Bibra Lake and employ local.



Risk consideration

An Illion Direct D&B Risk Report indicates that Landscape and Maintenance Solutions have the financial capacity to undertake the contract. There are no strategic or corporate risks within the City's existing risk registers which relate to the issues contained in this report.

References

The City has received references in respect to the recommended tenderer, as follows:

Reference 1 - Private Sector Reference

- Provide all aspects of landscape maintenance of similar scope.
- Good quality work, great response times supported by good administration.

Reference 2 - Private Sector Reference

- Provide landscape maintenance across a large residential precinct.
- Excellent quality of work with attention to detail.
- Very good response times.
- Well organised administration and communication.

Comment

Landscape and Maintenance Solutions are the recommended tenderer for the Contract. Their submission detailed the required experience, personnel, fleet, equipment and systems to deliver the service for the City. They also provided the best value for money from the tenderers who met the City's requirements.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required



OFFICER'S RECOMMENDATION

Council:

1. Accept the tender from Landscape and Maintenance Solutions for FCC696/25 for Landscape Services at the rates tendered for a period of two years.
2. Approve the option to extend the contract for up to two further years (one year plus one year) providing Landscape and Maintenance Solutions have performed satisfactorily in accordance with the terms of the Contract.
3. Delegate Authority to the Chief Executive Officer, to approve the option to extend the contract for up two further years (one year plus one year) providing Landscape and Maintenance Solutions have performed satisfactorily in accordance with the terms of the Contract.



Statutory reports

Nil.

Committee and working group 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