



# Agenda

## Ordinary Meeting of Council

Wednesday 11 March 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 March 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 March 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**

There are no previously received leave of absence.

## **Applications for leave of absence**

Cr Geoff Graham requests a leave of absence from Friday, 3 April 2026 to Tuesday, 28 April 2026 inclusive.

## **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**

The following questions were taken on notice at the Ordinary Meeting of Council held on 25 February 2026:

**Josephine Clarke spoke in relation to matters not on the agenda, including the bushland managed by the City and the lack of Natural Areas staffing, and asked the following questions:**

1. Will the City increase in-house Natural Areas staff to properly manage and conserve the City's natural areas?
2. What is the total cost of using contractors for Natural Areas management?



3. Would employing additional permanent staff be more productive and cost-effective?

**Response by the A/Director Infrastructure:**

Natural Areas are managed by an in house team of 3 (Team Leader and two field staff) supported by Contractors for works. The inhouse staff are responsible for management, monitoring, reporting, Friends of Group liaison, minor works and contract management. They are supported by a range of Contractors for seasonal, specialist and larger works such as bushfire mitigation works, weed control, pest management, sand drift management, beach raking, tree works and larger works such as fencing or track maintenance. The annual budget adopted for contracted works in the 25/26 financial year is \$432,000. The City balances funding and resources across a range of operational areas to deliver prescribed service levels and management requirements.

## Public question time

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

## Petitions

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

## Deputations

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

## Presentations

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

## Confirmation of minutes

### OFFICER'S RECOMMENDATION

**Council confirm the minutes of the Ordinary Meeting of Council dated 25 February 2026.**



## **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

#### **C2603-1 DEFERRED ITEM - NO.37 (LOT 502) SOUTH TERRACE, FREMANTLE - VARIATIONS TO PLANNING APPROVAL DAP004/23 (THREE STOREY TAVERN DEVELOPMENT) (JL VA0008/25)**

<b>Meeting date:</b>	11 March 2026
<b>Responsible officer:</b>	Manager Development Approvals
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	1. Amended Plans
<b>Additional Information:</b> <i>(viewed electronically)</i>	2. <a href="#">Applicant's Planning Report</a>
	3. <a href="#">Applicant's Heritage Impact Assessment</a>
	4. <a href="#">Determination Letter and Notice (26 September 2023)</a>
	5. <a href="#">Site Photos</a>
	6. <a href="#">Amended Internal Heritage Report</a>

#### **SUMMARY**

Approval is sought for amendments to the development previously approved by the Development Assessment Panel (DAP) on 18 September 2023 (ref. DAP/23/02488) at No. 37 (Lot 502) South Terrace, Fremantle for a three (3) Storey Tavern Building.

The key changes to the proposal include:

- Removal of basement,
- Deletion of the balcony addition to South Terrace and Essex Street,
- External material changes,
- Extension of the ground floor awning to cover South Terrace entrance,
- Relocation of 1<sup>st</sup> floor brewery to the corner of Essex Street and Essex Lane, and
- Minor reduction in building height.

The applicant has opted to have the application determined by the Council under Regulation 17a of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The application was previously considered by Council at its meeting on 24 September 2025 whereby the Council resolved to:



***Defer the application to the administration with the advice that the Council is not prepared to grant planning approval for the Variations to Planning Approval DAP004/23 (Three Storey Tavern) at No. 37 South Terrace, Fremantle based on the current submitted plans and invite the applicant, prior to the next appropriate Ordinary Meeting of Council to consider submitting an amended proposal to explore amendments that address concerns expressed in the report in relation to the fenestration of the facades.***

**A revised proposal has been provided, that includes the following changes:**

- **Single colour red brick for the entire external facade of the building,**
- **Adjusted the colour of the wall capping/ flashing to the street facades,**
- **The original glass balustrade removed and introduced a black steel balustrade, and**
- **Introduction of brick arches, with the exception of those to the brewery.**

**While the changes are positive alterations, it is not considered to sufficiently address the requirements for the Central Fremantle Heritage Area and the amended application remains recommended for refusal.**

## **PROPOSAL**

Approval is sought for the following amendments to the previously approved development at the subject site under application ref. DAP004/23 (Three (3) Storey Tavern):

### Floor Plan Layout

Basement:

- Removal of the basement level.

Ground floor:

- Minor internal modifications and layout changes, and
- Changes to ground floor windows and operability.

Level 1:

- Internal room modifications,
- Modifications to internal staircase,



- Potential public arts contribution to underside of awning
- Layout changes for improved efficiency,
- Brewery component removed, and
- Removal of the balcony.

#### Level 2:

- Rearrangement of layout and reduction in overall bar space, and
- Minor changes to the roof-level seating configuration.
- Building height reduced
  - The maximum building height is being reduced from 15.15m to 14.8m (350mm)
  - The building height to South Terrace is being reduced to 13.5m (circa 14.85m to top of plant).

#### Licensed Area

- The overall bar/ licensed space has been reduced from circa 898m<sup>2</sup> to circa 750m<sup>2</sup> (inclusive of the ground floor alfresco).

#### External Modifications

- The first-floor balcony has been removed.
- The external materials and treatments have undergone changes with a simplified palette of materials and reduced articulation and depth to both facades.
- Ground and first floor, ceiling heights reduced by 300mm each.
- Ground floor door and window openings reduced in height from 3100 to 2650mm.
- Face brickwork changed from a 'recycled look' red brick to cream brick.
- Extent of face brickwork substantially reduced and replaced with painted rendered brick or painted metal paneling.
- Brick details deleted including soldier course to parapet coping, window and door heads and three centered arches.
- Recess brick detail to 'piers' modified with painted render finish added to recess.
- Parapet/ balustrade to roof deck replaced with glass balustrade
- Elevated seating to corner of roof deck removed, and
- Wall cladding to roof top bar changed from metal cladding in a natural brushed finish to fibrous cement sheeting painted light brown.

Refer to Figure 1 below for a comparison between the approved and proposed elevations as seen from South Terrace.



**Figure 1** – Comparison Streetscape perspective 2023 approval (left) to current VA amended plans (right)

Where relevant, each of the above changes has been assessed and discussed in detail in the Officer recommendations.

The applicant opted to lodge several sets of amended plans after several meetings with City Officers and post DAC meeting. The latest version of amended plans included the following changes from what was originally submitted for this application:

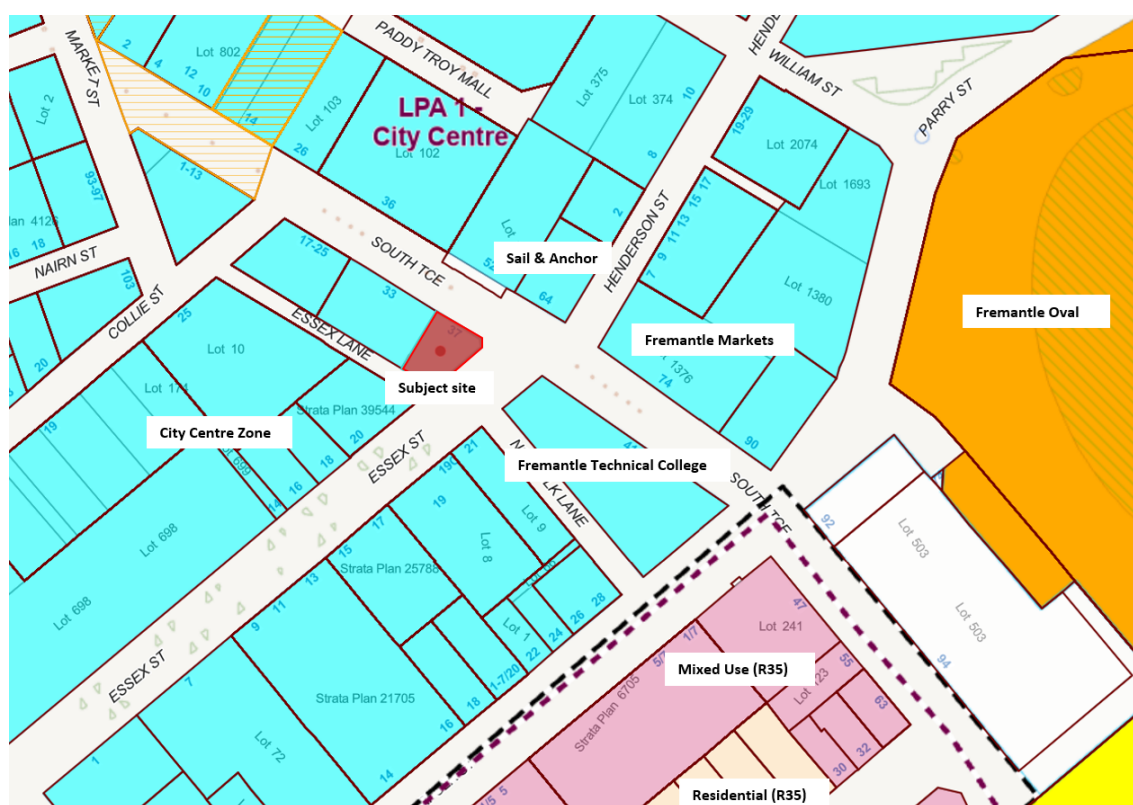
- Extending the South Terrace ground floor awning to cover the entire northern elevation,
- Amended brick colours to both facades,
- Modification to all windows and arched sunshade devices,
- Introduction of red coloured brick to corner element of building,
- Third floor awning amended to wrap around the upper floor elevations
- Inclusion of two small windows to the first floor near the corner treatment,
- Modified and increased brick parapets to the western and southern elevations reducing the glass balustrade components,
- Reintroducing some opening windows to the ground floor windows on both South Terrace and Essex Street

## **BACKGROUND**

The subject site comprises of one (1) lot with a total land area of 435m<sup>2</sup> located at No. 37 (Lot 502) South Terrace, Fremantle. In summary, the subject site is described as follows:

- Zoned 'Central City Zone' under the MRS and 'City Centre Zone' under LPS4.
- Is located on a corner site with three lot frontages to South Terrace, Essex Street and Essex Lane.

- Is located within Local Planning Area 1 – City Centre, Sub Area 1.3.1 – West End under LPS4.
- Is located within the Central Fremantle Heritage Area and is located adjacent to several State Heritage Registered sites including the Fremantle Technical College (41 South Terrace), the Sail and Anchor (64 South Terrace) and the Fremantle Markets (74 South Terrace).
- The immediate locality surrounding the subject site is zoned City Centre Zone, with the area further to the south-east past Norfolk Street being zoned Mixed Use (R35). Refer figure 1 below for site context map.



**Figure 2 - Site Context Map**

The following planning history is relevant to the subject application:

- On 18 September 2023, the DAP approved a three (3) storey Tavern building to be constructed (Ref: DAP/23/02488) on the subject site. Refer to additional information 1 for copy of DAP's decision notice and stamped approved plans.
- On 2 May 2025, the applicant lodged a variation application proposing changes as outlined in the 'Proposal section' above, stating the following reasons for the variation application:



*SHG have worked hard to implement the development approval granted in September 2023. Unfortunately, due to a range of factors outside of the proponent's control (particularly ongoing and sustained construction cost escalation), it has not been possible to act on the development approval.*

*SHG have been diligently and conscientiously working to consider what minor amendments could be made to the approved plans to maintain the overall development intent and approach whilst allowing for an improved development feasibility.*

*SHG are now seeking an amended approval to proceed with this updated design, which refines the project's original vision and continues to achieve reactivation of a key site within the Fremantle City Centre.*

## **FINANCIAL IMPLICATIONS**

Nil

## **LEGAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

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

### **Thriving City - Attraction and retention of diversified investment and talent**

- A diverse range of employment options across multiple sectors enable more people to work in Fremantle.
- Investment in quality property development enables more people to live and work in the city centre.

### **Thriving City - A resilient seven-day economy**

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

## **CONSULTATION**

Public Consultation



The application was not required to undergo community consultation as no new discretion was being sought with the proposed amendments.

### Consultation with Government Agencies

#### *Heritage Council of Western Australia (HCWA)*

The amended application was referred to the Heritage Council at the Department of Planning, Lands and Heritage due to the site being located adjacent to buildings listed on the State Heritage Register (Fremantle Technical College, Sail and Anchor Hotel, and Fremantle Markets).

The Heritage Council advised that in accordance with the amended plans submitted, the amended proposal is supported subject to the same conditions and advice notes requiring a detailed signage proposal. Therefore, condition 17 of DAPS original determination remains valid as seen in additional information.

#### *Fremantle Port Authority*

The site is located within the Fremantle Port Buffer Area 2 and was therefore referred to the Fremantle Port Authority (FPA) for their comments on the proposal. FPA advised that they are supportive of the proposal but require the provisions of LPP 2.3 (Area 2) to be integrated within the design. A condition has been recommended to ensure compliance with LPP2.3 prior to the lodgment of a building permit. Therefore, condition 8 of DAP's original determination also remains valid.

### Design Review Panel Advice

The amended proposal was presented to the City of Fremantle Design Advisory Committee (DAC), after the variation application was formally lodged in May 2025. A brief DAC presentation timeline of the original and amended proposals is as follows:

**Table 2 – Design Review Timeline**

<b>Timeline</b>	<b>Date</b>
Variation Application formally lodged	2 May 2025
Design Review 5 (DR5)	12 May 2025
Amended plans received	30 July 2025

As noted above, the applicant submitted amended plans on 30 July 2025 in response to the comments made by the DAC in its DR5 meeting. The applicant declined the opportunity for these amended plans to be reviewed again by DAC.



The DAC’s final recommendations from DR5 are summarised in the following table, and the City’s officers make the following comments:

**Table 3** – DAC Final recommendations (DR5) on the final set of plans and the City’s response

<b>DAC final recommendations</b>	<b>City’s Response to Amended Plans (30/7/2025)</b>
Consider a more holistic approach to cost reduction, ensuring that the overall design intent is not compromised in the process. Re-evaluate how the building relates to the surrounding heritage context through streetscape analyses, 3-D view from street level, material selections etc.	The City notes the comments made by the DAC in regard to the Level 2 roof-top awning. The applicant has amended the awning design to wrap around the corner as originally approved which is a positive design outcome.
Re-consider the removal of the first-floor verandah or, if this is deemed necessary, re-evaluate the character and architectural language of the proposal to responds to the context.	The amended design doesn’t include reinstatement of the first-floor balcony.
Evaluate the implications of altering the height of the building by assessing the street elevations against the existing fabric and heritage character.	The City notes the comments made by the DAC and the proposed amended plans actually result in a lower building than originally approved. The slight reduction of 350mm is considered inconsequential but supportable.
Re-consider the northern corner of the site, its relationship with the internal functions of the building, the boundary condition and its impact on the streetscape. Assess its relationship with the current proposal for the adjacent site and consider an appropriate solution.	The amended design has been altered to change brick colour and introduce two small windows to the upper floor Essex Street and South Street corner treatments.  These window additions are considered slight positive additions, and whilst some amendments have been explored, the corner treatments need more attention and prominence, as it currently lacks depth to the faced treatments/ masonry work on this corner.
Re-assess the proposed arches on the elevations by considering historical,	The amended plans incorporate a metal perforated arch treatment to all window



contextual examples, including size and scale of openings etc.	openings. This may be too simplistic and lacks depth and articulation resulting in a plain, flat façade treatment.
Re-consider the introduction of glass balustrading on the rooftop edge, by either making it less visible from the street or by returning to a material that is more appropriate for the heritage context.	The amended plans now incorporate small masonry extensions to the northwestern corner, northeastern corner and south eastern facades with glass balustrade infill.
Consider more carefully the importance and resolution of the corner, noting that this consideration is typical in heritage architecture in this locality.	As noted above.
Consider reviewing the rooftop shade canopies to better integrate them into the overall design and render them less visible from the street.	Rooftop canopy amendments are now proposed with the awning structure wrapping around like the original approved awning, which is a positive amendment.
Consider how landscaping will be better integrated within the building.	The reiterations of amended plans don't show any changes to the landscaping proposed as part of this variation application.
Consider working with the City to introduce street trees.	As noted above.
Consider how to better integrate the fire stairs in the planning.	Latest amended plans show the rear fire stair structure having a reduced setback to Essex Street but still out of place and unusual in its appearance.
Consider how solar penetration through openings will be addressed if the verandahs are to be removed.	Perforated arched metal awnings shade structures proposed to the top of all windows.
Provide a proposition for an integrated public art work.	Artwork locations are now shown to underside of ground floor awning and / or rear Essex Lane faced as potential location for public artworks. Public Art (either via on site artwork or contribution) is a condition of approval and any on site solution will require review by the City's panel.



The concluding remarks of DAC from DR5 were as follows:

*The Panel appreciates the proposed changes come about from a need to reduce costs but encourages the proponent to consider any shifts in design more holistically. Given that there has been a change of architects, the intent of the previously supported design should be respected, and any revision should be assessed with this in mind, establishing a new identity for the proposal.*

*The Panel does not support the proposed removal of elements from the scheme or changes to materials, without careful consideration of the implications on the overall nature and character of the building design, within its heritage context.*

Whilst some minor changes have been included which help resolve some aspects of the amended development, most of the DAC's advice has not been adequately addressed.

#### **OFFICER COMMENT**

Below consists of a planning assessment against relevant local planning policies and *State Planning Policy 7.0 - Design of the Built Environment policy*. In addition to this, Council is also required to consider the matters specified in clause 67 of the *Planning and Development Regulations (Local Planning Scheme) 2015* (P and D regs).

The specific provision of Cl.67 of the P and D regs which relate to this assessment include:

- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located; and*
- (m) *the compatibility of the development with its setting, including —*
  - (i) *the compatibility of the development with the desired future character of its setting; and*
  - (ii) *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*



*(iii) social impacts of the development;*

Each of these above matters to consider will be discussed in detail below.

### Local Planning Policy

#### *Local Planning Policy 1.1 – Planning Refunds, Amendments, and Community Consultation*

Clause 2.2 of LPP1.1 states that –

*In determining an amendment to a planning approval, the local government will consider whether the nature and extent of the proposed amendment is such that the use or development the subject of the planning approval:*

- a) remains, in substance, the same; or*
- b) is changed so a new and different use or development is proposed.*

The amendments to the previously granted planning approval involves:

- the removal of a basement,
- minor internal room layout and staircase alterations,
- a minor reduction in building height,
- deletion of first floor balcony, and
- external material and architectural changes to the facades of the building.

It is considered that the proposed amendments are, in substance, the same as the current approval. The use will remain as a Tavern land use. The application is therefore considered appropriate for consideration as an amendment to the previously granted planning approval.

#### *Local Planning Policy 1.6 – Heritage Assessment and Protection*

LPP1.6 requires a Heritage Impact Statement to be prepared by a qualified heritage professional for any proposal that may impact any heritage place and/or area listed on the State heritage register or the City's Heritage List. The purpose of a Heritage Impact Statement is to consider the impact of a specific proposal (e.g. development) on the cultural heritage significance of a heritage place or area. Where a proposal is accompanied by a proponent-commissioned Heritage Assessment or Heritage Impact Assessment, the City will undertake its own assessment but may draw on information submitted.



The applicant provided a Heritage Impact Statement (HIA) which accompanied the variation application and which is included as additional information.

The applicants HIA key findings include

- *37 South Terrace is a non-contributory site within the Central Fremantle Heritage Area and is not part of the State Registered West End, Fremantle (place no.25225). The existing building was constructed in 1989 and is not related to any historic fabric.*
- *The Central Fremantle Heritage Area holds significant value for the City of Fremantle, characterised by its cohesive townscape, early settlement and convict history, and continued commercial use as an Old Port City and Fremantle Port.*
- *The existing building lacks architectural merit on a heritage-based value but is an integral part of the South Terrace food and beverage strip, coexisting with adjacent heritage buildings.*
- *The proposed development includes demolishing the 1989 building and constructing a two-storey building with a ground and first floor hospitality, partial perimeter ground floor alfresco verandah, and a partially enclosed rooftop terrace.*
- *The visual impact of the roof terrace is mitigated by its setback, ensuring the building appears as two storeys from the public realm, preserving the landmark qualities of nearby heritage buildings.*
- *The ground floor alfresco verandah extending over the street footpath aligns with the historic architectural features and character of Colonial Fremantle.*
- *There is little to no potential for Aboriginal and historical archaeology on the subject site due to the extensive historic ground disturbance.*
- *The proposed facade is designed to complement the South Terrace typology and the wider Central Fremantle Area, using a mostly brick facade with reddish tones. Contemporary elements will not detract from the finer architectural details of adjacent buildings.*
- *Based on these findings, the proposed works are supportable from a heritage perspective.*

The City also conducted its own assessment (additional information) on the recent submitted amended plans, which has been summarised in the City of Fremantle Heritage Comment section below. Upon review of the latest copy of amended plans the following concerns were raised:

- Removal of upper floor to verandah.
  - The two storey verandah was a key feature of the original approved design that balanced the façade composition and tied it



into the surrounding heritage context. The loss of this element has not been mitigated by other changes to the design or addition of new elements.

- Lack of articulation and detail to South Terrace and Essex Street facades.
  - The facades are flat with little depth and texture or projecting elements to enliven the composition and provide texture and shadows. This is more noticeable following the removal of the upper level of the verandah.
  
- Loss of detail and quality finishes
  - Large areas of face brickwork replaced with rendered masonry.
  - Textural red brick replaced with plain cream brick.
  - Brick details removed.
  - Brushed sheet metal cladding to roof top bar replaced with painted fibrous cement sheet
  
- Replacement of brick parapet with glass balustrade

The applicant has made modifications to façade elements, however these have been generally minor and often limited to changes in surface treatments and colours.

#### *Local Planning Policy 3.6 – Heritage Areas*

The proposed development is located within the Central Fremantle Heritage Area. Being a cohesive townscape, that is relatively intact with a high level of significance. This portion of the heritage area is not part of the State Registered West End, however, does provide a concentration of original commercial buildings.

The proposal has been assessed against the relevant provisions of Local Planning Policy 3.6 (LPP3.6) Heritage Areas as detailed in Table 7 below.

#### ***Table 7 – LPP3.6 Heritage Areas Assessment***

Since determination of the original development, LPP3.6 has undergone a significant review and been amended. The below table outlines the relevant criteria of LPP3.6 relevant to this variation application:



<b>14.9 Infill Buildings (Commercial)</b>	<b>Officer Comments</b>
<p><i>Where the prevailing streetscape is commercial in character, infill development is to sympathetically respond to the siting, form, articulation and materials of the commercial context.</i></p>	<p>While the revised infill building responds very broadly to the siting and scale of the context, it does not respond as well to the floor-to-floor levels of the surrounding context. The design is:</p> <ul style="list-style-type: none"> <li>• Consistent with front, side setback patterns, including truncated treatment of street corner</li> <li>• Consistent with bulk and scale of context as it is a two storey building with concealed roof</li> <li>• Inconsistent with the plate heights of surrounding development. The plate height of the original approved design was consistent with the context, but this revised scheme has reduced the plate height of both levels by 300mm making it less consistent. Changes to the plate height have affected the size and shape of door and window openings.</li> </ul> <p>The form of the proposed development as amended is not considered to harmonise well with the predominant building form of the surrounding context because the proposed variations have removed elements that made a significant contribution to the overall composition of the building form.</p> <p>Whilst the form of the building has some similarities to the traditional hotel typology in the area in its size, shape and arrangement of parts, it is not consistent with this form because it no longer has a 2 storey verandah, it does not have a strong cap to the facades such as a deep parapet or cornice element, the window sizes are inconsistent and it does not exhibit the high quality details and material that would create a corner landmark.</p> <p>The building does not respond to the articulation and detail of the surrounding buildings as the facades are shallow with minimal depth to reveal, few projecting elements, and a general oversimplification of form. The removal of the two storey verandah with its strong vertical and horizontal elements, detail and shadows have removed much of the external articulation to the upper floor.</p> <p>The building does not exhibit faux or mock heritage elements, but it also isn't considered to successfully blend with the surrounding streetscape by responding to its heritage character in a modern contemporary way. This</p>



	<p>visual difference will make it the dominant element in the streetscape.</p> <p>The revised plans have removed most of the brick detailing to the façade including the articulated brick coping to the parapet, the soldier course lintel details over door and window openings and the three centered arches to the ground floor openings. The vertical recess detail to the facades is one of the few elements that has been retained but the quality of this detail has been diminished by rendering and painting the interior of the recess because it removes the sense of depth and materiality that it provides to the face brick façade. The extent of brickwork has also been reduced and replaced with rendered masonry and FC sheeting.</p> <p>The use of face brick enlivens the façade with texture but use of a cream-coloured brick is again not considered to appropriately respond to the historical context where face brickwork is typically a red brick with variation in tone and colour resulting from traditional firing techniques. The use of red brick in the corner of the building is a positive change but overall, quite tokenistic and does not tie into the larger façade compositions giving the feel of surface application rather than authentic depth and texture.</p>
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The City again reviewed the amended proposal and provide the following comments:

*The works proposed in this application are NOT acceptable as they will have a negative impact on the heritage values of Central Fremantle Heritage Area and the adjacent state heritage listed places.*

*While the applicant has made a number of minor revisions to the scheme initially submitted in VA0008/25, the extent of change has not been sufficient to create a building that will make a positive contribution to its highly significant heritage context.*

As a result of the above assessment, the amended proposal is not considered to address the provision of LPP3.6 nor cl67(l) of the Regulations.

State Planning Policy

*State Planning Policy 3.5 - Historic Heritage Conservation*



Clause 6.6 Development Control Principles of State Planning Policy 3.5 – Historic Heritage Conservation (SPP3.5) includes provisions for development within heritage areas. The proposed amendments to the previous approval are not considered to be consistent with clause 6.6 of SPP3.5, as the cumulative impact of the material and design changes on the character and quality of the previous approved building are no longer evident and therefore the variations are not considered to appropriately respond to the surrounding highly significant historic streetscape of South Terrace/ Market Street.

*State Planning Policy 7.0 - Design of the Built Environment*

An assessment has been conducted against the design principles of SPP7.0 Design of the Built Environment. As part of the DAC review, the amended proposal was considered against the ten principles and relevant commentary is added below:

1. Context and Character - *Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.*

Upon review, DAC and the City acknowledge that the proposed changes have fundamentality come from a need to reduce costs and value engineer the project to make it financially feasible.

However, the holistic design approach taken in the original approved development shouldn't be compromised and concerns regarding the following aspects of the amended development remain outstanding:

- The removal and revision of key elements of the original approved development have proceeded without a clear assessment and evaluation of the overall impact on the coherence of the previously presented design.
- The removal of the first-floor balcony and verandahs has resulted in a building with an industrial appearance within a heritage context that is not industrial in its character.
- The removal of the verandah on the first floor has negative implications on street activation, massing, scale and character.
- The architectural treatment of the northern corner as a point of entry needs reassessment as this entrance should be a primary point of entrance.
- The wide arches on the first floor are out of character with the immediate surrounding heritage context, and DAC recommends that an assessment of the heritage impact and streetscape analysis should have been undertaken.
- The introduction of glass balustrading on the rooftop is not in keeping with the character of the surrounding heritage context.



- The proposed revision of the shade canopies on the rooftop, noting that their fragmented nature and mixed materials are not coherent with the form of the upper level.

The applicant submitted amended plans with minor changes to the window archways, the metal awning window treatments, reduced the amount of glass balustrading to the rooftop terrace and reinstated more masonry balustrade to the rooftop. These are positive amendments, but do not provide sufficient improvement to the overall design quality of the development.

2. Landscape Quality - *Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.*

The rooftop planter boxes were reviewed by DAC and were not considered to be favourable substitutes for the integrated rooftop garden structures previously presented. Also, the applicant was encouraged to explore street trees with the City on both the South Terrace and Essex Street verge areas. The most recent amended plans didn't respond to DAC feedback on these matters.

3. Built form and Scale - *Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.*

Whilst the general building massing and heights of the amended proposal are slightly lower than the original approval, the new design and its significant refinements has resulted in a development which is not appropriate nor is it in keeping with the heritage character of the locality.

4. Functionality and build quality - *Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.*

The new proposed fire escape stairs should be improved as they look to be a foreign rooftop addition that hasn't been well considered.

With regards to build quality, the reconfiguration of external materials has resulted in a simpler and cheaper selection of materials which also has resulted in a lesser quality of building. Replacement of the third-floor metal cladding profile with standard cement fibre sheeting, along with the recycled brick option being



replaced with new style bricks means the external appearance has lost a lot of the original higher quality and supported features.

5. Sustainability - *Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.*

DAC noted that the removal of the verandahs on the first floor means that the openings now have no shade provisions. These comments were considered by the applicant, and the recent amended plans incorporate an arched perforated metal arch awning treatment to all window openings. As discussed above, these additions are not considered appropriate and have resulted in a simplified facade which lacks depth and articulations. The Tavern land use remaining is again a land use which is supported and will help support and contribute to economic offerings of the City centre.

6. Amenity - *Good design optimises internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.*

No specific comments were made by DAC on this principle. The applicant did submit amended plans which DAC haven't reviewed, which reintroduced a brewery component to the upper floor Essex Street and Essex Lane corner and repurposed the old brewery component which fronted Sout Terrace into interactive tavern floor area. Both are welcome changes which would assist in provided interaction and amenity for both Tavern occupants and street users. Again, the key concerns relate to the visual amenity of the building and what has been eroded and lost with this amended proposal.

7. Legibility - *Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.*

DAC raised comments on the importance of the South Terrace and Essex Street corner of the site, pointing out that its prominence on the streetscape and relationship to the adjacent urban context should be emphasized and celebrated as the main point of entry. Whist the applicant has attempted to address DAC comments with the introduction of red brick to the corner entrance and awning cover over the South Terrace western entrance, the legibility of the amended design is not an ideal outcome, and the approved development is a better and preferred outcome.



8. Safety - *Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.*

No specific comments were made by DAC on this principle.

9. Community- *Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.*

DAC noted that the previously proposed artwork on the underside of the ground floor canopy was no longer present on the version presented back to DAC and as such recommended this be reconsidered. The applicant lodged amended plans which reinstated the artwork to underside of the ground floor awing and a portion of the Essex Lane Facade. Both are considered acceptable additions.

10. Aesthetics - *Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.*

Whilst the City and DAC both appreciate the proposed changes come about from a need to reduce costs for the project, the design hasn't been reconsidered holistically. The intent of the previously supported design has not been respected, and the original aesthetic appearance of the building and new chosen building materials will result in a poor heritage and architectural outcome.

As outlined in the above DAC commentary and LPP3.6 assessments, the amended proposal is not considered to result in positive changes to the previously approved development. Ultimately, the higher quality design and architectural features of the approved development are no longer evident in this variation application and as such the proposed amendment doesn't address the design principles of SPP7.0.

Again, the amended proposal is not considered to address the clause 67(m or n) of the Regulations.

#### **ADDITIONAL OFFICER COMMENT**

Following the Council meeting on 24 September 2025, the applicant has submitted amended plans to make improvements to the architecture as well as how the building fits within the character of Fremantle. The changes include:

- Single colour red brick for the entire external facade of the building,
- Adjusted the colour of the wall capping/ flashing to the street facades,

- Glass balustrade at the top of the building replaced with a black steel balustrade, and
- Introduction of brick arches, with the exception of those to the brewery space.



**Figure 2** – Comparison of streetscape perspective between original VA008/25 (left) and current VA amended plans (right)

The Amended Development Plans (Attachment 1) are accompanied by a Planning Report, City's Heritage Assessment and Applicant's Heritage Impact Assessment (additional information).

These changes are considered to be improvements to the previously submitted plans, responding better to context and the Fremantle character. Specifically, the replacement of glass balustrading with a fabricated steel balustrade and the use of red brick reflects the more industrial character of Fremantle.

However, upon detailed heritage review, concerns still remain about the quality of the architectural detailing and consequently how the amended development will respond appropriately to the context and heritage significance of the Central City Heritage Area. There are also concerns regarding how the revised plans address the criteria of SPP7.0.

The heritage aspect of this proposal has been a key consideration in the assessment of the application. After completing a comprehensive assessment of the various aspects of the proposal against LPP3.6 - Heritage Areas policy as well as receiving comments and advice from DAC, the proposal is recommended for refusal.

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required



## **OFFICER'S RECOMMENDATION**

### **Council:**

**REFUSE, under the Metropolitan Region Scheme and Local Planning Scheme No. 4, Variations to previous development approval for DAP/23/02488 (Three Storey Tavern Development) at No.37 (Lot 501) South Terrace, Fremantle, as detailed on plans dated 2 February 2026, for the following reasons:**

- 1. The amended development is inconsistent with clause 3.6.2 of the City of Fremantle's Local Planning Policy 3.6 Heritage Areas as it will have a negative impact on the heritage values of the Central City Heritage Area.**
- 2. The proposal is inconsistent with clauses 67(k), 67(l), 67(m) and 67(n) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Deemed Provisions* as it will negatively impact a place of cultural significance and have a negative impact on the cultural heritage significance of the area by virtue of the siting, scale, architectural style and form, materials and finishes of the proposed development.**
- 3. The proposal is inconsistent with State Planning Policy 7.0 - Design for Built Environment, specifically the Context and character, and Quality and aesthetics Design principles which will result in a poor design outcome.**



**C2603-2      ATTFIELD STREET, NO. 52 (LOT 1), FREMANTLE -  
ADDITIONS AND ALTERATIONS TO EXISTING SINGLE  
HOUSE - (CR DA0330/25)**

<b>Meeting date:</b>	11 March 2026
<b>Responsible officer:</b>	Manager City Planning
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	1. Amended Development Plans
<b>Additional Information:</b> <i>(viewed electronically)</i>	2. <a href="#">Applicant Justification Letter</a> 3. <a href="#">Heritage Impact Statement</a>

**SUMMARY**

**Approval is sought for two storey additions and alterations to an existing Single house at No. 52 (Lot 1), 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:**

- **Boundary walls**
- **Building height**
- **Impact on heritage significance**

**The application is recommended for refusal.**

**PROPOSAL**

**Detail**

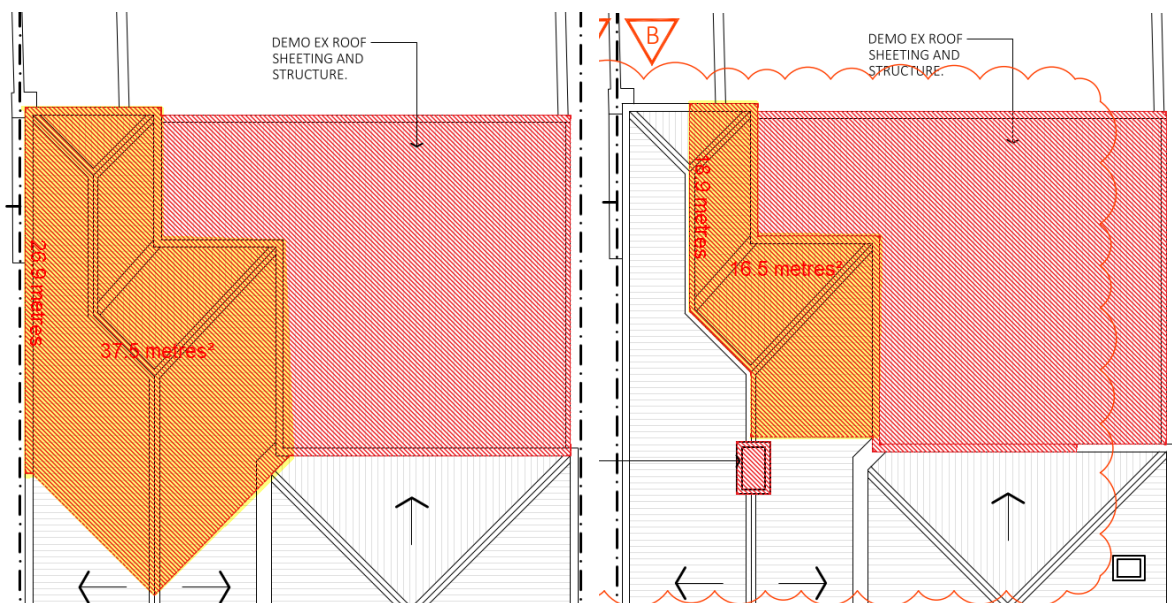
Approval is sought for rear two storey additions and alterations to an existing Single house at No. 52 (Lot 1) Attfield Street, Fremantle (subject site). The proposed works include:

- Demolition of portions of external eastern wall, external northern wall and various internal walls and openings.
- Demolition of 1 (one) chimney and two (2) fireplaces.
- Demolition of the eastern portion of the roof.
- Construction of a two storey addition to the rear (east) of the site.
- Doorway opening to northern neighbouring access leg.

The applicant submitted amended plans on 29 January 2026 including the following:

- Retain one (1) fireplace.
- Reduced demolition of rear roof and footprint of proposed two storey addition to the existing heritage dwelling as detailed by Figure 1 below.
- Removed proposed lift to rear two storey addition.
- Removed doorway opening to northern neighbouring access leg.
- Proposed new chimney to replace demolition of existing with reclaimed bricks from demolition.
- Changed dimensions of proposed internal openings to be consistent with existing doorway dimensions.

Amended development plans are included as attachment 1.



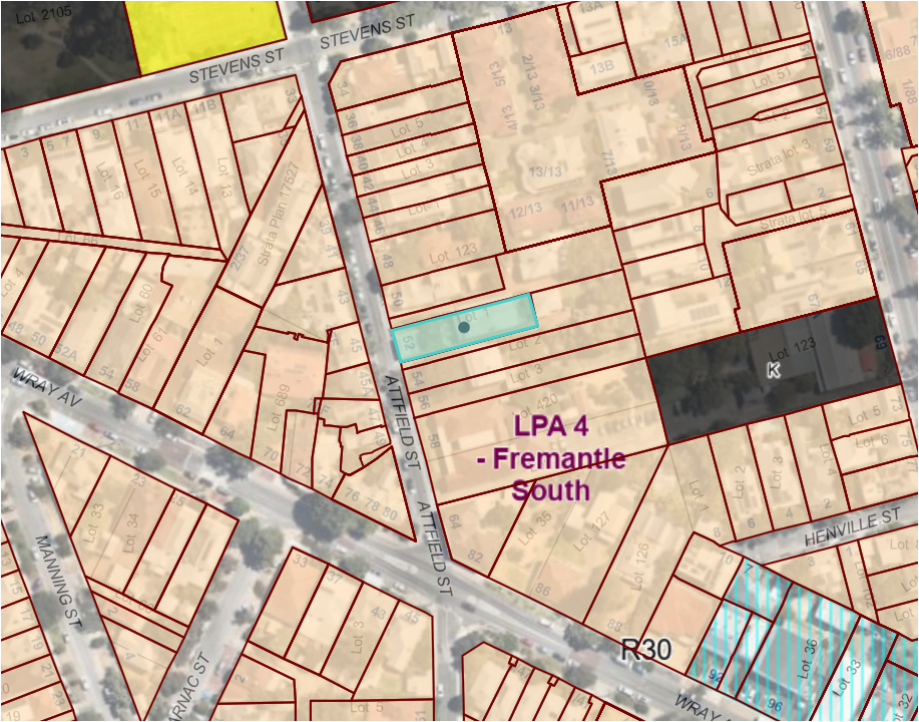
**Figure 1** – Original plans with proposed roof (yellow shaded) and patio (red shaded) demolition (left) compared to amended plans (right). Amended plans indicated existing chimney to be demolished (red shaded) and chimney to be retained (unshaded).

### Site/application information

Date received: 2 October 2025  
Owner name: Kelly Ann Boucher & Ian Murray Longley  
Submitted by: Keen Architecture  
Scheme: Residential (R30)  
Heritage listing: Level 3



Existing land use: Single House  
Use class: Single House  
Use permissibility: P



**Figure 2 – Planning Context Map**



**Figure 3 – Aerial image of subject site**



## **CONSULTATION**

### **External referrals**

Nil required.

### **Internal referrals**

#### *City of Fremantle Heritage*

The Subject Site is a level 3 heritage listed property. The following heritage elements are proposed to be demolished:

- Rear external walls and roof
- 1 (one) original chimney
- Fireplace to Bed 1
- Wall adjacent to entry, altering entry and hallway
- Whole wall between Bed 1 and Bed 2 with no nibs being retained
- New doors in original walls internally
- New window in original wall externally
- Original walls to side and rear

The extent of demolition is considered unnecessary to achieve the desired outcome, particularly with regard to the fireplace, chimney, and the portion of original rear roof. Due to the impact of proposal on the existing heritage fabric (as outlined in heritage impact statement and in LPP 3.6 below), the demolition and rear additions and alterations do not comply with the requirements of LPP 3.6 heritage-protected Places Built Form and Land use or good conservation practice.

The removal of the rear roof, chimney and fireplace will have a negative impact on the heritage values of 52 Attfield Street, Fremantle. This impact is not mitigated by provision of a replacement chimney in a different location on the roof.

The City's Heritage Impact Assessment is included as additional information.

### **Community**

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the proposal sought merit-based assessment against the R-codes and local planning policies. The advertising period concluded on 18 November 2025, and one (1) submission was received. The following issues were raised (summarised):

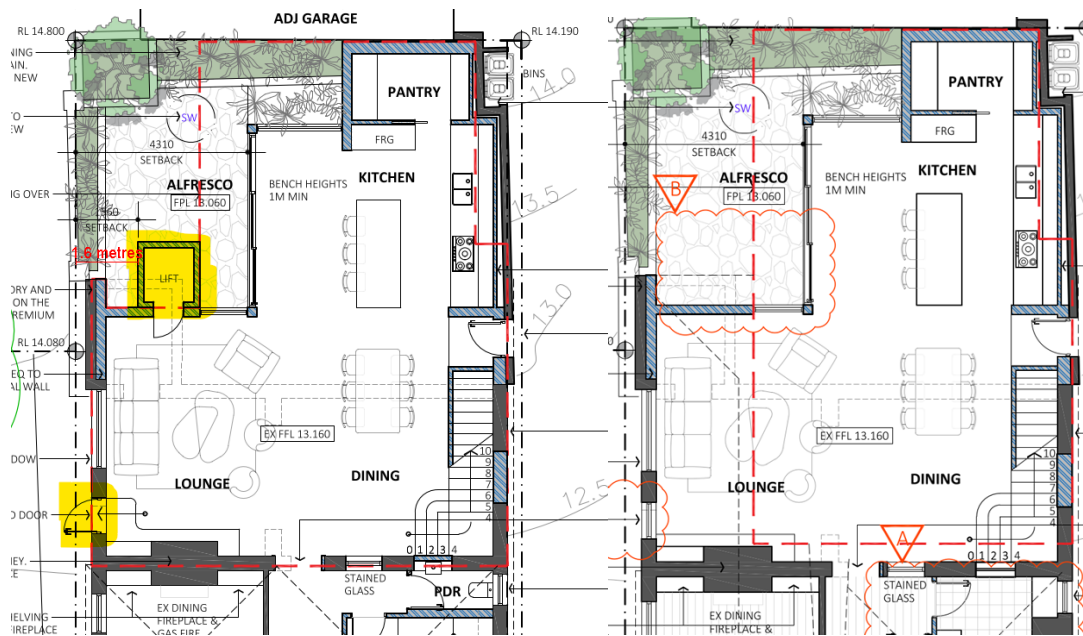
- Concerns with eastern boundary wall and northern lot boundary setback.

- Impact of building bulk, scale and height of proposed discretions.
- Concerned plans were misrepresenting adjoining property’s scale to lessen impact of proposed additions on eastern adjoining property.
- Proposed doorway to access leg has no legal access to northern property’s access leg.

In response to the above, the applicant submitted revised plans to address the following:

- Applicant removed proposed lift, further increasing lot boundary setback and reducing building bulk to north (setback proposed: 3.1m, deemed-to-comply: 1.2m) (see figure 4 below).
- Doorway to access leg removed.
- Roof of adjoining property shown on eastern boundary of submitted plans is not taken in assessment consideration for eastern boundary wall.
- Applicant updated plan to include eastern adjoining property roof on first floor site plan.

The remaining comments are addressed in the officer comment below.



**Figure 4 – Doorway to northern adjoining access leg and lift highlighted in original plans (left) and shown removed in amended plans (right)**



## **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 wall (east)
- Building height
- Impact on heritage significance

The above matters are discussed below.

### **Background**

The subject site is located on the eastern side of Attfield Street. The site has a land area of approximately 534m<sup>2</sup> and is currently a single storey Single house. The site is zoned Residential and has a density coding of R30. The site is individually heritage listed at Level 3 and is not located within a heritage area.

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

- Rear laundry was renovated in 2021 in DA0382/21.
- Side and rear boundary fences to rear south and east added in 2013 in DA0416/13.

### **Land Use**

A Single house is a 'P' land use within the Residential zone which means that the use is permitted by the Scheme.

### **Boundary Walls**

Eastern Boundary wall  
Height: 6.1m  
Length 7.5m

The boundary wall height and length exceed deemed-to-comply criteria for boundary wall as per residential design codes 5.1.3 Cl 3.2. The proposed eastern



boundary wall is assessed against Tables 2a and 2b for lot boundary setback as per 5.1.3 Cl. 3.1 of the Residential Design Codes volume 1 as shown below:

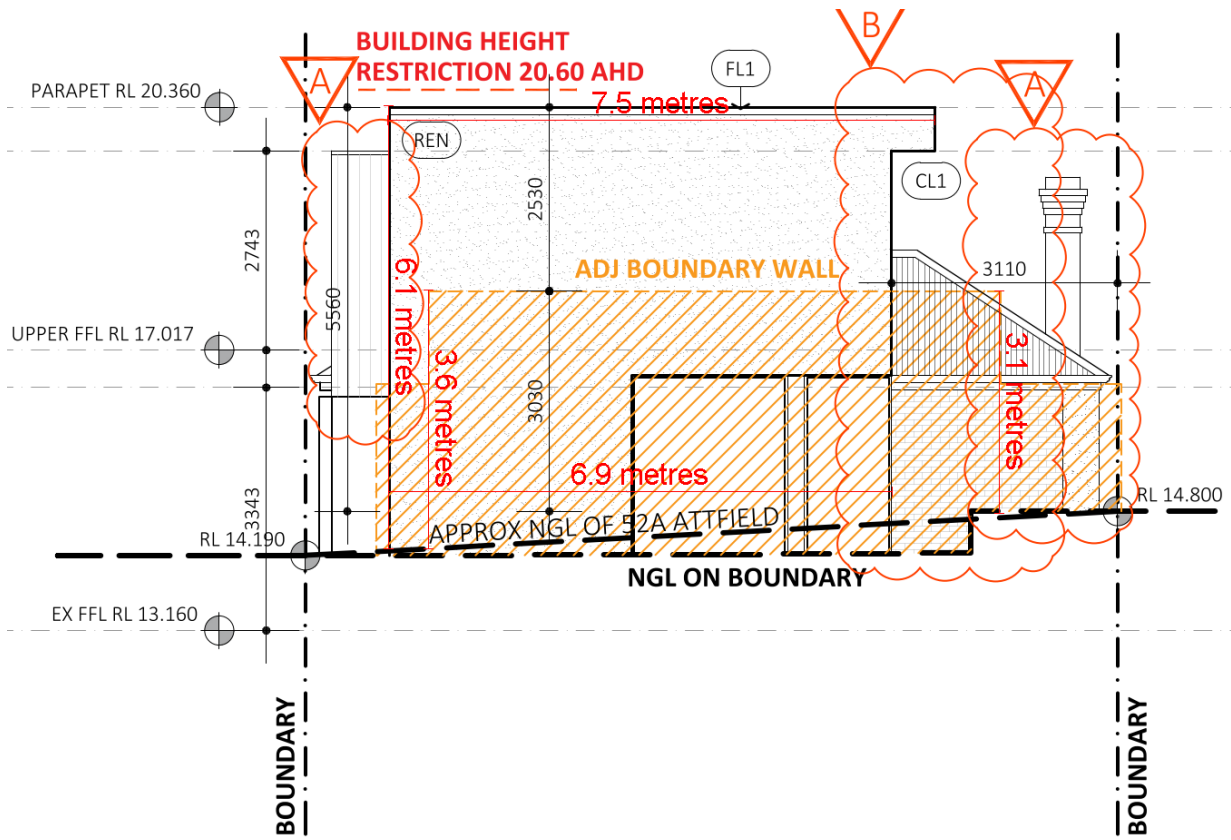
<b>Element</b>	<b>Deemed-to-comply</b>	<b>Proposed</b>	<b>Extent of Variation</b>
Eastern ground floor Boundary wall	Setback: 1m	Setback: Nil	Setback: 1m
Eastern upper floor boundary wall	Setback: 1.2m	Setback: Nil	Setback: 1.2m

The eastern ground floor boundary wall setback is considered to meet the Design principles of the R-Codes in the following ways:

- Proposed ground level boundary wall is predominantly abutting adjoining boundary wall except for a 0.5m length portion on the southern part of the eastern boundary wall (see figure 5).
- Due to the minor portion of wall exceeding the dimensions of the existing adjoining wall, there is minimal negative amenity impact or building bulk contributed.
- There is minimal impact on sunlight or ventilation because the proposed wall predominantly abuts an existing wall on the adjoining property.
- As the proposed wall has no openings and adjoining boundary wall has no openings, there is no impact on privacy to adjoining property.

The eastern upper floor boundary wall setback is considered to meet the Design principles of the R-Codes in the following ways:

- Proposed boundary wall, due to southeastern location, will have little solar and ventilation impact on eastern adjoining property.
- As proposed wall has no major openings, there is no impact on privacy to adjoining property.
- Eastern adjoining property has no major openings on boundary wall nor any affected outdoor living areas adjoining proposed boundary wall.
- Proposed boundary wall is abutting an existing eastern property boundary wall (see figure 5 below) with a height ranging from 3.5m-3m that further minimises impact of building bulk to adjoining property.



## EAST ELEVATION

SCALE 1:100

**Figure 5** – Existing eastern adjoining boundary wall shaded orange

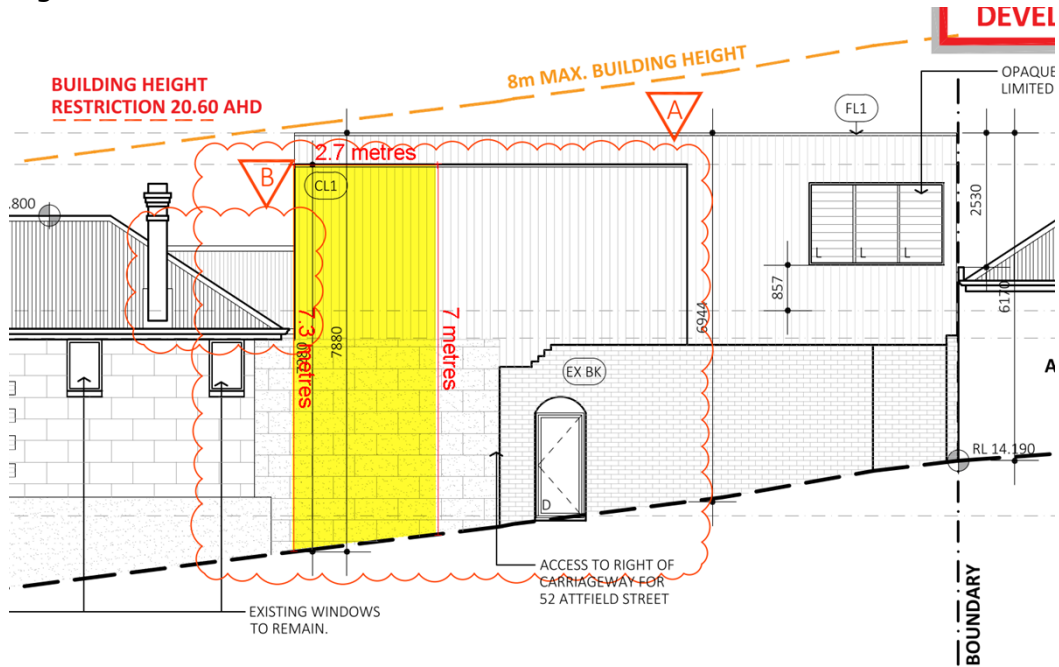
### Building Height

Element	Requirement	Proposed	Extent of Variation
Wall Height	7m	7.35m	0.35m

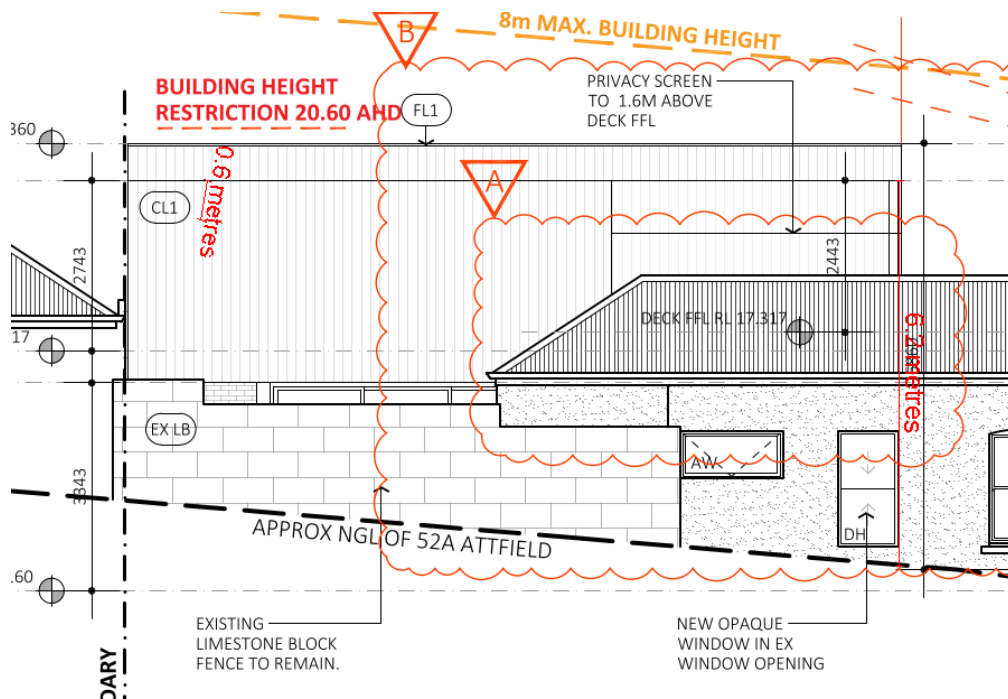
The wall height is considered to meet the Design principles of the R-Codes in the following ways:

- The proposed wall height of the rear addition is a minor variation from the maximum wall height of 7m within and is still within the 8m maximum roof height (see figure 7).
- Additionally, the portion above height is predominantly due to the slope of the natural ground level and for a length of 2.7m.
- The proposed wall height discretion is to a portion of the southern side of the addition. Wall height on the northern elevation is 6.2m and within deemed to comply (see Figure 8).

- There are minimal impacts on views of significance from the proposed wall height.



**Figure 7** – portion of wall that exceeds 7m wall height on south elevation



**Figure 8** – Wall height within deemed to comply from northern elevation



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

Local Planning Policy 3.6 Heritage protected Places Built Form and Land Use (LPP3.6) sets out the built form assessment criteria for second storey additions and alterations applicable to the subject site. Refer to the design assessment table below for discretions to this application.

<b>8.1 Internal Alterations</b>		
<b>Item</b>	<b>Level 3 Requirement</b>	<b>Officer Comment</b>
iv. Walls and new openings –	a) Retention and conservation of early walls is encouraged. b) New openings in walls are preferred over the removal of whole walls. c) Where new openings are proposed, wall nibs and down stands are to be retained.	<b>Supported</b> Demolition of several internal walls proposed. Majority of internal walls retained and new internal openings are consistent with dimensions of existing doors.
xii. Fireplaces	Fireplaces, hearths and mantels are to be retained and conserved. If no longer operational, fireplace, hearth and mantel elements are to remain in situ. If fireplace is to be blocked then this is no be done in a non-intrusive and non-visible manner. Removal may be considered in exceptional circumstances, however, the chimney is to be retained.	<b>Not Supported</b> Internal alterations propose to demolish the bedroom 1 fireplace and retain the lounge room fireplace. Proposed demolition of fireplace lacks sufficient evidence to support removal and can be retained with minimal impact to the feasibility of the proposed.
xv. Internal services -	Do not chase new services into original/early brick and limestone walls; instead run new services through surface mounted conduits, existing service runs, masonry and timber framed wall cavities, under floor spaces and/or ceiling spaces.	<b>Supported</b> Proposed internal alterations look to run services through existing internal walls with connected services
<b>8.2 General</b>		
<b>Item</b>	<b>Level 3 Requirement</b>	<b>Officer Comment</b>
ii. Significance	All alterations and additions are to change as little as reasonably possible that would impact the significance of the place.	<b>Not Supported</b> Proposed demolition and alteration of roof, demolition of chimney, and demolition of fireplace, in combination,



		will have an unreasonable impact on the existing heritage fabric of the building.
<b>8.4 Chimneys</b>		
<b>Item</b>	<b>Level 3 Requirement</b>	<b>Officer Comment</b>
i. Existing Chimneys	All chimneys are to be retained and conserved.	<b>Not Supported</b> One of two existing chimneys is proposed to be demolished. The proposed chimney demolition falls outside of the rear roof demolition and the new deck. Officers believe that the chimney could be retained without impacting the feasibility of the additions. A replacement chimney is not a viable alternative to retention.
<b>8.5 Roofs</b>		
<b>Item</b>	<b>Level 3 requirement</b>	<b>Officer Comment</b>
i. Roof lines	Additions are to respond to and reinforce the existing characteristics of a place with regards to plate and wall heights, roof form, ridge lines, parapet lines, roof slopes and eaves overhangs.	<b>Not Supported</b> Proposed rear additions and alterations differ from existing wall heights and roof form with a flat roof and roof deck.
iii. Contemporary roofs	Roof forms that are contemporary in style (i.e. flat / skillion) may be considered for rear and side additions.	<b>Supported</b> Proposed rear addition is a flat roof with a roof deck. Proposed additions are set back behind the roof ridge line and are minimally perceptible from the street.
<b>9.1 Siting, Setbacks and Scale</b>		
<b>Item</b>	<b>Level 3 Requirement</b>	<b>Officer Comment</b>
iv. Rear additions (single and double storey)	Ensure that development: a) is not visible from the street; b) does not alter or impact the original building exterior;	a) <b>Supported</b> Minimally visible from the street. b) <b>Not Supported</b> Rear exterior wall



	<ul style="list-style-type: none"> <li>c) does not extend over or into the roof of the existing place;</li> <li>d) is constructed so that the roof of the new addition is independent from the original place's roof form (New roof may connect into back of roof of existing place as long as the extent of the original roof remains clear);</li> <li>e) employs one of the following methods to retain the distinct form of the place: <ul style="list-style-type: none"> <li>i. Be detached from the place;</li> <li>ii. Be attached by a linkage with a reduced scale and/or contrasting material;</li> <li>iii. Have side walls set in from the place;</li> <li>iv. Have a wall height lower than that of the place; or</li> <li>v. Have differing finishes/materials from the original place or a material change at the junction of the old and new.</li> </ul> </li> </ul>	<p>and portion of roof demolished.</p> <ul style="list-style-type: none"> <li>c) <b>Not Supported</b> Does not extend over existing dwelling, however, it is proposed to cut into existing roof.</li> <li>d) <b>Supported</b> New addition roof form is independent from existing roof form.</li> <li>e) <b>Supported</b> Differing finishing materials from existing dwelling.</li> </ul>
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**9.3 Door and Windows**

<b>Item</b>	<b>Level 3 Requirement</b>	<b>Officer Comment</b>
i. Original openings	Original doors and windows are to be retained and conserved. Where they must be replaced due to irreparable damage, they are to match the original style of the place or buildings of a similar period, style, original socioeconomic level and location.	<b>Supported</b> Various external doors and windows to rear and sides to be demolished or altered. Proposed new openings to blend with existing.
ii. New external openings	Do not add new openings to the front of the original building exterior. Openings to the side may be considered.	<b>Supported</b> No new openings to front. Front door to be retained and restored.



## **CONCLUSION**

Approval is sought for the additions and alterations to an existing Single house at No. 52 Attfield Street, Fremantle. While the boundary setbacks and building heights are supported, overall, the proposal will have a detrimental impact on the heritage fabric of the existing dwelling in respect to the original rear roof alterations, and chimney and fireplace removals. 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 - 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.

## **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, Two Storey Additions and Alterations to Existing Single House at No. 52 (Lot 1) Amherst street, Fremantle, as detailed on plans dated 29 January 2026 for the following reasons:**

- 1. The proposed second storey additions and alterations are inconsistent with clause 8.1, 8.2, 8.4, 8.5 and 9.1 of the City of Fremantle's Local Planning Policy 3.6 Heritage protected Places Built Form and Land Use as the proposed secondary storey additions and alterations will have a significant detrimental impact on the overall heritage significance of the site due to the removal of the existing rear roof, chimney and fireplace.**



**C2603-3 HICKORY STREET, NO. 20 (LOT 304), SOUTH FREMANTLE -  
DEMOLITION OF EXISTING SINGLE HOUSE - (JD  
DA0448/25)**

<b>Meeting date:</b>	11 March 2026
<b>Responsible officer:</b>	Manager City Planning
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	1. Development Plans
<b>Additional Information:</b> <i>(viewed electronically)</i>	2. <a href="#">City Officer Heritage Impact Assessment</a> 3. <a href="#">Applicant's Heritage Impact Statement</a> 4. <a href="#">Site Photos</a>

### **SUMMARY**

**Approval is sought for the demolition of an existing Single house at No. 20 (Lot 304) Hickory Street, South Fremantle.**

**The proposal is referred to Council as it involves the demolition of a contributory place within the South Fremantle Precinct Heritage Area. The application seeks discretionary assessments against the Local Planning Scheme No. 4 (LPS4) and Local Planning Policies. These discretionary assessments include the following:**

- **Demolition of a contributory place**

**The application is recommended for conditional approval.**

### **PROPOSAL**

#### **Detail**

Approval is sought for the demolition of an existing Single house at No. 20 (Lot 304) Hickory Street, South Fremantle. The proposed works include:

- Demolition of existing two storey Single house.

Development plans are included as attachment 1.

#### **Site/application information**

Date received:	19 December 2025
Owner name:	Matthew James Bourke
Submitted by:	Megha Patel
Scheme:	Residential R25





**Figure 2** – Aerial image of the subject site.



**Figure 3** – Street view of subject site.



## **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 involved the demolition of a Single house in a heritage area. The advertising period concluded on 29 January 2026, and one (1) submission was received. The following issues were raised (summarised):

- The demolition is carried out by an appropriately licensed demolition contractor who has current licenses for asbestos house demolition and suitable public liability insurances.
- The demolition is closely surrounded by aged timber weatherboard houses, with fire as a major risk together with airborne particles from the demolition site.
- The resultant demolition materials, including asbestos, are to be handled, and removed from site as soon as possible in accordance with building and environmental codes.
- The plans supplied with the proposal indicate the existing southern boundary fence is to be demolished and the plans do not indicate any replacement type, whether temporary or permanent, nor any durations of work.
- The existing fence is not located on the cadastral boundary and is inside my property. This has been identified by my surveyor.
- There is no indications of timings for this demolition.

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

- All demolition works must comply with the requirements of the relevant legislation.
- Any removal of asbestos over 10 square metres must be removed by a licensed person or business in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*.
- Removal of dividing fences is governed by the *Dividing Fences Act 1961*. An advice note is recommended for the applicant to liaise with adjoining landowners over the fence replacement.
- WorkSafe requires neighbours to be notified prior to demolition works.



The remaining comments are addressed in the officer comment below.

## **OFFICER COMMENT**

### **Statutory and policy assessment**

The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies. In this particular application the areas outlined below require a discretionary assessment against LPS4 and policy provisions:

- Demolition of a contributory place.

The above matters are discussed below.

### **Background**

The subject site is located on the east side of Hickory Street in South Fremantle. The site has a land area of approximately 288m<sup>2</sup> and is currently a Single house. The site is zoned Residential and has a density coding of R25.

The site is heritage listed as a Level 4 - Historic Record Only, located within the South Fremantle Precinct Heritage Area and is identified as a contributory place within Local Planning Policy 3.6.1 Heritage Areas Listings.

On 13 March 2024 Council resolved to remove the place from the Heritage List and to change the Local Heritage Survey Management Category to Level 4 Historic Record Only. It was considered by Council that the place had been significantly altered beyond recovery and was considered as being below the threshold for inclusion on the heritage list.

On 27 August 2025 Council resolved to adopt the addition of contributory properties contained within Local Planning Policy 3.6.1 - Heritage Areas Listings which recognised 20 Hickory Street as Contributory within the South Fremantle Heritage Area. It is noted that the assessment of places during a heritage area review are necessarily streetscape assessments due to the volume of properties. Letters are then sent to landowners advising them of the proposed status and offering them an opportunity to provide any information should they disagree with the City's proposal. The City has no records of information being received from 20 Hickory Street during the most recent heritage area review of the South Fremantle Heritage Area.

Upon receipt of the application to demolish the property, a review of the property files and further investigation has revealed the extent of alterations that have



occurred to the property, which has caused City Officers to reconsider the Contributory status. Details of these alterations are discussed in the officer assessment below.

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

- WAPC105996 – Two (2) lot subdivision approved March 2001
- 5310/1988 – Demolish rear lean-to addition and internal alterations
- 3019/1983 – Upper floor addition and alterations

### **Land Use**

The site features an existing Single house. A Single house is a 'P' land use within the Residential zone which means that the use is permitted by the Scheme. No change of land use is proposed by this application.

### **Demolition of Buildings and Structures**

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

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

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

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

- The extent of modifications that have occurred to the property over time internally and externally have impacted on the recently attributed Contributory status of the place.
- The front verandas have been fully enclosed with original front door and windows relocated to external wall and the wall behind removed.
- Upper floor extension built over the main part of the house.
- Considerable internal change.

These modifications have significantly altered the place, with the removal of substantial original fabric and alterations that would make it difficult to recover the original form. It is considered that demolition could be supported with what little heritage significance remains to be documented as an archival record. LPP3.6



will provide for the design of a replacement building that does not detract from the Heritage Area. Removal of the property from the Contributory List will occur during the Annual Update.

**Local Planning Policy**

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

The requirements for considering the demolition of contributory places are outlined in clause 5 of the City’s LPP3.6. The proposal has been assessed under these requirements in the table below.

<b>5. Demolition</b>	<b>Officer comment</b>
<p>5.1 Demolition Criteria</p> <p>5.1.1 Demolition or removal of culturally significant fabric or a place is contrary to the principles and objectives of this policy and the scheme. The following factors are not considered justification for demolition:</p> <ul style="list-style-type: none"> <li>a. economic or other perceived gain from the redevelopment of the land;</li> <li>b. poor condition resulting from the place not being properly maintained; and/or</li> <li>c. the presence of hazardous materials, such as asbestos.</li> </ul> <p>5.1.2 When considering partial demolition, the original / early portion of the place is to be retained and conserved. For contributory properties, this relates only to the original building exterior. For individually listed properties, this relates to the whole of the place.</p> <p>5.1.3 Facadism, where all building fabric is removed apart from the façade, is not supported due to the loss of significant historic meaning and heritage value.</p> <p>5.1.4 The removal and replacement of asbestos or other hazardous materials should be followed immediately by replacement with a matching (but non-hazardous) material. For example, flat asbestos wall sheeting with joint cover</p>	<p>Further information on file clarifies the extent of modifications that have occurred to the property, both internally and externally. These modifications have impacted on the recently attributed Contributory status of the place in such a way as to reclassify it a NON-Contributory place.</p> <p>The place is considered to have limited or no cultural heritage significance and does not make a contribution to the broader cultural heritage significance of the area. Demolition is supported, subject to creation of an archival record documenting the remaining limited cultural heritage significance.</p>



battens should be replaced with flat fibre cement sheeting with joint cover battens in the same configuration; a replacement with timber weatherboards or fibre cement weatherboards would not be considered to be a matching material. 5.1.5 Where demolition is approved, an archival record prepared in a format approved by the City may be required as a condition of planning approval.

**CONCLUSION**

Approval is sought for the demolition of an existing Single house. The proposal is supported as, upon further review, the modifications of the house have rendered it to have limited or no cultural heritage significance, and it does not contribute to the significance of the broader area.

**STRATEGIC IMPLICATIONS**

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

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

- Our built heritage is central to our character and sense of place, and is retained and protected for future generations to enjoy.

**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, Demolition of an Existing Single House at No. 20 (Lot 304) Hickory Street, South Fremantle, subject to the following condition(s):**

- 1. This approval relates only to the development as indicated on the approved plans dated 19 December 2025. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter.**
- 2. Prior to lodgement of a Demolition Permit application for the development hereby approved, an archival record is to be made of the building to be demolished and submitted to the City of Fremantle for approval, and shall include:**
  - a. A site plan prepared at 1:200 scale, floor plan(s) of the building and four elevations prepared at 1:100 scale.**
  - b. Digital photographs taken of the building (once vacated) to include:**
    - i. general/overall photo of the building to be demolished;**
    - ii. photos of each of the four elevations;**
    - iii. internal photos of all rooms; and photos of any special architectural features.**

### **Advice note(s):**

- i. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.**
- ii. Any works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, requires a separate approval from the City of Fremantle's Infrastructure Business Services department who can be contacted via engineering-da@fremantle.wa.gov.au or 9432 9999.**
- iii. Any removal of asbestos is to comply with the following – Under ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2001*. Over 10 square metres must be removed by a Class B asbestos removal licence holder for. All asbestos removal is to be carried out in**



accordance with the *Work Health and Safety Act 2020* and accompanying regulations and the requirements of the *Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)]*;

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

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

- iv. 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.

- v. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City's Prevention and Abatement of Sand Drift Local Law.
- vi. The applicant is advised that the existing verge tree is to be protected during the construction process with a minimum 2.8x2.8m fencing enclosure.



**C2603-4 MARINE TERRACE, NO. 176-238 (LOTS 1, 2, 32, 33, 34, 602), SOUTH FREMANTLE – VARIATION TO DA0005/19 (CHANGE OF USE FROM WAREHOUSE TO TAVERN) - (LG VA0026/25)**

<b>Meeting date:</b>	11 March 2026
<b>Responsible officer:</b>	Manager City Planning
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	1. Amended Development Plans
<b>Additional Information:</b> <i>(viewed electronically)</i>	2. <a href="#">Site Photos</a> 3. <a href="#">Amended Acoustic Report</a> 4. <a href="#">Applicant Cover Letter and Justification</a> 5. <a href="#">Waste Management Plan</a>

## SUMMARY

**Approval is sought for the variation to existing planning approval DA0005/19 (Change of Use from Warehouse to Tavern).**

**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), Local Planning Policies. These discretionary assessments include the following:**

- **Car parking**

**The application is recommended for conditional approval.**

## PROPOSAL

### Detail

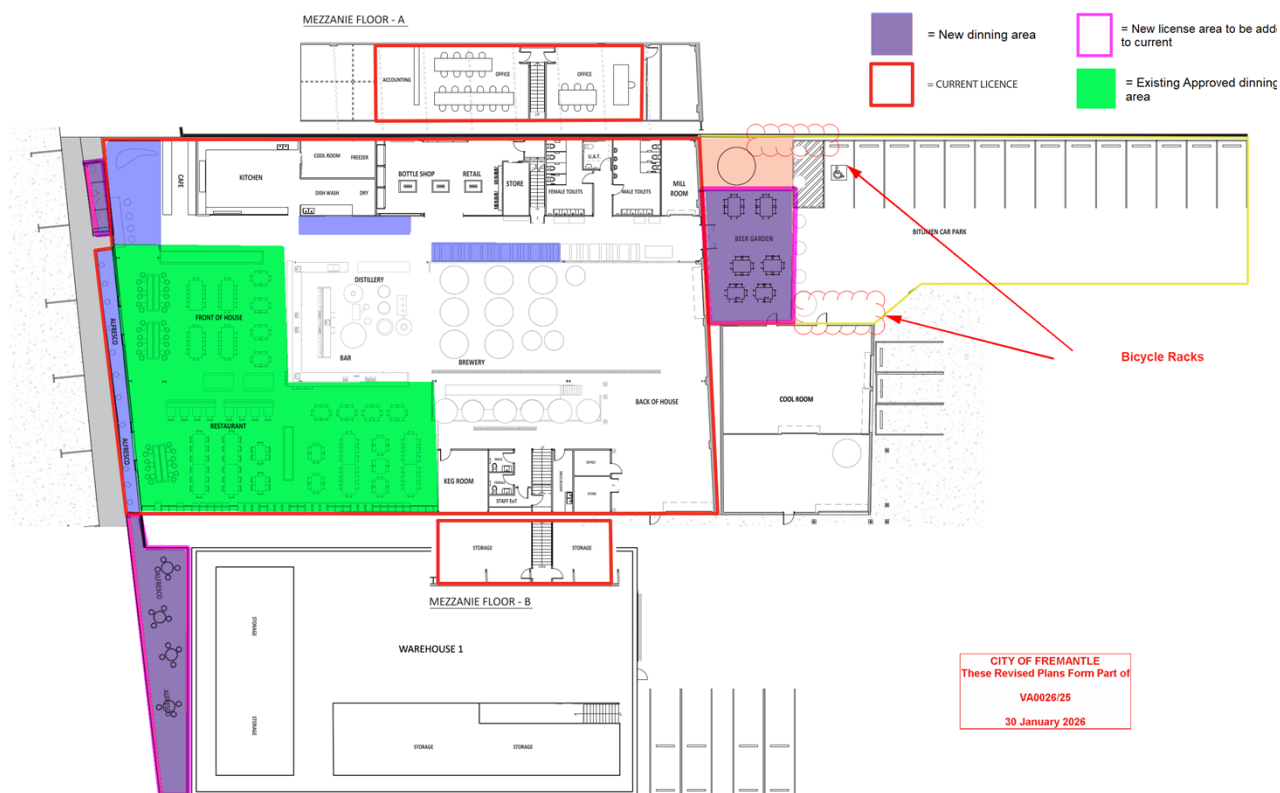
Approval is sought for the variation to existing planning approval (DA0005/19 – Change of Use from Warehouse to Tavern) at No. 176-28 (Lots 1, 2, 32, 33, 34 and 602) (subject site). The proposed works include:

- Expansion of internal tavern licensed floor area (270m<sup>2</sup> increase). The purpose of the amendment is to increase the floor space internally that can operate under the tavern liquor licence, and to provide an external licenced “beer garden” area for patrons.
- Addition of external “beer garden” licenced area in existing carparking area.

The applicant submitted amended plans and additional information on 29 January 2026 including the following:



- Amended Development plans detailing further information of:
  - Internal seating area expansion,
  - Location of existing and proposed bicycle racks and onsite parking bays, and
  - An elevation showing details of fencing to perimeter of proposed “beer garden” area fronting South Terrace.
  
- Additional supporting information was also submitted on 29 January 2026, including the following:
  - Amended acoustic report



**Figure 1** – Applicant illustration depicting proposed new dining floor area (purple) and existing dining area (green)

A copy of the Amended Development plans and Additional information are included as Attachments.

**Site/application information**

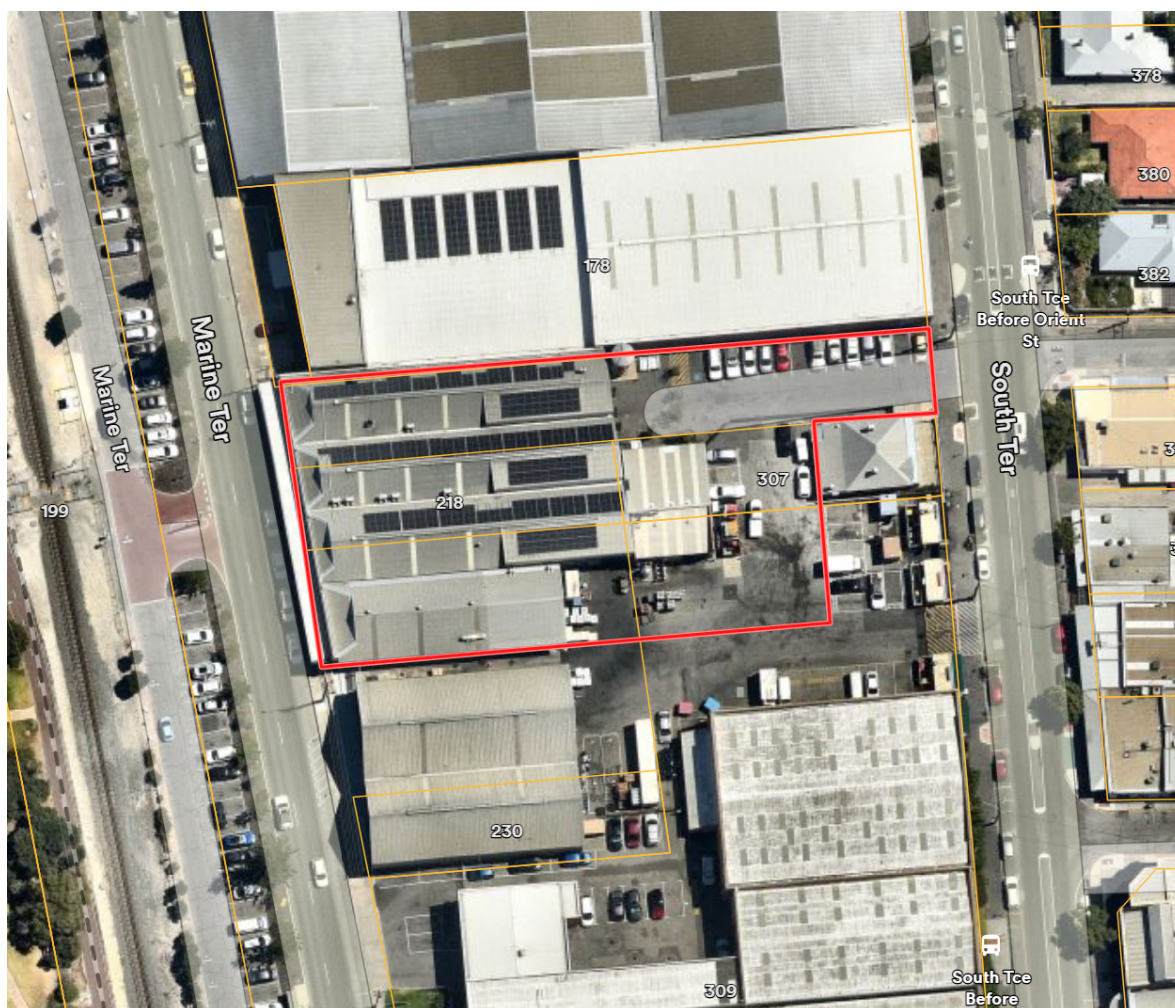
Date received: 14 October 2025  
 Owner name: Cleland Nominees Pty Ltd  
 Submitted by: Micheal Simm  
 Scheme: Development Area, Development Zone



Heritage listing: Individually Listed Category 3 and South Fremantle Precinct Heritage Area  
Existing land use: Tavern  
Use class: Tavern  
Use permissibility: D



**Figure 2 – Planning context map**



**Figure 3 – Subject site aerial image (January 2026)**

## **CONSULTATION**

### **External referrals**

Nil required.

### **Internal referrals**

*City of Fremantle Environmental Health*

The City has reviewed the provided Acoustic Report and additional information submitted over the course of the application. A detailed assessment of the noise impacts and Environmental Health comments can be found in the Noise Impact section below.

### **Community**

The application was advertised in accordance with Schedule 2, clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, due to



the increased discretion sought for the on-site parking shortfall. The advertising period concluded on 28 November 2025, and no submissions were received.

## **OFFICER COMMENT**

### **Statutory and policy assessment**

The proposal has been assessed against the relevant provisions of LPS4 and relevant Council local planning policies. In this particular application requires a discretionary assessment against the following LPS4 and Council Policy requirements

- Car parking

The above matters are discussed below.

### **Background**

The subject site is located on the Sealanes site to the east of Marine Terrace, and to the west of South Terrace. The site has a land area of approximately 1,972m<sup>2</sup> and is zoned 'Development Zone'. The site is individually heritage listed and located within the South Fremantle Heritage Area.

The subject site contains an existing Tavern tenancy (Running With Thieves) fronting Marine Terrace with an accompanying hardstand carparking area to the east. The subject site is within the Sealanes site which comprises of various existing commercial and warehouse tenancies.

The application seeks approval to expand the internal dining floor area, construct a new outdoor "beer garden" licensed area and to formalise the use of existing alfresco and outdoor dining areas, which have operated on temporary basis for yearly events in the past. The City has received several complaints in the past regarding noise generated from site.

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

- DA0129/25 – Unauthorised Signage Additions to Existing Building
- DA0309/24 – Signage Addition
- DA0421/22 - External Fixture Additions (Solar Panels) to Existing Building
- LL0001/19 – Section 40 – Tavern
- DA0005/19 – Change of Use to Tavern and alterations and additions to existing building.



**Car parking**

<b>Element</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Approved in DA0005/19</b>	<b>Extent of New Variation</b>
Car parking	1: 5 m <sup>2</sup> of lounge / garden area (645m <sup>2</sup> ) 375m <sup>2</sup> approved as per DA0005/19 and additional 270m <sup>2</sup> for this application)  129 bays	25 total (104 Shortfall)	15 bays (dining area 375m <sup>2</sup> )  (60 bay shortfall approved)	104 bays (645m <sup>2</sup> )
Delivery bays	1	1	1	Nil
Bicycle bays	Class 1 - 1 per 25m <sup>2</sup> bar floor area and 1 per 100m <sup>2</sup> lounge and beer garden (1 Rack)  Class 3 - 1 per 25m <sup>2</sup> bar floor area and 1 per 100m <sup>2</sup> lounge and beer garden (1 Rack)	Class 1: Nil  Class 3: 35 total  Beer garden Area 75m <sup>2</sup>  No lounge area provided	Class 1: 4  Class 3: 34	Class 1: Shortfall of 1 rack (Class 1)  Class 3: Complies (Surplus 34 racks)

Clause 4.7.3 of LPS4 allows council to consider the relaxation of parking requirements subject to proposal meeting the criteria specified in clause 4.7.3.1 which states:

*4.7.3.1 Council may —*

*(a) Subject to the requirements of Schedule 7\*, waive or reduce the standard parking requirement specified in Table 2 subject to the applicant satisfactorily justifying a reduction due to one or more of the following —*

- (i) the availability of car parking in the locality including street parking,*
- (ii) the availability of public transport in the locality,*



- (iii) any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of 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.*

Original approved carparking shortfall (DA0005/19)

The original tavern land use approved under DA0005/19 was approved with a 60-bay total car parking shortfall. The following justification (summarised) was described in the original officer report to support the relaxation of parking requirements. It is noted that the application was determined by Council through Planning Committee on 5 June 2019:

- Two public carparks are located within the immediate locality providing a total of 253 marked bays.
- Ticketed/timed street parking available along South Terrace, Marine Terrace and residential streets of McLaren, Orient, Commercial Street and Harbour Road.
- Subject site and general locality is serviced by several public transportation options, namely the Blue CAT bus service and the 532 bus route.
- The proposal is in proximity to a shared path running along Ocean Drive, thereby allowing cyclists to access the site. Moreover, 34 on-site bicycle racks are provided on the subject site, thereby allowing convenient storage of bicycles for cyclists visiting the venue.
- Locality has high degree of pedestrian amenity and accessibility, patrons able to access the site through alternate means of transport other than cars e.g. walking and ride share services.

New proposed carparking shortfall

The proposed car parking shortfall is considered to meet the above clause 4.7.3.1 criteria for the following reasons:



- The two public car parking areas are still located within the immediate locality, including one adjacent to the west on Marine Terrace and another approx. 200m south of the site, including an increased total of approx. 297 marked bays resulting from recent South Beach parking upgrades.
- Additionally, there is timed/ticketed street parking lining Marine Terrace to the west of the subject site and both sides of South Terrace to the east, providing further parking options adjacent to the site (refer Figure 4).
- The subject site is no longer serviced by the Blue CAT bus service, however is directly serviced by the 532 bus route along South Terrace, which provides a consistent public transport option running from Fremantle Train Station to Cockburn Central Station.
- An additional 11 bays have been indicated on the development plans for the use of staff/customers within the greater Sealanes site. As the site is within the Sealanes Precinct there is a number of businesses sharing the space for parking and services. To secure parking for the exclusive use of Running With Thieves staff and customers, a condition is recommended for the provision of a detailed carparking plan within 90 days of the decision notice and for these bays to be line marked and named for the exclusive use of 'Running with Thieves' business.
- The subject site is serviced by shared pedestrian/bicycle paths and is considered to have a high degree of pedestrian accessibility. The proposal includes a total of 35 Class 3 bicycle racks (1 more than original approval) which encourages patrons to opt for alternative modes of transportation to access the site, reducing demand for vehicle parking. The appropriate conditions of approval to secure bicycle racks on the subject site have been recommended.
- Alternate modes of transportation, such as ride share services may be engaged by patrons to and from the venue, which also helps reduce the demand for parking on site and in the locality.

On the basis of the above, the proposed car parking shortfall is considered acceptable.



**Figure 4** – Illustration depicting adjacent public car parking areas and location of 532 bus route adjacent to subject site

### Noise Impact

For this application, noise generated from the land use activity is considered a sensitive amenity consideration, mainly due to the proposed outdoor dining and alfresco entertainment floor area on the South Terrace elevation of the building. This new area increases the potential for noise impact on nearby residential properties to the east along South Terrace.

The regulation or control of noise/sound is not subject to planning policy/legislation but rather, the *Environmental Protection (Noise) Regulations 1997*. The applicant has provided an Acoustic Report prepared by Acoustics and Audio Production, a suitably qualified professional, that concludes, through the implementation of recommended physical noise attenuation measures and operational (management) noise mitigation measures, noise from the proposed dining and alfresco expansion will comply with the *Environmental Protection (Noise) Regulations 1997*. Additional information was provided at the request of



officers in response to comments from City Environmental Health officers. The amended acoustic report can be found as an Attachment.

The City's Environmental Health team reviewed the acoustic report and additional information and concluded the proposal suitability demonstrates predicted compliance with the *Environmental Protection (Noise) Regulations*. All necessary recommendations, outlined in the Acoustic Report and applicant Operation/Management Plan are to be secured by appropriate conditions of approval and required to be implemented in full to ensure the venue suitably demonstrates compliance with relevant *Environmental Protection (Noise) Regulations 1997*.

The primary elements to be secured via conditions of approval are as follows:

- Outdoor alfresco/beer garden operating hours are to be restricted as per provided Management Plan and Acoustic Report.
- Total outdoor beer garden capacity to be restricted as per provided management plan and Acoustic Report recommendations.
- No live music is permitted in the outdoor alfresco areas / beer garden. Amplified speaker noise levels are to be limited as per recommendations of provided Acoustic Report.

### **Venue capacity**

For this application, it is noted that in the applicant's justification statement outlines an existing approved venue capacity of 450 PAX, and that there is no further increase to patron capacity proposed. The City has reviewed the issued Public Building License for the business which grants a maximum venue capacity of 400 patrons inside the venue. An advice note has been included advising the applicant the venue must comply with the existing venue capacity as per the approved public building licence.

### **CONCLUSION**

Approval is sought for the variation to existing planning approval (DA0005/19 – Change of Use From Warehouse to Tavern) at No. 176-28 (Lots 1, 2, 32, 33, 34 and 602). The proposed development is considered to sufficiently address the relevant statutory planning requirements of LPS4, and relevant Council local planning policies. The application is therefore recommended for conditional approval subject to the appropriate conditions below.



## **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**

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

## **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 Variation to DA0005/19 – Change of Use from Warehouse to Taven at No. 176-238 (Lots 1, 2, 32, 33, 34, 602), Marine Terrace, South Fremantle, subject to the following conditions:**

- A. Condition(s) 1-8 of the Planning Approval dated 5 June 2019, be deleted and replaced with the following condition(s):**
- 1. This approval relates only to the development as indicated on the approved plans, dated 30 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. The maximum capacity of the "Beer Garden" alfresco area hereby approved shall be limited to a maximum capacity of no more than 50 persons to the satisfaction of the City of Fremantle.**
  
- 4. Within 90 days of the determination notice of the development hereby approved, details of how the recommendations contained in the Acoustic Report (Ref: RWTB001.2025), prepared by Acoustics & Audio Production, dated 20 December 2025 are to be implemented are to be submitted to the satisfaction of the City of Fremantle. These recommendations are to be implemented prior to use of the "Beer Garden" and maintained for the life of the development.**
  
- 5. Within 90 days of the determination notice of the development hereby approved, a Venue Management Plan is to be submitted to, and approved by the City, that at a minimum, considers the following:**
  - Measures to uphold neighbouring amenity**
  - Operational noise management;**
  - Management of complaints and being readily contactable by adjoining residents/landowners;**
  - Staff training on all management procedures**
  - Patron and staff behavioural codes; and**
  - Patron and staff evacuation/emergency procedures.**

**The approved Venue Management Plan must be implemented at all times, to the satisfaction of the City of Fremantle.**

- 6. Within 60 days of the determination notice of the development hereby approved, a plan detailing the provision of 35 Class 3 (as defined in Local Planning Scheme No. 4) bicycle racks shall be provided, to the satisfaction of the City of Fremantle.**

**The racks shall be installed within 120 days of this determination notice and therefore maintained for the life of the development.**

- 7. Within 90 days of the determination notice of the development hereby approved, all car parking, and vehicle access shall be remarked, maintained and available for car parking on an ongoing basis to the satisfaction of the City of Fremantle.**



**Carparking bays are to be sign marked for the exclusive use of "Running With Thieves".**

- 8. 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 BA9 – Occupancy Permit application form is required to be submitted for the 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. It is recommended that the applicant engages the City's Environmental Health department to determine their obligations in obtaining an alfresco dining permit. The City's Environmental Health department can be contacted on 9432 9999 or alternatively via email at [health@fremantle.wa.gov.au](mailto:health@fremantle.wa.gov.au).**
- iii. The applicant is advised that as per the approved Public Building License for the venue, the maximum internal capacity of the Tavern venue is limited to no more than 400 persons.**
- iv. The applicant is advised that the premises must comply with the following recommendations contained in the Acoustic Report (Ref: RWTB001.2025), prepared by Acoustics & Audio Production, dated 20 December 2025:**
  - No more than the intended maximum number of patrons are to be allowed within the proposed extended alfresco areas located at the rear and front of Running with Thieves.**
  - Service vehicles, including delivery vehicles and waste collection vehicles are to operate between the hours of 8am to 7pm, Monday to Friday.**
  - Amplified music is to be maintained at a level not exceeding 75dB(A) at any time, utilised for ambience within the establishment.**



- **Speakers for amplified music within the proposed alfresco area at the rear of Running with Thieves are to be pointing both towards the patrons and away from the surrounding receivers to the East.**
  - **Adhere to RSA principles with the aim of reducing the likelihood of patrons causing noise and participating in other antisocial activities.**
- v. Please note that construction of a structure to fulfill the requirements of the Acoustic Report may require separate planning approval.**
- vi. All noise from the proposed development must comply with the requirements of the Environmental Protection (Noise) Regulations 1997 (as amended), such as:**
- a) mechanical service systems like air-conditioners, exhaust outlets, motors, compressors and pool filters;**
  - b) vehicles;**
  - c) amplified acoustic systems; and**
  - d) patron noise.**
- vii. It is advised to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.**



**C2603-5      ADOPTION OF AMENDMENTS TO LOCAL PLANNING POLICY  
1.7: DEVELOPMENT EXEMPT FROM APPROVAL**

<b>Meeting date:</b>	11 March 2026
<b>Responsible officer:</b>	Manager City Planning
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. LPP 1.7 Development Exempt From Planning</li><li>2. Approval (proposed)</li><li>3. <a href="#">LPP 1.7 - Development Exempt from Approval Under LPS4 - (current)</a></li></ol>
<b>Additional Information:</b> <i>(viewed electronically)</i>	

**SUMMARY**

**This report discusses the results of public consultation for the amendments to Local Planning Policy 1.7: Development Exempt from Planning Approval (LPP 1.7) and recommends that Council adopt it.**

**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 *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) sets out a number of instances where works and/or land use do not require development approval from the local government. The Regulations also allow local governments to set out in a local planning policy additional works or uses that do not require planning approval. The exemptions include a zone where the exemption applies, and conditions that development must meet in order to be exempt. For example, demolition of a single house in all zones is exempt unless it is a heritage-protected place.

At the 10 December 2025 Ordinary Council Meeting, it was resolved to advertise the Policy in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

**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, which has released a draft template.

## **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 was advertised from 31 January to 22 February 2026. There were no submissions received.

## **OFFICER COMMENT**

LPP 1.7 has been amended with the aim of simplifying the development process and reduce red tape for common, and generally simple, development applications with clear deemed-to-comply development guidance. Putting exemptions in place for these type of developments makes it easier for landowners to undertake development, reduces Officer workload, and allows Officers to focus on more substantial applications. Additionally, the policy has been amended to include exemptions for development to properties in Heritage Areas both for those that are contributory and those that are non-contributory.

Amendments to LPP 1.7 are set out in the table below:

<b>No.</b>	<b>Amendment</b>	<b>Reason</b>
1.	<b>Modification</b> Title changed to “Development Exempt from Planning Approval”	Removed reference specifically to LPS4 in preparation for new scheme
2.	<b>Modification</b>	Required by the draft planning manual setting out manner and



	Table format changed to include a column for zones/reserves, with criteria amended to fit.	form issued by the Department of Planning, Lands and Heritage (DPLH). Provides additional clarity as to where the exemption applies.
3.	<b>New</b> New exemptions throughout the Policy to specify that properties located in Special Control Area 5.7 (the Freo Alternative) are still exempt unless they have a development approval issued under the Freo Alternative provisions of the Scheme.	Only development approved under cl. 5.7 (Freo Alternative) provisions of the Scheme are subject to separate requirements that provide other limitations or design outcomes that require careful review should further additions be proposed. All other developments should retain their exemptions even if in the Special Control Area, noting that not every property may be capable of using the Freo Alternative provisions.
4.	<b>Modification</b> "Application" section changed to reflect the new format and explain how the table works.	In response to the format changes required by DPLH.
5.	<b>New</b> New advice note noting that where identification of 'contributory' places has not yet been carried out in a heritage area and listed in LPP 3.6.1: Heritage Area Listings, all houses in that area are assumed to be 'contributory' for the purposes of this Policy.	To provide clarity on heritage area properties in areas that have not yet been reviewed as part of the City's heritage area reviews.
6.	<b>Modification</b> Items rearranged to group exemptions by related subject.	Ease of reference.
7.	<b>New</b> Added exemptions for demolition of internal (ex: pool) fences and dividing fences in a heritage area and to heritage listed properties.	These fences are usually later additions that do not contribute to the heritage significance. Limestone and masonry fences are not exempted as some of these fences do have heritage significance.
8.	<b>Deleted</b> Health Studio removed as an exempt use in the City Centre.	Previous changes to the scheme have deleted Health Studio as a distinct land use. These uses should be classed as a Shop as per the WAPC report



		recommendations on standardising schemes.
9.	<b>New</b> Recreation – Private added as an exempt use in the City Centre.	Recreation - Private uses encourage inner city living and visitors and should therefore be encouraged, noting that works will still require approval.
10.	<b>Deleted</b> Deleted the exemption for Small Bars in the City Centre.	In line with recent Council discussions on noise issues, particularly in the City Centre, the exemption for Small Bars is to be deleted. Currently, a Small Bar can be proposed anywhere in the City Centre without approval, which sometimes leads to noise conflicts between Small Bars and residential units, as Small Bars are permitted to be open late seven days a week. Current exemption also does not allow Officers to assess whether a Small Bar is appropriate for a certain site. Removing the exemption will require that a Small Bar submits a development application, which will enable the City to review the suitability of the location and impose any noise control measures, if necessary, in order to meet the twin goals of City Centre vibrancy and a higher residential population.
11.	<b>New</b> Amended the exemptions for Restaurants in the City Centre to allow them anywhere. Previously the exemptions were excluded on Market or High Street west of Walyalup Koort.	Restaurant uses encourage visitors and activation in line with the City Plan: City Centre. Restaurant uses were originally excluded from these areas because of Council’s concerns regarding an overabundance of hospitality development concentrated in the area, primarily Taverns and Hotels. Though Council wished to encourage other uses, this attempt at guiding preferred uses is not something that can be adequately achieved through the current planning framework. Additionally,



		Restaurants cater to visitors and residents, consistent with the draft Local Planning Strategy and they have consistently been approved by the City.
12.	<b>New</b> Added note to the 'use'; exemptions: <i>Note that works to a heritage-protected place will still require planning approval.</i>	To provide advice that heritage works are not exempt even if a use is.
13.	<b>Deleted</b> Deleted the exemption for a Restaurant to change to a Small Bar in a Mixed Use or Neighbourhood Centre zone provided it complies with the same conditions of planning approval.	Currently, a Restaurant can change to a Small Bar in Mixed Use or Neighbourhood Centre zones without planning approval. This has led to issues in that Small Bars are allowed later opening hours than restaurants, which can lead to noise and amenity conflicts with adjoining residential units. For reasons similar to No. 10 above, this exemption is proposed to be removed so that the City can assess the suitability of each proposal and examine what noise controls (if any) are needed. Small Bars are 'A' uses in Mixed Use and Neighbourhood Centres and after this change will, under the Scheme, require advertising prior to a decision.
14.	<b>Modification</b> Moved the exemption for Advertisements from LPP 2.14 into an appendix in this policy.	To consolidate exemptions in other policies into a single policy.
15.	<b>New</b> New exemption for patios, shade structures and awnings to non-residential buildings in Commercial and Industrial zones subject to conditions that will limit amenity impacts similar to that in the R-Codes for residential development.	Allow exemptions for low-impact non-residential development, streamline the building process, and free up officer time.
16.	<b>New</b> New exemptions added for single storey additions and alterations for contributory properties and Grouped Dwellings in a Heritage Area.	Extends the exemptions already provided for Single Houses in a Heritage Area to include Grouped Dwellings.



	<p>Copied the specific requirements from LPP 3.6 to cover heritage-protected places.</p> <p>Limited exemptions for rear additions in a Heritage Area.</p>	<p>Includes all LPP 3.6 criteria in a single policy so readers don't have to refer to a separate policy.</p> <p>Rear additions are often more complex and require assessment of their impacts, with the exception of standalone additions that will not impact the heritage significance of the place.</p>
17.	<p><b>New</b>  New exemptions for single storey rear and side additions to non-contributory houses in a heritage area.</p>	<p>Extends the exemptions for non-contributory properties where such changes will not impact the Heritage Area.</p>
18.	<p><b>New</b>  Allowed for modifications to major and minor openings to non-contributory buildings to be exempt.</p>	<p>Allows changes to non-contributory properties where such changes will not impact the Heritage Area.</p>
19.	<p><b>Modification</b>  Combined exemptions for outbuildings in Heritage Area with exemptions for Outbuildings to Level 3 properties. Limited exemptions to 'small outbuildings' as defined in the R-Codes.</p>	<p>Simplifies the policy as the exempt criteria are identical. Small outbuildings can be self-assessed by applicants, whereas large outbuildings require more in-depth assessment.</p>
20.	<p><b>New</b>  New exemptions for Patios to a Level 3 listed place subject to being located to the side/rear and meeting the R-Codes.</p>	<p>Extend the exemptions for development that will not impact heritage significance.</p>
21.	<p><b>New</b>  New exemptions for shade structures to a Level 3 listed place subject to being located to the side/rear and matching the existing exemption criteria for non-heritage places.</p>	<p>Extend the exemptions for development that will not impact heritage significance.</p>
22.	<p><b>Modification</b>  Relocated exempt fencing requirements to this Policy.</p>	<p>To consolidate exemptions in other policies into a single policy.</p>
23.	<p><b>New</b>  Exempted new boundary fences in a heritage area subject to conditions.</p>	<p>Heritage Area boundary fences were accidentally excluded in the last Policy revision.</p>
24.	<p><b>New</b>  Included criteria for heritage fences (from LPP 3.6) into the exemptions.</p>	<p>For ease of reference so that readers will not have to refer to other policies.</p>
25.	<p><b>New</b>  New separate criteria for Hilton Heritage fence exemptions.</p>	<p>Fences in the Hilton Heritage Area have unique criteria that differs from other Heritage Areas in the City.</p>
26.	<p><b>New</b></p>	<p>To provide clarity.</p>



	New note that pool fencing requires planning approval unless otherwise exempt.	
27.	<b>Deleted</b> Removed exemptions for air conditioning units and water tanks where they are on a State-listed site or a site subject to a heritage order.	State sites and heritage order sites need special care and preservation. This was likely originally an error.
28.	<b>New</b> New definitions of heritage order, heritage-protected place, maintenance and repair, minor structures, and original building exterior.	For ease of reference. These definitions have been copied from other planning policies, the Scheme, or State legislation.

Following advertising, a minor typo was identified in that one criteria included “original building outline” when the actual text should say “original building exterior” in reference to heritage area properties. This has now been corrected, and the final version of the Policy is in Attachment 1.

**VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

**OFFICER'S RECOMMENDATION**

**Council adopt amendments to Local Planning Policy 1.7: Development Exempt from Planning Approval, provided in Attachment 1, in accordance with Schedule 2, clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**



## **C2603-6 ADOPTION OF LOCAL PLANNING POLICY 3.2: SECURITY SCREENS IN THE CITY CENTRE ZONE**

<b>Meeting date:</b>	11 March 2026
<b>Responsible officer:</b>	Manager City Planning
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. LPP 3.2 Security Screens in the City Centre Zone</li><li>2. (proposed)</li><li>3. <a href="#">LPP DE3 Security Doors to Shopfronts in the Retail Core (current)</a></li></ol>
<b>Additional Information:</b>	<a href="#">LPP DE3 Security Doors to Shopfronts in the Retail Core (current)</a>

*(viewed electronically)*

### **SUMMARY**

**This report discusses the results of public consultation on Local Planning Policy 3.2: Security Screens (LPP 3.2) in the City Centre Zone and recommends that Council adopt it without modification.**

### **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.

DE3 regulates shopfront security screens (ex: roller doors) in the City Centre, with the aim of keeping these doors visually unobtrusive so as to maintain a pleasant street atmosphere at night while also allowing adequate shop security.

At the 10 December 2025 Ordinary Council Meeting, it was resolved to advertise LPP 3.2 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

### **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.



## **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**

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

### **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 was advertised from 31 January to 22 February 2026. There were no submissions received.

## **OFFICER COMMENT**

The new Policy replaces the existing Policy (LPP DE3), which was adopted in 1985 and has never been reviewed. Since that time, heritage protection and design guidance for the City Centre have reduced the proliferation of security screens. Nonetheless, it is considered prudent to retain requirements for such security screens so as to maintain welcoming, attractive streetscapes at night while allowing property owners to secure their premises.

Given the age and the substantial changes, rather than modify the existing Policy, a new Policy (Attachment 1) has been drafted based on the principles of the old Policy and Officer experiences in development assessments.

The current Policy includes outdated references and contains specific criteria that may not be useful for all situations. Instead, general criteria for design and visual permeability have been introduced, along with a figure showing an example of acceptable security screening measures. This allows building owners some choice on design of security while still meeting the City objectives. The general principles are that security screens should:

- be internal to the building;
- be located behind the windows and doors;
- not be detrimental to the heritage of the place (where applicable); and
- be at least 80% visually permeable.

The Policy title has also been changed to be LPP 3.2: Security Screens in the City Centre Zone to match current nomenclature and make clear to which area of the City the Policy applies.



This new Policy, combined with contemporary heritage protections and design considerations, will ensure that the City Centre does not come to be dominated by solid roller shutters at night.

### **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

### **OFFICER'S RECOMMENDATION**

**Council adopt draft LPP 3.2: Security Screens in the City Centre Zone, as provided in Attachment 1, in accordance with Schedule 2, clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**



**C2603-7      ADOPTION OF AMENDMENTS TO LOCAL PLANNING POLICY  
2.8: FENCES**

**Meeting date:** 11 March 2026  
**Responsible officer:** Manager City Planning  
**Voting requirements:** Simple Majority Required  
**Attachments:** 1. LPP 2.8 Fences  
2. LPP DGF8 Douglas Street Local Area

**SUMMARY**

**This report discusses the results of public consultation for the amendments to Local Planning Policy 2.8: Fences (LPP 2.8) and recommends that Council adopt it without modification.**

**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.

LPP 2.8 is being updated to respond to the recent changes to the Residential Design Codes (R-Codes) and address some outstanding issues, particularly in relation to fence material such as barbed wire.

At the 10 December 2025 Ordinary Council Meeting, it was resolved to advertise the Policy in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

**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, which has released a draft template.



**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 was advertised from 31 January to 22 February 2026. There were no submissions received.

**OFFICER COMMENT**

The current has been reviewed to remove references to outdated legislation, make clear that heritage fences are governed by LPP 3.6, and set out a format whereby meeting the fencing criteria means that a fence is deemed-to-comply.

The specific fencing criteria of the existing policy remains unchanged except where noted below.

<b>No.</b>	<b>Modification</b>	<b>Reason</b>
1.	Format changed. These format changes identify the specific R-Codes clauses to be amended and set out deemed-to-comply criteria whereby development does not require planning approval. The end result is that there is effectively no change to the current policy criteria except for number 7 in this table.	To reflect the draft manner and form required by the DPLH, and recognise that the R-Codes Volume 1 have been split into Parts B (low density) and C (medium density). Existing criteria have been fit into the new deemed-to-comply format.
2.	Application section amended to specify that the heritage policy (LPP 3.6) prevails to the extent of any inconsistency.	For clarity.
3.	Inserted clause requiring that electric fences, barbed wire, razor wire, etc. need planning approval.	There is currently no prohibition on these kinds of fences and issues have arisen, particularly abutting residential properties and within streetscapes. These fences can be dangerous to adjoining residents.



4.	Updated vehicle sightlines diagram and included a note that all fences must meet the sightlines criteria of the R-Codes requiring truncation areas to be cleared of obstruction greater than 750mm in height.	For clarity and to avoid the need to cross reference with the R-Codes.
5.	Fencing criteria for Douglas Street in Fremantle moved into this Policy from existing policy DGF8.	In preparation to revoke DGF8: Douglas Street Local Area (see discussion below)
6.	Secondary street fences for R-Codes Part C (medium density development) is copied from the R-Codes except that pillars are allowed to be 2m in lieu of 1.8m, in line with the current Policy.	To match pillar height of current Policy and capture that the R-Codes Volume 1 has been split into different parts. The existing criteria is retained, which is more generous with pillar height than the R-Codes.
7.	Modified fencing requirements to non-residential development such that meeting the Policy Provisions means no development approval is required.	To streamline the approval pathway for development that will not impact amenity. A deemed-to-comply check may be submitted in lieu of planning approval.
8.	Removed the prohibition on garrison fencing to non-residential development.	Garrison fencing has become more accepted, especially in industrial areas, and still allows substantial views to and from the property with minimal streetscape impacts.
9.	Added definitions of primary and secondary streets for non-residential development.	Non-residential development is not captured by R-Codes definitions. New definitions are based on the R-Codes wording.

As part of the overall policy review, DGF8: Douglas Street Local Area has been reviewed for currency. This is a short policy originally adopted in 1988 and contains provisions relating to heritage preservation and streetscape. All but three of the residential lots fronting Douglas Street are heritage-protected places, meaning that the majority of the existing DGF8 provisions have been overtaken by LPP 3.6: Heritage-protected Places Built Form and Land Use. The remaining lots are covered by LPP 2.9: Residential Streetscapes.

The fencing criteria within DGF8 is considered necessary to respond to the unique siting of the buildings along Douglas Street. The lots come right up to the street boundary with no room for a footpath, and the buildings are built close to the street. Because of the constrained nature of the street, high and/or solid fences would create a sense of confinement. It is therefore desirable to maintain the low fencing requirements to preserve the sense of an open streetscape by moving the



fencing requirements into LPP 2.8. DGF8 is therefore recommended to be revoked upon adoption of the amended LPP 2.8: Fences.

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Adopt Local Planning Policy 2.8: Fences, provided in Attachment 1, in accordance with Schedule 2, clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Revoke DGF8: Douglas Street Local Area, provided in Attachment 2, in accordance with Schedule 2, clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**



## **C2603-8      ADOPTION OF AMENDMENTS TO LOCAL PLANNING POLICY 2.14: ADVERTISEMENTS AND SIGNS**

<b>Meeting date:</b>	11 March 2026
<b>Responsible officer:</b>	Manager City Planning
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	1. LPP 2.14 Advertisements and Signs (proposed)
<b>Additional Information:</b>	2. <a href="#">LPP 2.14 Advertisements Policy (current)</a>

*(viewed electronically)*

### **SUMMARY**

**This report discusses the results of the consultation on the amendments to Local Planning Policy 2.14: Advertisements and Signs (LPP 2.14) and recommends that Council adopt it without modification.**

### **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.

LPP 2.14 regulates advertising signs throughout the City. It aims to reduce visual clutter, avoid intrusive signage, and prevent third party advertising.

At the 10 December 2025 Ordinary Council Meeting, it was resolved to advertise the Policy in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

### **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, which has released a draft template.



## **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 was advertised from 31 January to 22 February 2026. There were no submissions received.

## **OFFICER COMMENT**

The Policy is in Attachment 1 and includes the following changes:

<b>No.</b>	<b>Amendments</b>	<b>Reason</b>
1.	<b>Modified</b> Title changed to “Advertisements and Signs”	To make it easier to find on the City’s website when people look for “sign” requirements.
2.	<b>Modified</b> Format changed	To reflect the draft manner and form required by the DPLH
3.	<b>Modified</b> Wording changed throughout – ‘shall’, ‘must’, etc. replaced with ‘should’.  General wording also amended throughout.	To reflect the draft guidance provided by the DPLH on how policies should be worded. This is due to the fact that all local planning policies are, by law, discretionary and a local government may exercise discretion to vary individual criteria provided the policy objectives are met. The wording change is to make clear that a local planning policy is a due regard instrument and cannot impose absolutes.  To simplify and clarify criteria.
4.	<b>New</b> Amended objectives to capture possible variations and expanded to cover danger, distraction, amenity, vistas and visual clutter.	Variations are ultimately assessed against the objectives of a Policy, and so the objectives should be clear and capture potential amenity impacts or harms. Relocating Part 3 criteria into the



	<p><b>Deleted</b>  Deleted Part 3 and integrated the criteria into the policy objectives.</p>	<p>objectives makes the policy simpler to use while still requiring the same amenity tests and without losing any elements under which signs are currently assessed.</p>
5.	<p><b>Modified</b>  Replaced:  “Advertisements in the form of an Animated signs will not, be supported by Council”</p> <p>With:  Animated signs are discouraged in all zones due to amenity impacts, driver distraction and visual clutter. Large animated signs are generally not compatible with heritage-protected places.</p>	<p>This clause was primarily to capture large animated signs. However, previous SAT cases have determined that the current clause is invalid as a planning policy is a due regard instrument and cannot fetter local government discretion. Large animated signs are typically controversial and not always supported by Council due to their impact, however, the local government cannot refuse to accept an application and is required to consider them on a case-by-case basis. Decisions on animated signs need to be based on an assessment impact revolving around the policy criteria and objectives, and the planning scheme. The new wording sets a higher bar for approval of animated signs without falling afoul of previous SAT decisions, and warns proponents that such signs are unlikely to be supported.</p>
6.	<p><b>New</b>  Added the definition of Heritage-protected place from the Regulations.</p>	<p>For ease of reference.</p>

**VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

**OFFICER'S RECOMMENDATION**

**Council adopt amendments to Local Planning Policy 2.14: Advertisements and Signs, provided in Attachment 1, in accordance with Schedule 2, clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**



**C2603-9 PLANNING INFORMATION REPORT - MARCH 2026**

**1. SCHEDULE OF APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**

**Meeting date:** 11 March 2026  
**Responsible officer:** Director Planning, Place and Urban Development  
**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 March 2026  
**Responsible officer:** Director Planning, Place and Urban Development  
**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.

<b>1. Application Reference</b>
DAP007/25
<b>Site Address and Proposal</b>
No. 242 Marine Terrace, South Fremantle- Five storey Multiple dwelling development
<b>Update and status</b>
<ul style="list-style-type: none"> <li>• Application for development was accepted on 28 October 2025.</li> <li>• Community consultation for this item has closed.</li> <li>• The Responsible Authority Report was submitted on 23 February 2026.</li> <li>• A DAP meeting has been scheduled for 4 March 2026.</li> </ul>

<b>2. Application Reference</b>
DAP008/25
<b>Site Address and Proposal</b>
No. 8 Point Street, Fremantle- 8 Storey mixed use development comprising student accommodation



<b>Update and status</b>
<ul style="list-style-type: none"><li>• On 22 December 2025, the City accepted an application for the above proposal.</li><li>• Community consultation for this item closes on 11 February 2026.</li><li>• A Responsible Authority Report is due to DAP on 17 March 2026.</li></ul>

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**Council receive the following information reports for March 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

### **C2603-10 19F LEFROY ROAD, SOUTH FREMANTLE RIGHT OF WAY UPGRADE AND DEDICATION**

**Meeting date:** 11 March 2026  
**Responsible officer:** Manager City Planning  
**Voting requirements:** Simple Majority Required  
**Attachments:** 1. Schedule of Submissions

#### **SUMMARY**

**The purpose of this report is to present the results of the community consultation for the proposal for the upgrade and dedication of the Right of Way at 19F Lefroy Road, South Fremantle (Lot 66 on Plan 2480).**

**This report recommends that Council not support the proposal for the upgrade and dedication of the Right of Way (ROW) due to insufficient support from affected residents for the upgrading and application of a Specified Area Rate.**

#### **BACKGROUND**

In October 2024 a request was lodged for the upgrade and dedication of the ROW at 19F Lefroy Road, South Fremantle (ROW 92) as a public road. The location of the ROW is illustrated in Figure 1 below and allows for vehicle and pedestrian access between Lefroy Road and Jenkins Street. The ROW has provided uninterrupted public access for a period of more than 10 years and currently does or is capable of providing access to 15 adjoining properties.



Figure 1: 19F Lefroy Road, South Fremantle (ROW 92)

Officers estimate the cost of upgrading the ROW to the City’s specifications to be approximately \$169,213. In accordance with the Council Policy – *Policy and procedures for the dedication, upgrade or closure of rights of ways* (the policy) a Specified Area Rate (SAR) is proposed to fund the upgrade, with subsequent maintenance and upkeep to be the responsibility of the City.

Full discussion of the proposal and initial assessment by City Officers can be found in the report presented to Council at the Ordinary Meeting of the 13 August 2025 (C2508-9). Council, at this meeting resolved the following:

*Council:*

- 1. Supports in-principle, the request for dedication of Lot 66 on Plan 2480, 19F Lefroy Road, South Fremantle for the purpose of community consultation.*
- 2. Approves community consultation for the proposal and notes the proposal will be referred back to Council for further review and determination post consultation taking place.*

Consultation has been undertaken and discussion can be found below in the Consultation and Officer Comment sections of this report.



## **FINANCIAL IMPLICATIONS**

The City's Engineering Team estimates costs for the upgrade of the ROW to be \$169,213. In discussion with the ROW landowners, these costs are proposed to be imposed on the affected landowners through a SAR.

Upon dedication of the ROW as a road, the City would be responsible for the maintenance of the road in perpetuity. Dedication of a ROW would incur minor administrative costs, predominantly from Officer time to progress the process.

See the Officer's Comment section for discussion of the risks associated with applying a SAR for this project.

## **LEGAL IMPLICATIONS**

The request by the landowners of ROW 92 is pursuant to section 56(1)(b) of the Land Administration Act. The Council Policy – *Policy and procedures for the dedication, upgrade or closure of rights of ways* guides the City's process of updating and dedicating a ROW. Once the City manages a road, it needs to maintain it to a contemporary trafficable standard. Therefore, to minimise costs and liability, any ROW needs to be updated to contemporary standards prior to being handed over to the City.

The *Local Government Act 1995* (LGA) specifies the ability for the City to impose a SAR.

The landowners of ROW 92 provided a copy of the Certificates of Title with the Owners Application of the dedication of the laneway confirming the status of the ROW as being created pursuant to clause 167A(1) of the Transfer of Land Act.

See the Officer's Comment section for discussion of risks.

## **STRATEGIC IMPLICATIONS**

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

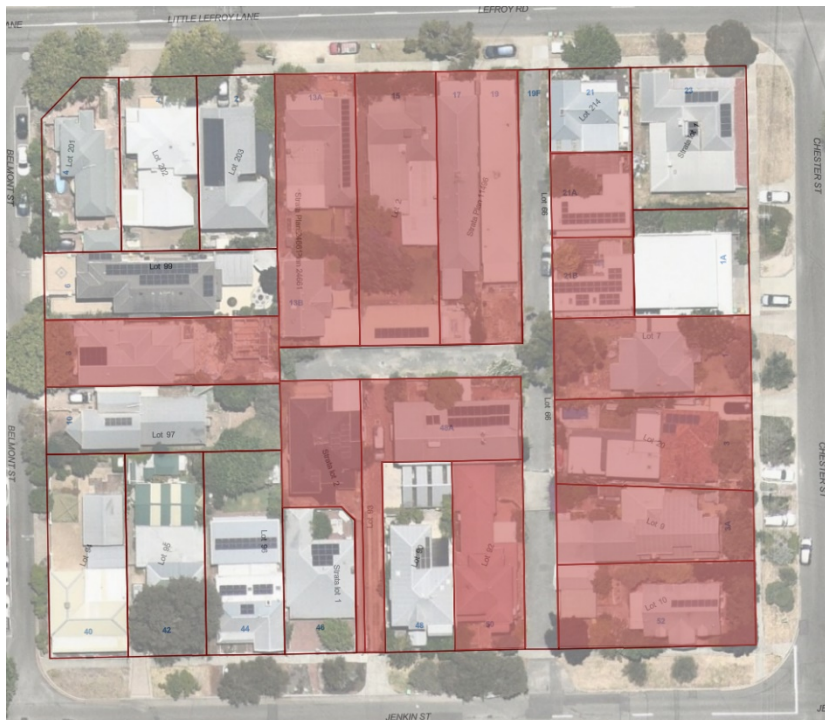
### **Liveable City - Sustainably designed and optimised urban and natural environments**

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



**CONSULTATION**

Consultation was initially undertaken over a period of 26 days, with an extension of an additional 21 days for affected landowners to lodge submissions. An information session was held on the 19 November 2025 which was attended by six residents. Consultation was targeted at the 15 properties adjoining the ROW which currently do or are able to take pedestrian or vehicle access from the ROW and benefit from the ROW. These properties are illustrated in figure 2 below.



*Figure 2: Affected properties in red*

Affected residents were requested to provide their position on the proposed upgrading, as well as the application of a SAR to fund these works. Responses were received from 13 of the 15 affected landowners, as well as a response from one non-affected landowner. Results of the feedback from affected landowners is outlined in the table below.

	Upgrading and dedication	Specified Area Rate
Support	5 (33.3%)	4 (26.7%)
Oppose	8 (53.3%)	9 (60%)
No response	2 (13.3%)	2 (13.3%)

Submissions and officer responses are summarised in the table below, with full submissions found at Attachment 1.



<b>Submission</b>	<b>Officer Response</b>
<p>If we don't get the number are there any alternative routes that can be considered for dedication?</p>	<p>Should the 75% support rate not be achieved Council are unlikely to support the application of the SAR as it poses a risk to the City should the decision be challenged. Upgrading the ROW could still be undertaken by the landowner to the City's satisfaction. Owners can arrange for the work themselves and fund the project upfront, without the City's intervention. Once the ROW is sufficiently upgraded, it could then be dedicated to the City under the Land Administration Act.</p>
<p>The City needs to take ownership of the laneway – it is used by many people, not just adjacent residents: cyclists, pedestrians, other vehicles.</p>	<p>Before the City is able to take over the care and maintenance of the ROW through the process of dedication, the ROW needs to be upgraded to the satisfaction of the City.</p>
<p>Would interest would be charged on as part of the SAR. Personally, I would like the option to pay upfront, as it then will not impact the future sale (likely within the next 10 years as I downsize) of my property</p>	<p>Should a SAR be considered, the City may consider applying a single upfront charge and offering interest-free instalments for rate payers who wish to make payments over a 10-year period. Penalty interest may apply where payments are not made by the due dates.</p>
<p>I do not currently take access from or use the laneway.</p>	<p>Clause 11.1 of the Policy states that Council may resolve to apply a SAR to fund the upgrade of the ROW. The Local Government Act specifies the following:  <i>A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area</i>  <i>(a) have benefited or will benefit from; or</i>  <i>(b) have access to or will have access to;</i>  <i>or</i>  <i>(c) have contributed or will contribute to the need for, that work, service or facility.</i></p> <p>Therefore, only those properties which the City determines to meet this threshold will be subject to the SAR. While a number of the 15 properties deemed as affected do not currently take access from the ROW they could in the future (e.g. as a result of subdivision).</p>
<p>What are the rates paid by the owners of the laneway used for?</p>	<p>Current rates for the accessway are standard general rate revenue for a freehold property.</p>



## **OFFICER COMMENT**

The policy sets out the City's formal process for dedicating, upgrading or closure of a private ROW. Dedication of a ROW shifts the land from private ownership to a public road to be managed by the City. This transfer enables coordinated maintenance, infrastructure management and future subdivision opportunities but increases costs to the City in terms of maintenance.

In assessing whether a ROW should be dedicated, the policy refers to a 2001 survey the City undertook as part of its Rights of Way Study. Under that study, the ROW at 91F Lefroy Road is 4-5m wide and partially paved/bituminised. The Study states it should be retained and upgraded. Once dedicated, maintenance and upkeep of a ROW would be the responsibility of the City. This is why it is important that the ROW meets the City's standards and specifications prior to dedication. Otherwise, the City will be responsible to fund necessary upgrades.

Clause 3.1 of the policy enables Council to apply a SAR to fund upgrades, provided 75% of affected landowners support its application. Section 6.37 of the LGA specifies that:

*6.37(1) A local government may impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers within that area –*

- (a) have benefited or will benefit from;*
- (b) have access to or will have access to; or*
- (c) have contributed or will contribute to the need for that work, service or facility.*

The City would determine initially whether a property qualifies under one of the three "tests" above. There are risks in pursuing a SAR if not all landowners agree that they will benefit from, have access to or will contribute to the need for the works. Landowners could challenge the SAR via the State Administrative Tribunal (SAT) and contend that they do not meet one of the three "tests". Given the guidance in the LGA, if the City were to be challenged by any one of the residents on (a) – (c) above there is a chance SAT could overturn the entire SAR. If overturned, the City would be liable to refund contributions and wholly fund the upgrade itself, making full 100% owner support the safest pathway.

As outlined in the Consultation section above, 13 of the 15 affected landowners provided a response. While 33.3% of affected landowners support the upgrading of the ROW, only 26.7% supported the application of a SAR to fund the works.



The 75% owner support threshold within the policy for officers to support the SAR has therefore not been met.

The City has several options, two of which are outside the scope of the policy:

<b>Option</b>	<b>Process</b>	<b>Officer Comment</b>
<p>1. Not proceed with the upgrade and dedication of the ROW</p>	<p>None</p>	<p><b>Benefits:</b>            No financial requirements on the part of the City.</p> <p><b>Drawbacks:</b>            The ROW currently provides vehicle and pedestrian access for a number of adjoining properties. Without upgrading the ROW, the ongoing maintenance is the responsibility of the landowner. The ROW risks further deterioration as the cost is prohibitive for the landowner.</p> <p>The landowner could choose to close public access to the ROW, providing legal practical access via agreement with those landowners (i.e. right of carriageway easement) to the properties who take sole access from the ROW. This would be a civil matter between those relevant landowners.</p>
<p>2. Proceed with the dedication subject to the ROW landowners covering the cost of upgrades (or the owners dividing the cost with the owners providing support to the upgrade) upfront without imposing a SAR</p>	<p>Cl. 11.2 of the Policy provides the option for this. The landowners would be responsible for managing and funding the upgrade of the ROW without a SAR to the City's specifications through the development approval process. Once the ROW is upgraded, the City can consider and assist with the process of dedication.</p>	<p><b>Benefits:</b>            The ROW is upgraded at no cost or risk to the City.</p> <p><b>Drawbacks:</b>            None for the City, as it would not be involved in the funding process. However, the onus would be on the existing landowners (and any other owners they can reach a private agreement with) to fully fund the upgrade upfront. Given that some landowners who benefit from the ROW may not agree to</p>



		pay for its upgrade, this may not be equitable or fair.
<p>3. Impose a SAR on all landowners that the City determines meets the three requirements of Clause 6.37(1) of the LGA</p>	<p>The City would determine which properties qualify under one of the three "tests" above and impose a SAR accordingly. The City would upgrade and dedicate the ROW at its own expense initially but receive costs back over the 10 year SAR period.</p>	<p><b>Benefits:</b>  The ROW is upgraded and dedicated but with risk.</p> <p><b>Drawbacks:</b>  There is risk if not all landowners agree that they will benefit from, have access to or will contribute to the need for the works. They may challenge the SAR via the State Administrative Tribunal (SAT) and contend that they do not meet one of the three "tests". Given the guidance in the LGA, if the City were to be challenged by any one of the residents on (a) – (c) above there is a chance SAT could overturn the entire SAR. If overturned, the City would be liable to refund contributions and wholly fund the upgrade itself.</p>
<p>4. Apply a SAR solely to those residents who agree.</p> <p><i>(Note that this is not an option set out in the policy but is open to Council)</i></p>	<p>The City would apply a SAR to the agreeable properties. The City would upgrade and dedicate the ROW at its own expense initially but receive costs back over the 10 year SAR period.</p>	<p><b>Benefits:</b>  ROW is upgraded and dedicated at no cost and minimal risk to the City.</p> <p><b>Drawbacks:</b>  As the City has only received support from 26.7% of affected landowners, a Specified Area Rate is not considered to be a fair, equitable or viable option in respect to this particular matter.</p>
<p>5. The City funds the full cost of the ROW upgrade and resumes the land for local road reserve via land administration processes.</p> <p><i>(Note that this is not an option set out in the policy but is open to Council)</i></p>	<p>The City would upgrade and dedicate the ROW at its own expense. Prior to this, the City may enter into a legal agreement with the landowners for them to agree to cede the land to the City at no cost.</p>	<p><b>Benefits:</b>  ROW is upgraded and dedicated.</p> <p><b>Drawbacks:</b>  Working with the landowners, the City would bear the full cost of upgrading and dedicating the ROW. This is not in the current budget and may detract from other capital works projects.</p>



Based on the responses from the consultation period and the policy stating a requirement of a commitment of 75% of landowners, officers are recommending that Council resolve to not proceed with the upgrading of the ROW through the application of a SAR and therefore not proceed with dedication at this time.

As the ROW is private property, the landowners can upgrade the laneway to the City's specifications and fund the project themselves or along with other willing landowners. The ROW could then be considered for dedication, and the maintenance of the ROW transferred to the City. The Policy provided the following in relation to dedication of a private ROW:

*3.1 The Council shall not support dedication of a private ROW of road unless:*

- a. the ROW is upgraded as per the requirements outlines in Part 3 below, and*
- b. the proposal is supported by a minimum of 50% of all adjoining owners.*

Given this, should the landowners upgrade the ROW to the City's satisfaction, a new application of dedication could be lodged by the landowner. This proposal would be referred to Council and advertised to adjoining landowners. Should a minimum 50% of adjoining landowners provide support, Officers could recommend supporting dedication of the ROW.

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Support not to progress with the request for dedication of Lot 66 on Plan 2480, 19F Lefroy Road, South Fremantle.**
- 2. Notes that the owners may organise to have the private ROW upgraded at their own costs and to the City's specifications through the development approval process before again applying to have it dedicated to the City.**



## **C2603-11 BRIDGE CLOSURE ADVOCACY INFORMATION REPORT**

<b>Meeting date:</b>	11 March 2026
<b>Responsible officer:</b>	Manager Strategic Communications and Stakeholder Relations
<b>Voting requirements:</b>	Simple Majority Required
<b>Attachments:</b>	Nil

### **SUMMARY**

**Ahead of the closure of the Fremantle Traffic Bridge on 1 February 2026, Council considered a number of advocacy options to put forward initiatives that could soften the impact of the closure on the community and businesses. Council identified four priority areas, including public transport incentives, freight restrictions during peak periods, local road interventions, and improvements to support active transport. While advocacy is still ongoing, measures such as permitting bicycles on trains between Fremantle and North Fremantle, and increased cooperation to deal with 'rat running' have been adopted by the State Government.**

**This report recommends that Council note the actions taken in regard to the Bridge Closure Advocacy position.**

### **BACKGROUND**

The closure of the Fremantle Traffic Bridge on 1 February 2026 presents significant challenges for local businesses, residents, commuters, and visitors. Key concerns include impacts on local businesses reliant on customer access, commuter delays and productivity losses, residential amenity due to increased local traffic, and visitor access to Fremantle.

Main Roads WA has set a target of 10% modal shift during the closure period. On 20 October 2025, the State Government announced the following measures to help achieve this goal:

- Extra buses for key routes including the 107,998,999
- Two additional Fremantle Line train services in the morning and afternoon peak
- A free travel zone along South Terrace between Douro Road and Fremantle Station
- 100 additional parking bays at Fremantle Station, with parking made free for those catching the train during the closure period



- 18 new cameras and Bluetooth monitoring devices to provide enhanced real-time monitoring of traffic movements, while VMS boards provide real-time travel information to drivers
- New school bus special services to key schools in proximity to Stirling Highway

On 2 December 2025, the State Government confirmed the bridge closure date of 1 February 2026 and the rollout of a new Live Traffic WA app.

The City believes a significant modal shift is achievable with the further incentives, and that some of this shift could become permanent, delivering lasting benefits for congestion, emissions, and community health. At the Ordinary Meeting of Council on 10 December 2025, Council identified seeking the following additional measures to alleviate the impact of the bridge closure as its advocacy priorities:

**1. Public Transport Incentives**

- a. Permitting bicycles on trains at any time between Fremantle and Claremont.***
- b. Free transit for SmartRider users who consistently tag on/off at Fremantle.***

**2. Freight Restrictions During Peak Periods**

- a. Restriction of heavy vehicle movements through affected corridors during peak hours and enabling trucks to run during off-peak hours.***

**3. Support for Temporary Local Road Interventions**

- a. Support to provide timely assistance to deliver temporary road interventions throughout the closure period.***
- b. Safer speeds of 30-40km/hour on local roads through the project and detour areas.***

**4. Infrastructure Improvements to Support Active Transport and increased safety for pedestrians and cyclists**

- a. Funding and support to provide and upgrade a safe, accessible and legible connection between Fremantle and North Fremantle including road network changes in line with the advocacy of the Fremantle Bicycle User Group (BUG).***
- b. Increase the Stirling Bridge walking/cycle lane barrier height, so that it is safe for users.***



The City subsequently undertook the following actions to advocate for the above priorities:

<b>Date</b>	<b>Action</b>
11/12/2025	<p>Mayor and CEO presented priorities to Hon Rita Saffioti MLA, Minister for Transport, in person. Manager Strategic Communications and Stakeholder Relations verbally briefed Swan River Crossings Communications Working Group.</p> <p>Both the Minister and the Swan River Crossings Communications Working Group acknowledged the City's position. The Minister committed to reviewing the advocacy positions and providing a response.</p>
15/12/2025	Social media posts 'Highlights from OCM on 10 December' outlined advocacy position.
15/12/2025	Advocacy position provided to ABC News ahead of interview with Mayor.
15-19/12/2025	<p>Letters from Mayor Lawver outlining advocacy positions sent to Minister Saffioti; Hon Simone McGurk MLA, Member for Fremantle; Hon Steve Martin MLC, Shadow Minister for Transport; Lisa O'Malley MLA, Member for Bicton; Sandra Brewer MLA, Member for Cottesloe; Hon Brad Pettitt MLC, Leader of the Greens WA; Letter from CEO to Ashley Vincent, Deputy Director General, Department of Transport and Major Infrastructure.</p> <p>Where applicable, responses received are listed below.</p>
16/12/2025	Mayor interview with ABC, discussing bridge closure, freight movements, and the City's advocacy priorities
23/12/2025	Meeting and briefing with Hon Steve Martin MLC, Shadow Minister for Transport. The City's position was acknowledged and discussed.
7/1/2026	<p>Letter received from Hon Paul Papalia MLA, Minister for Emergency Services, received regarding emergency services access to North Fremantle during bridge closure. This was a response to a previous letter from the Mayor requesting information on emergency services access to North Fremantle during the closure.</p> <p>The Minister's response confirmed that planning had been conducted by emergency services ahead of the bridge closure.</p>
9/1/2026	<p>Mayor and CEO meeting with Hon Simone McGurk MLA, State Member for Fremantle.</p> <p>Ms McGurk acknowledged the City's position and outlined the State Government's efforts to plan and prepare for the bridge closure.</p>



14/1/2026	<p>Letter received from Hon Simone McGurk MLA, formally responding to the City's advocacy priorities and outlining State Government initiatives to date.</p> <p>Ms McGurk's response acknowledged the City's position and restated the State Government's efforts to plan and prepare for the bridge closure.</p>
14/1/2026	<p>Mayor and CEO meeting with Sandra Brewer MLA, Member for Cottesloe.</p> <p>The City's position was acknowledged by the Member for Cottesloe, who advised that residents of her electorate, particularly those living in North Fremantle, had raised similar concerns.</p>
25/1/2026	<p>Article in the Sunday Times, focusing on impact of rat running and potential introduction of 40km/h speed limit.</p>
25/1/2026	<p>Channel 10 News interview with Mayor dealing with bridge closure and potential 40km/h speed limit.</p>
26/1/2026	<p>Radio 6PR interview with the Mayor to talk about the bridge closure and expected impact.</p>
30/1/2026	<p>State Government announcement that bikes will be permitted on trains at any time, including peak periods.</p>
31/1/2026	<p>Article in the Weekend West, including quotes from the Mayor talking about potential impact of the bridge closure.</p>
2/2/2026	<p>Mayor interview with The West Australian/Perth Now on the first weekday of the bridge closure with early reports indicating traffic impact is lower than initially expected.</p>
13/02/2026	<p>Mayor and CEO meeting with Hon Simone McGurk MLA, which included an update on the bridge closure, bike infrastructure and traffic issues.</p> <p>The discussion noted that to date, the measures put in place were largely effective, although a strong focus would remain on potential rat running on local roads.</p>
23/2/2026	<p>Letter received from Minister Saffioti, responding to each of the City's advocacy points. The letter restates the actions taken by the State Government to alleviate the impact of the bridge closure, including the additional position of permitting bicycles on trains at all times between Fremantle and North Fremantle. The letter encourages the City to continue its close collaboration with Main Roads and the Bridge Alliance to deal with rat running on local roads as a result of the bridge closure, and outlines the State Government's current priorities with regards to public transport, freight movements to and from the Port, and cycling infrastructure.</p>



## **FINANCIAL IMPLICATIONS**

Nil.

## **LEGAL IMPLICATIONS**

Nil.

## **STRATEGIC IMPLICATIONS**

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

### **Liveable City - Connected city**

- Multiple transport options offer diverse, equitable and affordable forms of mobility for all members of the community.
- Streets are well connected, and it is easy and safe for pedestrians and cyclists to move within neighbourhoods and between key destinations and precincts.
- Transport networks that reduce the need for cars in our city centre.

### **Thriving City - A resilient seven-day economy**

- City centre visitation extends beyond the weekend peak.
- The matters contained in this report align to the intent of this theme's outcome.

### **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.

## **CONSULTATION**

Nil.

## **OFFICER COMMENT**

Of the advocacy priorities identified and adopted by Council, two measures have been accepted by State Government either in full or in part.

With positive working relationships between Main Roads, the Bridge Alliance and the City of Fremantle already in place, there is a shared commitment to implement rapid responses to any potential rat running as a result of the bridge closure. Agencies, including Main Roads and the City, are continuously monitoring



traffic flows, with early observations of the first weeks of the closure indicating that current traffic management measures are largely working as intended. However, the City has heard concerns from residents of congestion and rat running on Thompson Road in North Fremantle. After traffic studies and consultation with the Fremantle Bridges Alliance, the City, in collaboration with the Alliance, has installed traffic calming devices for a 12-month trial to deter rat running on Thompson Road. The devices form part of various measures put in place by the City on Thompson Road to mitigate congestion and support the local community.

The announcement by the Minister for Transport that bicycles will be allowed on trains between Fremantle and North Fremantle at all times, including during peak periods, is a positive step that will encourage active transport during the bridge closure. While the City had hoped the measure could apply to travel between Fremantle and Claremont, it is expected that allowing bikes on trains between Fremantle and North Fremantle will have a positive impact.

While the first weeks of the bridge closure appear to indicate that the impact of the bridge closure has been manageable, advocacy efforts will continue. There is still a high possibility that traffic patterns may change, and the advocacy positions Council has adopted provide some 'ready-made' options for State Government to consider should additional measures be required. Periodical updates will be provided to Elected Members throughout the bridge closure period.

## **VOTING AND OTHER REQUIREMENTS**

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**Council note the Bridge Closure Advocacy Information Report.**



## Statutory reports

### C2603-12 BUDGET REVIEW 2025-2026

<b>Meeting date:</b>	11 March 2026
<b>Responsible officer:</b>	Director City Business
<b>Voting requirements:</b>	Absolute Majority Required
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Budget Review: Statement of Financial Activity</li><li>2. Budget Review: Net Current Assets</li><li>3. Budget Review: Reserves Summary</li><li>4. Budget Review: Reserves Detail</li><li>5. Budget Review: Capital Projects</li></ol>

### SUMMARY

**In accordance with the *Local Government (Financial Management) Regulations 1996* a review of the 2025-26 annual budget has been completed and the resulting budget review report is presented to Council for consideration and adoption.**

**A review has been undertaken by analysing the financial performance of all operating activities, operating projects and capital projects and the overall financial position as at 31 January 2026.**

**This report recommends that Council:**

- 1. Adopt the budget review for the period ending 31 January 2026 as per the financial reports provided in Attachments 1 and 2 and amend the budget 2025-26.**
- 2. Adopt the transfers to and from Reserves as detailed in Attachments 3 and 4.**
- 3. Note that a copy of this report will be sent to the Department of Local Government, Industry Regulation and Safety in accordance with Regulation 33 of the *Local Government (Financial Management) Regulations 1996*.**

### BACKGROUND

The City has undertaken a review within this period based on the year-to-date revenue and expenditure position as at 31 January 2026 as per the *Local Government (Financial Management) Regulations 1996*, regulation 33A.



Reviews of budget performance have been undertaken for each service unit with the responsible Manager. The draft budget review has also been considered by the City's Executive.

In addition to this annual budget review the City undertakes regular reviews of its actual position versus budget position on an ongoing basis and any required budget amendments to the adopted budget are submitted to Council in accordance with the Budget Management Policy.

### **FINANCIAL IMPLICATIONS**

After considering variances and proposed adjustments, the mid-year Budget Review recommends maintaining an overall positive net position of \$114,436.

### **LEGAL IMPLICATIONS**

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires a review of the annual budget to be carried out between 1 January and the last day of February in each financial year.

The review is to be submitted to Council on or before 31 March and must:

- (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
- (b) *consider the local government's financial position as at the date of the review; and*
- (c) *review the outcomes for the end of that financial year that are forecast in the budget.*

Council is to consider the review and determine whether to adopt the review, any parts of the review, all or any recommendations made in the review.

Within 14 days after Council has made a determination, a copy of the review and determination is to be provided to the Department of Local Government.

Section 6.11(1) of the *Local Government Act 1995*, states *where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*



## **STRATEGIC IMPLICATIONS**

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

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

- Support the City through financial, procurement and revenue functions whilst ensuring legislative compliance and providing excellent customer service.

## **CONSULTATION**

Nil.

## **OFFICER COMMENT**

The mid-year budget review has adjusted the opening financial position to reflect the audited net result for the 2024–2025 financial year. Based on these adjustments, the revised forecast closing surplus for the 2025–26 financial year is \$114,436, representing an increase of \$34,446 from the originally adopted closing surplus of \$79,990.

The movement is primarily attributable to the following:

- An increase in carry forward funds from the 2024-25 financial year of \$1.22m;
- A decrease in Rates and Service Charges of \$0.71m;
- A decrease in Grants, Subsidies and Contributions of \$3.18m;
- A decrease in Fees and Charges revenue of \$0.51m;
- An increase in Interest Earnings of \$0.12m;
- Increased Other Revenue of \$0.49m;
- A decrease in Employee costs of \$1.42m;
- A decrease in Materials and Contracts of \$1.00m;
- An increase in Other Expenditure of \$0.31m
- A decrease in Capital Revenue of \$3.80m;
- A decrease in Capital Expenditure of \$6.86m;
- An increase in transfers to Reserves of \$2.74m
- An increase in transfers from Reserves of \$0.17m

Budget performance will be closely monitored on an ongoing basis throughout the remainder of this financial year. Any material budget variance will be reviewed



and submitted to Council in accordance with the Budget Management Policy.

A detailed Statement of Financial Activity for the period ending 31 January 2026, incorporating adopted budget amendments to date for this financial year is presented for council to consider in the attached.

The report recommends amendment to budget line items where a material variance between the current budget and the expected outcome at the end of the financial year is anticipated as these variances will have an impact upon the expected end of year surplus or deficit.

The following table provides a summary of the budget review results by Nature or Type. The full Financial Activity Statement which provides a summary of proposed budget amendments with current budget and year to date actuals is provided in attachment 1.

A snapshot highlighting the material variances included in the budget review are as follows:

### 1. OPERATING REVENUE

Description	(Decrease)/ Increase \$	(Decrease) / Increase %	Comment
<b>Rates</b>	<b>(702,547)</b>	<b>(1.04%)</b>	
Interim Rates	(702,547)		Interim rates reduced by \$700K due to delay in schedules from valuer.
<b>Grants, Subsidies and Contributions</b>	<b>(3,182,399)</b>	<b>(39.33%)</b>	
Carnevale Event	(3,400,000)		Grant yet to be confirmed so is withdrawn at this time.
Financial Assistance Grants	136,847		Aligned to formal allocation 2025-26.
<b>Fees and Charges</b>	<b>(509,655)</b>	<b>(1.93%)</b>	
Conduct South Lawn events	(425,729)		Reduced estimate based on number of concerts. Staff and contractor costs also reduced.
Conduct Art Centre special events	(146,161)		Reduced in line with audience numbers. Artist and contractor costs also reduced.



Description	(Decrease)/ Increase \$	(Decrease) / Increase %	Comment
Operate Fremantle Leisure Centre Aquatics	(109,346)		Reduced in line with impact of temporary pool closure due to renewal works on pool earlier in year.
Lease Fremantle Markets	180,000		Increase in turnover rent.
<b>Interest Earnings</b>	<b>116,662</b>	<b>4.84%</b>	
Investment	60,000		Favourable investment rates.
South Fremantle Underground Power	40,000		Allocate interest earned on funds received to date. To be held in South Fremantle Underground Power Reserve.
<b>Other Revenue</b>	<b>494,940</b>	<b>22.81%</b>	
Containers for change WARRRL scheme EFT GST	200,000		Recognition of income for WARRRL Scheme for GST treatment; offset by matching expense.
Conduct South lawn events	168,683		Reimbursement of staging costs.
Support Community and Sporting Groups	100,000		Reimbursement of Fremantle Park caretaker costs

## 2. OPERATING EXPENDITURE

Description	Decrease/ (Increase) \$	Decrease/ (Increase) %	Comment
<b>Employee Costs</b>	<b>1,422,679</b>	<b>2.77%</b>	
Staff Establishment	1,722,679		Decreased due to revised estimates based on actuals. Includes adjustment for vacancies, partially offset by increased agency labour expense.
Leave Provision	(300,000)		Increased due to leave entitlement balance.
<b>Materials and Contracts</b>	<b>997,758</b>	<b>2.44%</b>	
Carnevale Event	3,400,000		Grant yet to be confirmed so is withdrawn at this time.
Collection & Disposal - Domestic - Residual Waste	300,305		No overheads payable to Resource Recovery Group as of December.



<b>Description</b>	<b>Decrease/ (Increase) \$</b>	<b>Decrease/ (Increase) %</b>	<b>Comment</b>
			General waste disposed directly at waste to energy so no cartage fee.
Building Maintenance	(881,160)		<u>Material increases:</u> \$(322K) Walyalup Civic Centre. \$(120K) Public toilets \$(100K) Victoria Hall \$(85K) Graffiti
Building Projects	(861,662)		<u>Material increases:</u> \$(220K) reallocate agency labour project management from capital to operating \$(311K) Operations Centre Development Planning \$(296K) Fremantle Oval Redevelopment Planning
Natural Areas and Urban Forest	(273,783)		<u>Material increases:</u> \$(165K) Maintain trees \$(32K) Coastwest Dune restoration (grant funded)
Parks and Landscapes	(260,167)		<u>Material increases/decreases:</u> \$(250K) Agency labour staff cover \$(60K) Park infrastructure \$110K Bathers Beach Enclosure maintenance reduction
Construction and Maintenance	(210,477)		<u>Material increases:</u> \$(142K) Plant allocation adjustment \$(65K) Agency labour staff cover
Resource Recovery	(191,093)		<u>Material increases:</u> \$(153K) utilisation bulk waste (verge)
Facilities Management	(170,000)		<u>Material increases:</u> \$(110K) Legal and Consulting to support major/special projects. \$(60K) Agency labour staff cover
<b>Depreciation</b>	<b>473,432</b>	<b>2.16%</b>	
Infrastructure - Parks	482,271		Reduced based on actuals.
<b>Other Expenditure</b>	<b>(309,393)</b>	<b>(23.04%)</b>	
Support Community and Sporting Groups	(100,000)		Fremantle Park caretaker costs; to be reimbursed.



<b>Description</b>	<b>Decrease/ (Increase) \$</b>	<b>Decrease/ (Increase) %</b>	<b>Comment</b>
Containers for change WARRRL scheme EFT GST	(200,000)		Recognition of expense for WARRRL Scheme for GST treatment; offset by matching income.

### **3. CAPITAL REVENUE**

<b>Description</b>	<b>(Decrease)/ Increase \$</b>	<b>(Decrease) / Increase %</b>	<b>Comment</b>
<b>Capital Grants, Subsidies and Contributions</b>	<b>(3,727,883)</b>	<b>(33.31%)</b>	
Booyembara Park Golf Course/Community Centre	(2,400,000)		Timing of grant to be recognised in line with expenditure.
Road safety - Hampton Rd - Signalised crossing	(700,000)		Main roads responsibility to deliver.
Town Hall - Performance Infrastructure Upgrade	(700,000)		Grant unsuccessful.
Walyalup Koort Public Realm - Public Artwork	(580,000)		Timing of grant to be recognised in line with expenditure.
Program - MRRG Works	148,958		Variations to existing program approved by MRWA – 2/3 grant funded.
Program - Black Spot - Stevens & Amherst St Roundabout	135,101		Variation due to change in scope of project for service locating by third party utility provider. Awaiting variation approval.
Town Hall - Balcony	117,560		Final instalment received upon successful acquittal.

### **4. CAPITAL EXPENDITURE**

<b>Description</b>	<b>Decrease/ (Increase) \$</b>	<b>Decrease/ (Increase) %</b>	<b>Comment</b>
<b>Payment for Investment Properties</b>	<b>(145,118)</b>	<b>(5.58%)</b>	
Tenancy fit out and other minor expenditure	(145,118)		Mainly due to contributions for tenancies level 3 Walyalup Civic Centre.
<b>Payment for Property, Plant and Equipment</b>	<b>2,519,785</b>	<b>22.17%</b>	
Town Hall - Performance Infrastructure Upgrade	942,000		Grant unsuccessful.



<b>Description</b>	<b>Decrease/ (Increase) \$</b>	<b>Decrease/ (Increase) %</b>	<b>Comment</b>
Market St / Collie St - New Public Toilet	615,803		Budget adopted was to accommodate more complex design. Project delivery simplified design.
Hilton Park - Brad Hardie Changerooms upgrade	484,800*		Budget being consolidated into the Hilton Park North project budget.
Stevens Reserve - Master Plan Project	450,000		To be held in reserve. Construction is on hold until forward works package is completed. Consultancy and stakeholder engagement ongoing.
Buildings - Fremantle Oval Redevelopment	295,708		Transfer to operating project.
CBD Toilet provision	200,000		Hold in reserve for works in 26/27.
Hilton Park Precinct - Design and Construct	151,853*		Budget being consolidated into the Hilton Park North project budget.
Program - Asbestos Removal	(250,000)		Removal of asbestos contaminated material at Hilton Park.
Community facility - Forward Works	(215,000)		Preliminary works to support opportunities for future community facilities.
Construct 7-15 Quarry St Car park	(190,000)		Revised estimate based on tender response received.
<b>Payment for Construction of Infrastructure</b>	<b>4,483,727</b>	<b>23.37%</b>	
Booyembara Park Golf Course/Community Centre	2,410,000		Balance of payments expected 26/27.
Samson park - Seasonal wetland, boardwalks and drainage cons	725,000		To be held in reserve for Samson Masterplan Stage 1 works implementation. Increase \$75K grant allocation current year.
Road safety - Hampton Rd - Signalised crossing	700,000		Main roads responsibility to deliver.
Walyalup Koort Public Realm - Public Artwork	580,000		Adjusted to expected spend 25/26.
Program - Irrigation	480,000		Held in reserve for Samson inground irrigation.
Walyalup Civic Centre - Drainage	300,000		Held in reserve for works staged in 26/27.
Road safety - Stevens / Nannine St	250,000		Based on alternate design.



<b>Description</b>	<b>Decrease/ (Increase) \$</b>	<b>Decrease/ (Increase) %</b>	<b>Comment</b>
Walyalup Koort Public Realm	150,000		Held in reserve for works staged in 26/27.
Hilton Park Master Plan - Northern Projects	(692,192)*		Consolidate: \$484k Brad Hardie changerooms upgrade \$152k Hilton Park Precinct - Design and Construct \$56k Demolition of Ken Allen Clubhouse
Program - MRRG Works	(223,437)		Variations to existing program approved by MRWA – 2/3 grant funded.
Program - Black Spot - Stevens & Amherst St Roundabout	(135,101)		Variation due to change in scope of project for service locating by third party utility provider. Awaiting variation approval.

## **5. RESERVES TRANSFERS**

<b>Description</b>	<b>\$</b>	<b>%</b>	<b>Comment</b>
<b>Transfer to Reserves</b>	<b>(2,735,000)</b>	<b>(144.09%)</b>	
Increase transfer to Project Unexpended Municipal Reserve	(2,700,000)		Hold funds in projects unexpended municipal reserve; Refer to Attachment 5.
<b>Transfer from Reserves</b>	<b>166,168</b>	<b>2.49%</b>	
Increase transfer to construct 7-15 Quarry St Carpark	190,000		Funding from reserve to match increase in cost estimate.

## **VOTING AND OTHER REQUIREMENTS**

Absolute Majority Required



## **OFFICER'S RECOMMENDATION**

### **Council:**

- 1. Adopt the budget review for the period ending 31 January 2026 as per the financial reports provided in Attachments 1 and 2 and amend the 2025-26 budget.**
- 2. Adopt the transfers to and from Reserves as detailed in Attachments 3 and 4.**
- 3. Note that a copy of this report will be sent to the Department of Local Government, Industry Regulation and Safety in accordance with Regulation 33 of the *Local Government (Financial Management) Regulations 1996*.**



## **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.

## **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**